



16 April 2019

## **NOTICE OF ANNUAL RURAL COUNCIL MEETING**

The meeting of the Council will be held at  
**GREATER HUME SHIRE – HOLBROOK LIBRARY COMPLEX**  
**HOLBROOK, NSW**  
on  
**TUESDAY, 23 APRIL 2019 at 10.30 am**

and your attendance is requested.

- |                 |   |
|-----------------|---|
| <b>8.30 am</b>  | Leave Wagga Office Administration Office (transport to be provided for Wagga Councillors if needed) |
| <b>9.30 am</b>  | Briefing – Presentation by IRIS Research on results of Community Satisfaction Survey                |
| <b>10.15 am</b> | Morning Tea   |
| <b>10.30 am</b> | Council meeting   |
| <b>1 pm</b>     | Lunch   |

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Crakanthorp'.

Andrew Crakanthorp  
GENERAL MANAGER



## **\* AGENDA \***

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# **GENERAL MANAGER'S REPORT TO THE COUNCIL**

18 April 2019

The Chairperson and Councillors:

## **1. FINANCIAL STATEMENTS – LIST OF INVESTMENTS**

**RECOMMENDATION:** That the report detailing Council's external investments for the months of February and March 2019 be received

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In accordance with the provisions of Clause 19(3) of the Local Government (Financial Management) Regulation 1993, I report details of the Council's external investments as at 28 February and 31 March 2019 as follows:

- **Monthly Investment Report as at 28 February 2019**
- **Monthly Investment Report as at 31 March 2019**

## Monthly Investment Report as at 28/02/2019

**a) Council's Investments as at 28/02/2019**

Investment	Inception Date	Term (Days)	Maturity Date	S&P Rating	Interest Rate (%)	Performance Benchmark	Benchmark Rate (%)	Percentage of Portfolio	Principal Value	Market Value
Term Deposits										
AMP	17/01/2019	182	18/07/19	A-1	2.75	BBSW	1.86	11.353%	\$2,500,000.00	\$2,500,000.00
Defence Bank	30/07/2018	274	30/04/19	A-2	2.85	BBSW	1.86	6.812%	\$1,500,000.00	\$1,500,000.00
Defence Bank	10/01/2019	273	10/10/19	A-2	2.75	BBSW	1.86	11.353%	\$2,500,000.00	\$2,500,000.00
National Australia Bank	7/01/2019	91	08/04/19	A-1+	2.65	BBSW	1.86	6.812%	\$1,500,000.00	\$1,500,000.00
AMP	12/02/2019	273	12/11/19	A-1	2.80	BBSW	1.89	4.541%	\$1,000,001.00	\$1,000,001.00
Bank Australia	5/07/2018	365	05/07/19	A-2	3.00	BBSW	1.83	9.082%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	30/01/2019	90	30/04/19	A-1+	2.65	BBSW	1.85	4.541%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	16/01/2019	210	14/08/19	A-1+	2.72	BBSW	1.86	15.894%	\$3,500,000.00	\$3,500,000.00
National Australia Bank	7/01/2019	91	08/04/19	A-1+	2.65	BBSW	1.85	9.082%	\$2,000,000.00	\$2,000,000.00
								79.47%	\$17,500,001.00	\$17,500,001.00
Cash Deposit Account										
T Corp				A-1+	2.83	Cash Rate	1.50	5.93%	\$1,306,909.17	\$1,306,909.17
AMP				A-1	1.99	Cash Rate	1.50	14.597%	\$3,214,319.72	\$3,214,319.72
								20.53%	\$4,521,228.89	\$4,521,228.89
TOTAL INVESTMENTS								100.00%	\$22,021,229.89	\$22,021,229.89
Cash at Bank										\$2,719,514.35
TOTAL FUNDS										\$24,740,744.24

**b) Application of Investment Funds**

Restricted Funds	Description	Value
Externally Restricted	LIRS Loan Funds	\$0.00
		\$0.00
Internally Restricted	Employee Leave Entitlements (50% of ELE)	\$1,856,197.28
	Asset Replacement	\$1,758,208.25
	Loan Funds	\$0.00
	Sales Fluctuation	\$5,000,000.00
		\$8,614,405.53
Unrestricted Funds		\$16,126,338.71
<b>TOTAL FUNDS</b>		<b>\$24,740,744.24</b>

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

**CERTIFICATE**

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



**E Tonacia**  
**MANAGER CORPORATE SERVICES**

## Monthly Investment Report as at 31/03/2019

**a) Council's Investments as at 31/03/2019**

Investment	Inception Date	Term (Days)	Maturity Date	S&P Rating	Interest Rate (%)	Performance Benchmark	Benchmark Rate (%)	Percentage of Portfolio	Principal Value	Market Value
Term Deposits										
AMP	17/01/2019	182	18/07/19	A-1	2.75	BBSW	1.86	9.990%	\$2,500,000.00	\$2,500,000.00
Defence Bank	30/07/2018	274	30/04/19	A-2	2.85	BBSW	1.86	5.994%	\$1,500,000.00	\$1,500,000.00
Defence Bank	10/01/2019	273	10/10/19	A-2	2.75	BBSW	1.86	9.990%	\$2,500,000.00	\$2,500,000.00
National Australia Bank	7/01/2019	91	08/04/19	A-1+	2.65	BBSW	1.86	5.994%	\$1,500,000.00	\$1,500,000.00
AMP	12/02/2019	273	12/11/19	A-1	2.80	BBSW	1.89	3.996%	\$1,000,001.00	\$1,000,001.00
Bank Australia	5/07/2018	365	05/07/19	A-2	3.00	BBSW	1.83	7.992%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	30/01/2019	90	30/04/19	A-1+	2.65	BBSW	1.85	3.996%	\$1,000,000.00	\$1,000,000.00
National Australia Bank	16/01/2019	210	14/08/19	A-1+	2.72	BBSW	1.86	13.987%	\$3,500,000.00	\$3,500,000.00
AMP	30/03/2019	367	31/03/20	A-1	2.70	BBSW	1.89	7.992%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	7/01/2019	91	08/04/19	A-1+	2.65	BBSW	1.85	7.992%	\$2,000,000.00	\$2,000,000.00
								77.92%	\$19,500,001.00	\$19,500,001.00
Cash Deposit Account										
T Corp				A-1+	1.65	Cash Rate	1.50	9.23%	\$2,309,835.85	\$2,309,835.85
AMP				A-1	1.99	Cash Rate	1.50	12.845%	\$3,214,319.72	\$3,214,319.72
								22.08%	\$5,524,155.57	\$5,524,155.57
TOTAL INVESTMENTS								100.00%	\$25,024,156.57	\$25,024,156.57
Cash at Bank										\$1,632,833.84
TOTAL FUNDS										\$26,656,990.41

**b) Application of Investment Funds**

Restricted Funds	Description	Value
Externally Restricted	LIRS Loan Funds	\$0.00
		\$0.00
Internally Restricted	Employee Leave Entitlements (50% of ELE)	\$1,856,197.28
	Asset Replacement	\$1,758,208.25
	Loan Funds	\$0.00
	Sales Fluctuation	\$5,000,000.00
		\$8,614,405.53
Unrestricted Funds		\$18,042,584.88
<b>TOTAL FUNDS</b>		<b>\$26,656,990.41</b>

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

**CERTIFICATE**

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



**E Tonacia**  
**MANAGER CORPORATE SERVICES**



## 2. QUARTERLY BUDGET REVIEW – PERIOD ENDED 31 MARCH 2019

**RECOMMENDATION:** That the Quarterly Budget Review for the period ended 31 March 2019 be received and adopted.

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The Quarterly Review of Council's Budget for the period ended 31 March 2019 is submitted for examination by the Council.

The anticipated Operating Result for 2018/2019 is a surplus of \$11,316,000. The Operating Result from the December 2018 review was a surplus of \$9,845,000. The Capital Works expenditure budget is in addition to this amount and is covered in the following paragraph. Proposed March quarterly review operational adjustments relate to:

- \$1,500,000 increase for additional water sales due to extended, hot and dry weather.
- \$30,000 increase to ICT expenses for the implementation of Council's ICT Strategic Plan.

Also included is a quarterly review of Capital Works Projects. The proposed (revised) Capital Budget totals \$20,981,430. The Capital Budget from the December 2018 review was \$25,748,938. Proposed March quarterly review reductions total \$4,767,508, items of note include:

- (\$1,100,000) reduction for levee construction due to surplus budget carried from 18/19
- \$200,000 additional plant purchases for additional maintenance gang
- (\$500,000) deferral of Radio Communication Upgrade due to delays in gaining access
- (\$25,000) deferral of Ralvona Aeration tower replacement
- (\$35,000) deferral of Ralvona Aeration cover
- (\$30,000) deferral of West Wagga Aeration roof replacement
- \$10,000 additional for Tarcutta backwash discharge to sewer connection
- (\$2,900,000) deferral of water treatment plant works
- (\$370,000) deferral of Urana WTP replacement
- (\$25,508) deferral of Bellevue pump station switchboard replacement
- \$10,000 additional for Henty balance tank electrical upgrade
- (\$52,000) deferral of Shires Reservoir relocation
- (\$200,000) deferral to 19/20 of main low level reservoir
- \$350,000 bring forward of Glenoak Reservoir works from 19/20
- (\$100,000) deferral of Inglewood mains renewal

The Quarterly Budget Review Statement should be read in conjunction with the detailed Capital Expenditure Quarterly Review, which is included at the end of this report

- [Quarterly Budget Review 31 March 2019](#)

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**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Riverina Water County Council for the quarter ended 31/03/19 indicates that Council's projected financial position at 30/6/19 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



**Signed:**

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**date: 12/04/2019**

Ms Emily Tonacia  
Responsible Accounting Officer

## Income &amp; Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Original Budget 2018/19	Approved Changes			Revised Budget 2018/19	Variations for this Mar Qtr		Notes	Projected Year End Result	18/19	17/18
		Other than by QBRs	Sep QBRs	Dec QBRs						Actual YTD figures	Actual YTD figures
<b>Income</b>											
Rates and Annual Charges	5,085	-	-	-	5,085	-			5,085	4,096	3,947
User Charges and Fees	23,193	-	-	-	23,193	1,500	1		24,693	19,996	16,670
Interest and Investment Revenues	200	-	-	-	200	-			200	311	297
Other Revenues	236	-	-	-	236	-			236	417	400
Grants & Contributions - Operating	210	-	-	-	210	-			210	15	18
Grants & Contributions - Capital	3,803	-	-	-	3,803	-			3,803	3,002	4,495
<b>Total Income from Continuing Operations</b>	<b>32,727</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>32,727</b>	<b>1,500</b>			<b>34,227</b>	<b>27,837</b>	<b>25,827</b>
<b>Expenses</b>											
Employee Costs	8,032	-	126	-	8,158	-			8,158	5,651	5,320
Borrowing Costs	582	-	-	-	582	-			582	411	444
Materials & Contracts	3,672	95	14	30	3,811	30	2		3,841	2,751	2,106
Depreciation	6,100	-	-	-	6,100	-			6,100	4,534	4,528
Other Expenses	4,706	-	-	(475)	4,231	-			4,231	3,455	2,791
<b>Total Expenses from Continuing Operations</b>	<b>23,092</b>	<b>95</b>	<b>140</b>	<b>(445)</b>	<b>22,882</b>	<b>30</b>			<b>22,912</b>	<b>16,802</b>	<b>15,189</b>
<b>Net Operating Result from Continuing Operations</b>	<b>9,635</b>	<b>(95)</b>	<b>(140)</b>	<b>445</b>	<b>9,845</b>	<b>1,470</b>			<b>11,315</b>	<b>11,035</b>	<b>10,638</b>
<b>Net Operating Result from All Operations</b>	<b>9,635</b>	<b>(95)</b>	<b>(140)</b>	<b>445</b>	<b>9,845</b>	<b>1,470</b>			<b>11,315</b>	<b>11,035</b>	<b>10,638</b>
<b>Net Operating Result before Capital Items</b>	<b>5,832</b>	<b>(95)</b>	<b>(140)</b>	<b>445</b>	<b>6,042</b>	<b>1,470</b>			<b>7,512</b>	<b>8,033</b>	<b>6,143</b>

### Income & Expenses Budget Review Statement

#### Recommended changes to revised budget

Budget Variations being recommended include the following material items:

[illegible]

## Capital Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Original Budget 2018/19	Approved Changes					Revised Budget 2018/19	Variations for this Mar Qtr	Notes	Projected Year End Result	18/19 Actual YTD figures	17/18 Actual YTD figures
		Carry Forwards	17/18 Revotes	Other than by QBRS	Sep QBRS	Dec QBRS						
<b>Capital Expenditure</b>												
Land & Buildings	987	405	13	1,140	1,537	30	4,112	(1,100)	1	3,012	1,883	85
Plant & Equipment	1,654	499	251	77	43	80	2,604	(300)	2	2,304	977	743
Water Infrastructure	19,001	1,921	4,667	-	(3,540)	(3,016)	19,033	(3,368)	3	15,665	7,881	6,422
<b>Total Capital Expenditure</b>	<b>21,642</b>	<b>2,825</b>	<b>4,931</b>	<b>1,217</b>	<b>(1,960)</b>	<b>(2,906)</b>	<b>25,749</b>	<b>(4,768)</b>		<b>20,981</b>	<b>10,741</b>	<b>7,250</b>
<b>Capital Funding</b>												
Rates & Other Untied Funding	21,642	2,825	4,931	1,217	(1,960)	(2,906)	25,749	(4,768)		20,981	10,741	7,250
<b>Total Capital Funding</b>	<b>21,642</b>	<b>2,825</b>	<b>4,931</b>	<b>1,217</b>	<b>(1,960)</b>	<b>(2,906)</b>	<b>25,749</b>	<b>(4,768)</b>		<b>20,981</b>	<b>10,741</b>	<b>7,250</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	<b>-</b>

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes Details**

Refer to Capital Works Progress report for more detail on Capital Projects

- |   |   |
|---|---|
| 1 | \$1,100,000 reduction in the Levee Protection Stage 2 Hammond Ave   |
| 2 | a) \$200,000 increase to plant & vehicle replacements for the purchase of Backhoe<br>b) \$500,000 reduction to radio communication upgrades, replacements and improvements  |
| 3 | a) \$25,000 reduction to Ralvona Aeration Tower replacement<br>b) \$35,000 reduction to Ralvona Aeration Cover replacement<br>c) \$30,000 reduction to West Wagga aeration roof replacement<br>d) \$10,000 increase to Tarcutta Backwash Discharge to Sewer project<br>e) \$2,900,000 reduction to Water Treatment Plant<br>f) \$370,000 reduction to Urana WTP replacement<br>g) \$25,508 reduction to Bellevue pump station switchboard replacement<br>h) \$10,000 increase to Henty balance tank elec control valve upgrade<br>i) \$52,000 deferral to 19/20 for the shires reservoir relocation<br>j) \$200,000 deferral to 19/20 for the main low level reservoir<br>k) \$350,000 bring forward from 19/20 to the Glenoak Reservoir<br>l) \$100,000 decrease to Inglewood Road mains renewal |

## Cash &amp; Investments Budget Review Statement

Budget review for the quarter ended 31 March 2019

(\$000's)	Original Budget 2018/19	Approved Changes				Revised Budget 2018/19	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS					
<b>Externally Restricted</b> <sup>(1)</sup>										
Loan Funds - LIRS	-					-	-		-	-
<b>Total Externally Restricted</b>	-	-	-	-	-	-	-		-	-
(1) Funds that must be spent for a specific purpose										
<b>Internally Restricted</b> <sup>(2)</sup>										
Employee Leave Entitlements	1,263	-	-	-	-	1,263	-		1,263	1,856
Plant Replacement	2,491	-	-	-	-	2,491	-		2,491	1,758
Sales Fluctuation	5,000	-	-	-	-	5,000	-		5,000	5,000
<b>Total Internally Restricted</b>	<b>8,754</b>	-	-	-	-	<b>8,754</b>	-		<b>8,754</b>	<b>8,614</b>
(2) Funds that Council has earmarked for a specific purpose										
<b>Unrestricted</b> (ie. available after the above Restrictions)	(1,654)	-	-	-	7,260	5,606	5,992	1	11,598	18,043
<b>Total Cash &amp; Investments</b>	<b>7,100</b>	-	-	-	<b>7,260</b>	<b>14,360</b>	<b>5,992</b>		<b>20,352</b>	<b>26,657</b>



**Cash & Investments Budget Review Statement**
**Comment on Cash & Investments Position**

Due to Cash & Investment balances at the start of the financial year being higher than anticipated after the 2017/18 end of year financial result cash on hand is higher than originally budgeted.

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
 The date of completion of this bank reconciliation is 31/03/19

**Reconciliation Status**

The YTD Cash & Investment figure reconciles to the actual balances held as follows:		<b>\$ 000's</b>
Cash at Bank (as per bank statements)		1,587
Investments on Hand		25,024
less: Unpresented Cheques	(Timing Difference)	(14)
add: Undeposited Funds	(Timing Difference)	60

<b>Reconciled Cash at Bank &amp; Investments</b>	<u>26,657</u>
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<b>Balance as per Review Statement:</b>	<u>26,657</u>
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Difference:	-
-------------	---

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

**Notes    Details**

- |   |  |
|---|--|
| 1 | Cash on hand anticipated to be higher than original budget due to deferred CAPEX project and additional water sales due to hot weather |
|---|--|

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2019

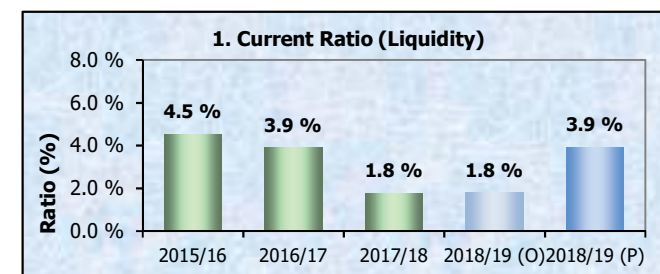
(\$000's)	Current Projection		Original Budget 18/19	Actuals Prior Periods	
	Amounts	Indicator		17/18	16/17
	18/19	18/19			

NSW Local Government Industry Key Performance Indicators (OLG):

**1. Current Ratio (Liquidity)**

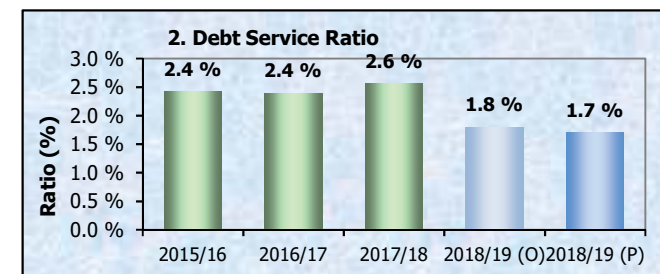
Current Assets	26651	3.9 %	1.8 %	1.8 %	3.9 %
Current Liabilities	6792				

This measures Council's ability to pay existing liabilities in the next 12 months. (target &gt;1.5)


**2. Debt Service Ratio**

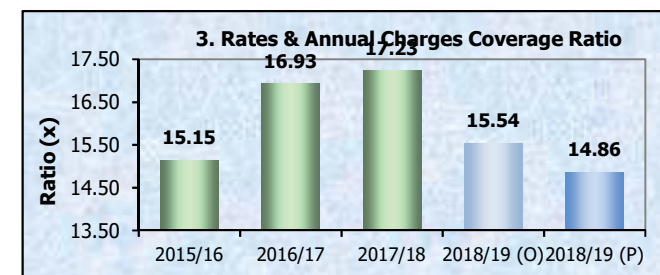
Debt Service Cost	582	1.7 %	1.8 %	2.6 %	2.4 %
Income from Continuing Operations	34227				

This measures Council's ability to meet interest repayments and therefore service debt. (target 0% to 5%)


**3. Rates & Annual Charges Coverage Ratio**

Rates & Annual Charges	5085	14.86	15.54	17.23	16.93
Income from Continuing Operations	34227				

To assess the degree of Council's dependence upon revenue from rates and annual charges and to assess the security of Council's income. (target &lt; 25%)



**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2019

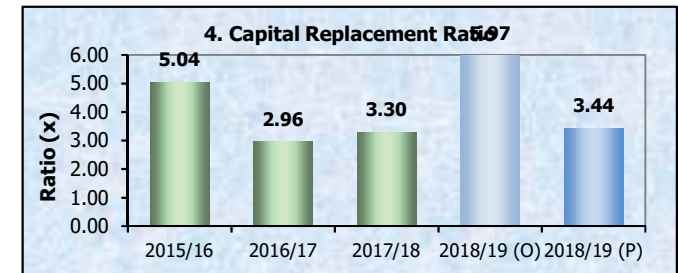
(\$000's)	Current Projection		Original Budget 18/19	Actuals	
	Amounts	Indicator		Prior Periods	
	18/19	18/19		17/18	16/17

NSW Local Government Industry Key Performance Indicators (OLG):

**4. Capital Replacement Ratio**

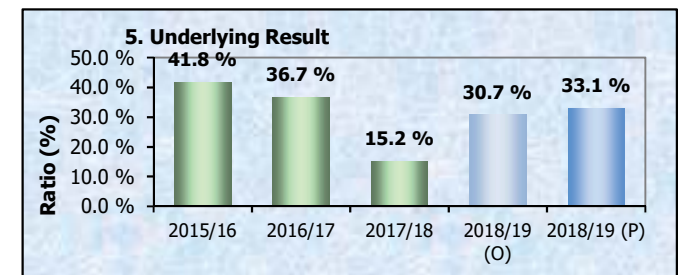
Infrastructure, Property, Plant & Equipment	20981	3.44	5.97	3.30	2.96
Depreciation	6100				

Comparison of the rate of spending on IPP&E with consumption of assets. This is a long-term indicator, as capital expenditure can be deferred in the short term if insufficient funds are available from operations and and borrowing is not an option. (target > 1.5)


**5. Underlying Result**

Net Result	11316	33.1 %	30.7 %	15.2 %	36.7 %
Total Revenue	34227				

A positive result indicates a surplus and the larger the percentage the stronger the result. A negative result indicates a deficit. Operating deficits cannot be sustained in the long term. (target > 0%)



Budget review for the quarter ended 31 March 2019

**Part A - Contracts Listing** - contracts entered into during the quarter

[illegible]

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	36	Y
Legal Fees	43	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Riverina Water County Council

OPERATIONAL PLAN - MARCH 2019 REVIEW

OPERATING SUMMARY	YTD ACTUAL \$'000	CURRENT BUDGET \$'000	REMAINING \$'000	% AVAILABLE	2018/19 BUDGET \$'000	31/3/19 REVIEW ADJUSTMENT	REVISED BUDGET \$'000	REVIEW ADJUSTMENT COMMENT
<b>OPERATING INCOME</b>								
<b>Access Charges</b>								
Urban	3,288	4,117	829	20%	4,117	0	4,117	
Non-Urban	808	968	160	17%	968		968	
	4,096	5,085	989	19%	5,085	0	5,085	
<b>User Charges</b>								
<b>Consumption Charges</b>								
Urban	15,290	18,002	2,712	15%	18,002	1,500	19,502	See QBR adjustment
Non-Urban	3,726	4,142	415	10%	4,142	0	4,142	
	19,016	22,143	3,128	14%	22,143	1,500	23,643	
<b>Extra Charges</b>								
Urban	35	70	35	50%	70	0	70	
Non-Urban	9	20	11	0%	20		20	
	45	90	45	50%	90	0	90	
	23,156	27,318	4,162	15%	27,318	1,500	28,818	
<b>Other Income</b>	1,339	1,156	-183	-16%	1,156	0	1,156	
<b>Interest</b>	311	200	-111	-56%	200		200	
<b>Operating Grants &amp; Contributions</b>	15	210	195	93%	210	0	210	
<b>Capital Grants &amp; Contributions</b>	3,002	3,803	801	21%	3,803	0	3,803	
<b>Private Works Income</b>	13	40	27	0%	40	0	40	
<b>TOTAL OPERATING INCOME</b>	<b>27,837</b>	<b>32,727</b>	<b>4,890</b>	<b>15%</b>	<b>32,727</b>	<b>1,500</b>	<b>34,227</b>	
<b>OPERATING EXPENSES</b>								
<b>Management</b>	5,455	8,347	2,892	35%	8,347	30	8,377	See QBR adjustment
<b>Operations &amp; Maintenance</b>								
<b>Buildings &amp; Grounds</b>								
Urban	411	614	203	33%	614	0	614	
Non-Urban	44	50	7	13%	50	0	50	
	454	664	210	32%	664	0	664	
<b>Management - Operations</b>								
Urban	649	1,000	351	35%	1,000	0	1,000	
Non-Urban	275	350	75	22%	350	0	350	
	923	1,350	427	32%	1,350	0	1,350	
<b>Sources</b>								
Urban	679	1,218	539	44%	1,218	0	1,218	
Non-Urban	247	224	-23	-10%	224	0	224	
	926	1,442	516	36%	1,442	0	1,442	

OPERATING SUMMARY	YTD ACTUAL \$'000	CURRENT BUDGET \$'000	REMAINING \$'000	% AVAILABLE	2018/19 BUDGET \$'000	31/3/19 REVIEW ADJUSTMENT	REVISED BUDGET \$'000	REVIEW ADJUSTMENT COMMENT
<i>Pumping Stations</i>								
Urban	322	407	85	21%	407	0	407	
Non-Urban	187	267	80	30%	267	0	267	
	509	674	165	24%	674	0	674	
<i>Reservoirs</i>								
Urban	142	180	39	21%	180	0	180	
Non-Urban	107	151	45	30%	151	0	151	
	248	332	84	25%	332	0	332	
<i>Treatment Plant</i>								
Urban	1,692	2,240	548	24%	2,240	0	2,240	
Non-Urban	397	538	141	26%	538	0	538	
	2,089	2,778	689	25%	2,778	0	2,778	
<i>Mains &amp; Services</i>								
Supervision	172	224	53	23%	224	0	224	
Urban	928	877	-51	-6%	877	0	877	
Non-Urban	564	502	-62	-12%	502	0	502	
	1,664	1,603	-60	-4%	1,603	0	1,603	
<i>Other Operations</i>	-2	-410	-408	99%	-410	0	-410	
<b>Depreciation</b>	4,534	6,100	1,566	26%	6,100	0	6,100	
<b>TOTAL OPERATING EXPENSES</b>	<b>16,801</b>	<b>22,881</b>	<b>6,079</b>	<b>27%</b>	<b>22,881</b>	<b>30</b>	<b>22,911</b>	
<b>OPERATING RESULT</b>	<b>11,036</b>	<b>9,846</b>			<b>9,846</b>	<b>1,470</b>	<b>11,316</b>	

# Riverina Water County Council

## BALANCE SHEET

Projected  
2018/19  
\$'000

### ASSETS

#### Current Assets

Cash & Cash Equivalents	20,352
Receivables	3,802
Inventories	2,497
<b>Total Current Assets</b>	<b>26,651</b>

#### Non-Current Assets

Infrastructure, Property, Plant & Equipment	361,055
Intangible Assets	4,300
<b>Total Non-Current Assets</b>	<b>365,355</b>

### TOTAL ASSETS

**392,006**

### LIABILITIES

#### Current Liabilities

Payables	935
Income received in advance	246
Borrowings	1,761
Provisions	3,851
<b>Total Current Liabilities</b>	<b>6,792</b>

#### Non-Current Liabilities

Borrowings	7,258
<b>Total Non-Current Liabilities</b>	<b>7,258</b>

### TOTAL LIABILITIES

**14,051**

### Net Assets

**377,955**

### EQUITY

Retained Earnings	133,225
Revaluation Reserves	244,730
Council Equity Interest	377,955
<b>Total Equity</b>	<b>377,955</b>



### 31 MARCH 2019 QUARTERLY BUDGET REVIEW

Description	Current Budget	YTD Actual 2018/19	Budget Remaining	31/03/2019 QBR	Revised Budget 2018/19	Comment
	\$	\$	\$	\$	\$	
<b>MANAGEMENT</b>						
<b>LAND &amp; BUILDINGS FOR ADMIN. DEPOTS AND WORKSHOPS</b>						
Administration Office	34,850	38,112	-3,262	0	34,850	
Depot Buildings	245,000	55,048	189,952	0	245,000	
Access, Parking and Landscaping	3,831,966	1,890,907	841,059	-1,100,000	2,731,966	Reduction in the Levee Protection Stage 2 Hammond Avenue
<b>SUB-TOTAL LAND &amp; BUILDINGS FOR ADMIN, DEPOTS &amp; WORKSHOPS</b>	<b>4,111,816</b>	<b>1,984,067</b>	<b>1,027,749</b>	<b>-1,100,000</b>	<b>3,011,816</b>	
<b>PLANT &amp; EQUIPMENT</b>						
IT Equipment	205,098	120,455	84,643	0	205,098	
Office Furniture & Equipment	31,000	3,815	27,185	0	31,000	
Working Plant & Vehicle Purchases	1,244,988	696,049	748,939	200,000	1,444,988	Purchase of additional backhoe
Telemetry & Control Systems Upgrade	193,126	124,222	68,904	0	193,126	
Radio Communications Upgrade/Replacements/Improvements	760,475	214,330	46,145	-500,000	260,475	Reduction to radio communication upgrades, replacements & improvements
Energy Efficiency & Cost Minimisation	170,000	4,575	165,425	0	170,000	
<b>SUB-TOTAL PLANT &amp; EQUIPMENT</b>	<b>2,604,687</b>	<b>1,163,444</b>	<b>1,141,243</b>	<b>-300,000</b>	<b>2,304,687</b>	
<b>TOTAL MANAGEMENT</b>	<b>6,716,503</b>	<b>3,147,511</b>	<b>2,168,992</b>	<b>-1,400,000</b>	<b>5,316,503</b>	
<b>SOURCES</b>						
Bores-renew/refurbish/decommission	111,600	95,744	15,856	0	111,600	
Source Works General Improvements	27,000	0	27,000	0	27,000	
Switchboards Improvements/Replacements	5,000	0	5,000	0	5,000	
<b>TOTAL SOURCES</b>	<b>143,600</b>	<b>95,744</b>	<b>47,856</b>	<b>0</b>	<b>143,600</b>	
<b>TREATMENT PLANTS</b>						
Aeration Tower Replacements	25,000	0	0	-25,000	0	Reduction to Ralvona Aeration Tower
Aeration Tower Covers	329,220	71,537	192,683	-65,000	264,220	Reduction to Ralvona Aeration Cover & West Wagga Aeration roof replacement
Specific Treatment Plant improvements	105,000	37,757	77,243	10,000	115,000	Increase to Tarcutta Backwash Discharge to Sewer project
Treatment Plant refurbishments	8,054,326	3,751,548	1,032,778	-3,270,000	4,784,326	Reduction to new WTP & Urana WTP
Laboratory Facilities Upgrade	50,000	7,492	42,508	0	50,000	
<b>TOTAL TREATMENT PLANTS</b>	<b>8,563,546</b>	<b>3,868,334</b>	<b>1,345,212</b>	<b>-3,350,000</b>	<b>5,213,546</b>	
<b>PUMPING STATIONS</b>						

Description	Current Budget	YTD Actual 2018/19	Budget Remaining	31/03/2019 QBR	Revised Budget 2018/19	Comment
	\$	\$	\$	\$	\$	
Pump Stations Renewal/Refurbish/Upgrade	45,097	45,446	-349	0	45,097	
Pump & Motor Maintenance / Replacements	32,000	9,184	22,816	0	32,000	
Pump Station Switchboards/Control Systems Replacement/Upgrade	60,000	34,866	-374	-25,508	34,492	Reduction to Bellevue pump station switchboard replacement
<b>TOTAL PUMPING STATIONS</b>	<b>137,097</b>	<b>89,496</b>	<b>22,093</b>	<b>-25,508</b>	<b>111,589</b>	
<b>RESERVOIRS</b>						
General Improvements	120,000	36,778	93,222	10,000	130,000	Increase to Henty balance tank electrical control valve
New/Replacement Reservoirs	3,236,506	1,486,728	1,847,778	98,000	3,334,506	Revision to shires, main low level and Glenoak reservoir
Reservoirs - Upgrade Ladders and Access	2,000	1,038	962	0	2,000	
Reservoir Hatches Magflows	77,000	11,311	65,689	0	77,000	
<b>TOTAL RESERVOIRS</b>	<b>3,435,506</b>	<b>1,535,855</b>	<b>2,007,651</b>	<b>108,000</b>	<b>3,543,506</b>	
<b>MAINS, SERVICES &amp; METERS</b>						
<b>MAINS</b>						
System Improvements	1,605,000	1,319,865	285,135	0	1,605,000	
Reticulation for Developers (including other extensions)	860,000	419,149	440,851	0	860,000	
Renew Reticulation Mains	1,158,000	856,638	201,362	-100,000	1,058,000	Reduction to Inglewood Road mains renewal
Renew Trunk Mains	2,077,000	750,788	1,326,212	0	2,077,000	
<b>SUB-TOTAL MAINS</b>	<b>5,700,000</b>	<b>3,346,440</b>	<b>2,253,560</b>	<b>-100,000</b>	<b>5,600,000</b>	
<b>SERVICES</b>						
Service Connections, new including Meters	550,000	418,124	131,876	0	550,000	
Renew Services	130,000	58,724	71,276	0	130,000	
<b>SUB-TOTAL SERVICES</b>	<b>680,000</b>	<b>476,848</b>	<b>203,152</b>	<b>0</b>	<b>680,000</b>	
<b>METERS</b>						
Water meters replacement	180,000	155,481	24,520	0	180,000	
Remote metering	75,000	45,258	29,742	0	75,000	
Water Filling Stations Upgrade	117,686	37,355	80,331	0	117,686	
<b>SUB-TOTAL METERS</b>	<b>372,686</b>	<b>238,094</b>	<b>134,592</b>	<b>0</b>	<b>372,686</b>	
<b>TOTAL MAINS, SERVICES &amp; METERS</b>	<b>6,752,686</b>	<b>4,061,381</b>	<b>2,591,305</b>	<b>-100,000</b>	<b>6,652,686</b>	
<b>TOTALS</b>	<b>25,748,938</b>	<b>12,798,320</b>	<b>8,183,110</b>	<b>-4,767,508</b>	<b>20,981,430</b>	

### 3. OPERATIONAL PLAN – PERFORMANCE TARGETS

**RECOMMENDATION:** That the report detailing progress achieved towards the objectives set out in the 2018/2019 Operational Plan as at 31 March 2019, be noted and received.

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In accordance with the provisions of Section 407 of the Local Government Act 1993, I report to Council on the progress achieved in the year for the various Key Performance Indicators set out in the 2018/2019 Operational Plan.

#### **Services**

Measure	Key Performance Indicator	Progress to 31 March 2019
Customer Satisfaction Rating	>4 (out of 5)	4.4
Water Quality Satisfaction	>4 (out of 5)	3.9

#### **Asset Replacement**

Measure	Key Performance Indicator	Progress to 31 March 2019
Projects completed from Capital Works Program	>85%	N/A – Annual Measure (Refer DoE Report for Progress)

#### **Demand Management**

Measure	Key Performance Indicator	Progress to 31 March 2019
Peak Day Demand (weekly average)	<65 ML	

#### **WHS**

Objectives	Key Performance Indicator	Progress to 31 March 2019	
Number of days lost through injury	< previous period	Prev Qtr 8	March Qtr. 3
Percentage of sick leave hours to ordinary hours worked	<3.5%	2%	
Total hours worked compared to time lost through workplace injury & illness	< previous period	0.37%	.046%

#### **Environmental Protection**

Key Performance Indicator	Key Performance Indicator	Progress to 31 March 2019
Power used per ML of water billed KWh	< same period last year	
Power costs per ML of water billed \$	< same period last year	

#### **Equal Employment Opportunity**

Key Performance Indicator	Key Performance Indicator	Progress to 31 March 2019
Number of legitimate EEO complaints resolved	100%	Nil lodged
Percentage of staff returning from parental leave	100%	100%

#### **Charges and Fees**

Key Performance Indicator	Key Performance Indicator	Progress to 31 March 2019
Level of Water Charges overdue compared to water sales for previous 12 months	<5%	3.02%
Level of Sundry Debtor Accounts overdue compared to debtors raised for previous 12 months	<5%	0.22%

#### 4. DRAFT DELIVERY PROGRAM 2019/20–2022/23 AND DRAFT OPERATIONAL PLAN 2019/20

**RECOMMENDATION:** That in accordance with Sections 404 and 405 of the Local Government Act, 1993, the Draft Revised Delivery Program and Draft Operational Plan be placed on public exhibition and that it be on display at the Administrative Office, Hammond Avenue Wagga Wagga.

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The Draft Revised Delivery Program 2019/20 to 2022/23 and Draft Operational Plan for the period 1 July 2019 to 30th June 2020 is submitted for Council's consideration.

A workshop to assist in the development of the budget was held on 27<sup>th</sup> February 2019. At this workshop Council looked at a number of options regarding pricing for 2019/20 and future years.

The consensus at the workshop was for the 2019/20 consumption charges not be increased and that the pensioner rebate be increased by \$20 per annum.

The consensus was also to maintain the access charge at the same level as that in 2018/19.

CPI of 1.8% has been applied to Council's relevant Sundry Fees & Charges.

Council is in the final stages of adopting its 4-year ICT Strategic Plan. Future estimated costs for the integration of Council's Operational and Information Technology into one platform have been incorporated into the projected years' budgets.

The draft plans reflect the strong financial position that Council finds itself in, which is a credit to current and past Board and staff planning.

A further change has been made to the Fees and Charges section of the Operational Plan under the section Industrial Tariffs. The wording has been changed from *"applicable to large scale processing or manufacturing industries with consistent year round usage and specifically approved by Council:*

<i>First 3000 kl per month</i>	<i>\$1.46</i>
<i>Balance above 3000 kl per month</i>	<i>\$1.46"</i>

to the following wording:

*"applicable to large scale processing, manufacturing industries as well as livestock marketing facilities with consistent year round usage and specifically approved by Council:*

<i>First 3000 kl per month</i>	<i>\$1.46</i>
<i>Balance above 3000 kl per month</i>	<i>\$1.46"</i>

This change to the description within the industrial tariff has been included following the installation of new metering at the Wagga Wagga Livestock Marketing Centre in 2018 which is more accurately recording the large volumes of water being used by WWCC in the operation of the LMC. The change to the description provides the LMC with access to the water required in the same as existing large industrial users.

- **Draft Delivery Program 2019/20 – 2022/23 and Draft Operational Plan 2019/20 – See separate document**

## 5. RIVERINA WATER VISUAL IDENTITY AND STYLE GUIDE PROJECT

**RECOMMENDATION:** That Council endorse Concept 4 by L+ L Designs as the revised Visual Identity for Riverina Water

---

### Project overview

The need has been identified for Council to develop a contemporary, approachable and community-focused visual identity and style guide. The project will provide staff and contractors working with staff, with the electronic set of tools to refresh (but not replace) the existing Riverina Water logo.

The Sydney based firm L+ L Designs were engaged to undertake the project and their work has been presented to two workshops of Council during 2019.

Four concepts were presented to the workshops with those Board Members present at the April workshop unanimously supporting Concept 4 on the basis that it really addressed the brief.

The attachment to this report provides details regarding Concepts 1 and 4.

Council's visual identity is the visual element of Council's "brand experience". The refreshed visual identity (when adopted) will be implemented across internal and external visual touch points, including but not limited to:

- Documents such as reports, FAQs and agendas
- Communications collateral such as flyers and posters
- Business collateral such as business cards, name badges and envelopes
- Digital platforms including web and social media
- Digital assets including video, gifs, tiles etc.
- Promotional items and merchandise such as bottles and banners
- Advertising
- Signage

### Benefits

Consistent visual identity application will enable Council to better engage with our community, stakeholders, industry and staff as it helps build brand recognition and improve Council's profile. The culmination of this visual identity project will be the creation of a style guide outlining rules for how to apply Council's visual identity. The guide will ensure correct and consistent application by relevant staff, external suppliers and other stakeholders.

The style guide will also enhance and make consistent our logo application in relation to our community grants program.

- **Riverina Water Concepts 1 and 4**

# **Riverina Water Brand Identity Concept 1**

L+L Design — 27.02.2019

**Brand new.**

**New brand.**





# Welcome to new.

## Introduction

When thinking about the Riverina Water brand, it was important for us to keep in mind the new sense of energy surrounding the organisation and it's people. In fact, there is a lot of 'new' happening at Riverina right now—a brand new water treatment plant; the creation of a new marketing and communications role for the first time within the organisation; a focus on new, modern ways of engaging with customers and the community; and a new sense of excitement and optimism for the future of the brand.

Additionally, the creative brief highlighted the need for a contemporary and community-focused visual identity to engage with customers, community, stakeholders, industry and staff. The visual identity will be used to build positive recognition of the organisation, helping to raise Riverina's profile and develop stakeholder relationships.

With this in mind, Concept 1 has been developed from the ground up to generate a bold, vibrant and approachable brand to better connect with the target audiences, while remaining dynamic and flexible. Gone is the dark corporate blue, and in its place a new vivid blue is introduced to create a sense of brightness and positivity. A fresh new approach to imagery, and the introduction of a versatile, modern typeface round out the elements to herald a new direction for Riverina.

## A new logo—making a splash

The current logo was created over two decades ago, and as a result is very much 'of its time'. Coupled with a dark, almost oppressive blue, there is a tendency for it to feel quite corporate, and certainly very much like council logos of that era. To align the new brand more appropriately with everything else we are doing, we think this is the perfect time for a new logo.

The new logo is formed from two intersecting lines, creating an instantly recognisable 'r' shape that not only informs strong brand recognition, but also communicates some core concepts around water and conservation. A water drop is seen where the lines interact in the middle, and the overall shape is also reminiscent of a tap and handle. Taking this further, water ways and pipes can also be implied by the geometry of the logo.

Its simplicity makes it ideal for scalability—either enlarged or reduced—for various brand applications such as large wall graphics and signage, or used small as a social media avatar. It also lends itself organically to motion design—a single drop results in a small splash, conveying in an instant a message of conservation and responsibility.

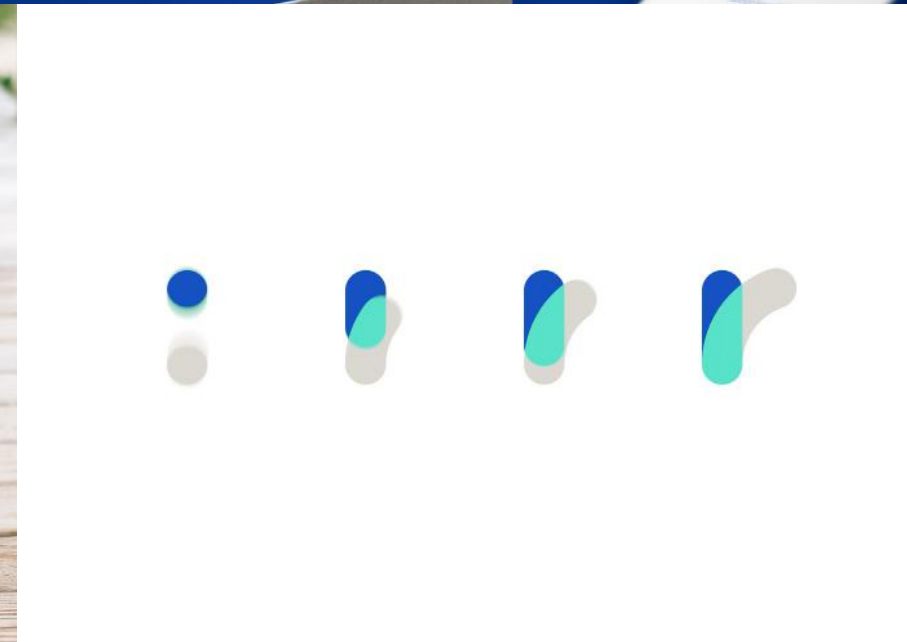
Welcome to new.

**Partnering with the community**

In addition to portraying an appealing, forward thinking organisation, the new brand identity helps foster a role of partnership between Riverina and the community. This is represented visually through the logo, where the two intersecting lines symbolise Riverina and the community coming together to form an alliance.

Water—and the responsibilities surrounding its use and conservation—then becomes a matter of joint ownership, rather than a resource to be simply meted out by a government agency.









Riverina  
Water

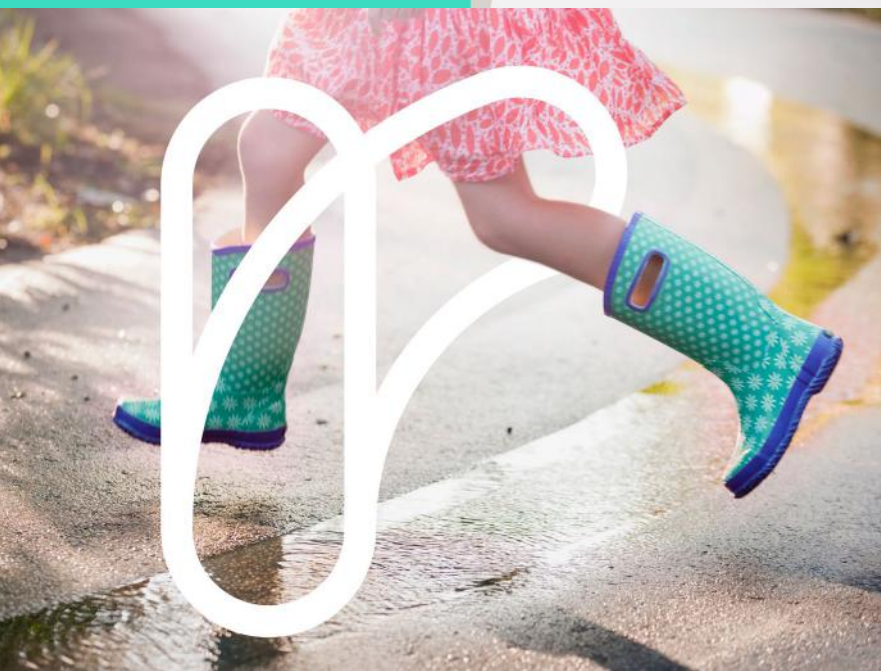
Riverina  
Water

Riverina  
Water diary  
2019



Riverina Water  
91 Hammond Avenue WAG  
Telephone 02 69220666  
rwcc.nsw.gov.au



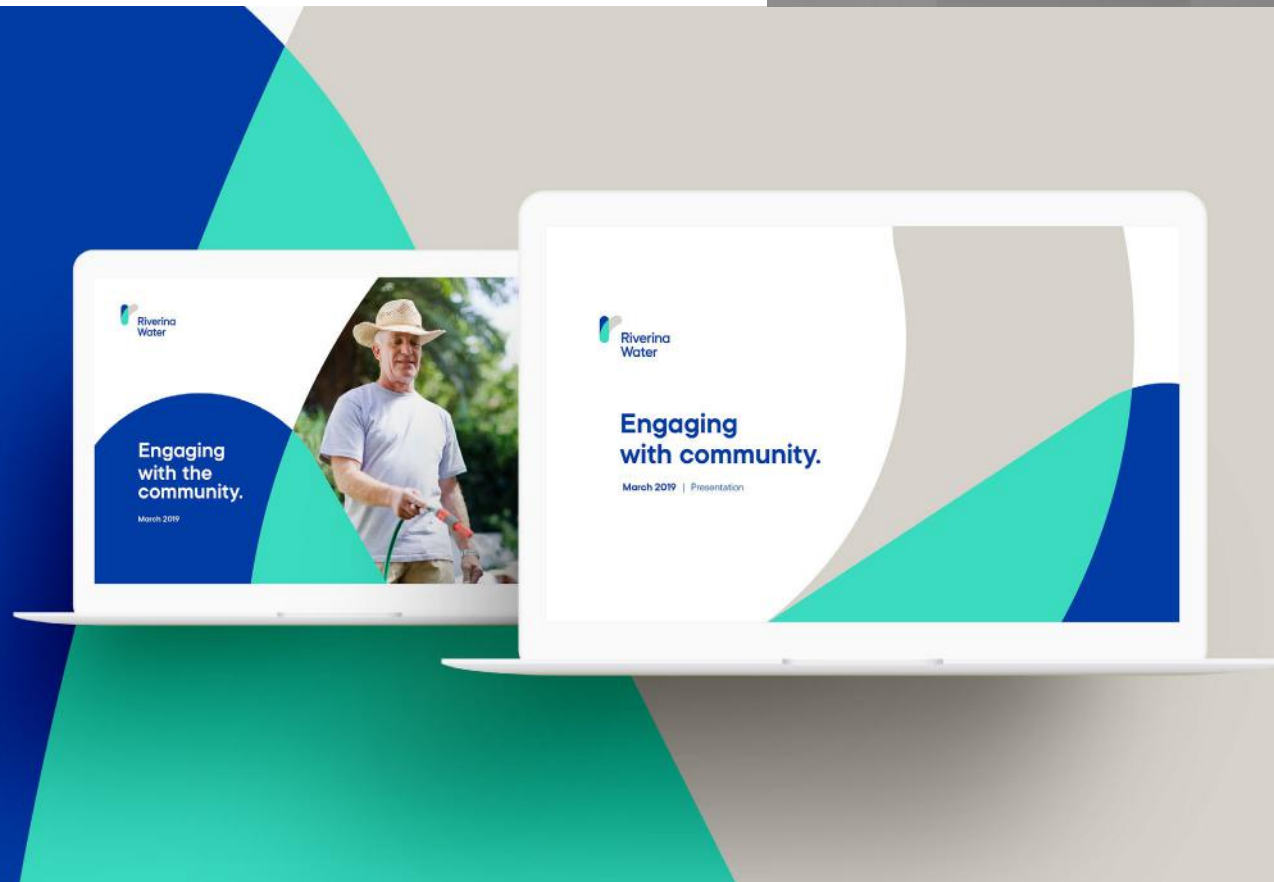
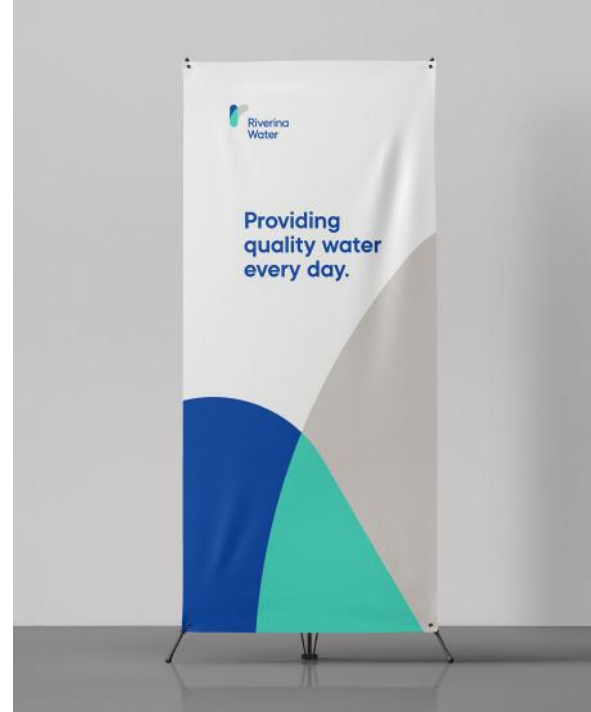
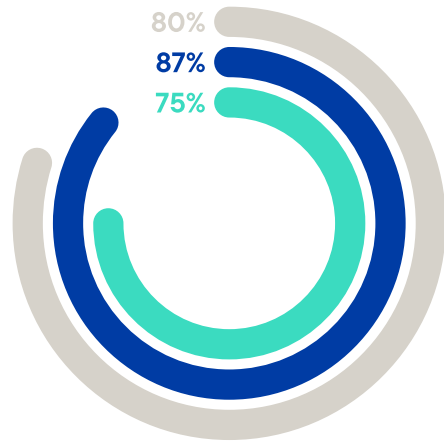














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**Riverina Water. Providing  
quality water to the community  
for over 60 years.**

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# Colour.

## Everything old is new again

Informed by the heritage and suitability of the colours from the existing logo, the new brand palette uses a more contemporary Vivid Blue as the core colour—ushering in a vibrant new direction for Riverina. The teal from the existing logo is translated to a brighter, more dynamic Aquamarine, and a calming Warm Grey is introduced as a subtle complement to both colours.

## Accessibility

These colours have been chosen with accessibility in mind, and conform with WCAG 2.1 AA specifications for text legibility across digital applications.



# Typography.

## Brand typeface

TT Commons is a modern, geometric sans serif typeface with an approachable, pleasing aesthetic that generates not only great legibility, but also character. With a sizeable number of weights, it is an extremely versatile typeface that will provide a great amount of flexibility for brand application.

**Aa.**

Thin	<i>Thin Italic</i>
ExtraLight	<i>ExtraLight Italic</i>
Light	<i>Light Italic</i>
Regular	<i>Regular Italic</i>
Medium	<i>Medium Italic</i>
DemiBold	<i>DemiBold Italic</i>
Bold	<i>Bold Italic</i>
ExtraBold	<i>ExtraBold Italic</i>
Black	<i>Black Italic</i>





## Photography.

### Real people. Real situations.

Using an image-led approach, with a broad representation of everyday people, the new brand photography focuses on a realistic, genuine representation of the Wagga community.







### **Families and industry**

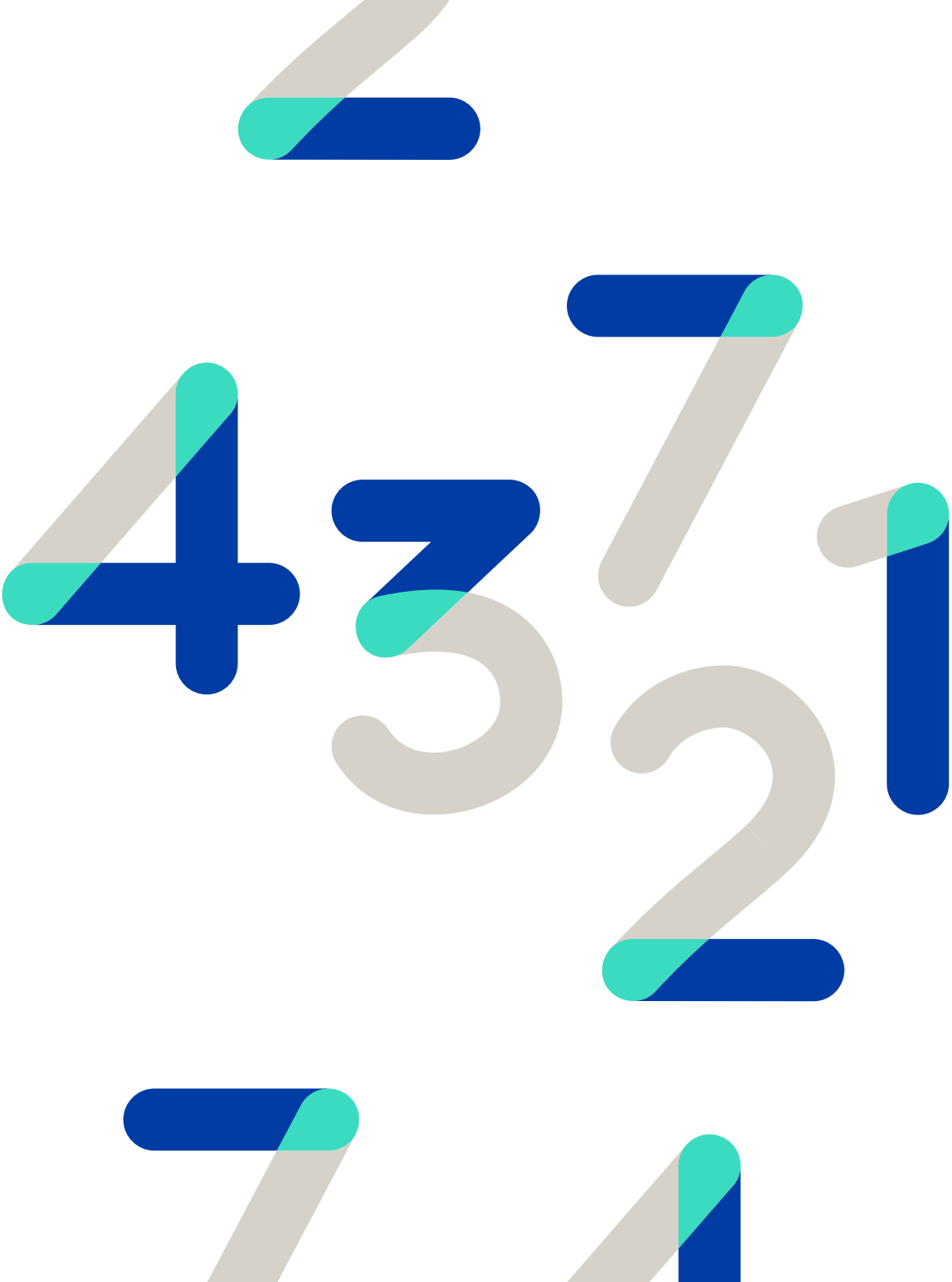
Whether communicating to residential customers, or local industry with commercial interests like agriculture and farming, the photography uses natural light and real situations to convey a sense of authenticity.



# Flexibility.

## Feature numbers and icons

The same design principles used to create the logo can be applied to other graphic devices such as feature numbers and icons. These could be used to create design elements in publications and signage, as well as in the construction of infographics.







2

Feature number

Alternate application example



### Image application

As an example, the brand shape philosophy—as applied to numbers and iconography—can also be used in unique ways to house imagery. This informs a more dynamic approach to how imagery can be used in collateral, cementing a recognisable visual language that becomes synonymous with the brand.



### Feature number

Image application example





### **Video assets**

Video production can also be given an injection of identity by incorporating moving footage into the feature number or brand shape treatment as seen here.



Brand extension  
Icon application example



# **Riverina Water Brand Identity Concept 4**

L+L Design — 03.04.2019



# A familiar face.

Concept 4 represents minimal departure from the existing logo, yet takes advantage of some small tweaks to the detail of its construction. Slightly less compacted and more refined in its joins, to the naked eye it appears more or less the same as the original logo. The all-caps type treatment has been replaced with a friendlier, more legible sentence-case arrangement, and the 'County Council' wording is also removed for added simplicity.

To compliment the logo a wave element is introduced, adding depth and variety to layouts and collateral. The waves utilise the two original brand colours, allowing a certain level of flexibility and differentiation between materials and applications.

# Typography.

## Brand typeface

TT Commons is a modern, geometric sans serif typeface with an approachable, pleasing aesthetic that generates not only great legibility, but also character. With a sizeable number of weights, it is an extremely versatile typeface that will provide a great amount of flexibility for brand application.

**Aa.**

Thin	<i>Thin Italic</i>
ExtraLight	<i>ExtraLight Italic</i>
Light	<i>Light Italic</i>
Regular	<i>Regular Italic</i>
Medium	<i>Medium Italic</i>
DemiBold	<i>DemiBold Italic</i>
Bold	<i>Bold Italic</i>
ExtraBold	<i>ExtraBold Italic</i>
Black	<i>Black Italic</i>

# Colour.

In the interest of maintaining stronger ties to the existing brand, this concept holds onto the dark blue and teal colours from the current logo.

**Dark Blue**  
Pantone® 281

**Teal**  
Pantone® 326













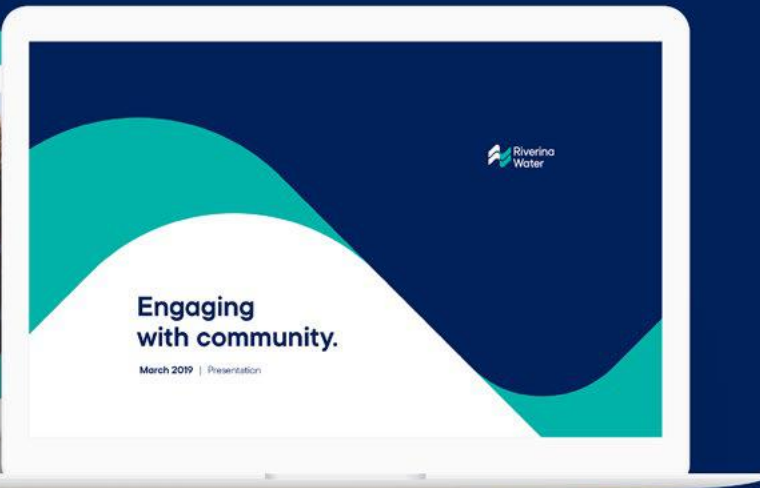








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quality water  
every day.





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## 6. RIVERINA JOINT ORGANISATION AND REROC UPDATE

**RECOMMENDATION:** That Council continue its membership of REROC and review the matter following the scheduled independent evaluation of RIVJO at the conclusion of the 2019/20 financial year.

---

This report provides an update to the Board on matters relating to the Riverina Joint Organisation (Riverina JO) and Riverina Eastern Regional Organisation of Councils (REROC).

Council at its meeting on 17 October 2018 resolved (amongst other matters) as follows:

- (a) write to both Riverina JO and RAMJO advising that Council notes its obligations under the Local Government Act to take into account any strategic regional priorities and other plans, programs, strategies and policies of a joint organisation that apply to any relevant part of the county council's area of operations or that are relevant to the county council's operational functions.
- (b) accept the invitation to become a non-voting member of Riverina JO at an annual cost of \$5,000 (to be reviewed in 16 months' time), and
- (c) discuss the matter of RWCC seeking associate membership of RAMJO at the December 2018 meeting.

Council at its February meeting this year also resolved to:

- (a) not seek membership of Riverina and Murray Joint Organisation at this time, noting that Councillor Pat Bourke, Mayor Federation Council, sits on the Board of Riverina and Murray Joint Organisation.
- (b) review this decision following the local government elections in September 2020.

Correspondence has been sent to RAMJO in the above terms and Council is now a non-voting member of Riverina JO and the Chair and General Manager have been attending meetings. There has been considerable activity in relation to both the Riverina JO and REROC in recent weeks and the following information is provided:

- Wagga Wagga City Council (WWCC) has decided to discontinue its membership with the Riverina Eastern Regional Organisation of Councils (REROC) at the end of the 2018/19 Financial Year.
- WWCC has also agreed to provide in-principle support in becoming a full member of the Riverina JO
- Snowy Valleys Council has given notice of its decision to discontinue its membership of REROC effective 1 July 2019
- Riverina JO has appointed Julie Briggs as Executive Officer to Riverina JO on a twelve month, performance based contract commencing on 1 July 2019. Mrs Briggs is the current Interim CEO for the Riverina JO until 30 June 2019.
- Lockhart Shire Council at its meeting on 15 April considered a report which included a recommendation "*that Council continue its membership of REROC and review the matter again following the scheduled independent evaluation of RIVJO at the conclusion of the 2019/20 financial year*".



- Lockhart Shire Council had previously resolved in February 2018 “...that Council support the continuation of REROC for a period no longer than 12 months from the proclamation of the Joint Organisation”.
- A budget workshop for REROC was held on 12 April which considered the financial implications of the withdrawal of Snowy Valleys Council and WWCC
- A review of the operation of both REROC and the Riverina JO has been agreed to by REROC as follows:
  - The 18-month period for the concurrent operation of the two organisations be from 1 January 2019 until 30 June 2020.
  - The review of the JO/REROC operation should occur as follows:
    - An EOI for the appointment of an external consultant to conduct the review be released in March 2020 with the successful consultant to be engaged by mid-April;
    - Review to commence by 1 May 2020 with completion by mid-June 2020; and
    - Final report be presented for consideration by the REROC and JO Boards by the end of June 2020.
    - REROC be the lead organisation for the review.

The financial implications of the withdrawal of WWCC and Snowy Valleys Council is an increase in the total subscription payable by Riverina Water of \$5,519. The subscription for REROC will increase from \$8,882 in 2018/19 to \$11,900 in 2019/20. The (new) subscription to Riverina JO will be \$2,500 for 2019/20. The increased subscriptions have been factored into the attached 2019/20 Delivery Plan which appears in this Business Paper.

It is respectfully suggested that Council review its position and retain membership of REROC until the uncertainty regarding the sustainability of RIVJO is clarified. To discontinue its membership of REROC prematurely would mean that whilst Council will have a seat at the RIVJO table where strategic matters are being discussed, it will not be able to participate in many of the operational initiatives that have been the hallmark of REROC's success in terms of securing grant funding, Regional Procurement Officer activities, and other resource sharing initiatives and collaborative efforts that result in efficiencies and cost savings.

More recently, REROC has secured funding to employ a Contaminated Land Project Officer for a two-year period to focus on underground petroleum storage issues and contaminated land matters generally.

Council is also involved in the respective Special Purpose Working Groups established under the REROC umbrella such as the:

- Water and Wastewater Technical Group
- REROC Waste Forum
- Workforce Development Group
- Infrastructure/Engineers Technical Group.

Continuing with membership of REROC until an independent evaluation of RIVJO is carried out and any other funding uncertainties are clarified is considered appropriate.

## 7. ANNUAL COMMUNITY SATISFACTION SURVEY 2019

**RECOMMENDATION:** That the General Manager's report on the 2019 Riverina Water County Council community satisfaction survey be received and noted.

As part of its efforts to improve customer service, Council undertakes, on an annual basis, a survey of residents of the county council area. This survey seeks residents' attitudes and opinions as part of the continued improvement of Council's service delivery.

A total of 721 interviews were conducted with residents from the Riverina Water area. This was a significant increase on the 498 people who were surveyed in 2018.

A copy of the Key Findings and the Summary of Findings is attached for Council's information.

Below is an extract of a Table from the survey results providing information on who responded and from which LGA.

**Table 1.2** Local Government Area

Area	%	#
Wagga	56%	402
Greater Hume	22%	161
Lockhart	15%	106
Federation	7%	52

Base: All respondents (n=721)

Overall satisfaction with customer service provided by Council for the previous 12 months was 4.4 out of 5, with 89% of customers satisfied with their experience with Riverina Water. Overall satisfaction with service delivery has remained at high levels at 4.31 out of 5 in 2014 (the first year of the survey) through to 4.54 out of 5 in 2018.

	Total	Area			
		Wagga	Greater Hume	Lockhart	Federation
Dissatisfied [1-2]	8%	9%	3%	14%	-
Neutral [3]	3%	3%	5%	13%	10%
Satisfied [4-5]	89%	88%	92%	73%	90%
<b>Overall Satisfaction</b>	<b>4.4</b>	<b>4.3</b>	<b>4.5</b>	<b>3.8</b>	<b>4.3</b>

The above Table indicates that Council has some work to do in terms of improving satisfaction as 8% of those surveyed were dissatisfied with the service provided. An initial observation could be that water pressure issues in Lockhart Shire may be contributing to the results.

The survey showed that 22% of residents (16.1% in 2017 and 15.1% in 2018) from the county area had made contact with Riverina Water staff within the last 12 months.

The results show that 69% of residents had their matter addressed by Riverina Water staff on the same day (72.4% in 2018 and 63.9% in 2017). In 2019 over half (56%) said that this was quicker than expected.

The vast majority of residents were satisfied with the service they receive from Council staff, with high levels of satisfaction shown across all 5 service attributes surveyed.

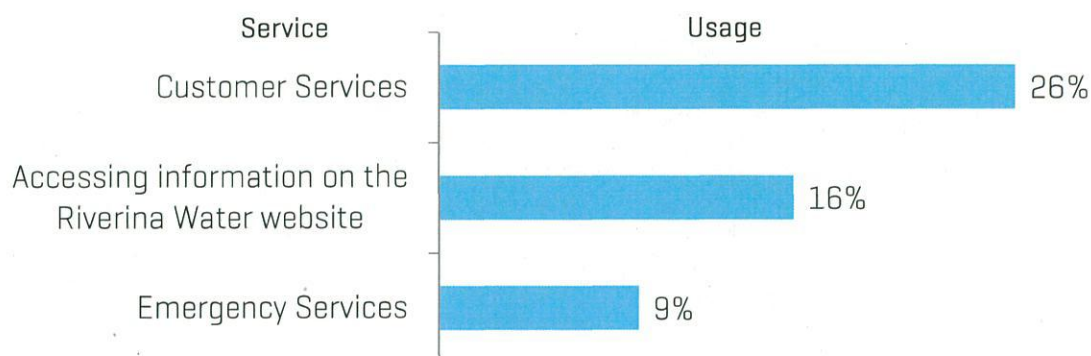
A similar survey of customers will continue to be conducted on an annual basis, to enable the Council to compare the responses on a more accurate basis.

Arrangements have been made for the CEO of IRIS Research, (the company who undertook the survey) Peter Watts, to address Council on the results at a workshop prior to the April meeting of Council.

- **2019 Community Satisfaction Survey Summary**
- **Summary of findings for 2019 Community Survey**

## Summary of Findings

### Service Usage & Satisfaction



CUSTOMER SERVICES	AGREE	AVERAGE
Staff were courteous and helpful	91%	4.5
Staff provided clear, easy to understand advice	87%	4.4
Staff dealt with my enquiry in a timely manner	81%	4.4
Advice provided by staff regarding my enquiry was consistent	84%	4.3
Overall, I was satisfied with the way my enquiry was handled	89%	4.5

RIVERINA WATER WEBSITE	AGREE	AVERAGE
Information was easy to read and understand	91%	4.3
Information was relevant to my enquiry	81%	4.1
Information was easy to access	64%	3.9
Overall, I was satisfied with accessing information on the Riverina Water website	85%	4.1

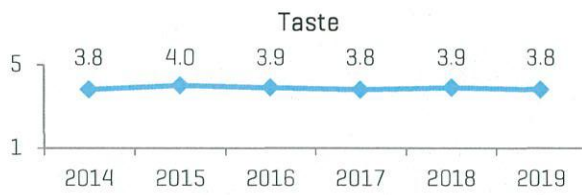
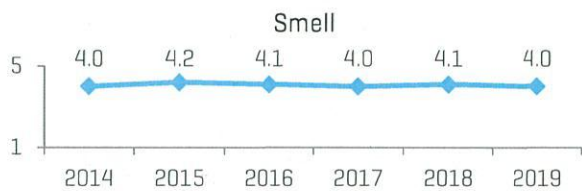
EMERGENCY SERVICES	AGREE	AVERAGE
Staff understood my specific issue	99%	4.7
Staff were timely in responding to my issue	93%	4.6
My issue was solved in a timely manner	91%	4.5
Staff were clear in how they would solve my issue	86%	4.3
Overall, I was satisfied with how my issue was handled by emergency services	93%	4.6

## Summary of Findings

### Satisfaction with Water Service

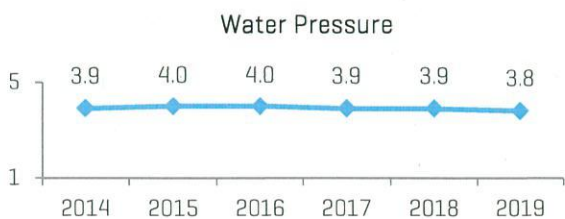
## WATER QUALITY

ATTRIBUTE	SATISFIED	AVERAGE
Clarity	78%	4.1
Smell	73%	4.0
Taste	62%	3.8
Overall satisfaction	69%	3.9



## SERVICE DELIVERY

ATTRIBUTE	SATISFIED	AVERAGE
Reliability	92%	4.6
Water pressure	66%	3.8
Overall satisfaction	89%	4.4



## Summary of Findings

### Payments

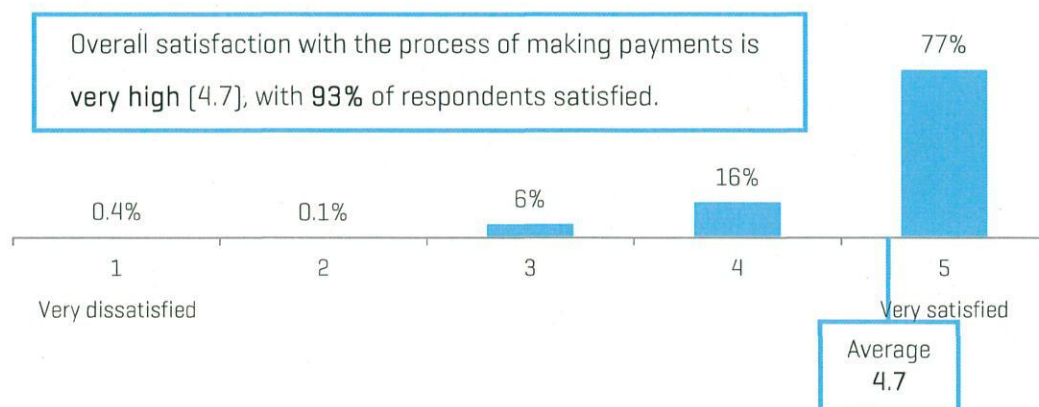
The most common methods of making water payments:

1. BPay
2. Direct debit
3. Online
4. In person
5. Post office

94% of respondents said their most used method is also their most preferred.

Of the 6% who had another preference, the most preferred methods are:

1. Direct debit
2. Online
3. Credit card by telephone BPay





## Summary of Findings

### Customer Experience

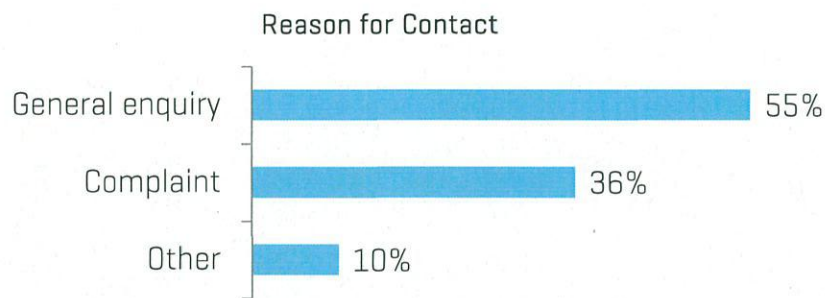
22% of respondents have made contact with Riverina Water in the past year.

Most **used** methods of contact:

1. Telephone [81%]
2. Personal visits to the office [7%]
3. Internet [6%]

Most **preferred** method of contact:

1. Telephone [87%]
2. Email [5%]
3. Internet [4%]



Most common **enquiries**:

1. Account billing enquiry
2. Payment of account
3. Study information

Most common **complaints**:

1. Report a broken pipe
2. Pressure/flow interruption
3. Water quality

79% of issues were solved. 69% of these solved issues were solved on the same day. Over half [56%] said this was quicker than expected.

Overall satisfaction with customer experience is 4.4 out of 5, with 89 percent of customers satisfied with their experience with Riverina Water. There were **no differences in satisfaction** between customers who made a complaint and customers who made a general enquiry.

## Summary of Findings

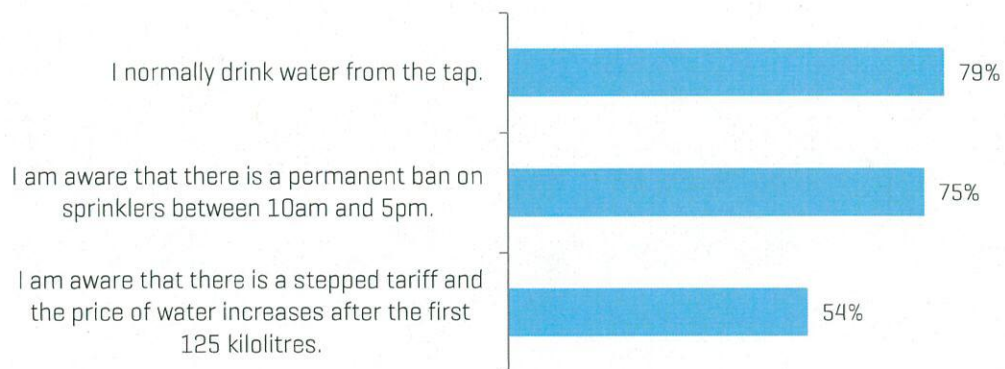
### Communication

Most **used** methods of receiving information:

1. By mail [82%]
2. Riverina Water newsletter [18%]
3. Local newspaper [16%]
4. Email [14%]
5. Television [12%]

Most **preferred** methods of receiving information:

1. By mail [71%]
2. Email [30%] ← **Underutilised**
3. Riverina Water newsletter [7%]
4. By phone [7%]
5. Facebook [5%]



WATER RESOURCE MANAGEMENT COMMUNICATION	AGREE	AVERAGE
Riverina Water encourages me to conserve water	67%	3.8
Riverina Water keeps me informed about water restrictions	62%	3.6
We are all using more water than the river and bores can sustain	56%	3.5
Riverina Water adequately engages the community in consultation	44%	3.4



## 8. MINUTES AUDIT & RISK COMMITTEE MEETING .- MARCH 2019

**RECOMMENDATION:** That Council receive and note the Minutes of the Audit and Risk Committee Meeting held on 6 March 2019 and endorse the recommendations contained therein.

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**MINUTES of the MEETING of AUDIT & RISK COMMITTEE**  
**held at 91 HAMMOND AVENUE, WAGGA WAGGA,**  
**on WEDNESDAY, 6<sup>TH</sup> MARCH 2019 at 9.30 am**

**PRESENT:**

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

**IN ATTENDANCE:**

General Manager	Mr. Andrew Crakanthorp
Manager Corporate Services	Ms. Emily Tonacia
Minute Secretary	Ms. Kerrie Fawcett

The meeting of the Audit and Risk Committee commenced at 9.32am.

**1. APOLOGIES:**

No apologies.

**2. DECLARATIONS OF INTEREST**

No declarations were made.

**3. CONFIRMATION OF MINUTES – 14<sup>th</sup> NOVEMBER 2018**

***Recommendation:***

On the motion of Mr. Maxwell and Clr. Braid OAM that the minutes of the proceedings of the Audit and Risk Committee meeting held 14<sup>th</sup> November 2018 be confirmed as a true and accurate record.

The Chairman advised that with the resignation of Clr. Koschel, we welcome Clr. Quinn as alternate delegate to the Audit & Risk Committee.

**CARRIED**

**4. INTERNAL AUDIT REPORT – SUPPLEMENTARY PROCUREMENT TESTING**

The Committee considered that this assignment had achieved the aims for which it has sought supplementary internal audit funding, to be repeated annually.

***Recommendation:***

On the motion of Clr. Braid OAM and Mr. McNair that the Audit and Risk Committee receive and note the report and endorse management's proposed actions.

**CARRIED**

**5. INTERNAL AUDIT WORK PROGRAM**

With the recent appointment of the Governance Officer, Wendy Reichelt, it was considered that the proposed internal audit assignment on Corporate Governance would be premature and should be deferred. The Committee discussed various alternative assignments.

**Recommendation:**

On the motion of Clr. Braid OAM and Mr. McNair that the Audit & Risk Committee receive and adopt the amendments to the Internal Audit Work Program for 2018/19 noting the following schedule:

Audits to be undertaken in 2018/19:

- Treasury Operations & Investments
- Water Billing/Debtors Debt Recovery
- Water Quality and Systems Monitoring/Performance Monitoring

**CARRIED**

**Recommendation:**

On the motion of Mr. McNair and Clr. Braid OAM that the three year forward plan be considered at the May 2019 meeting of the Committee.

**CARRIED**

**6. CORRESPONDENCE (OTHER THAN DRAFTS & PURELY ADMINISTRATIVE)**

The information in the agenda was noted

**7. AUDIT & ACCREDITATION REPORTS BY OTHER BODIES**

The Chairman referred to the StateCover Self Audit Report undertaken by Council and requested if that report could be included in the agenda for the May meeting of the Committee. The General Manager confirmed the report would be included in the May agenda.

**8. GENERAL MANAGER'S CONFIDENTIAL REPORT (VERBAL)**

On the motion of Clr. Braid OAM and Mr. McNair that the General Manager's verbal report be noted.

**9. RWCC ANNUAL REPORT 2017/2018**

General Manager and staff were commended on the preparation and presentation of the Annual Report. Committee members sought further information in relation to lost time injury rate, water main losses and whether construction of mains and reticulation in new developments constituted private works.

**Recommendation:**

On the motion of Mr. McNair and Clr. Braid OAM that:

- a) the 2017/2018 Annual Report be received and noted, and
- b) the definition of Private Works be investigated and report back to next meeting.

**CARRIED**

**10. COMMITTEE ACTION PLAN**

On the motion of Clr. Braid OAM and Mr. McNair that the report be noted.

**CARRIED**

## 11. PROPOSED ACTION PLAN TO IMPROVE AUDIT COMMITTEE PERFORMANCE

Discussion occurred on a number of the proposals. In relation to legislative compliance, it was suggested in addition that a report should be supplied to the Committee annually confirming the quarterly review by the Council Executive Team and summarising the changes made to the Legislative Compliance Register.

The Chairman suggested that the most appropriate time to address the Board would be on the presentation of the Committee's annual report to Council, and agreed to do so.

### ***Recommendation:***

On the motion of Mr. McNair and Clr. Braid OAM that the report be noted and the action plan as amended be endorsed.

**CARRIED**

## 12. AUDIT FOLLOW UP MATRIX

### ***Recommendation:***

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

**CARRIED**

## 13. FORWARD MEETING PLAN

### ***Recommendation:***

On the motion of Clr. Braid OAM and Mr. McNair the Audit & Risk Committee receive and adopt the RWCC Audit and Risk Committee Forward Meeting Plan 2019.

**CARRIED**

## 14. REVIEW AUDIT COMMITTEE PERFORMANCE (CL 7.7)

The Committee had discussed this matter as part of Item 10 in the agenda.

Next Meeting: Wednesday 22nd May 2019 at 9.30 am

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Meeting Closed 11.30 am

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[Subsequent to the meeting the Committee inspected the new Water Treatment Works and Stores. Members were unanimous that this was of very great value, and have requested further inspections following future meetings. It is also proposed that these form part of the induction program for future new members of the Committee]

## 9 ENTERPRISE AWARD 2019

**RECOMMENDATION:** That the various Unions be advised that:

- (a) Council agrees to enter into an enterprise award for a period of three years with wage increases as follows:
    - 3.0% effective 1st July 2019,
    - 3.0% effective 1st July 2020 and
    - 3.0% effective 1st July 2021;
  - (b) Council agrees to maintain a 5.50% buffer into future years above the Federal Government Superannuation Guarantee in respect of its contributions to superannuation for employees, noting that the current buffer is 5.50%.
  - (c) Council resolve to authorise the General Manager to affix the Council seal to the documents at the appropriate time.
- 

Council entered into its first Enterprise Award with the New South Wales Local Government Clerical, Administrative, Energy, Airlines and Utilities Union (USU), the Electrical Trades Union of Australia, New South Wales Branch; and the Association of Professional Engineers, Scientists and Managers, Australia in 1997, with the current award expiring on 30 June 2019.

The Enterprise Award requires that negotiations for a replacement award commence three months prior to the nominal expiry date. Negotiations commenced in November 2018 in this regard. The Director of Engineering and I met via three formal meetings with union representatives and staff delegates during that period.

As a result of these meetings it has been agreed that the next enterprise award should also be for a period of three years, expiring on 30 June 2022. Some minor amendments to wording and provisions have been put forward without significant contention. These amendments mainly involved changing the wording of a number of clauses to bring them in line with the Local Government (State) Award 2010.

The major considerations were the rates of pay and allowances with the unions proposing allowances and pay rate increases as follows:

- Up to 6% to apply from 1 July 2019
- Up to 6% to apply from 1 July 2020
- Up to 6% to apply from 1 July 2021

The Unions also proposed increases in superannuation contributions of up to 1.0% for each of the 3 years covered by the agreement.

The objectives outlined in the existing Enterprise Award are to continue, including

- Working to achieve the objectives of Riverina water's operational plan and in particular cooperating with management to:
    - take action to reduce water wastage and meet demand management strategies including ensuring pump power usage efficiency and early detection and prompt repair
    - take action to ensure customer relation strategies and levels of service strategies are met by providing high-quality attention and action in delivering services
-

- take action to reduce operating and maintenance costs
- Commitment to participating in continuous improvement programmes especially in delivery of quality water supply to customers
- Commitment to work health and safety management, risk management and hazard identification
- Commitment to environmental responsibility in work processes
- Willingness to undertake training and embrace change in the workplace.

These appeared to have been borne out in practice, most of the time, during the existing Award and I am confident that this will continue through the life of the new Enterprise Award.

The Local Government (State) Award 2017 provided a 7.35% increase for the three-year agreement that concludes in June 2020. While any variations in the 2017 Award are yet to be negotiated, it is believed that the unions will be tabling a log of claims similar to that lodged with RWCC, including a 15% increase over three years.

The previous RWCC Award provided an increase of 7.8% over three years and the 2017 Goldenfields Water Enterprise Award provided an increase of 8% over three years concluding in June 2020. It is expected that the outcome of the new State Award negotiations (2020) will be closer to 7.5% over three years.

While Council's Enterprise Award is independent of the Local Government (State) Award, some comparison is helpful.












The overall negotiation between the four parties was undertaken in the spirit of collaboration and mutual respect for the competing interests of the parties. The offer I have tabled recognises and rewards staff for their dedication to our customers. The customer satisfaction survey consistently provides positive feedback on the high levels of customer service.

The recommended salary increases have been factored into the Council forward budgets and the 2019/20 Delivery Plan and beyond. The cost of the 3% increase in each year is \$217,860 which is able to be funded from current revenue sources and not impact negatively on the Council's Long Term Financial Plan.

## 10 MEDIA REPORT 19 DECEMBER – 31 MARCH 2019

**RECOMMENDATION:** That the report on media, including social media statistics, be received and noted.

### Social media - 19 December 2018 – 31 March 2019 (14.5 weeks)

Facebook			
Number of posts	70 (4.83 posts per week)		
Total page likes	1254		
New page likes	+611		
Videos	4 (10,356 views)		
Private messages	8		
Total reach for all posts (reach is number of people who saw each post at least once)	Approx 48,899		
Average reach per post	688.56		
Total post engagements (post clicks, reactions, shares and comments)	7333		
Average post engagements	104.75		
Top organic post – water conservation request (see below)	Reach: 7451 Post clicks (any click excluding comments, likes and shares): 3100 Engagements (reactions, comments and shares): 246 Date: 21 January 2019		
<div><div><div><div><div><div></div><div><div><div>Riverina Water</div><div>Published by Sme Dia [?] · January 21 · 🌐</div></div></div></div><div><p>Due to the extreme weather conditions, our water supply system for the following areas is having difficulty keeping up with the high consumer demands:</p><ul style="list-style-type: none"><li>* Estella</li><li>* The Gap</li><li>* Lockhart, Boree Creek and Urana... <a href="#">See More</a></li></ul></div><div><div><div><div>✔️</div><div>Get More Likes, Comments and Shares</div><div>Boost this post for \$200 to reach up to 2,300 people.</div></div></div></div><div><div><div>7,451</div><div>People Reached</div></div><div><div>3,311</div><div>Engagements</div></div><div><div>Boost Post</div></div></div><div><div><div><div><div></div><div></div></div><div>Alex Wade, Leni Lee and 22 others</div></div><div><div>62 Comments</div><div>54 Shares</div></div></div><div><div><div><div></div><div>Like</div></div><div><div></div><div>Comment</div></div><div><div></div><div>Share</div></div><div><div></div><div>⌵</div></div></div></div></div><div><div><div>Performance for Your Post</div></div><div><div>7,451</div><div>People Reached</div></div><div><div>246</div><div>Reactions, Comments &amp; Shares ⓘ</div></div><div><div><div><div>53</div><div> Like</div></div><div>25</div><div>On Post</div><div>28</div><div>On Shares</div></div><div><div><div>1</div><div> Love</div></div><div>1</div><div>On Post</div><div>0</div><div>On Shares</div></div><div><div><div>5</div><div> Wow</div></div><div>0</div><div>On Post</div><div>5</div><div>On Shares</div></div><div><div><div>1</div><div> Sad</div></div><div>0</div><div>On Post</div><div>1</div><div>On Shares</div></div><div><div><div>131</div><div>Comments</div></div><div>71</div><div>On Post</div><div>60</div><div>On Shares</div></div><div><div><div>55</div><div>Shares</div></div><div>54</div><div>On Post</div><div>1</div><div>On Shares</div></div></div><div><div>3,065</div><div>Post Clicks</div></div><div><div><div>1</div><div>Photo Views</div></div><div><div>0</div><div>Link Clicks ⓘ</div></div><div><div>3,064</div><div>Other Clicks ⓘ</div></div></div><div><div>NEGATIVE FEEDBACK</div></div><div><div><div>1</div><div>Hide Post</div></div><div><div>0</div><div>Hide All Posts</div></div></div><div><div><div>0</div><div>Report as Spam</div></div><div><div>0</div><div>Unlike Page</div></div></div></div></div></div><tr><td>Lowest organic post – water restored Morven</td><td>Reach: 46 Post clicks (any click excluding comments, likes and shares): 1 Engagements (reactions, comments and shares): 0 Date: 4 February 2019</td></tr></div></div>		Lowest organic post – water restored Morven	Reach: 46 Post clicks (any click excluding comments, likes and shares): 1 Engagements (reactions, comments and shares): 0 Date: 4 February 2019
Lowest organic post – water restored Morven	Reach: 46 Post clicks (any click excluding comments, likes and shares): 1 Engagements (reactions, comments and shares): 0 Date: 4 February 2019		

## Key Findings

### Service Usage & Satisfaction

- ▶ 26 percent of respondents have contacted Riverina Water customer services in the past. **89 percent of these customers were satisfied** with how their enquiry with customer services was handled. They were most satisfied with the **courteousness** and **helpfulness** of the staff.
- ▶ 16 percent have accessed information on the Riverina Water website in the past. **85 percent were satisfied with their overall experience**. They were most satisfied with how **easy it is to read and understand** information.
- ▶ 9 percent have used Riverina Water emergency services. **93 percent were satisfied overall with how their issue was handled**. 99 percent agreed staff understood their specific issue.

### Satisfaction with Water Quality

- ▶ Satisfaction with **service delivery** [4.4] is higher than satisfaction with **water quality** [3.9].
- ▶ In relation to service delivery, respondents were most satisfied with **reliability**.
- ▶ In relation to water quality, respondents were most satisfied with **clarity of water**.

### Payments


- ▶ BPay [49 percent] is the most **common** method of making water payments.
- ▶ 94 percent said their most used method is also their most preferred. Among those who have a different preference, the most preferred is **direct debit**.
- ▶ **93 percent** of respondents are satisfied with the process of making water payments.

### Customer Experience

- ▶ 22 percent of respondents contacted Riverina Water in the past 12 months. The most **common** method of contact used was **telephone** [81 percent]. This is also the most **preferred method** [87 percent].
- ▶ 55 percent of customers made a general enquiry. These were generally related to accounts and billing.
- ▶ 36 percent made a complaint. The most common complaints were reporting broken pipes and pressure/flow interruptions. Most complaints were solved on the same day.
- ▶ **89 percent of customers were satisfied with their experience with Riverina Water**. There were no differences in satisfaction between those who made a general enquiry or complaint.

### Communication

- ▶ **Mail** is both the most used [82 percent] and the most preferred [71 percent] method of receiving information from Riverina Water.
- ▶ **Email** is currently and **underutilised** method of communication based on its usage [14 percent] compared to preference [30 percent].
- ▶ Awareness of the permanent ban on sprinklers between 10am and 5pm [75 percent] was higher than awareness of the stepped tariff on the price of water [54 percent].
- ▶ **67 percent** of respondents agreed Riverina Water **encourages them to conserve water**.


**Riverina Water** shared a post.
 Published by Sme Dia [?] · February 4 ·

WATER RESTORED: Morven customers can now access water.

Open taps slowly to let trapped air clear. If you experience discoloured water don't use hot water systems, dishwashers and washing machines. Run your taps at full flow until the water clears. If the water doesn't clear call us on 6922 0608.


**Riverina Water** is in Morven, New South Wales.  
Published by Sme Dia [?] · February 4 ·

BURST WATER MAIN - Morven

We are currently responding to a burst water main. Access to water supply will be disrupted for approximately three hours.

About 20 ru...

[See More](#)



**Morven, New South Wales**  
City · Australia  
339 people checked in here

[Save](#)

**46** People Reached

**1** Engagement

[Boost Unavailable](#)

[Like](#) [Comment](#) [Share](#)

### Performance for Your Post

**46** People Reached

**0** Likes, Comments & Shares

<b>0</b> Likes	<b>0</b> On Post	<b>0</b> On Shares
<b>0</b> Comments	<b>0</b> On Post	<b>0</b> On Shares
<b>0</b> Shares	<b>0</b> On Post	<b>0</b> On Shares

**1** Post Clicks

<b>0</b> Photo Views	<b>0</b> Link Clicks	<b>1</b> Other Clicks
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**NEGATIVE FEEDBACK**

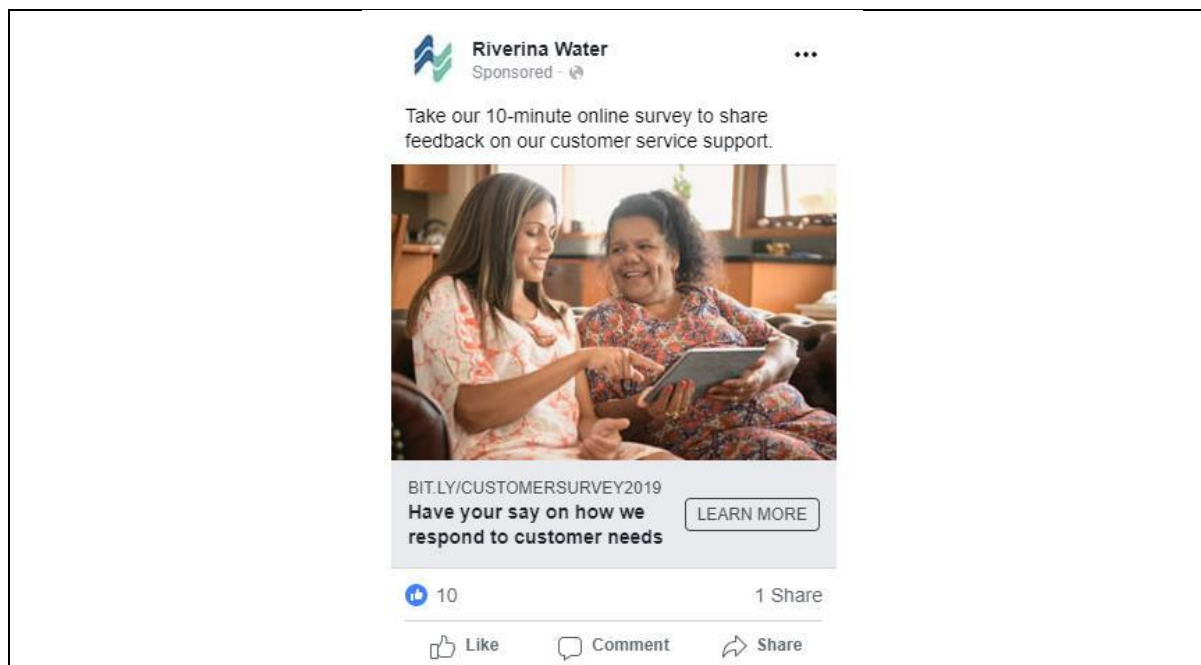
**0** Hide Post **0** Hide All Posts

**0** Report as Spam **0** Unlike Page

Reported stats may be delayed from what appears on posts

Facebook advertising	
Number of ads	10
Ad content	<ul style="list-style-type: none"> <li>Riverina Water Facebook page (to promote growth)</li> <li>Water wise campaign</li> <li>Community consultation (environmental and water restriction policies)</li> <li>Comms (water sprinkler ban, customer survey)</li> </ul>
Total paid post reach	Approx 360,528
Average reach per post	Approx 36,052
Total advertising cost	\$2700
Top paid – customer survey (see below)	Resulted in approx 79,993 reach. Ran from 4 -17 February

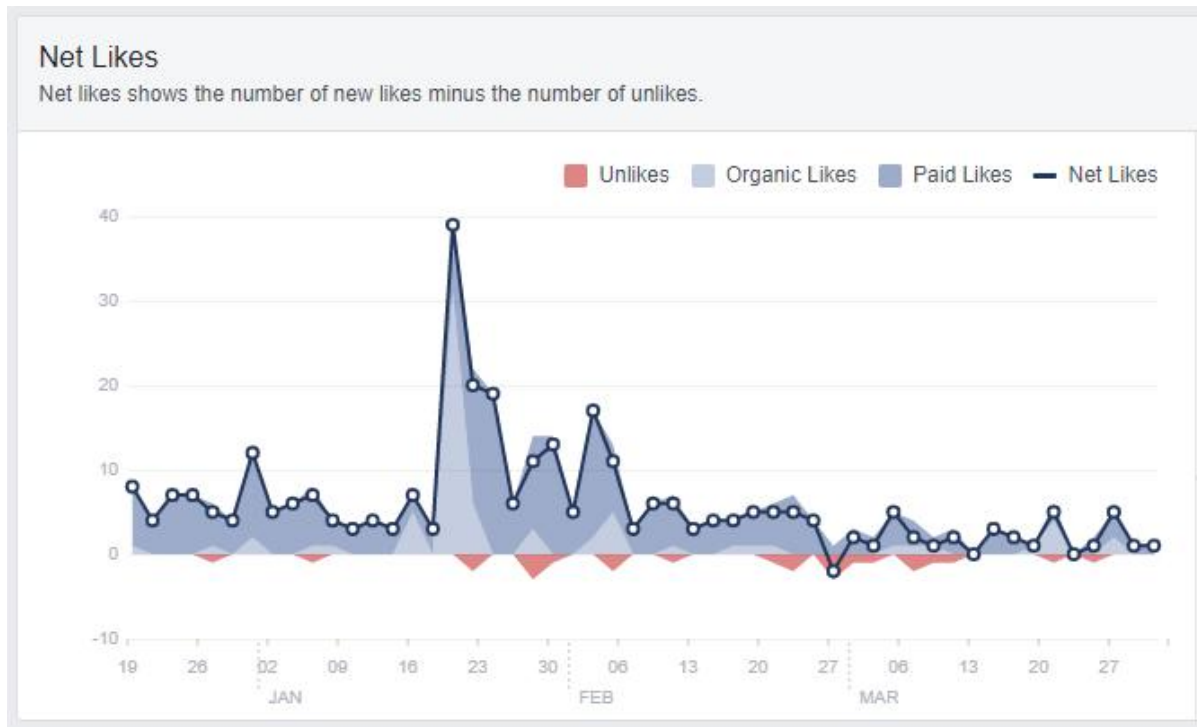




## Comparison page audiences

Water utility	Current audience	Last quarter figures	Growth
Sydney Water	29.3k	28.8k	+500
Water Corporation	15.5k	14.8k	+700
Seqwater	11k	10.4k	+600
Melbourne Water	9.4k	9.1k	+300
Unity Water	8.8k	n/a	n/a
City of Wagga Wagga	8.2k	7.7k	+500
Visit Wagga Wagga	6.7k	6.3k	+400
SA Water	5.9k	5k	+900
TasWater	3k	2k	+1000
Lower Murray Water	2.9k	n/a	n/a
Gippsland Water	2.5k	2.3k	+200
South East Water Melbourne	2.3k	n/a	n/a
Riverina Local Land Services	2k	1.9k	+100
Fusion Wagga	2k	2k	Stable
North East Water	1.7k	1.6k	+100
City West Water	1.6k	n/a	n/a
Federation Council	1.6k	1.5k	+ 100
Lockhart Shire Community	1.4k	1.4k	Stable
Visit Lockhart Shire	1.3k	1.3k	Stable
Riverina Water	1254	643	+611
Hunter Water	1165	948	+217
Greater Hume Council	1101	986	+115
Goldenfields Water	1019	875	+144
Wannon Water	819	n/a	n/a
East Gippsland Water	636	621	+ 15
Central Tablelands Water	332	298	+ 34

## Growth overview




## Reasons for growth:

- Ongoing aggressive page advertising
- Viral nature of January water conservation request

## Audience snapshot



Twitter	
Number of tweets	71 (4.90 posts per week)
Total followers	101
New followers	+30
Total Tweet impressions (impressions are the number of times users saw a Tweet)	Approx 21,508
Average engagement rate (this the total number of clicks, retweets, replies, likes and follows divided by the total number of impressions )	.6 per cent
Average impressions per Tweet	302.93

#Riverina Water use	0
Top tweet based on engagement rate – Schiller St water main (see below)	Impressions: 152 Engagements: 5 engagements Engagement rate: 3.3 per cent Date: 21 March 2019
<div> <div>Tweet activity</div> <div>  <div> <p><b>Impressions</b> 152</p> <p><b>Total engagements</b> 5</p> <p>Detail expands 2</p> <p>Media engagements 1</p> <p>Likes 1</p> <p>Profile clicks 1</p> </div> </div> <div> <p>Reach a bigger audience Get more engagements by promoting this Tweet!</p> <p>Get started</p> </div> </div>	

Instagram	
Number of posts	29 (2 per week)
Total followers	381
New followers	+67
Total post likes (not including video views)	437
Average post likes (not including video views)	16.19
Total videos	2
Total video views	123
Average video views	61.5
#Riverina Water use	0
Top post – Refill station network story from OnTap January 2019 (see below)	Likes: 36 Comments: 2 Date: 22 January 2019





LinkedIn	
Number of posts	15 (1.03 per week)
Total followers	241
New followers	+18
Total post impressions (this is number of people who saw each post once)	4663
Average impressions per post	310.87
Top post – Refill station network story from OnTap January 2019 (see below)	Impressions: 477 Clicks: 11 Likes: 13 Comments: 1 Dates: 23 January 2019

**Riverina Water**  
241 followers  
2mo

Our growing network of refill stations provide our community and visitors with free access to safe and reliable drinking water. Read more about our network - <http://bit.ly/OnTapJan19>

A photograph of a woman with long brown hair, wearing a light pink short-sleeved shirt and grey trousers, standing on a city sidewalk. She is interacting with a tall, white water refill station. The station has a blue header that says 'WATER FILLING STATION' and a large green circular logo with the word 'TAP' in white. Below the logo, it says 'Great Taste, itai Vuu It' and 'ONLY 5000 LITRES'. The station is located next to a tree and a modern building with large windows. In the background, there are other trees, a street with cars, and a traffic light.

13 Likes · 1 Comment

 Like  Comment

Add a comment...

**Jason Cox**  
Experience in Sales/Customer Service/ Out door Power Equipment/ works...

2mo ...

A great idea.




Organic impressions: 477 Impressions

Hide stats ^

Organic stats 

Targeted to: All followers

477

Impressions

13

Likes

2.31%

Click-through  
rate

1

Comment

0

Shares

11

Clicks

5.24%

Engagement rate



<b>YouTube</b>	
Number of posts	0
Total followers	0

#### Other digital platforms

<b>Bitly</b>	
Number of links	15
Total clicks	986
Average clicks	65
Top link – Admin Assistant role	Clicks: 319 Top referrer platform: Facebook (97 per cent) Date : 21 March 2019

<b>RW website</b>	
Users	12,503
Page views	53,680
Most viewed pages	<ul style="list-style-type: none"> <li>Average water use – 17,127</li> <li>Homepage – 13,180</li> <li>Employment - 3939</li> </ul>
Session duration	00.01.16
Top devices	Desktop – 58.3 per cent Mobile – 33.5 per cent Tablet – 8.2 per cent

<b>Google search</b>	
Where customers view our organisation on Google:	
<ul style="list-style-type: none"> <li>Listing on search – 6.09k</li> <li>Listing on maps – 2.6k</li> </ul>	

#### Media - 19 December – 31 March 2019 (14.5 weeks)

<b>Content and coverage</b>	
Media releases	0
Media statements	2
Media alerts	0
Media enquiries	6
Total media mentions	6
Media mentions from media releases/statements	1
Media mentions from media enquiries	4
Passive media mentions (not a result of a media release or response to a media enquiry)	1

#### Media release/statement coverage

<b>Date</b>	<b>Media release</b>	<b>Coverage</b>
11 February 2019	Riverina Water Chair to help shape future of water supply in regional NSW	<ul style="list-style-type: none"> <li>n/a</li> </ul>
21 January 2019	Water conservation request	<ul style="list-style-type: none"> <li><a href="#">Water restrictions for Estella, Lockhart and surrounds – Eastern Riverina Chronicle (online)</a></li> </ul>

## Media enquiry coverage

Date		Outlet/medium	Coverage
6 March 2019		Daily Advertiser/print, online and social	<ul style="list-style-type: none"> <li><a href="#">Earth moves for Riverina Water reservoir tanks at Willans Hill</a></li> </ul>
15 February 2019		Daily Advertiser/print, online and social	<ul style="list-style-type: none"> <li><a href="#">Wagga organisations on a mission to lift poverty line in Nepal</a></li> </ul>
7 February 2019		Daily Advertiser/print, online and social	<ul style="list-style-type: none"> <li><a href="#">Riverina Water considers changes to water restriction policy</a></li> </ul>
5 January 2019		Daily Advertiser/print, online and social	<ul style="list-style-type: none"> <li><a href="#">Urban water supply by Riverina Water County Council strained as residents battle hot weather</a></li> </ul>

## Passive coverage

Date	Outlet/medium	Coverage
7 March 2019	WIN News Riverina/TV and social	<ul style="list-style-type: none"> <li>Science and Engineering Challenge</li> </ul>

## 11 RIVERINA WATER COMMUNITY GRANTS PROGRAM GUIDELINES

**RECOMMENDATION:** That Council adopt the Riverina Water Community Grant Guidelines and launch the program in August 2019.

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Council at its meeting in June 2018 resolved as follows:

- (a) That Council initiate a two-year community grants program in the terms outlined in this report
- (b) That Council staff administer the program (noting that the Community Engagement Officer will coordinate the program)
- (c) That Council commence the Community Grants Program in 2018/19 with Year One funding of up to \$500,000 to be available to eligible organisations in July 2019 and Year Two funding of up to \$500,000 to be available to eligible programs in July 2020.
- (d) That a review of the effectiveness of the Community Grants Program be undertaken in November 2019.
- (e) That funding for eligible organisations with the four Local Government Areas be made available as follows:

1. Wagga Wagga City Council	\$200,000
2. Greater Hume Shire Council	\$100,000
3. Federation Council	\$100,000
4. Lockhart Shire Council	\$100,000
- (f) That staff create the guidelines and application forms for the Program and that a further report on the draft guidelines be prepared and presented to a future meeting of Council (and as soon as practicable)

A Board Member councillor workshop was held in early April 2019 to consider the draft guidelines developed by staff, during which Board Members provided feedback.

Key changes made to the guidelines following the abovementioned workshop include:

- The minimum grant for eligible projects in the Community Projects and Facilities Category has been reduced from \$5,000 to \$2,500
- The guidelines also include a statement that advises “projects that are not also funded by your local Council will be more favourably considered”
- Changes to some of the wording in relation to the Arts and Culture Category in response to suggested changes by Board Members
- Applicants will be encouraged to contact our Grants Team for help lodging applications
- The wording regarding the need to undertake risk assessments has been amended so as not to be too onerous

A project plan for the program has been created and Council staff will shortly be arranging meetings with staff from the four constituent Councils to introduce the program and also seek their cooperation in promoting awareness of the program (in August).

The General Manager has also commenced discussions with his four counterpart general managers regarding the creation of the assessment panels for the grants.

- **Community Grants Program Guidelines**

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## **12 LOCAL GOVERNMENT NEW SOUTH WALES - 2019 WATER MANAGEMENT CONFERENCE**

**RECOMMENDATION:** That:

- a) Council be represented at the Local Government New South Wales 2019 Water Management Conference,
  - b) the Chairman or his nominee attend as a delegate,
  - c) nominations of other Councillors to attend be called, and
  - d) the General Manager and Director of Engineering or their nominees attend as observers
- 

The Local Government New South Wales Water Management Committee has advised that the 2019 conference will be held in Albury on 2<sup>nd</sup> to the 4<sup>th</sup> September 2019, and hosted by Albury City Council. The Conference will explore the changing landscape of water management and its implications for local government.

The programme structure includes a number of keynote speakers, the water managers' forum, a local field trip, workshops on current issues and trade displays of industry products and government agencies.

The conference is of benefit to Council as a way of keeping up with changes and networking with other councils.

The 2018 conference was held in Armidale with Cr Verdon attending as Council's delegate with Crs Braid and Keenan also in attendance, together with the General Manager and the Manager Works, attending as observers. Council's Manager Operations attended and presented a paper.

Likely travel arrangements include driving to Albury on Monday 2<sup>nd</sup> September and returning to Wagga Wagga on the afternoon of Wednesday 4<sup>th</sup> September 2019.

Accommodation has been pre-booked at the Atura Hotel in Albury, which is within walking distance to the conference venue, the Albury Entertainment Centre.

## Riverina Water Community Grants Program - Draft

### OVERVIEW

#### Community Grants program timeline

Applications open	19 August 2019
Applications close	4pm 23 September 2019
Assessment of applications	24 September – 15 October
Approval of grant allocations	Council meeting 30 October 2019
Notification to successful applicants	Early November 2019
Deadline for project completion	18 December 2020
Deadline for project acquittal report	29 January 2021
<b>LATE APPLICATIONS WILL NOT BE PROCESSED</b>	

#### Grant categories and funding

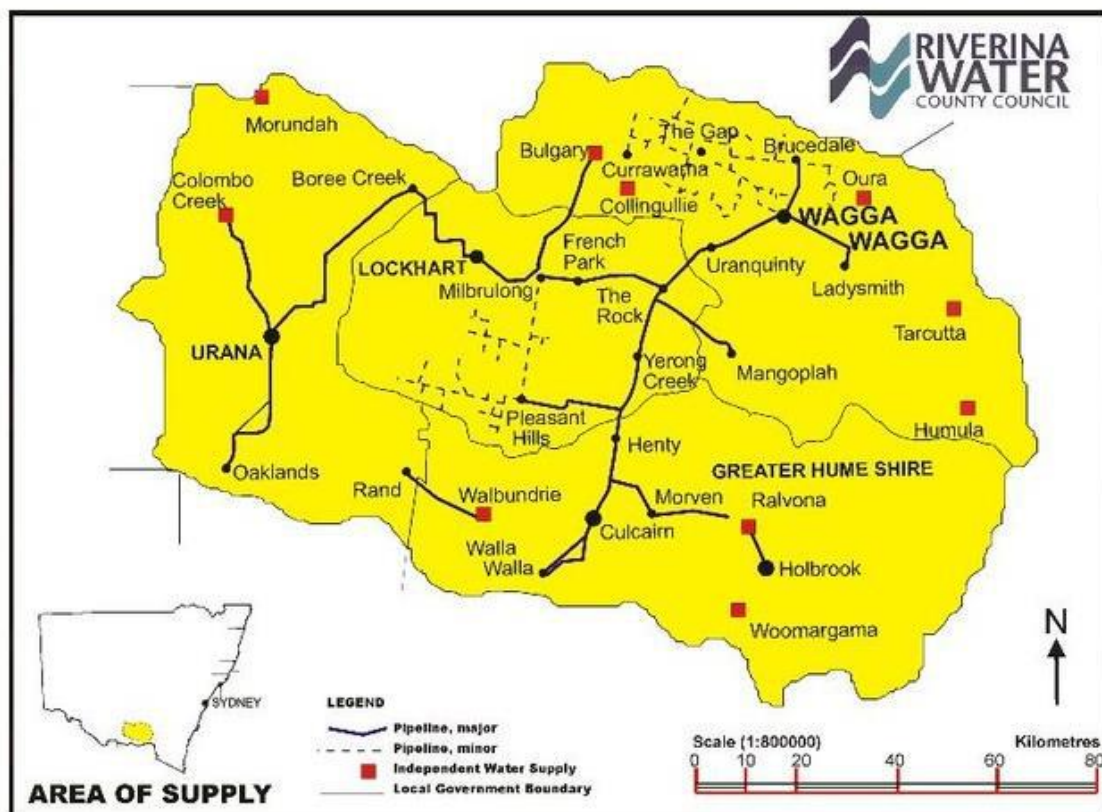
Grant category	Total grant category funding (across four LGAs)	Min and max funding per category
Community projects and facilities	\$275,000	\$2500 - \$20,000
Arts and culture	\$100,000	\$2000 - \$7500
Water conservation	\$125,000	\$1000 - \$10,000



## 1. Introduction

We're offering \$500,000 funding as part of our Community Grants Program for local non-profit community groups, schools and educational institutions. The program aims to support a wide range of community projects and activities that enhance life for the wider community.

Local non-profit community groups, schools and educational institutions based in our water supply area are invited to apply. Projects must be delivered in the Riverina Water supply area. The Community Grants Program is separate from Riverina Water's Community Sponsorships Program.



The Riverina Water supply area covers the Wagga Wagga City Council area, Lockhart Shire and parts of Greater Hume and Federation council areas. Funding has been allocated for each of our constituent council areas based on the distribution of population across our supply area.

Grant funding allocations per local government area (LGA) are shown below.

### Grant funding allocations per local government area (LGA)

	WWCC (40 per cent)	Greater Hume Shire (20 per cent)	Federation Council (20 per cent)	Lockhart Shire (20 per cent)
<b>Community projects and facilities</b>	\$110,000	\$55,000	\$55,000	\$55,000
<b>Arts and culture</b>	\$40,000	\$20,000	\$20,000	\$20,000
<b>Water conservation</b>	\$50,000	\$25,000	\$25,000	\$25,000

## Community Projects and Facilities

The aim of the Community Projects and Programs category is to provide financial assistance for projects and services that enhance life for the wider communities in our supply area.

Amount available	Minimum - \$2500 Maximum - \$20,000
Category eligibility requirements	<p>Projects must:</p> <ul style="list-style-type: none"> <li>• Demonstrate evidence of in-kind support and/or financial contribution. Provide at least one quote for goods and services towards the project</li> <li>• Can start within six months of the grants being made available and complete within 12 months</li> </ul> <p>Projects must do <u>two or more</u> of the following:</p> <ul style="list-style-type: none"> <li>• Provide opportunities for social connection through recreational activity, halls and public spaces</li> <li>• Increase community pride in local Indigenous culture</li> <li>• Increase community pride in neighbourhoods</li> <li>• Demonstrate a multi-use or shared capability across two or more user groups</li> <li>• Enhance existing facilities</li> </ul>
Examples of eligible projects	<ul style="list-style-type: none"> <li>• Upgrading existing recreational facilities eg upgrading amenities, lighting improvements, new seating etc</li> <li>• Improvement or installation of sport specific facilities, eg. installation of cricket nets</li> <li>• Installation of additional facilities for use by sporting or recreation groups eg storage sheds, shade structures, mobility access ramp</li> <li>• Increase accessibility and usability of rural halls and public spaces for gatherings</li> <li>• Improvements to infrastructure which may include <ul style="list-style-type: none"> <li>○ Painting</li> <li>○ Repairing floors</li> <li>○ Re-wiring buildings</li> <li>○ Improvements to disable access</li> <li>○ Re-piering community buildings</li> </ul> </li> <li>• Installation of infrastructure such as toilets, air conditioning, solar etc</li> </ul>
Examples of non-eligible projects	<ul style="list-style-type: none"> <li>• Purchase of appliances and items that are not a fixture in the building</li> <li>• Ongoing maintenance</li> </ul>

### Please note:

- Projects should be accurately costed and be accompanied by relevant quotes, plans and approvals
- A risk assessment maybe required for your project. If your application is approved, we will request completion of this document for your project before releasing grant funding

- Applicants must provide written Owner's consent for works/project to be carried out if applicant is not the landowner
- Please refer to Section 5. Exclusions for further information on ineligible projects

## Arts and Culture

The aim of the Arts and Culture category is to provide financial assistance for projects and services that enhance life for the wider communities in our supply area.

Amount available	Minimum - \$2000 Maximum - \$7500
Category eligibility requirements	<p>This grant provides funding for:</p> <ul style="list-style-type: none"> <li>• Local artists to develop new artworks</li> <li>• Groups and organisations to provide developmental workshops for local artists and provide opportunities to grow creative industries</li> </ul> <p>Individual artists can apply if they are sponsored by an incorporated organisation.</p> <p>Projects must:</p> <ul style="list-style-type: none"> <li>• Demonstrate evidence of in-kind support and/or financial contribution (including materials, workspace etc)</li> <li>• Provide at least one quote for goods and services towards the project</li> <li>• Can start within six months of the grants being made available and complete within 12 months</li> </ul> <p>Applications must also include:</p> <ul style="list-style-type: none"> <li>• Examples of previous work eg images or video of artworks or previous arts/cultural workshops</li> <li>• Website links to previous works</li> <li>• Resume of visiting artists (for workshops)</li> </ul>
Examples of eligible projects	<ul style="list-style-type: none"> <li>• Skill development workshops eg visiting artists or free public workshops</li> <li>• Establishment and delivery of cultural performances</li> <li>• Establishment and delivery of new artworks with public outcomes</li> <li>• An organisation seeking funding to promote their new event</li> <li>• Movie nights in a community space</li> <li>• Local outdoor neighbourhood gatherings to increase connection and cohesion</li> <li>• Projects that promote Aboriginal Culture. An organisation seeking funding to cover the costs of hosting a well-known entity/individual with the potential to draw out-of-town visitors to the supply area</li> </ul>
Examples of non-eligible projects	<ul style="list-style-type: none"> <li>• Funding to undertake studies or investigations</li> </ul>

**Please note:**

- Projects should be accurately costed and be accompanied by relevant plans and approvals
- For events, a copy of public liability insurance to the value of \$20M is required by successful applicants prior to release of funding
- Funding for public art sculptures/arts must include delivery and installation of the art within the public space
- A risk assessment maybe required for your project. If your application is approved, we will request completion of this document for your project before releasing grant funding  
Applicants must provide written owner's consent for works/project to be carried out if applicant is not the landowner
- Please refer to Section 5. Exclusions for further information on ineligible projects

## Water Conservation

The aim of the Water Conservation category is to provide financial assistance for projects and services that conserve water through efficiency improvements in our supply area.

Amount available	Minimum - \$1000 Maximum - \$10000
Category eligibility requirements	<p>Projects must:</p> <ul style="list-style-type: none"> <li>• Demonstrate the projects ability to reduce water use</li> <li>• Demonstrate evidence of in-kind support and/or financial contribution</li> <li>• Provide at least one quote for goods and services towards the project</li> <li>• Can start within six months of the grants being made available and complete within 12 months</li> </ul> <p>Projects must also do two or more of the following:</p> <ul style="list-style-type: none"> <li>• Promote community awareness of water conservation practices</li> <li>• Enhance existing water infrastructure</li> <li>• Harvest rainfall for community purposes</li> </ul>
Examples of eligible projects	<ul style="list-style-type: none"> <li>• Upgrading to highly efficient water devices</li> <li>• Installing water refill stations</li> <li>• Installation of rainwater tanks</li> <li>• Developing water wise gardens</li> <li>• Install Water savings devices including waterless urinals, restricted flow taps, timed flow water taps</li> <li>• Installing highly efficient water irrigation systems</li> <li>• Installing solar powered water pumps</li> </ul>
Examples of non-eligible projects	<ul style="list-style-type: none"> <li>• Funding to undertake studies or investigations</li> <li>• Purchase of appliances and items that are not a fixture</li> <li>• Ongoing maintenance</li> </ul>

**Please note:**

- Projects should be accurately costed and be accompanied by relevant plans and approval
- A risk assessment may be required for your project. If your application is approved, we will request completion of this document for your project before releasing grant funding
- Applicants must provide written owner's consent for works/project to be carried out if applicant is not the landowner. Please refer to Section 5. Exclusions for further information on ineligible projects

## **2. Eligibility**

To be eligible, applications must be from:

- Incorporated not-for-profit community organisations
- preschool, primary and high schools

Incorporated not-for-profit bodies are organisations that are registered and approved as not-for-profit bodies by NSW Fair Trading including:

- Charities
- Organisations with Deductible Gift Recipient (DGR) or Public Benevolent Institution (PBI) status
- Cooperatives
- Trusts that are registered with the Australian Charities and Not-for-profits Commission (ACNC)

Council committees constituted under section 355 of the Local Government Act are also eligible to apply.

Projects without grant funding from local government councils will be more favourably considered.

Eligible applicants must be located in the Riverina Water supply area (see map) and projects must also be delivered in the Riverina Water supply area.

Riverina Water will not fund projects by:

- Individuals or groups of individuals <sup>1</sup>
- Unincorporated organisations
- For-profit commercial organisations
- Local Government Councils excluding council committees constituted under section 355 of the Local Government Act
- A university or technical college

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<sup>1</sup> Individual artists can apply if they are sponsored by an incorporated organisation



### **3. Application and project information**

- Before completing an application, become familiar with the guidelines and relevant category specific criteria
- Applicants can apply for one grant only from the three categories Projects must benefit residents, service organisations or groups in the Riverina Water supply area
- Gather quotes for your project
- Contact your local council to determine if a DA Approval or exemption is a requirement of your proposed project
- Projects must be ready to start on or after 18 December 2019 and be completed by 18 December 2020
- Applications must be submitted on-line and will only be considered if all mandatory documentation is provided
- Projects may be subject to an audit following the receipt of an acquittal report

#### Government information (Public Access) Act

The Government Information (Public Access) Act 2009 (GIPA Act) applies to documents in the possession of Riverina Water. In response to requests made in accordance with the Act, in some circumstances copies of grant applications may be released, subject to the deletion of exempt material.

### **4. How to apply**

#### **Step 1 – Read the information**

- Read the Community Grants Program guidelines and determine which grant category you will be applying under

#### **Step 2 – Prepare and research**

- Access the Survey Monkey application form at (TBC) and start your application. Save as you go and refer to the Survey Monkey help guide.
- Compile your compulsory support documentation as required. This could include:
  - Obtaining quotes
  - Developing your budget
  - Obtaining relevant building or other approvals if necessary
  - Confirmation of cash contribution to project, bank statement or letter signed by Executive Committee of organisation committed cash contribution to your project
  - Confirmation of in-kind support
  - Most recent financial statement is provided
  - Demonstrate past projects that show your organisation has capacity to deliver

#### **Step 3 – Complete and submit**

- Complete the online application form
- Review and edit your application
- Your application will not be successfully submitted unless you have addressed all required questions and attached all supporting documents

- Submit by 5pm on 23rd September 2019

## **5. Exclusions**

- Projects outside the Riverina Water supply area. Projects requesting retrospective funding for monies that have already been spent on works completed
- Projects that are unlawful or irresponsible
- Projects that have not submitted mandatory documentation
- Funds that will be distributed to other persons/organisations in the form of a donation, gift or prize
- Funds that will contribute to organisational running costs i.e. wages, insurances, rent, administration
- Works that are the responsibility of government bodies
- Recurring of ongoing expenditure (eg annual maintenance costs)
- Funding to undertake studies or investigations
- Funding for the development or provision of commercial ventures
- Costs for the provision of services and support activities not related to the proposed project
- Payment for development approval, project planning and management costs that total more than five per cent of the funding requested

## **6. Financial information**

Applicants must provide accurate financial information as part of the submission process, such as a statement of income and expenditure. It is important to demonstrate that your application is financially viable, and the project can be successfully delivered within the budget specified. Please prepare your financial information carefully as errors could impact the success of your project.

Also include the value of in-kind support from your group or organisation including labour. This means you need to determine the value of materials, services and assistance that will be donated or provided to the project free-of-charge. If you have trouble working out these costs, you can obtain a quote for a similar material or service and use it as a guide.

## **7. Assistance**

Applicants who require additional support completing an application can email [community@rwcc.nsw.gov.au](mailto:community@rwcc.nsw.gov.au). You will receive a response generally within 48 hours.

Alternatively, please call Riverina Water on 6922 0608 and ask to speak to the Grants team.

On 23 September 2019 (closing date for grant application) email and phone support will be available until 12pm.

If your question is of a technical nature, please contact Survey Monkey directly XXX

We recommend you complete your grant application before the grant closing date if possible, to ensure that you don't incur any technical or computer errors. Riverina Water will not be responsible if you are unable to lodge your grant application by the deadline.

Please be advised that Riverina Water does not correct errors in applications or supporting material. If they are eligible, applications and any supporting material are assessed as they have been submitted.

## 8. Checklist

- Read the guidelines carefully
- Plan and research what is required to undertake the project and to complete the application requirements
- Develop your budget and gather quotes
- Compile compulsory supporting documents
- Provide evidence of DA Approval/Exemption or Pending Status for your project
- Complete an online application and save the application as you go
- Allow ample time to complete your application – avoid leaving it to the last minute
- Ask a friend to read and review your application
- Contact Survey Monkey if you need technical help
- Press submit to send your application before the due date

## 9. Supporting documentation

The following documentation is **mandatory** for applicants. Please attach:

- A copy of the organisation's most recent annual report and/or financial statements
- Or a letter from a sponsoring incorporated entity indicating its willingness to support (auspice) the proposed project if the applicant is not legally incorporated. For more information regarding the definition of a legally incorporated entity, please see [fairtrading.nsw.gov.au](http://fairtrading.nsw.gov.au).
- Confirmation of your application is a registered not for profit organisation with the Department of Fair Trading and/or Australian Charities and Not for profits Commission (ACNC)
- A minimum of one quote must be provided for goods, equipment, supplies and services.
- Letter or Bank Statement confirming cash contribution of applicant towards project
- Gain Landowner Consent in writing, the letter must state approval for proposed project to be carried out

## 10. Submitting your application online

- Applicants must complete an online application using the Survey Monkey online application form via XXX (have hyperlink)
- Once you have completed your application, click the 'review and submit' button. This will alert you to any changes or corrections that need to be made to your application before it can be submitted. You will not be able to submit your application until all the required questions are completed.
- After you have submitted your application you will receive an email within a few minutes. If this is not received, it may mean your application has not been successfully submitted. It is always best to check your 'junk' mail folder just in case the email is sitting there. If you still have not received the email, you should contact Survey Monkey for assistance.
- Applications close 4pm on Monday, 23 September 2019.
- Late applications will not be accepted

To avoid last minute technical issues, it's recommended you submit your application as early as possible. Refer to the Survey Monkey help guide for technical help submitting your application. [Include Survey Monkey support contact details]

## **11. Assessment process**

Once you have submitted your application, you will receive an email confirming receipt of your application (Refer to Section 10. above).

- Your submitted application is kept confidential and its contents will not be disclosed to any person outside the application and assessment process
- Your application will be assessed by a panel made up of
  - One Riverina Water board member from each constituent council, supported by the General Manager or nominated representative from each constituent council
- Successful applications will be recommended to the Council at their meeting on the 30 October 2019.
- Once endorsed, all applicants will be notified of the result of their application in early November 2019.

## **12. Assessment criteria**

The Community Grants Program is a competitive application process. Applications are assessed against grant specific criteria.

Riverina Water cannot support applications that do not meet the eligibility criteria or the assessment criteria. This includes failure to attach compulsory documents, budgets or information.

Assessment panels may recommend part funding. The decision is carefully considered with the view of maintaining the integrity of the proposal.

Assessment panel decides which grants are approved considering the application assessment, supporting documents provided, availability of grant funds and whether funding a project aligns to the assessment criteria.

The assessment panel decision recommended for approval is final and there will be no review of decisions of unsuccessful applications.

At the full discretion of the Board, any categories or localities are not fully subscribed, Riverina Water reserves their right to reallocate any unallocated funding to either areas or categories that have been oversubscribed.

## **13. Notification of Application outcomes**

If you are successful, you will receive formal notification about your application and a letter of approval from Riverina Water, including any specific conditions attached to the grant.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with Riverina Water.

## 14. Successful recipient conditions

If your application is successful you will be required to:

- Supply any other documents per your approval letter as requested by Riverina Water
- Funding may not be used for any purpose other than for which it is granted, without the written permission of Riverina Water
- Riverina Water will not be responsible for shortfalls in project budgets if the applicant is unable to meet project costs
- You may be required to undertake a risk assessment and provide this to Riverina Water. Please liaise directly with third parties eg property owners in regard to this. The risk assessment does not form part of the application process but may be required as part of project delivery.
- Acknowledge, by execution of the Funding Agreement that, Riverina Water is not in any way liable for any incident arising out of the use of the funds provided under the program.
- Funding will not be paid until all requested information has been supplied
- Recognise Riverina Water as a sponsor of the organisation, project and/or activity by placing Riverina Water's logo on all promotional /advertising materials, by acknowledging Riverina Water's support in all media coverage, including social media and publicity and in all publications relating to the successful project
- Riverina Water may visit you during the project period or at the completion of your project to review your compliance with the grant agreement. Riverina Water may also inspect your records you are required to keep under the grant agreement. We will provide you with reasonable notice of any compliance visit
- It is the responsibility as the applicant to notify us if anything is likely to affect your project or organisation. We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due
- Comply with any special conditions that may be attached to the funding offer noting the amount of financial assistance offered may vary from that requested
- Issue Riverina Water with a tax invoice for the grant amount, plus GST, if applicable. . Riverina Water will pay the grant plus GST, subject to receipt of a valid tax invoice.
- Upon execution of the funding agreement, and receipt of a valid tax invoice, Riverina Water will pay 90% of the grant amount to your nominated Bank account. The remaining 10% will be paid on completion of the grant acquittal form and associated documents.
- Provide a copy of the organisation's Certificate of Currency for Public Liability Insurance for \$20M as a minimal insured amount (for projects with a public activity component only). For more information, please contact your insurer
- Applicants are required to submit an acquittal form at the completion of the project
- Applicants are advised that Riverina Water is not in any way liable for any incident arising out of the use of the grant funding provided under this grant program. By signing the funding agreement, applicants acknowledge this condition.
- A conflict of interest will occur if your private interests conflict with your obligations under the grant. Conflicts of interest could affect the awarding or performance of your grant. A conflict of interest can be:
  - Real (or actual)
  - apparent (or perceived)
  - potential



## **15. Tax Obligations**

As the applicant, if you are registered for the Goods and Service Tax (GST), we will add GST to your grant payment, where applicable. You are required to notify us if your GST registration status changes during the project period.

If you are not registered for GST, we will only pay the grant amount approved. Applicant will need to be aware of this of their GST position and any impacts this may have on their project and cashflow.

If you are successful, we will require you to send us a Tax Invoice for the grant amount, plus GST, where applicable. We will pay 90% of this invoice to your nominated Bank account with the remaining 10% being paid when we received your Acquittal documentation (Refer Section 16.)

Grants are assessable for income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the Australian Taxation Officer. We do not provide advice on tax.

## **16. Acquittals**

Recipients must acquit funds using an online form provided for this purpose. To demonstrate the expenditure of funds granted the following will need to be provided with the acquittal report –

- Copies of receipts/invoices
- Photos or video files
- Media releases including social media posts
- Advertising and promotional features

Acquittals must be submitted no later than 18<sup>th</sup> of December 2020. If acquittals have not been received by 18<sup>th</sup> of December 2020, Riverina Water will not consider future applications from the applicant or release the remaining 10% of the approved grant funding.

Any unexpended funds must be returned to Riverina Water.

## **17. Frequently asked questions**

### **Q. How many applications can I submit**

A. One application per organisation. Applicants cannot apply for multiple categories even if they have different projects

### **Q. What is in-kind?**

A. In-kind is a contribution of goods, commodities or services instead of money.

### **Q. Where can we access the application forms?**

A. Applications can only be made on Survey Monkey is available via XXX.

### **Q. Will late applications be accepted?**

A. No. The online system will not accept applications submitted after the advertised closing time of 4pm on Monday 23<sup>rd</sup> of September 2019.

If you are having problems submitting your application, you should contact the helpline on XXX well before closing date and in time to seek assistance.

**Q. How important is my project location?**

A. This is very important. Each application must accurately identify the project location. Your project must be in the defined location per the map on page 2 of the grant guidelines

**Q. Do we need provide quotes for the project?**

A. One (1) quote per budget item must be provided and uploaded as supporting document to your application. Quotes must align with and substantiate information provided in the project budget. Failure of missing quotes will impact on the assessment of your grant application

**Q. Should my grant application be inclusive of GST?**

A. No, all quotes gathered for your project budget may include GST. The budget section of the application will require you to insert quotes excluding GST.

At the time of funding release, if the successful applicant is registered with the Australian Taxation Office to pay GST, an additional 10 per cent on top of the grant amount will be paid. If the successful applicant is not registered to pay GST, you will be paid the grant amount only.

For more information, please refer to Section 15 above.

**Q. Do I need to finish the application in one go?**

A. No, applications may be saved, revisited and edited before being submitted.

**Q. If our application is successful, how do we receive the funds?**

A. Refer to Section 14 (above). In summary, once we have received your executed funding agreement and a valid Tax Invoice for the full amount of the grant, plus GST, where applicable, we will pay 90% of the funds to your nominated bank account. The remaining 10% will be paid to your bank account, following receipt of your Acquittal documentation and successful acquittal of your project.

## 13 LOCAL GOVERNMENT NSW 2019 ANNUAL CONFERENCE

**RECOMMENDATION:** That:

- a) Council be represented at the Local Government NSW 2019 Annual Conference;
- b) Council's delegate be the Chairman and the General Manager (observer);
- c) Nominations be invited from any other Councillor to attend as an observer;
- d) Council determine motions that it believes are of concern and should be discussed at the Conference.

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Local Government NSW has advised that the Annual Conference of the Association will be held at the William Inglis Hotel, Warwick Farm, Sydney, from Monday 14 October to Wednesday 16 October 2019. The Council was represented at the 2018 Conference by the Chairperson, Councillor Verdon (Delegate), together with Councillors Keenan and Braid and the General Manager (observers).

A copy of the draft Program will be circulated in due course including details of the date for the conference dinner and the Outstanding Service Awards for Councillors. As is past practice, Council will invite councillors and senior staff from the four constituent Councils to a dinner on the night that the conference dinner is not held

Registrations for the Conference will be open in July 2019.

In accordance with the rules of the Association, Council is able to nominate one (1) voting delegate to the conference.

The Business Paper for the Conference, including motions, will be forwarded to members at least one week prior to the Conference.

Given the location of the conference this year, travel to and from the conference will be by flights to and from Sydney. Accommodation at the conference venue is fully booked and the Chairman and General Manager are booking accommodation in proximity to the venue.

## 14 ADOPTION OF MODEL CODE OF CONDUCT AND PROCEDURES

### **RECOMMENDATION:** That

- (a) Council endorse draft Policy 1.1 Code of Conduct and draft Policy 1.1a Procedures for the Administration of the Model Code of Conduct and:
- (b) Council continue its arrangement with Riverina Eastern Regional Organisation of Councils (REROC) to share a panel of conduct reviewers
- (c) both the draft Code of Conduct and the draft Procedures for the Administration of the Model Code of Conduct be placed on public exhibition for a period of 28 days and invite public submissions (for a period of no less than 42 days) on the draft policy during that period.
- (d) Receive a further report following the public exhibition and submission period:
  - (i) Addressing any submissions made in respect of the proposed Policy 1.1 Code of Conduct and proposed Policy 1.1a Procedures for the Administration of the Model Code of Conduct
  - (ii) Proposing adoption of both Policies unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.

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The new 2018 Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) were prescribed under the Local Government (General) Regulation 2005, in December 2018.

Council is required to adopt a Code of Conduct and procedures (based upon the prescribed Model Code of Conduct and Procedures) within six months from the date of prescription.

Council's current Code of Conduct was adopted in 2017, taking to account changes to local government regulations and the guidelines issued by the Office of Local Government at that time.

Over the past twelve months the NSW Office of Local Government has undertaken public consultation over a Revised Model Code of Conduct.

Attached for councillors' information is the proposed Code of Conduct and the Procedures for the Administration of the Code of Conduct for Local Councils represented in the form of Draft Policy 1.1 and Draft Policy 1.1a

In adopting the new Code of Conduct and Procedures, Council has the option of including provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. This report proposes that the Model Code and Procedures be adopted as is.

There are provisions in the Procedures for councils to share a panel of conduct reviewers. Riverina Eastern Regional Organisation of Councils (REROC) has established a panel of conduct reviewers, to which Council is included.

The following changes have been made to the 2018 version of the Model Code of Conduct.

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
  - new rules governing the acceptance of gifts including mandatory reporting
  - a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
  - councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.
- 
- *Model Code of Conduct for Local Government in NSW*
  - *Procedures for the Administration of the Model of Code of Conduct for Local Government in NSW*

**Procedures for the  
Administration of the Model  
Code of Conduct  
for Local Councils in NSW**

**2018**



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## **PART 1 INTRODUCTION**

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“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: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

## **PART 2 DEFINITIONS**

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the 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 councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
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
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, 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 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
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	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
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	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 2005</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 by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution 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) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 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 by resolution. 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 complaints coordinators

- 3.17 The general manager 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 general manager 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 general manager 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?**

##### What is 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 council or a council official or the exercise of a discretion by the council 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 three 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 general manager or their delegate, or, in the case of a complaint about the general manager, the mayor 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 general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager 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 general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager 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 general manager 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 general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor 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 mayor becomes aware of a possible breach of the council's code of conduct by the general manager, 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 TO BE MANAGED?**

### Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor 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 general manager or mayor are also to be taken to be references to their delegates.

### Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors 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 general manager or, in the case of a complaint about the general manager, the mayor, 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 general manager) to be dealt with?

- 5.4 The general manager 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 general manager 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 general manager 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 general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager 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 general manager 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 general manager 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 general manager 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 general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about 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 general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 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 general manager
  - 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 general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of 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 general manager 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 general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

5.20 The general manager must refer the following code of conduct complaints about councillors 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 general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, 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 general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager 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 general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the 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 general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager 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 general manager must refer all code of conduct complaints about councillors, 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 general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager 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 mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, 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 mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor 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 mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, 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 mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor 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 mayor must refer all code of conduct complaints about the general manager, 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 general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor 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 general manager 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 general manager, mayor 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 general manager, mayor 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 general manager, mayor 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 councillors about other councillors or the general manager.

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

5.42 A request made by a complainant councillor 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 general manager or mayor, 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 councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

#### Code of conduct complaints made as public interest disclosures

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

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor 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 general manager 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 general manager, 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 COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS**

### Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor 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 general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
  - a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the 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 councillors or the general manager 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 general manager or, in the case of a complaint about the general manager, the mayor, 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 investigation, 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 investigation, 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 general manager or mayor for resolution

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

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor 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 general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, 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 general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, 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 COUNCILLORS OR THE GENERAL MANAGER**

### 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 arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor 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 at least 14 days or such other period 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 at least 14 days or such other period 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 general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. 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 at least 14 days or such other period 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 a draft report, an investigator may determine to:
  - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, 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 general manager, or in the case of a complaint about



the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, 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 at least 14 days or such other period 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 at least 14 days or such other period 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 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- c) that the respondent be counselled for their conduct
- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

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

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

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

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

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), 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.

7.40 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.

7.41 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 general manager or, where the report relates to the general manager's conduct, to the mayor, 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 or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the

investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

#### Consideration of the final investigation report by council

- 7.47 The role of the council 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 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council 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.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council 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.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - b) that the respondent be counselled for their conduct
  - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
  - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
  - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
  - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
  - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - i) in the case of a breach by a councillor:
    - i. that the councillor 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.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council'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 a 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 council, 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 general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager 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 7.59, paragraph (i), 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 council to defer any action to implement a sanction. The council 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 council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.

8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
- b) the general manager or mayor must review any action taken by them to implement the sanction, and
- c) the general manager or mayor must consider the Office's recommendation in doing so.

8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, 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 council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Office's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council 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 COUNCILLORS AND THE GENERAL MANAGER**

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

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (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 councillors and the general manager 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 general manager 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 general manager 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 at least 14 days or such other period specified by the general manager 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 general manager or their delegate.

12.5 The general manager 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 general manager 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 general manager 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.

	<b>CODE OF CONDUCT</b>  <b>Policy Number: POL 1.1</b>
<b>Responsible Area</b>	General Manager
<b>Approved By</b>	
<b>Approval Date</b>	
<b>Legislation or Related Strategy</b>	<i>Local Government Act 1993  Model Code of Conduct 2018  Procedures for the Administration of the Code of Conduct 2018</i>
<b>Documents Associated with this Policy</b>	<i>Policy 1.6 Conflict of Interest  Policy 1.3 Good Governance  Policy 1.7 Gifts &amp; Benefits  Policy 1.14 Fraud &amp; Corruption Prevention  Policy 1.28 Related Parties Disclosure</i>

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

<b>DOCUMENT CONTROL</b>		
Policy Author: GM EDRMS #	Version 4 Last Revised Date: 16 Aug 2017 Res # 17/135 Next Scheduled Review: 2021	

# Riverina Water

## Code of Conduct

**2018**

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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 2005* (“the Regulation”).

The Code of Conduct sets the minimum standards of conduct for 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.

Members, administrators, members of staff of council, 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 council’s code of conduct. 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 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 members for misconduct, including suspension or disqualification from civic office. A 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 a council’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 <i>Local Government Act 1993</i>
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 county councils and joint organisations
council committee	a committee established by a council comprising of members, staff or other persons that the council has delegated functions to
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
council official	includes 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 <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation

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	any person appointed to civic office, including the chairperson and includes 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 county 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 2005
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 the council or other council officials into disrepute
  - b) is contrary to statutory requirements or the council'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 sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities 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 council officials, including members, owe 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 council 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 council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, 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 the council 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 council 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 council (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 council (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 the council. 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 the council 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 the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because 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 the council 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 the council in respect of similar matters with other residents of the area:
  - i) the performance by the council 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 the council by or under any Act conferring functions on the council, or by or under any contract

- (j) an interest relating to the payment of fees to members (including the chairperson and deputy chairperson)
- (k) an interest relating to the payment of expenses and the provision of facilities to 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 member or a council committee member
- (o) an interest arising from the appointment of a 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 general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council 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 member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’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 general manager (or if the person is the general manager, 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 the council 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 general manager 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 general manager 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 council staff other than designated persons?](#)

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager 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 general manager 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 council who is a member of the committee.

#### What disclosures must be made by a member?

- 4.20 A 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 member or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the member’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a member or designated person, and
  - (b) 30 June of each year, and
  - (c) the 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 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 general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager 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 general manager under clause 4.21(c) must be tabled at the next council 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 member or a council committee member who has a pecuniary interest in any matter with which the council 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 member or council committee member must not be present at, or in sight of, the meeting of the council 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 general manager in writing by a member or a council committee member to the effect that the member or council committee member, or the 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 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 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 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 baord 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 member or a council committee member who has a pecuniary interest in a matter with which the council 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 member or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the baord 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 council 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 council 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 council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, 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 council 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 council 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 the council 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 council 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 council other than the general manager, 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 general manager, 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 council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a 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 council,
- 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. 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 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 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 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 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 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 general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council 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 the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager 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 the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council 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 council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- 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 council

5.28 You may have reason to deal with your council 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 the council 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 council 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) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council 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
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council 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 the council, 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 the council 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 the council.

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 general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council'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 the council, 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 \$50. 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 \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

#### Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 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 \$50, 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 \$50 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 council 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 council, or of functions you perform for council, 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 members or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Members or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager 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 the council 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 the council on council-related business unless in accordance with the policy and procedures governing the interaction of members and council staff that have been authorised by the board and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the chairperson or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, members may contact the council's external auditor or the chair of the council's 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 general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the chairperson and other 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 council must:
- a) give their attention to the business of the council 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 council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

#### Inappropriate interactions

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

- a) 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) council staff approaching 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, council staff refusing to give information that is available to other members to a particular councillor
- d) members and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) 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) members and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to members or administrators
- h) members and administrators making personal attacks on council 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) members and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to members and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) members attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general

manager 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**

### Member and administrator access to information

- 8.1 The general manager is responsible for ensuring that members and administrators can access information necessary for the performance of their official functions. The general manager 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 general manager must provide members and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to members and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular member in the performance of their official functions must also make it available to any other member who requests it and in accordance with council procedures.
- 8.5 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, 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 council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Members and administrators to properly examine and consider information

- 8.7 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 general manager or public officer determine to refuse access to information requested by a 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 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 general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

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

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

### Use and security of confidential information

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 the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council 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) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government



### Use of council resources

- 8.13 You must use council 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 council 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 council 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 council 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 council resources (including council 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 council 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 the council to your own use unless properly authorised.

### Internet access

- 8.20 You must not use council'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 council's reputation.

### Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council'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 the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council 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 council's records manager and comply with the requirements of the *State Records Act 1998*.

### Councillor access to council buildings

- 8.25 Members and administrators are entitled to have access to the board room, committee room, chairperson's office (subject to availability), members' rooms, and public areas of council's buildings during normal business hours and for meetings. Members and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Members and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of members and council staff.
- 8.27 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 council 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.
- 9.9 Where you are a member or the general manager, you must comply with any board resolution requiring you to take action as a result of a breach of this code.

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

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 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.
- 9.13 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.
- 9.14 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

- 9.15 Complaints alleging a breach of this Part by a member, the general manager 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 general manager in accordance with the Procedures.

## **SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the member or designated person disclosing the address, or
- b) 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
- c) 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:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) 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
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) 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:

- a) 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 member or designated person need not be disclosed.
30. A fee paid to a 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 councillor 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 general manager after becoming a 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 member or designated person.
3. If you have previously lodged a return with the general manager 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 general manager, 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 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 general manager 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 general manager in a register of returns. The general manager 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	Name and address of donor
---	---------------------------

#### 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 (if interest or held a position at the return date/at any time since 30 June)	Nature of (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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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	Description of position
---	-------------------------

#### 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

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#### 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

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#### J. Discretionary disclosures

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### **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 <i>[Tick or cross one box.]</i>	<input type="checkbox"/> 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). <input type="checkbox"/> An associated person of the member has an interest in the land. <input type="checkbox"/> An associated company or body of the member has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

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<sup>1</sup> 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.

<sup>2</sup> 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.

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on member or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Member's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

## 15 POLICY 1.2 CODE OF MEETING PRACTICE

**RECOMMENDATION:** That Council:

- (a) Endorse draft Policy 1.2 Code of Meeting Practice that is to be placed on public exhibition for a period of 28 days and invite public submissions (for a period of no less than 42 days) on the draft policy during that period.
- (b) Receive a further report following the public exhibition and submission period:
  - (i) Addressing any submissions made in respect of the proposed Policy 1.2 Code of Meeting Practice
  - (ii) Proposing adoption of the Policy unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period.

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Following an extensive consultation process, a Model Meeting Code has been prescribed under the Local Government (General) Regulation 2005 (the Regulation) and the existing meetings provisions of the former Regulation have been repealed.

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

The Office of Local Government took longer than anticipated to release the revised Model Code.

Council staff undertook a review of the Model Code of Meeting Practice and the draft Code of Meeting Practice was discussed at a workshop of Board Members and senior staff on the 3 April 2019.

The key changes to the attached include the following:

- Clause 3.32 – Pre-meeting briefing sessions – this is a new addition to the Code for Riverina Water
- Clause 4.1 – Public Forums – this is also a proposed new addition to the Code for Riverina Water – it is considered to represent good, participative governance – although likely not to be regularly used.
- Clause 5.18 – Webcasting of meetings – this is a new mandatory provision in the Model Code. Riverina Water will livestream its meetings and footage of the meetings will also be available on Council's website following the meeting
- Clause 10.6 – Voting at Council meetings – this is a new addition to the Code – it requires the names of councillors to be recorded as voting for or against the motion or amendment
- Clause 12 – Dealing with items by exception – this is a proposed new addition to the Code – provides that Council can, at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.
- Clause 14.14 – Expulsion from meetings – this is a proposed new addition to the Code for Riverina Water – provides that the Chair can expel any person, other than a board member



from the Council meeting. Members of the Board may only be expelled by resolution of the Board.

- Clause 16.11 – Rescinding or altering Council decisions – this a proposed new addition to the Code for Riverina Water – makes provision for a decision of the Board to be subject to a rescission motion at the meeting at which the decision is made.

The Model Code contains mandatory provisions that reflect the existing meeting provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by Councils.

Council is required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation.

Irrespective of whether Council has adopted a code of meeting practice based on the Model Meeting Code, all council's (but not all Joint Organisations) will be required to webcast meetings of the Board and Committees of which all members are board members from 14 December 2019.

A copy of the draft Riverina Water Code of Meeting Practice is attached and pending consideration of this report, will be exhibited during May and June and presented to the June meeting of the Board.

- **Policy 1.2 Code of Meeting Practice**

## CODE OF MEETING PRACTICE

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<b>POLICY REFERENCE NUMBER:</b>		<b>POL 1.2</b>	
<b>Original publication date</b>		<b>20 June 1997</b>	
<b>Revision number</b>	<b>Issue Date</b>	<b>Approved</b>	<b>Approval date</b>
0	20 June 1997	Res: 97/21	20 June 1997
1	27 Feb 2013	Res: 13/13	27 Feb 2013
2	16 Aug 2017	Res: 17/136	16 Aug 2017
3	Apr 2019	TBA	
<p>Review required due to new Model Code of Meeting Practice Next review date: <b>February 2021</b></p>			
<b>RESPONSIBLE OFFICER</b>		General Manager	



# **RIVERINA WATER CODE OF MEETING PRACTICE**

**APRIL 2019**

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## 1 INTRODUCTION

This Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code.

Council and any committees of the Council of which all the members are Board members, must conduct its meetings in accordance with this Code of Meeting Practice.

## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

## 3 BEFORE THE MEETING

### Timing of ordinary council meetings

- 3.1 Council shall meet at least six (6) times each year, on a bi-monthly basis **(S396 of the Act)**. Ordinary Meetings shall be held on the fourth Wednesday of the month commencing at 9.30 am. All Council Meetings unless otherwise advised are to be held in the Council Meeting Room – 91 Hammond Avenue, Wagga Wagga. Council meetings are open to the public. Confidential items are considered in closed session, which excludes press and public.
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.
- 3.3 The council may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

### Extraordinary meetings

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

**Note: Clause 3.4 reflects section 366 of the Act.**

Notice to the public of council meetings

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

**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 council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.7 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 council meetings

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

**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 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 members of an extraordinary meeting of the council in cases of emergency.

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

Giving notice of business to be considered at council meetings

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

- 3.12 A member may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.13 If the general manager considers that a notice of motion submitted by a member for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager



may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.14 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all members with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.15 A member may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.
- 3.16 A member is not permitted to ask a question with notice under clause 3.15 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.17 The general manager or their nominee may respond to a question with notice submitted under clause 3.15 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.18 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) 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.
- 3.20 Nothing in clause 3.19 limits the powers of the chairperson to put a minute to a meeting under clause 9.6.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

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

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

- 3.23 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to 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 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

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

**Note: Clause 3.24 reflects section 9(2) and (4) of the Act.**

- 3.25 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to members.

**Note: Clause 3.26 reflects section 9(3) of the Act.**

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

**Note: Clause 3.27 reflects section 9(5) of the Act.**

#### Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and

- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

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

#### Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief members on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Members must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Members (including the chair) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the member who made the declaration.

## **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the chair or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by midday on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

- 4.4 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the chairperson or the chairperson's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A member (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 3 minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, members or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Members (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the member who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of council and committee meetings.**

## 5 COMING TOGETHER

### Attendance by members at meetings

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

**Note: A member may not attend a meeting as a member (other than the first meeting of the council 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 A member cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a member is unable to attend one or more ordinary meetings of the council, the member should request that the council grant them a leave of absence from those meetings.

This clause does not prevent a member from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.

- 5.4 A member's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the member intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a member's request for a leave of absence.
- 5.6 A member's civic office will become vacant if the member is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A member who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

#### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the members of the council 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 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

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

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 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 general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the 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 safety and welfare of members, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the chairperson may, in consultation with the general manager and, as far as is practicable, with each member, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 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 council or at an extraordinary meeting called under clause 3.3.

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

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.15 reflects section 10(1) of the Act.**

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.17 A person (whether a member or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

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

**Note: Clause 5.17 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 5.13 and 5.14 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 5.13 authorises chairpersons to expel any person, including a member, from a council or committee meeting. Alternatively, if adopted, clause 5.14 authorises chairpersons to expel persons other than members from a council or committee meeting.**

#### Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website. Council meetings will be livestreamed and an audio visual recording of the meeting will be available on council's website following the meeting.
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for two (2) weeks. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are council members.

**Note: Clause 5.22 reflects section 376(1) of the Act.**

- 5.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.23 reflects section 376(2) of the Act.**

- 5.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.24 reflects section 376(3) of the Act.**

- 5.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

## **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 council.

**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 council.

**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 council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.



- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any 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 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 7.1 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening meeting
  - 02 Acknowledgement of country
  - 03 Apologies and applications for a leave of absence by members
  - 04 Confirmation of minutes
  - 05 Disclosures of interests
  - 06 Chairperson minute(s)
  - 07 Reports of committees
  - 08 Reports to council
  - 09 Notices of motions/Questions with notice
  - 10 Confidential matters
  - 11 Conclusion of the meeting
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: If adopted, Part 13 allows council to deal with items of business by exception.**

- 7.3 Despite clauses 9.20 – 9.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

## **8 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

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

- 8.1 The council must not consider business at a meeting of the council:
- (a) unless a member has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the members in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a chairperson minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the members if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.4 A motion moved under clause 8.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

### Chairperson minutes

- 8.6 Subject to clause 8.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 8.7 A chairperson's minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a chairperson's minute without the motion being seconded.
- 8.8 A recommendation made in a chairperson minute put by the chairperson is, so far as it is adopted by the council, a resolution of the council.

- 8.9 A chairperson's minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.10 Where a chairperson's minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the chairperson minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

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

#### Reports of committees of council

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

#### Questions

- 8.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 8.15 A member may, through the chairperson, put a question to another member about a matter on the agenda.
- 8.16 A member may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 8.17 A member or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a member or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 8.18 Members must put questions directly, succinctly, respectfully and without argument.
- 8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a member or council employee.

## **9 RULES OF DEBATE**

### Motions to be seconded

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

### Notices of motion

- 9.2 A member who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 9.3 If a member who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to members, the member may request the withdrawal of the motion when it is before the council.
- 9.4 In the absence of a member who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other 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 council.

### Chairperson's duties with respect to motions

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

### Motions requiring the expenditure of funds

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

### Amendments to motions

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.

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

#### Foreshadowed motions

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

#### Limitations on the number and duration of speeches

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

- 9.22 A member must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 9.22, the chairperson may permit a 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.
- 9.24 Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, a 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) members have spoken in favour of the motion or amendment and at least two (2) members have spoken against it.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.20.
- 9.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 9.29 All members must be heard without interruption and all other members must, unless otherwise permitted under this code, remain silent while another member is speaking.
- 9.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 10 VOTING

### Voting entitlements of members

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

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

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

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

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

## Voting at council meetings

- 10.4 A member who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 10.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by members for chairperson or deputy chairperson is to be by secret ballot.
- 10.6 All voting at council 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.

## Voting on planning decisions

- 10.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the members who supported the decision and the names of any members who opposed (or are taken to have opposed) the decision.
- 10.8 For the purpose of maintaining the register, a decision is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 10.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 10.10 Clauses 10.7–10.10 apply also to meetings that are closed to the public.

**Note: Clauses 10.7–10.10 reflect section 375A of the Act.**

**Note: The requirements of clause 10.7 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **11 COMMITTEE OF THE WHOLE**

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

**Note: Clause 11.1 reflects section 373 of the Act.**

- 11.2 All the provisions of this Code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 9.20–9.30 limit the number and duration of speeches.**

- 11.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 11.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## **12 DEALING WITH ITEMS BY EXCEPTION**

- 12.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask 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.
- 12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 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.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 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 12.1 in accordance with the requirements of the council's Code of Conduct.

## **13 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

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

- 13.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than 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 the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,



- (f) matters affecting the security of the council, members, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

**Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.**

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

**Note: Clause 13.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 13.3 reflects section 10B(1) of the Act.**

- 13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

**Note: Clause 13.4 reflects section 10B(2) of the Act.**

- 13.5 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 13.2), 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 13.1.

**Note: Clause 13.5 reflects section 10B(3) of the Act.**

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

- or to employees of the council, or
- (ii) cause a loss of confidence in the council or committee.

**Note: Clause 13.6 reflects section 10B(4) of the Act.**

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

**Note: Clause 13.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
  - (b) the council or committee, after considering any representations made under clause 13.9, 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 13.8 reflects section 10C of the Act.**

Representations by members of the public

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

**Note: Clause 13.9 reflects section 10A(4) of the Act.**

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by midday of the Monday preceding the Council meeting before the meeting at which the matter is to be considered.
- 13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 No more than four (4) speakers are to be permitted to make representations under clause 13.9.
- 13.14 If more than the permitted number of speakers apply to make representations under clause

13.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the general manager or their delegate is to determine who will make representations to the council.

- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

#### Expulsion of non-members from meetings closed to the public

- 13.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a 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.
- 13.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

#### Information to be disclosed in resolutions closing meetings to the public

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

**Note: Clause 13.20 reflects section 10D of the Act.**

## Resolutions passed at closed meetings to be made public

- 13.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 13.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.21 during a part of the meeting that is webcast.

## **14 KEEPING ORDER AT MEETINGS**

### Points of order

- 14.1 A 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.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the 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

- 14.4 The chairperson, without the intervention of any other member, may call any member to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A 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.
- 14.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

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

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

#### Acts of disorder

- 14.11 A member commits an act of disorder if the member, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this Code, or
  - (b) assaults or threatens to assault another 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 council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's Code of Conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 14.12 The chairperson may require a member:
- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or
  - (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 14.11(d) and (e).

#### How disorder at a meeting may be dealt with

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

#### Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person including any member, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 14.15 Clause 14.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a member, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.16 A member may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.12. The expulsion of a member from the meeting for that reason does not prevent any other action from being taken against the member for the act of disorder concerned.

- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a 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.
- 14.19 If a member or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the member or member of the public from that place and, if necessary, restrain the member or member of the public from re-entering that place for the remainder of the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

- 14.20 Members, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 14.22 Any person who contravenes or attempts to contravene clause 14.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

### **15 CONFLICTS OF INTEREST**

- 15.1 All 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 council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

### **16 DECISIONS OF THE COUNCIL**

#### Council decisions

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

**Note: Clause 16.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

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

#### Rescinding or altering council decisions

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

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

- 16.4 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 16.4 reflects section 372(2) of the Act.**

- 16.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 16.5 reflects section 372(3) 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) 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.**

- 16.7 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 16.7 reflects section 372(5) of the Act.**

- 16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 16.8 reflects section 372(7) of the Act.**

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

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

**Note: Clause 16.10 reflects section 372(6) of the Act.**

- 16.11 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three 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 council before the next scheduled ordinary meeting of the council.

16.12 A motion moved under clause 16.11(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.

16.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.11(c).

#### Recommitting resolutions to correct an error

16.14 Despite the provisions of this Part, a 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 council's resolution, or
- (b) to confirm the voting on the resolution.

16.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.14(a), the member is to propose alternative wording for the resolution.

16.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.14(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.

16.17 A motion moved under clause 16.14 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.14 can speak to the motion before it is put.

16.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.14.

16.19 A motion moved under clause 16.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **17 AFTER THE MEETING**

### Minutes of meetings

17.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 17.1 reflects section 375(1) of the Act.**

17.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.



- 17.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 17.3 reflects section 375(2) of the Act.**

- 17.4 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.

- 17.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 17.5 reflects section 375(2) of the Act.**

- 17.6 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.

- 17.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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

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

**Note: Clause 17.8 reflects section 11(1) of the Act.**

- 17.9 Clause 17.8 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 17.9 reflects section 11(2) of the Act.**

- 17.10 Clause 17.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 17.10 reflects section 11(3) of the Act.**

- 17.11 Correspondence or reports to which clauses 17.9 and 17.10 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 general manager is to implement, without undue delay, lawful decisions of the council.

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

## 18 COUNCIL COMMITTEES

### Application of this Part

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

### Council committees whose members are all members

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

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

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

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

### Functions of committees

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

### Notice of committee meetings

18.6 The general manager must send to each 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.

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

### Attendance at committee meetings

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

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

18.9 Clause 18.8 does not apply if all of the members of the council are members of the committee.

### Non-members entitled to attend committee meetings

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

18.11 The chairperson of each committee of the council 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 council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

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

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

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

#### Procedure in committee meetings

18.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

18.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

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

#### Closure of committee meetings to the public

18.18 The provisions of the Act and Part 13 of this Code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

18.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

- 18.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

#### Disorder in committee meetings

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

#### Minutes of council committee meetings

- 18.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 18.23 All voting at meetings of committees of the council (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.
- 18.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 18.25 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.
- 18.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.27 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.
- 18.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

### **19 IRREGULARITIES**

- 19.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any member or committee member, or
  - (c) any defect in the election or appointment of a member or committee member, or

- (d) a failure of a 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 council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

**Note: Clause 19.1 reflects section 374 of the Act.**

## 20 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of members) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two 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
foreshadowed amendment	means a proposed amendment foreshadowed by a member under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a member under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of members or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

## 16 REVIEW OF ORGANISATION STRUCTURE – Engineering (Works section)

**RECOMMENDATION:** That Council

- (a) adopt the attached organisation structure noting the creation of the new positions of Ganger, Plant Operator, Water Services Plant Operator and Maintenance Operator.
- (b) include the additional \$13,160 associated with the implementation of the new structure in the 2019/2020 operational budget.
- (c) include the additional \$400,000 required for new plant for the additional team within the new structure in the 2019/2020 capital budget.

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The attached structure was presented to a workshop of Councillors on 3 April. The structure and this report reflect the feedback provided at the workshop.

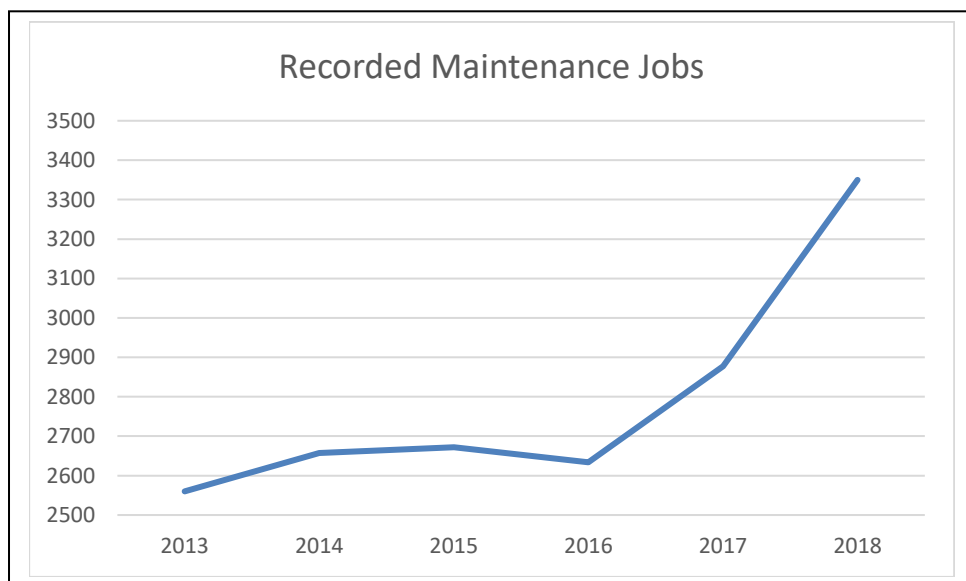
The item was discussed at Council's Staff Consultative Committee on 31 January 2019. In addition, staff impacted by the proposed changes have been consulted.

### Background

#### Drivers for Change

In order to reduce the risk of failure to critical infrastructure, Council needs to increase its asset renewal program. To facilitate this increased renewal workload, subdivision work and system upgrades, Council has previously considered creating an additional construction gang and to date, has handled peak load periods with casual staff.

As well as increased capital projects, the maintenance workload (breaks, leaks, service calls) has increased as shown in the graph below.



When analysing how to increase capital works output, the impact of maintenance tasks was identified. In the event of a main break or other system failure where consumers are out of water, a construction gang must stop work, make the site safe and then attend to the maintenance

activity. Priority is given to maintenance tasks in accordance with Council's service levels. However, prioritising the maintenance tasks puts the construction program behind and impacts capital project planning. In order to provide the same level of service and retain the focus of delivering capital works, a new maintenance gang reporting to the Compliance Inspector is proposed. The addition of a smaller maintenance gang allows the construction gangs to complete their projects without being affected by asset repairs and smaller tasks such as service renewals. The maintenance gang also accommodates the increased maintenance workload (including service renewals), can work within subdivisions with a construction gang, and provide support to other areas of Council.

Consideration was given to offering capital works to the private market, however based on the results of the Collaborative Planning and Engineering Associates (CPEA) report previously presented to council, there are benefits to council retaining the work, including high customer satisfaction and the ability to assist constituent councils during natural disasters.

## **The Changes and Impacts**

- New Structure (Units/Sections/Teams)
  - Creation of a new Team under the Manager Works
- New Positions
  - Water Services Plant Operator
  - Ganger
  - Plant Operator
  - Maintenance Operator

- Modified Positions

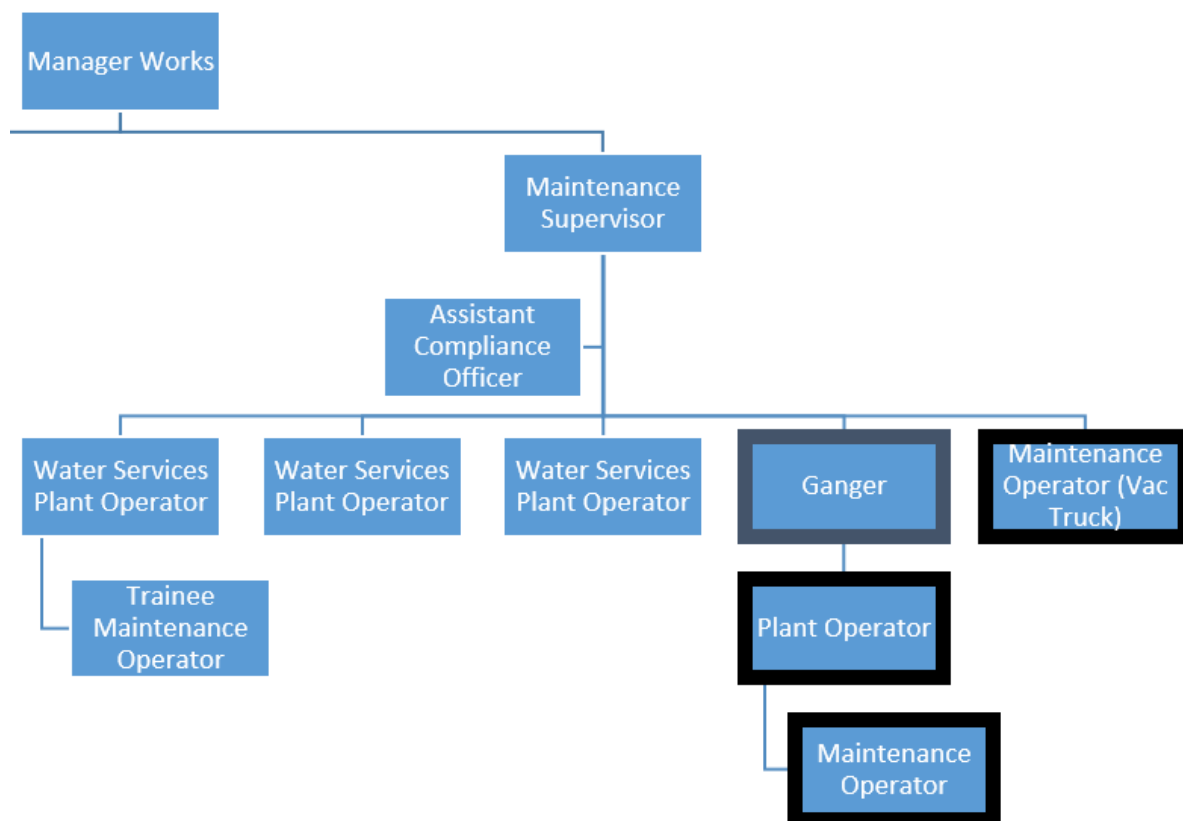
The Manager Works will have four additional full-time staff in the new structure with no change in direct reporting structure.

It is proposed the current Compliance Officer will be re-titled Maintenance Supervisor and will supervise the four new staff. This role will be responsible for new tasks such as installing fire services, fixing large maintenance issues, assisting other sections of council, renewing hydrants and valves, installing water fountains.

- Non-Recurrent Funding Positions
  - Nil
- No Change to Positions – the rest of the organisation.

Refer to attached updated Organisational Chart reflecting the changes (new positions in bold).





## Communications Plan

This will be implemented in accordance with the timetable below.

Stakeholder	Needs	How informed & consulted	Who
Council	The changes improve council's ability to respond to customers as well as enabling greater focus on capital works projects.	Councillor Workshop 8 April - briefing  Council Meeting 23 April – business paper with rationale, recommendation, and budgetary impact	Manager Works/GM
General Manager	For the change to be understood. Understand any industrial relations issues. Support of Council and Executive to improve the organisation. For the process to be fair and transparent	Managing Change Plan including a Communications Plan  Implement this Communications Plan	Manager Works
Executive Team	To understand the need for the change To have input To be able to explain the changes to their own staff	Briefed on 19 March with discussion Managing Change Plan	Manager Works
Impacted staff	To be treated fairly in accordance with the Award, legislation, policy. To have options that will minimise any negative impact on them.	Managing Change Plan including Communications Plan	Manager Works, HR

	To be given opportunities within the organisation to grow their career and enhance their skills and contribution. To have access to counselling if required	Letters to staff will outline options if relevant.  Staff reminded of Employee Assistance Program	
Consultative Committee	To be consulted in accordance with the Enterprise Award	Consultative Committee Meeting 31 January and follow up meetings as required.	Manager Works
Unions	To be notified and given an opportunity to provide feedback within a reasonable timeframe	Letters to Union	Manager Works to draft for GM approval
Other staff	To understand the change and the reasons To support their colleagues	Consultative Committee reps to advise their constituents	Manager Works

## Financial Implications

Reflecting the focus on capital projects and project delivery, Council's salary and wages in 2018/19 included funding for six casual positions under the Manager Works. It is proposed to convert four positions to permanent roles (Ganger, Plant Operator, Water Services Plant Operator, Maintenance Operator). The additional annual funding required to do this is approximately \$13,160. One-off plant purchases will be required (Truck, Backhoe and Ute) estimated at \$400,000 in the first year, and then self-funded through the plant budget.

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## 17 LEASE OF LAND OFF BEAUTY POINT AVENUE

**RECOMMENDATION:** That the leases be renewed for land adjacent to 4,14,16 and 18 Beauty Point Avenue for a further five years (2019/20 – 2023/24), with an annual rental of \$179 for 2019/20 with CPI increases to be applied every year thereafter.

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Riverina Water owns land located at the rear of four properties in Beauty Point Avenue which have been leased long term by several residents. The current annual rate is \$173 which was last reviewed in the current financial year.

## 18 PENSIONER REBATES

**RECOMMENDATION:** That Council note the report on pensioner rebates.

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During a recent workshop regarding the 2019/20 budget, discussion took place on the issue of pensioner rebates. This report provides information in relation to the matter of pensioners who rent the property they reside in.

Eligible pensioners in NSW are currently entitled to a rebate on their water charges of \$87.50 per annum (\$21.88 per quarter and as set by the NSW Government). To be eligible for the rebate, a pensioner must be liable for the water access charges on the relevant property and the property must also be their sole or principal place of residence.

Customers who hold a current Pensioner Concession Card but rent their home are not eligible for a pensioner rebate as they are not liable for the water access charge on the property. Under the *Residential Tenancies Act 2010* the landlord of the property is liable to pay this charge and managing agents for unit developments will take this portion of the water account from the rent paid by the tenant. In essence, the owner of the residence/unit pays the access charge of \$160 per year.

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## 19 PERFORMANCE REVIEW – GENERAL MANAGER

**RECOMMENDATION:** That the Council consider the Chairman's Report *Performance Review – General Manager* whilst the meeting is closed to the public as it is relating to personnel matters about an individual, as prescribed by Section 10A(2)(a) of the Local Government Act 1993.

## 20 COUNCIL RESOLUTION SHEET

Council Resolution Sheet – Meeting held 23 April 2019				
Report Ref	Subject	Responsible Officer	Council Decision	Action Taken
<b>Meeting held 28 February 2018</b>				
18/12	New Board Room	GM	Council make provision in the 2018/19 Capital Works budget for the completion of the Board Room in the Stores Building and that the General Manager proceed with preparing an appropriate design and fit out, supported by an estimate of the works.	Council adopted the revised budget for the project at its meeting in February 2019. Council staff have commenced work on the ceiling and plastering works. Local suppliers are providing quotes on the fit out for the room and kitchen.
<b>Meeting held 27 June 2018</b>				
18/82	Riverina Water Community Grants Program	GM and Community Engagement Officer	Staff create the guidelines and applications forms for the Program and that a further report on the draft guidelines be prepared and presented to a future meeting of Council (and as soon as practicable)	A report on this project is included in this business paper. The report recommends adoption of the guidelines for the project including a commencement date of August 2019.
18/103	Contract W.195 – Water Treatment Plant (WTP) Contract Variation	DE	(a) That Council authorise the General Manager to further negotiate a suitable outcome within the original project budget. (b) That Council be provided with an update on the contract negotiations at the Board meeting in August 2018. (c) That the financial implications of any negotiated outcome be reported to Council as part of the September 2018 Quarterly Financial Review	The DE and GM will provide an update to the Board at the April meeting on the status of this matter. A Deed of Agreement was entered into with UGL on the 21 December 2018 which progresses the Lamella Filters issue. The replacement filters are due to be installed commencing October 2019 and completed by December 2019
<b>Meeting held 18 October 2018</b>				
18/167	Purchase of Land for Storage and Potential Access	DE	RESOLVED, on the motion of Cllrs. Braid and Funnell that: (a) Council purchases land zoned RU1 bordering Koorringal Road, comprised of: Part Lot 5, DP 588177 Part Lot 17, DP 863322	The plan of survey of the land to be purchased has been completed. The current owner is responsible for lodging a subdivision application and this process has commenced. Exchange of the contracts will occur when the subdivision DA is approved. Settlement expected in 2019/20

			<p>Part Lot 15, DP 842485 for operational and access requirements in accordance with Section 187 of the Local Government Act 1993.</p> <p>(b) Council purchase land zoned RU1 and IN2 land bordering Koorringal Road, comprised of: Part Lot 5, DP 588177 Part Lot 17, DP 863322 for operational and access requirements in accordance with Section 187 of the Local Government Act 1993.</p>	
18/168	PFAS matter	DE	<p>RESOLVED on the motion of Cllrs. Funnell and Quinn that the report be received and that Council be kept apprised of further developments in the management of the matter.</p>	No further updates are available at this stage



Andrew Crakanthorp  
GENERAL MANAGER

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

### **1. WORKS REPORT COVERING FEBRUARY 2019**

***RECOMMENDATION:*** That the Works Report for February 2019 be received and noted.

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- February Works Report 2019

## DIRECTOR OF ENGINEERING'S REPORTS TO APRIL 2019 COUNCIL MEETING

13th March 2019

### **1 WORKS REPORT COVERING FEBRUARY 2019**

**RECOMMENDATION:** That this report be received and noted.

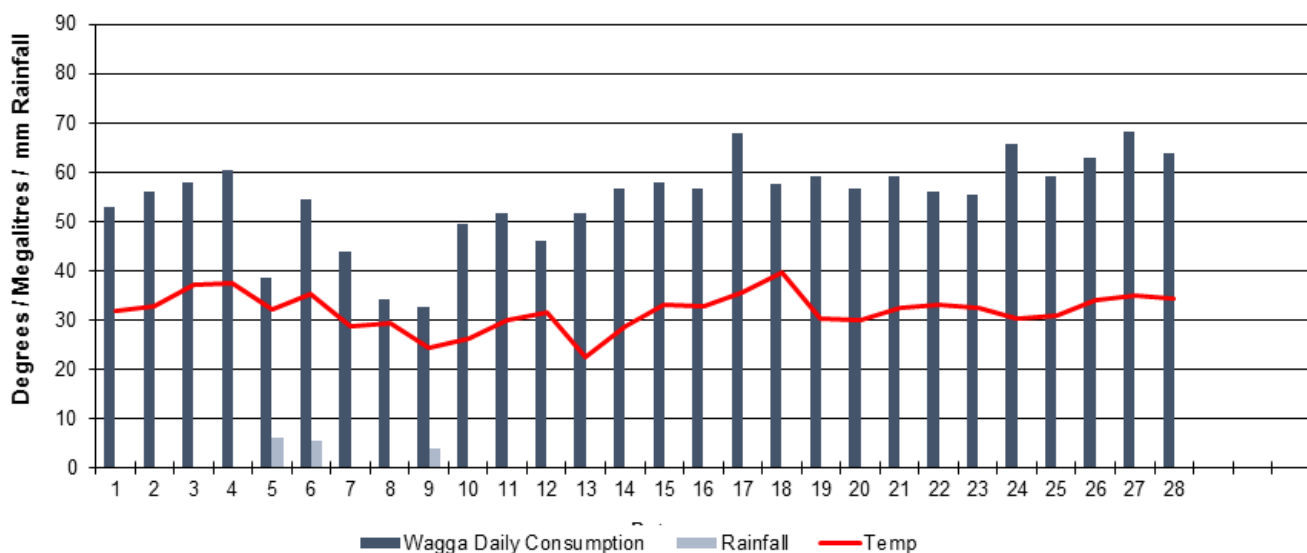
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#### **1.1 WATER SOURCED AND USED**

February	2017	2018	2019
Rainfall	13.8	49.8	16.2
Wet Days	3	12	5
<b>WATER SOURCED February 2019 (MI)</b>			
North Wagga bores	326.18	297.23	314.97
West Wagga bores	685.56	595.97	468.32
East Wagga bores	492.85	210.79	420.88
Murrumbidgee River	432.43	664.79	541.80
<b>SUB-TOTAL</b>	<b>1,937.02</b>	<b>1,768.78</b>	<b>1,745.97</b>
Bulgary Bores	66.31	52.21	54.13
Urana Source	10.89	10.74	9.94
Ralvona Bores	36.58	32.65	32.14
Walla Walla Bores	45.84	31.58	24.94
Goldenfields Water Supply System	10.76	0.00	3.98
<b>SUB-TOTAL</b>	<b>170.38</b>	<b>127.18</b>	<b>125.13</b>
Woomargama	2.66	2.58	2.38
Humula	0.91	0.78	0.80
Tarcutta	6.11	5.37	6.57
Oura	6.32	6.13	5.52
Walbundrie/Rand	3.82	5.34	5.13
Morundah	1.85	1.32	1.47
Collingullie	10.05	7.92	14.58
<b>SUB-TOTAL</b>	<b>31.72</b>	<b>29.44</b>	<b>36.45</b>
<b>TOTALS</b>	<b>2,139.12</b>	<b>1,925.40</b>	<b>1,907.55</b>

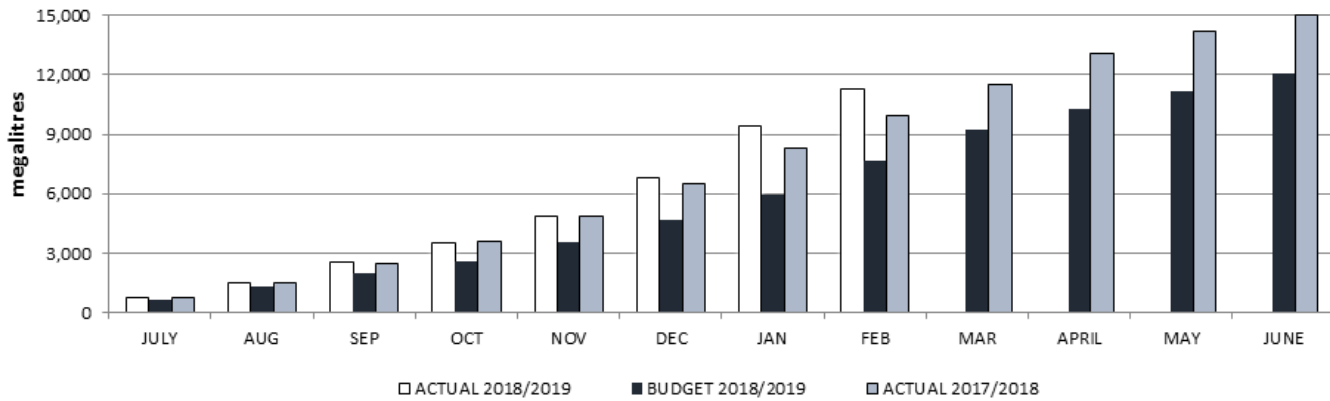
<b>WATER USED February 2019 (MI)</b>			
	<b>2017</b>	<b>2018</b>	<b>2019</b>
East Bomen	43.31	30.35	30.05
Estella	144.12	142.32	148.81
North Wagga	82.94	76.60	85.58
Wagga Wagga – Low Level	242.69	241.14	203.83
Wagga Wagga – High Level	1,031.59	882.25	855.30
Wagga Wagga – Bellevue Level	146.40	139.97	138.80
<b>SUB-TOTAL</b>	<b>1,691.05</b>	<b>1,512.63</b>	<b>1,462.37</b>
Ladysmith System	8.63	9.33	7.69
Brucedale Scheme	45.18	30.42	36.27
Currawarna Scheme	26.12	21.88	20.67
Rural Southern trunk main system	217.37	124.10	208.96
Rural Western trunk main system	77.20	62.95	64.37
<b>SUB-TOTAL</b>	<b>374.50</b>	<b>248.68</b>	<b>337.96</b>
Holbrook	36.58	32.65	32.11
Woomargama	2.66	2.58	2.38
Humula	0.91	0.78	0.80
Tarcutta	6.11	5.37	6.38
Oura	6.32	6.13	5.52
Walbundrie/Rand	3.82	5.34	5.13
Morundah	1.85	1.32	1.45
Collingullie	10.05	7.92	10.12
<b>SUB-TOTAL</b>	<b>68.30</b>	<b>62.09</b>	<b>63.89</b>
<b>TOTALS</b>	<b>2,133.85</b>	<b>1,823.40</b>	<b>1,864.22</b>

### DAILY WATER USED, WAGGA WAGGA, February 2019

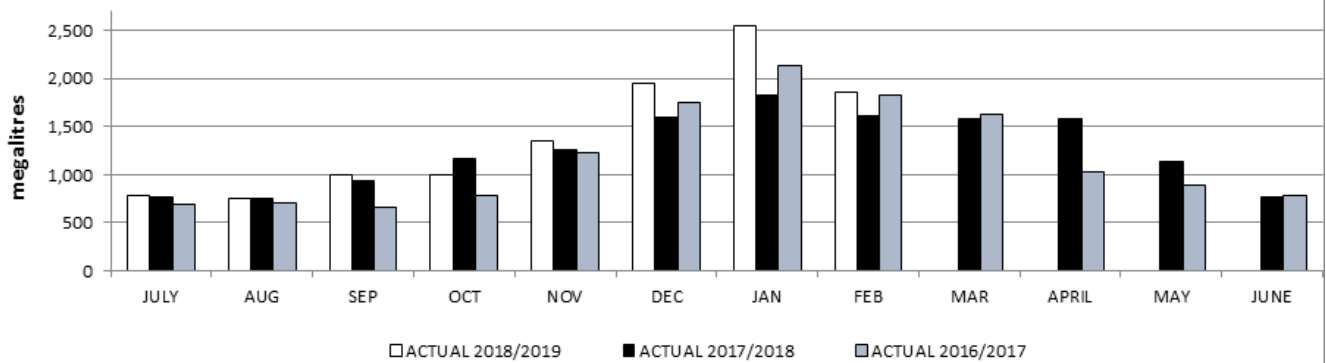




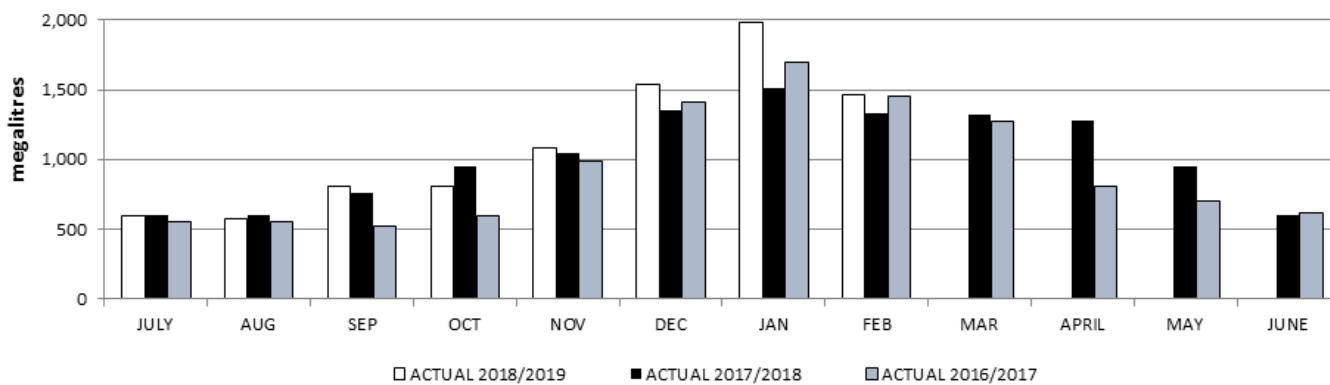
### TOTAL CUMULATIVE WATER USED 2018/2019



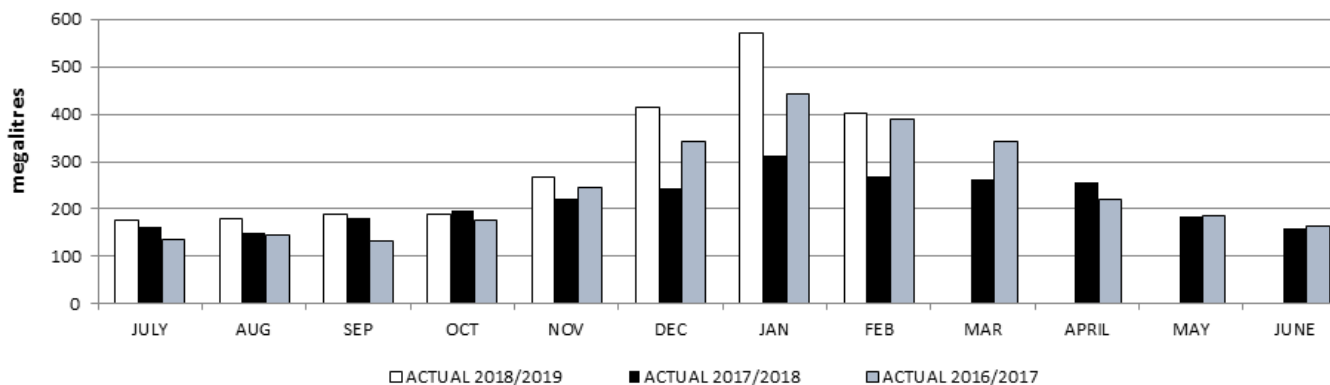
### MONTHLY TOTAL WATER USED COMPARED TO PREVIOUS YEARS



### MONTHLY WAGGA WATER USED COMPARED TO PREVIOUS YEARS



### MONTHLY RURAL WATER USED COMPARED TO PREVIOUS YEARS



## 1.2 NEW SERVICE CONNECTIONS, REPAIRS, METERS, LOCATIONS & COMPLAINTS FOR THE MONTH OF FEBRUARY 2019

Location	New Connect., Residential	New connect., Non Residential	Services Renewed	Services Repaired	Quality Complaints	Supply Complaints *	Customer dealings complaints	Other Complaints	Frost damage	Meter or Metercock fault	Leaking valves or hydrants	Locations
Wagga Wagga	20	3	7	43	7	13				55	4	2
Wagga Wagga		1	4	15	3	5				18	2	
Forest Hill	1			2						1		
North Wagga	1			3								1
Estella				3		1				1		
Koorringal				1		1				8		
Turvey Park	1		1	1	1	1				2		
Lake Albert	2		1	3	1	2				8	1	
Ashmont										2		1
Tolland				1						4		
Mt Austin				4	2					3		
Bourkelands				2		1				2		
Tatton				1						1		
Glenfield				3		1				5		
Lloyd	2			2							1	
Springvale	1					1						
East Wagga		1	1	1								
Boorooma	5	1		1								
Gobbagombalin	6											
Gumly Gumly	1											
Brucedale				2								
Currawarna	1											
Ladysmith				1								
San Isidore				2								
Tarcutta										2		
The Gap				2								
Bulgary				2								
Lockhart			1	2					1	1		
Pleasant Hills	2		1	2								
The Rock				1								
Uranquinty				1						1		
Culcairn										1		
Henty			1							1		1
Holbrook				1		1				1		
Morven			1	1								
Walbundrie				1								
Walla Walla				1		1				2		
Woomargama		1		1								
Rand				2								
Kapooka										1		
Urana				2								
<b>TOTAL</b>	23	4	11	67	7	15	0	0	1	65	4	3

### 1.3 WATER SYSTEM REPAIRS

WAGGA WAGGA								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
15	35 Melaleuca Drive	Bourkelands	200 DICL	Pipe Failure (not specified)	No	1:00	0	0
15	21 Telopea Crescent	Lake Albert	150 AC	Pipe Failure (not specified)	No	4:00	0	0
25	Bakers Lane	East Wagga	150 AC	Pipe Failure (not specified)	No	4:00	0	0
28	McNickle Road	Lake Albert	150 WPVC	Pipe Failure (not specified)	No	3:30	0	0
21	150 Dukes Rd	Lake Albert	100 AC	T/ Band Broken/Leaking	Yes		0	1
<b>TOTALS</b>						12:30	0	1
<div> <div>Breaks needing</div> <div> <div>Total Breaks – 5</div> <div>shut off - 4</div> </div> <div>Breaks affecting customers – 0</div> </div>								

RURAL								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
4	Albury Rd	Pleasant Hills	32 PE	Pipe Failure - Ground Movement	No	0:30	0	0
7	Sturt Hwy	San Isidore	150 WPVC	Pipe Failure (not specified)	No	2:30	0	0
13	Sturt Highway	San Isidore	150 AC	Pipe Failure (not specified)	No	3:30	0	0
20	Woomargama Way	Woomargama	100 DICL	Pipe Failure - Ground Movement	No	1:30	0	18
3	Holiday St	Lockhart	150 AC	Pipe Failure - Ground Movement	No	1:00	1	17
4	Holbrook Rd	Morven	150 AC	Pipe Failure - Ground Movement	No	3:14	0	67
7	The Rock-Collingullie Rd	Collingullie	80 PVC	Pipe Failure - Ground Movement	Yes		0	12
7	Doigs Lane	Pleasant Hills	40 PE	Pipe Failure - Ground Movement	Yes		0	12
8	Bakes Lane	Pleasant Hills	40 PVC	Pipe Failure - Ground Movement	Yes		0	7
8	Bakes Lane	Pleasant Hills	40 PVC	Pipe Failure (not specified)	Yes		0	7
12	Doigs Lane	Pleasant Hills	40 PE	Pipe Failure - Ground Movement	Yes		0	12
12	Drummond St	Lockhart	100 AC	Pipe Failure - Ground Movement	Yes		0	6
14	Olympic Hwy	Yerong Creek	300 AC	Pipe Failure - Ground Movement	Yes		0	24

14	Doigs Lane	Pleasant Hills	40 PE	Pipe Failure - Ground Movement	Yes		0	0
15	Doigs Lane	Pleasant Hills	40 PE	Pipe Failure - Ground Movement	Yes		0	5
22	Flowers Lane	Walbundrie	63 PE	Pipe Failure (not specified)	Yes		0	0
28	Olympic Highway	Henty	200 AC	Leaking SS clamp	Yes		0	0
28	Fowlers Lane	Walbundrie	63 PE	Pipe Failure - Ground Movement	Yes		0	9
<b>TOTALS</b>						12:14	1	196
<div> <div>Breaks needing</div> <div> <div>Total Breaks – 18</div> <div>shut off - 6</div> </div> <div>Breaks affecting customers – 1</div> </div>								

## 1.4 WATER QUALITY COMPLAINTS

Water quality complaints received during February 2019 were:

Date	Location	Problem	Action Taken
1/02/2019	10 Turner St, Turvey PK	Dirty water, taste	Flushed service, gal pipes
15/02/2019	365 Inglewood Rd, LK Albert	Air	Flushed main
20/02/2019	14 Mortimer Pl, Wagga	Dirty water	Flushed main
21/02/2019	Slocum St, Wagga	Dirty water	Flushed main
22/02/2019	59 Undurra Dr, Glenfield	Spots on car, dirty	WQ within ADWG
25/02/2019	Quambi Pl, Mt Austin	Dirty water	Flushed main
25/02/2019	8 Jack Ave, Mt Austin	Dirty water	HWS dirty
28/02/2019	15 Otama Pde, Wagga	Dirty water	Flushed main

## 1.5 MAINS CONSTRUCTIONS

### 1.5.1 MAINS EXTENSIONS AND NEW WORKS

New water mains laid during February 2019 include:

LOCATION	PROJECT	100	250
		<b>OPVC</b>	<b>OPVC</b>
Bomen Road	New Mains		192
Belmore Place	New Subdivision	66	
	<b>TOTAL</b>	66	192

### 1.5.2 REPLACEMENT OF EXISTING MAINS

Mains replaced during February 2019 include:

LOCATION	PROJECT	100	150	200	250
		<b>OPVC</b>	<b>OPVC</b>	<b>OPVC</b>	<b>OPVC</b>
Inglewood Road	Mains Replacement		400		
River Road	Mains Replacement	1374			
Bulgary	Mains Upgrade				48
Gregado Res	Scour replacement			80	
	<b>TOTAL</b>	1374	400	80	48

## 1.6 OTHER CONSTRUCTION

No other construction works during February 2019.

## 1.7 MAJOR REPAIRS / OVERHAULS

Major repairs/overhauls during February 2019 include:

LOCATION OR PROJECT	WORK DONE
North Wagga WTP	Drain and clean aerations
North Wagga # 2 bore	Repair magflow
Tarcutta WTP	Drain, clean and replace manganese filter media
Woomargama WTP	Replace chlorine dosing system
West Wagga WTP	Replace chlorine injection line

## 1.8 WATER FILLING STATION ACTIVITY

Water Filling Station activity during February 2019 include:

LOCATION	NUMBER OF FILLS
Bomen Hereford Street	46
Estella Farrer Road	245
Forest Hill Elizabeth Avenue	117
Glenfield Red Hill Road	348
Henty Olympic Way	10
Holbrook Millswood Road	47
Lake Albert Plumpton Road	99
Lockhart Napier Road	69
Pleasant Hills Manson Street	30
The Rock	16
Yerong Creek Finlayson Street	7

## 1.9 STAFF TRAINING & SAFETY

The following training and/or safety activities were undertaken during February 2019:

Training or Programme	Number of Staff
Safework License Dogging	3
Fluoride Operator Training	2
First Aid Refresher Training	5
Scada & Telemetry Seminar	6
IWES - Drinking Water Guidelines	1

## 1.10 FLEET DISPOSALS

Fleet disposals made during February 2019 are:

Vehicle Details					
Vehicle No	Description	Vehicle Type	Make & Model	Year	kms
348	Admin	Sedan	VW Jetta	2015	40141

Disposal Details		
Vehicle No	Method	Price exc GST
348	Auctions	\$12,727.27

## 1.11 FLEET ACQUISITIONS

Fleet acquisitions made during February 2019 are:

New Vehicle Details					
Vehicle No	Tenders Received	Accepted Tenderer	Vehicle Type	Make & Model	Price exc GST
402	3	Riverina Motor Group	SUV Wagon	Volkswagen	\$49,573



Bede Spannagle  
DIRECTOR OF ENGINEERING

## 2. WORKS REPORT COVERING MARCH 2019

**RECOMMENDATION:** That the Works Report for March 2019 be received and noted.

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- [March Works Report 2019](#)

## DIRECTOR OF ENGINEERING'S REPORTS TO ARIL 2019 COUNCIL MEETING

*RECOMMENDATION:* That this report be received and noted

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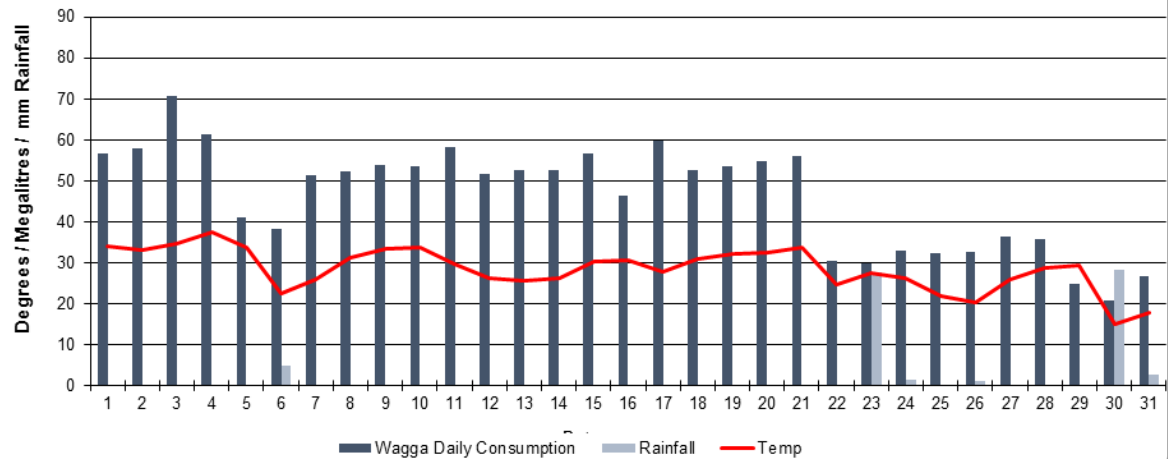
### **1.1 WATER SOURCED AND USED**

<b>March</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
Rainfall	13.8	49.8	67.0
Wet Days	3	12	9
<b>WATER SOURCED March 2019 (MI)</b>			
North Wagga bores	281.34	276.49	321.62
West Wagga bores	648.33	492.20	415.37
East Wagga bores	396.09	178.22	366.33
Murrumbidgee River	164.92	610.82	581.62
<b>SUB-TOTAL</b>	<b>1,490.68</b>	<b>1,557.73</b>	<b>1,684.94</b>
Bulgary Bores	42.11	44.66	53.78
Urana Source	5.99	9.58	11.47
Ralvona Bores	26.21	25.44	25.48
Walla Walla Bores	31.00	16.29	25.18
Goldenfields Water Supply System	4.59	4.51	4.21
<b>SUB-TOTAL</b>	<b>109.90</b>	<b>100.48</b>	<b>120.12</b>
Woomargama	2.11	1.33	1.94
Humula	0.80	0.59	0.65
Tarcutta	5.64	4.68	5.44
Oura	5.31	4.79	4.75
Walbundrie/Rand	4.40	5.26	4.63
Morundah	1.43	1.25	1.33
Collingullie	7.53	6.31	9.07
<b>SUB-TOTAL</b>	<b>27.22</b>	<b>24.21</b>	<b>27.81</b>
<b>TOTALS</b>	<b>1,627.80</b>	<b>1,682.42</b>	<b>1,832.87</b>

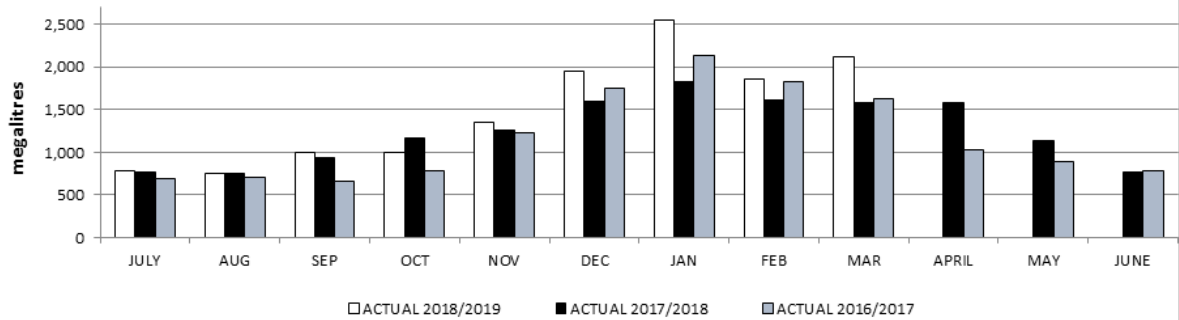


<b>WATER USED March 2019 (MI)</b>			
	<b>2017</b>	<b>2018</b>	<b>2019</b>
East Bomen	39.19	24.92	24.20
Estella	119.92	113.95	146.45
North Wagga	76.79	105.23	408.31
Wagga Wagga – Low Level	206.77	225.96	205.70
Wagga Wagga – High Level	729.10	785.48	814.37
Wagga Wagga – Bellevue Level	106.04	67.71	123.69
<b>SUB-TOTAL</b>	<b>1,277.81</b>	<b>1,323.25</b>	<b>1,722.72</b>
Ladysmith System	7.33	7.36	7.95
Brucedale Scheme	37.41	24.45	64.18
Currawarna Scheme	16.88	16.05	17.27
Rural Southern trunk main system	167.65	176.24	194.46
Rural Western trunk main system	48.90	55.09	64.90
<b>SUB-TOTAL</b>	<b>278.17</b>	<b>279.19</b>	<b>348.76</b>
Holbrook	26.21	25.44	25.41
Woomargama	2.11	1.33	1.94
Humula	0.80	0.59	0.65
Tarcutta	5.64	4.68	5.32
Oura	5.31	4.79	4.75
Walbundrie/Rand	4.40	5.26	4.63
Morundah	1.43	1.25	1.25
Collingullie	7.53	6.31	8.56
<b>SUB-TOTAL</b>	<b>27.22</b>	<b>24.21</b>	<b>52.51</b>
<b>TOTALS</b>	<b>1,621.21</b>	<b>1,584.66</b>	<b>2,123.99</b>

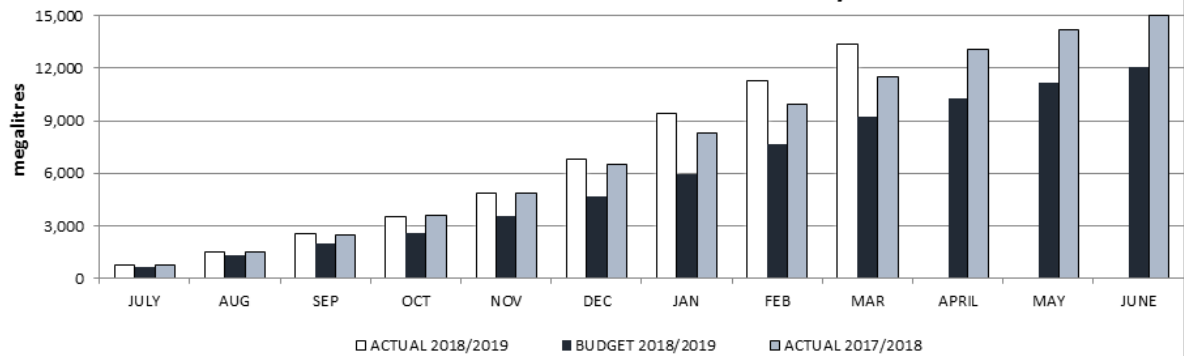
### DAILY WATER USED, WAGGA WAGGA, March 2019



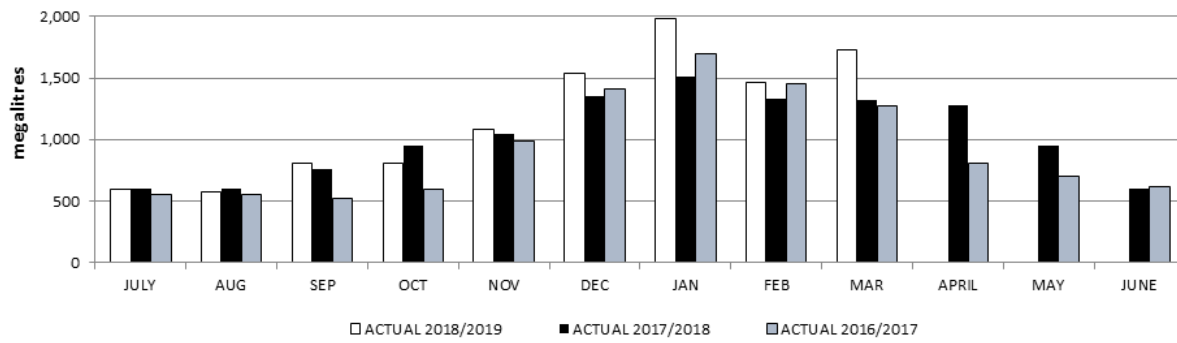
### MONTHLY TOTAL WATER USED COMPARED TO PREVIOUS YEARS



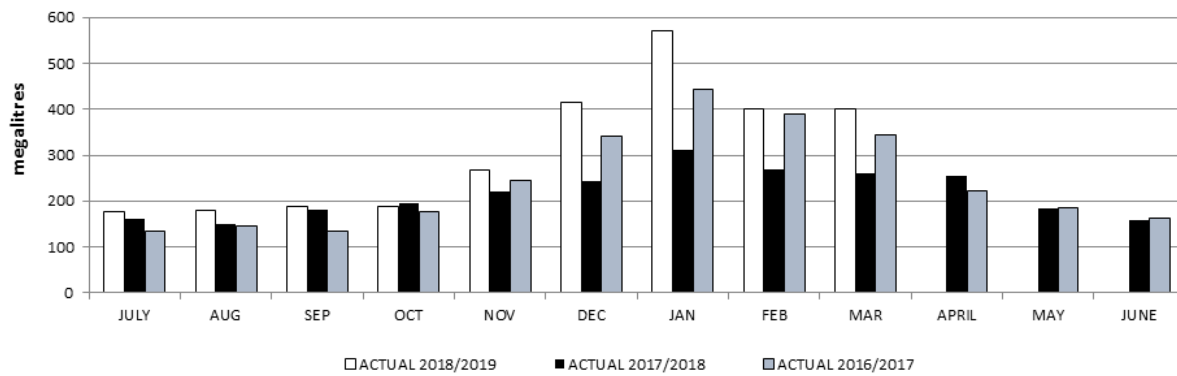
### TOTAL CUMULATIVE WATER USED 2018/2019



### MONTHLY WAGGA WATER USED COMPARED TO PREVIOUS YEARS



### MONTHLY RURAL WATER USED COMPARED TO PREVIOUS YEARS



**1.2 NEW SERVICE CONNECTIONS, REPAIRS, METERS, LOCATIONS & COMPLAINTS FOR THE MONTH OF MARCH 2019**

Location	New Connect., Res	New connect. Non Res	Services Renewed	Services Repaired	Quality Complaints	Supply Complaints	Meter/Metercock fault	Leaking valves/hydrants	Locations
Wagga Wagga	20	4	6	34	9	10	37	5	2
Wagga Wagga		2		20	4	4	12	2	
Forest Hill	1			1			1		2
North Wagga					2			1	
Koorngal	2		3	1	2	1	4		
Turvey Park				4			2		
Lake Albert	1		1	5		2	4		
Ashmont							1	1	
Tolland				1			3	1	
Mt Austin			2	1			3		
Bourkelands	1								
Glen Oak									
Tatton	1						1		
Glenfield					1	1	2		
Lloyd	6					1			
Springvale									
East Wagga		2					2		
Boorooma	3			1			2		
Moorong									
Gobbagombalin	4								
Gumly Gumly	1					1			
Brucedale				1					
Humula					1				
Ladysmith									
Oura									
San Isadore						1	1		
Tarcutta				1			1	1	
The Gap				4					
Tootal						1			
The Rock				1					
Culcairn							1		
Henty	1						1		
Holbrook		1		1					
Ralvona				1					
Morven				1				2	
Walbundrie									
Walla Walla			1	1			4		
Morundah			1						
Oaklands			2			1			
Rand							1		
Kapooka									
Urana						1	1		
<b>TOTAL</b>	<b>21</b>	<b>5</b>	<b>10</b>	<b>44</b>	<b>10</b>	<b>13</b>	<b>47</b>	<b>8</b>	<b>2</b>

### 1.3 WATER SYSTEM REPAIRS

WAGGA WAGGA								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
1	556 Koorringal Road	Koorringal	100 AC	Corrosion	No	1:00	0	0
3	Cochrane Street	Koorringal	100 AC	Pipe Failure (not specified)	No	1:30	0	0
17	Hume Street	Lake Albert	150 AC	Pipe Failure (not specified)	No	3:30	0	15
1	Red Hill Road	Wagga Wagga	100 AC	Pipe Failure (not specified)	Yes		0	5
<b>TOTALS</b>						6:00	0	20
Total Breaks- 4				Breaks needing shutting off - 3			Breaks affecting customers - 0	

RURAL								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
13	Rods Road	The Rock	80 PVC	Pipe Failure (not specified)	No	0:30	5	15
14	Brookong Street	Lockhart	150 AC	Leaking SS clamp	No	0:30	10	59
16	San Isadore	San Isadore	150 WPVC	Pipe Failure (not specified)	No	2:00	0	5
31	Rohans Road	Bulgary	250 CI	Pipe Failure - Ground Movement	No	2:00	16	35
1	Albury Road	Pleasant Hills	32 PE	Pipe Failure (not specified)	Yes		0	4
2	Hayes Street	Lockhart	150 AC	Pipe Failure - Ground Movement	Yes		0	0
1	Chaplins Lane	The Rock	40 PE	Pipe Failure (not specified)	Yes		0	0
5	Chaplins Lane	The Rock	50PE	Pipe Failure - Ground Movement	Yes		0	0
7	Gardners Crossing	Culcairn	150 AC	Pipe Failure (not specified)	Yes		0	0
1	Albury Road	Pleasant Hills	32 PE	Leaking collar	No	0:10	0	0
12	39 Princess Street	Urana	150 AC	Pipe Failure (not specified)	Yes		0	14
13	Chaplins Lane	The Rock	40 PE	Pipe Failure (not specified)	Yes		0	0
12	Osborne Yerong Creek Road	Pleasant Hills	40 PE	Pipe Failure (not specified)	Yes		0	0
25	County boundry Road	Milbrulong	80 PVC	Pipe Failure - Ground Movement	Yes		0	0
28	Anna-champan Street	Urana	100 AC	Pipe Failure - Ground Movement	Yes		0	0
<b>TOTALS</b>						5:10	31	132
Total Breaks – 15				Breaks needing shut off - 5			Breaks affecting customers – 3	

#### 1.4 WATER QUALITY COMPLAINTS

Date	Location	Problem	Action Taken
1/03/2019	2 Chifley Cres, Koorungal	Dirty water	WQ within ADWG
4/03/2019	50 Best St, Waga	Dirty water	WQ within ADWG
4/03/2019	12 Hayes St, North Wagga	Taste	Site visit, taste issue gone
8/03/2019	20 Sunshine Ave, Turvey Park	Slight green coloured water	Flushed main
11/03/2019	36 Grove St, Koorungal	Health issues	Sample analysis by CSU, WQ within ADWG
17/03/2019	55 Eldershaw Dr, Wagga	Cloudy water	Flushed service
21/03/2019	108 Grove St, Koorungal	Dirty water	Plumber to look at cistern
21/03/2019	2/4 Veil St, Wagga	Dirty water	Customer flushed out
23/03/2019	Humula	Dirty water	Customer flushed out

#### 1.5 MAINS CONSTRUCTIONS

##### 1.5.1 MAINS EXTENSIONS AND NEW WORKS

LOCATION	PROJECT	100	150
		OPVC	OPVC
Michael St San Isadore	Mains Extension	134	
Boorooma Stage 7	New sub-division	174	354
Woomargama	Mains Extension	123	
	TOTAL	431	

##### 1.5.2 REPLACEMENT OF EXISTING MAINS

LOCATION	PROJECT	63	200
		Poly	OPVC
Bulgary	Mains Upgrade		3141
Cambournes Lane	Replacement	1434	
	TOTAL	1434	3141

### 1.6 OTHER CONSTRUCTION

LOCATION OR PROJECT	WORK DONE
Copland Street	100mm fire Service
17 Saxon St	100mm Fire Service
Morgan Street 450mm Main	Repair leaking main

### 1.7 MAJOR REPAIRS / OVERHAULS

### 1.8 WATER FILLING STATION ACTIVITY

LOCATION	NUMBER OF FILLS
Bomen Hereford Street	30
Estella Farrer Road	265
Forest Hill Elizabeth Avenue	189
Glenfield Red Hill Road	444
Henty Olympic Way	18
Holbrook Millswood Road	58
Lake Albert Plumpton Road	204
Lockhart Napier Road	54
Pleasant Hills Manson Street	26
The Rock	20
Yerong Creek Finlayson Street	12

### 1.9 STAFF TRAINING & SAFETY

Training or Programme	Number of Staff
Office 365 Training Canberra	1
LG Networking Meeting Sydney	1
Digital Utilities	1
HR Licence	1
Safety in Design Training	10

### 1.10 FLEET DISPOSALS

Vehicle Details					
Vehicle No	Description	Vehicle Type	Make & Model	Year	Kms
101	Works	Truck	Hino Tipper	2004	
64	Culcairn	Mower	Ford LGT14D	1991	2571HR
76	Wagga	Vacuum Unit	Spout Vac	2002	
149	Wagga	Tipper Truck	Isuzu Giga Tipper	2005	
214	Wagga	Tipper Truck	Isuzu FVR1000 tipper	2008	
215	Wagga	Tipper Truck	Isuzu FVR1000 tipper	2009	

Disposal Details		
Vehicle No	Method	Price exc GST
101	Auction	\$16,363.64
64	Auction	\$2,272.73
76	Auction	\$13,409.09
149	Not sold yet	\$0
214	Not sold yet	\$0
215	Keeping for spout vac	\$0

### 1.11 FLEET ACQUISITIONS

New Vehicle Details					
Vehicle No	Tenders Received	Accepted Tenderer	Vehicle Type	Make & Model	Price exc GST
101	4	Thomas Brothers	Truck	Iveco 70C21	\$82,223
64	Not Replace at this time				
76	3	Spout Vac			\$121,015
149	Not Replace at this time				
214	6	Wagga Motors	Tipping Truck	Isuzu FDX 1000	\$153,728
215	6	Wagga Motors	Tipping Truck	Isuzu FDX 1000	\$153,728





- On track



- Behind Schedule




- Unlikely this Financial Year

**MAJOR PROJECTS 2018/19 (> Over \$100,000) - March 2019**

Description	2018/19 Budget	Actual & Committed to Date	Comments
<b>MANAGEMENT</b>			
<b>Depot Buildings</b>			
Fitout new Council meeting room in new depot building	\$190,000	\$45,039	Demolition completed. Quotes requested for plasterwork, joinery and IT
<b>Land &amp; Buildings for Admin, Depot &amp; Workshops</b>			
<b>Access, Parking and Landscaping</b>			
Levee protection stage 2 Hammond Ave - Urban	\$2,634,966	\$1,074,897	Capping has been placed. Capping alignment and welding commenced.
<b>PLANT &amp; EQUIPMENT</b>			
<b>IT Equipment</b>			
Computer Equipment - Urban	\$182,098	\$113,505	
<b>Working Plant &amp; Vehicle Purchases</b>			
Routine plant & vehicle replacements	\$1,244,988	\$696,049	
West Wagga WTP Bores Control System Upgrade	\$138,216	\$122,250	
<b>Telemetry &amp; Control Systems Upgrade</b>			
<b>Radio Communications Upgrade/Replacements/Improvements</b>			
Energy Efficiency & Power Factor Improvements	\$170,000	\$4,575	

Radio Communication	\$760,475	\$214,330	Depended on NSW Police radio consultants to complete their Tower design
<b>SOURCES</b>			
<b>Bores-renew/refurbish/decommission</b>			
<b>TREATMENT PLANTS</b>			
<b>Treatment Plant Refurbishments</b>			
East Wagga Aeration Basin cover - Urban	\$160,000	\$12,755	Design completed. Materials order and fabrication commenced.
WTP Stage 1 - Urban	\$7,573,019	\$3,688,386	Commissioning ongoing.
Urana WTP replacement - Non-Urban	\$426,307	\$35,162	Construction to commence 2019/20
<b>RESERVOIRS</b>			
<b>New/Replacement Reservoirs</b>			
Main Low Level Reservoir 2x11ML Investigation & Design - Urban	\$1,200,000	\$669,490	Construction commencing in May. Expected completion March 2020.
Glenoak Res 2 x 4.5ML - Construction	\$1,100,000	\$37,773	Construction commencing in May. Expected completion October 2019.
Shires Reservoir Relocation - Non-Urban	\$797,573	\$678,095	Completed
<b>MAINS, SERVICES &amp; METERS</b>			
<b>MAINS</b>			
<b>System Improvements</b>			
System Improvements - Urban	\$270,000	\$435,988	
WW WTP 600mm DI CL Koorinal Road	\$100,000	\$16,036	
Estella to CSU 450mm DI CL	\$1,037,000	\$736,988	
<b>Reticulation for Developers (including other extensions)</b>			
Reticulation for Developers - Urban	\$800,000	\$383,819	
<b>Renew Reticulation Mains</b>			
Renew Reticulation Mains - Non-Urban	\$200,000	\$29,954	
Renew Reticulation Mains - Urban	\$400,000	\$600,594	
The Gap Hall Coolamon Road	\$200,000	\$102,081	Underway
Billigha Street	\$100,000	\$526	

Inglewood Road	\$250,000	\$116,901	Underway
<b>Renew Trunk Mains</b>			
Renew Trunk Mains - Urban	\$136,000	\$22,148	
Renew Trunk Mains - Non-Urban	\$180,000	\$22,953	
Bulgary Bore Rising Main - 7.5km 200mm of OPVC	\$460,000	\$1,997	Underway
The Rock - Milbrulong BT Trunk Mains Replacement	\$900,000	\$595,520	
<b>SERVICES</b>			
<b>Service Connections, new including Meters</b>			
Service Connections, New - Urban	\$500,000	\$384,529	
<b>Renew Services</b>			
Renew Services - Urban	\$100,000	\$37,203	
<b>METERS</b>			
<b>Water Meters Replacement</b>			
Water meters replacement - Urban	\$150,000	\$70,037	
<b>Water Filling Stations Upgrade</b>			
WFS - Non-Urban	\$117,686	\$37,355	



Bede Spannagle  
DIRECTOR OF ENGINEERING

### **3. CONTRACT W195 – WATER TREATMENT PLANT (WTP) PROGRESS REPORT**

**RECOMMENDATION:** That Council consider the report on Contract W195 – Water Treatment Plant Progress whilst the meeting is closed to the public as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, as prescribed by Section 10A(2)(d)(i) of the Local Government Act 1993.

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### **4. TENDER W.232 FOR SUPPLY OF THREE BACKHOE LOADERS**

**RECOMMENDATION:** That Council consider the report “Tender W.232 for supply of three backhoe loaders”, whilst the meeting is closed to the public, as it relates to commercial information the disclosure of which would prejudice the commercial position of the person who supplied it, as prescribed by Section 10A(2)(c) of the Local Government Act 1993.

## **QUESTIONS & STATEMENTS**

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