



19th June 2019

NOTICE OF MEETING OF RIVERINA WATER COUNTY COUNCIL

The meeting of Riverina Water will be held at
RIVERINA WATER BOARD ROOM,
91 HAMMOND AVENUE, WAGGA WAGGA
on

WEDNESDAY, 26th JUNE 2019 at 9.30 am

and your attendance is requested.

Yours sincerely

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

Andrew Crakanthorp
GENERAL MANAGER

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GENERAL MANAGER'S REPORT TO RIVERINA WATER COUNTY COUNCIL

19th June 2019

The Chairperson and Councillors:

1. Financial Statements – List of Investments

RECOMMENDATION that the report detailing Council's external investments for the months of April and May 2019 be received.

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 30 April 2019 and 31 May 2019 as follows:

- **Investment Report – April 2019**
- **Investment Report – May 2019**

Monthly Investment Report as at 30/04/2019

a) Council's Investments as at 30/04/2019

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	9.605%	\$2,500,000.00	\$2,500,000.00
Defence Bank	30/04/2019	372	06/05/20	A-2	2.48	BBSW	1.86	9.605%	\$2,500,000.00	\$2,500,000.00
Defence Bank	10/01/2019	273	10/10/19	A-2	2.75	BBSW	1.86	9.605%	\$2,500,000.00	\$2,500,000.00
National Australia Bank	8/04/2019	91	08/07/19	A-1+	2.45	BBSW	1.86	5.763%	\$1,500,000.00	\$1,500,000.00
AMP	12/02/2019	273	12/11/19	A-1	2.80	BBSW	1.89	3.842%	\$1,000,001.00	\$1,000,001.00
Bank Australia	5/07/2018	365	05/07/19	A-2	3.00	BBSW	1.83	7.684%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	30/04/2019	180	27/10/19	A-1+	2.35	BBSW	1.85	3.842%	\$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	13.447%	\$3,500,000.00	\$3,500,000.00
AMP	30/03/2019	367	31/03/20	A-1	2.70	BBSW	1.89	7.684%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	8/04/2019	91	08/07/19	A-1+	2.45	BBSW	1.85	7.684%	\$2,000,000.00	\$2,000,000.00
								78.76%	\$20,500,001.00	\$20,500,001.00
Cash Deposit Account										
T Corp				A-1+	2.64	Cash Rate	1.50	8.89%	\$2,314,530.99	\$2,314,530.99
AMP				A-1	1.93	Cash Rate	1.50	12.349%	\$3,214,319.72	\$3,214,319.72
								21.24%	\$5,528,850.71	\$5,528,850.71
TOTAL INVESTMENTS								100.00%	\$26,028,851.71	\$26,028,851.71
Cash at Bank										\$911,077.05
TOTAL FUNDS										\$26,939,928.76

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		\$18,325,523.23
TOTAL FUNDS		\$26,939,928.76

* 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 31/05/2019

a) Council's Investments as at 31/05/2019

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	9.603%	\$2,500,000.00	\$2,500,000.00
Defence Bank	30/04/2019	372	06/05/20	A-2	2.48	BBSW	1.86	9.603%	\$2,500,000.00	\$2,500,000.00
Defence Bank	10/01/2019	273	10/10/19	A-2	2.75	BBSW	1.86	9.603%	\$2,500,000.00	\$2,500,000.00
National Australia Bank	8/04/2019	91	08/07/19	A-1+	2.45	BBSW	1.86	5.762%	\$1,500,000.00	\$1,500,000.00
AMP	12/02/2019	273	12/11/19	A-1	2.80	BBSW	1.89	3.841%	\$1,000,001.00	\$1,000,001.00
Bank Australia	5/07/2018	365	05/07/19	A-2	3.00	BBSW	1.83	7.683%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	30/04/2019	180	27/10/19	A-1+	2.35	BBSW	1.85	3.841%	\$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	13.445%	\$3,500,000.00	\$3,500,000.00
AMP	30/03/2019	367	31/03/20	A-1	2.70	BBSW	1.89	7.683%	\$2,000,000.00	\$2,000,000.00
National Australia Bank	8/04/2019	91	08/07/19	A-1+	2.45	BBSW	1.85	7.683%	\$2,000,000.00	\$2,000,000.00
								78.75%	\$20,500,001.00	\$20,500,001.00
Cash Deposit Account										
T Corp				A-1+	2.01	Cash Rate	1.50	8.91%	\$2,318,491.71	\$2,318,491.71
AMP				A-1	1.80	Cash Rate	1.50	12.347%	\$3,214,319.72	\$3,214,319.72
								21.25%	\$5,532,811.43	\$5,532,811.43
TOTAL INVESTMENTS								100.00%	\$26,032,812.43	\$26,032,812.43
Cash at Bank										\$2,374,964.04
TOTAL FUNDS										\$28,407,776.47

b) Application of Investment Funds

Restricted Funds	Description	Value
Externally Restricted	LIRS Loan Funds	\$0.00
		<u>\$0.00</u>
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
		<u>\$8,614,405.53</u>
Unrestricted Funds		\$19,793,370.94
TOTAL FUNDS		\$28,407,776.47

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

CERTIFICATE

I hereby certify that the investments listed above have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy number POL 1.23.



E Tonacia
MANAGER CORPORATE SERVICES

2. Adoption of Revised Delivery program 2019 – 2022 and Operational Plan 2019/2020

RECOMMENDED that the Draft Revised Delivery Program 2019 – 2022 and Operational Plan 2019/20, as exhibited, following close of public comments, be adopted as Council's Delivery Program 2019 – 2022 and Operational Plan for 2019/20, subject to the follow changes: -

	2018/19	2019/20
Search/ Enquiry Fee – S603 (as for property transfer)	\$80	\$85
Interest on Overdue Accounts	7.5%	7.5%

Council placed its Draft Revised Delivery Program 2019 – 2022 and Draft Operational Plan 2019/20 on exhibition on 4 May 2019. Submissions from the public were invited until 10 June 2019. No public submissions were received.

The Office of Local Government has determined since exhibition of the Draft Revised Delivery Program 2019 - 2022 and Operational Plan 2019/20 that the fee to be charged for a Certificate under Section 603 of the Local Government Act has increased to \$85 for the 2020 Financial Year. The maximum interest chargeable on overdue account has also been determined to be 7.5%.

- **Amended Revised Delivery Program & Operational Plan - see separate document**

3. Making of Fees & Charges for 2019/2020

RECOMMENDED that the fees and charges be made for the 2019/2020 year, as outlined in the adopted Operational Plan 2019/2020.

The proposed fees and charges for 2019/20 were exhibited by Council as part of the exhibition of the Draft Delivery Plan and Draft Operational Plan. No submissions were received during the exhibition period.

4. Determination of Remuneration Fees for Board Members and Chairperson 2019/2020

RECOMMENDATION that the report regarding the determination of remuneration fees for board members and the chairperson for 2019/2020 be noted.

Section 241 of the Local Government Act 1993 states that annual fees are to be paid to councillors and chairpersons in accordance with categories determined by the Local Government Remuneration Tribunal (the Tribunal).

The Tribunal has determined an increase of 2.5% to mayoral (chairperson) and councillor (member) fees for the 2019/2020 financial year, with effect from 1 July 2019.

Council at its February 2018 meeting resolved (Res 18/11) that members' and chairperson's annual fee be set at 100% of the maximum allowable, as determined annually by the Local Government Remuneration Tribunal, pursuant to section 242 of the Local Government Act 1993.

The Tribunal did not undertake a broad review of the categorisation of councils this year, finding that the current allocation of councils into current categories is appropriate. The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

Fees for general purpose and county councils 2019/2020

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The member and chairperson fees are paid in monthly instalments in arrears.

5. Remuneration of Independent Members of Audit and Risk Committee

RECOMMENDATION that Riverina Water pay remuneration to the two independent members of the Audit and Risk Committee as follows:

1. Chairperson \$464 per meeting
 2. Committee Member \$347 per meeting
-

Council last set meeting fees for the independent members of the Audit and Risk Committee in June 2018.

The Local Remuneration Tribunal has recently determined an increase of 2.5% to mayoral and councillor fees for the 2019/20 year, with effect from 1 July 2019. The same increase is suggested for the independent members of the Audit and Risk Committee.

It is recommended that the fees for the independent members continue to be reviewed annually.

The current independent committee members bring to the Committee a great deal of knowledge and resources to undertake their respective duties and roles.

The meeting times are estimated at one to three hours per meeting as required.

At the present time the Chairperson is paid \$453 per meeting and the Committee Member is paid \$339 per meeting.

It is proposed that there will be five meetings per year of the Audit and Risk Committee.

6. Audit Risk & Improvement Committee Training

It is **RECOMMENDED** that:

- a) Council make representations to the Minister of Local Government, the local member and the OLG seeking urgent issue of the draft guidelines for operation of Audit Risk & Improvement Committees (ARICs)
 - b) appropriate staff and elected members attend any future workshops regarding operation of ARICs as required
-

An Audit Risk and Improvement Committee training workshop was conducted in Leeton on Sunday 26 May and Monday 27 May 2019. The training was provided jointly by LGNSW and the Institute of Internal Auditors.

Attached is a report from the Riverina Water ARIC Chair, David Maxwell, who attended this training on Sunday 26 May. In this report, Mr Maxwell highlights the need to have the OLG draft guidelines on operation of Committees well ahead of the 2021 deadline for operational compliance. It was indicated at the training that there was no known date for these guidelines to be released.

It should be noted that Wendy Reichelt, Governance & Records Officer, attended this training on Monday 27 May.

RIVERINA WATER COUNTY COUNCIL

REPORT ON ARIC TRAINING

On Sunday 26 May 2019, along with the other members of Murrumbidgee ARIC, I attended an ARIC training workshop provided jointly by LGNSW and the Institute of Internal Auditors at Leeton Shire Council. The presenter was Stephen Horne, a senior member of the Institute and himself member or chair of some 10 Council Audit Committees.

The workshop covered virtually all aspects of ARIC operations in greater or lesser depth and was attended by a mix of ARIC chairs and members, staff and elected members. Approximately 16 persons attended, which was probably a practical maximum number for the content and style of the workshop.

By way of introduction, Mr Horne addressed the changes (not yet gazetted) to the Local Government Act relating to internal audit and ARICs. He reported that "the Government sees internal audit in Councils as an integral part of its reform agenda for Local Government to achieve improved governance and performance" and that "the reforms contemplate internal audit operating not only as an internal assurance mechanism but also as a powerful business improvement tool to support Councils to better achieve their strategic objectives and to meet the needs of their communities more effectively and efficiently".

He spent some time addressing the IIA model of four "pillars of governance" and the similar HSBC / KPMG "governance and the three lines of defence". These are:

- Line 1 – Line Management
- Line 2 – Management initiated monitoring (e.g. WHS, risk management, quality assurance, etc.)
- Line 3 – Independent monitoring and advisory (ARIC, external audit, internal audit)
(Internal audit is shown separately in the IIA model.)

Particular emphasis was placed on the Government's expectations of improved governance, and the inevitable costs in achieving this, not limited merely to the costs of the actual ARIC itself.

Although Mr Horne has been involved in discussions with the Office of Local Government during the development of the yet-to-be-released OLG guidelines for ARICs, he had no definite knowledge of its contents other than the understanding that they will be based on the procedures for State authorities.

The delay in the issue of the draft guidelines is, in my opinion, inexcusable. At an Auditor-General briefing of Audit Committee chairs held in March 2018, we were advised that these guidelines would be released before the end of June 2018, but restructures of OLG, the State election and now another restructure of OLG have compounded delays. There is now only 21 months remaining before Council ARICs are required to be established in accordance with the new guidelines and regulations, and no doubt there will be an expectation that ARICs will be fully compliant from the time of commencement of these provisions. This translates to a maximum of 7 meetings for most ARICs.

Possibly too much time was spent outlining the current guesses on the future requirements for the establishment and membership of ARICs. At this stage, **RWCC's ARIC and membership complies with the expected requirements**, but I would anticipate issues for future appointments with some aspects of these. Depending on the timing of the release of the guidelines, and their contents, it may be appropriate to convene a special meeting of the Committee to help draft Council's response.

After reviewing the need for a balance of skills amongst the membership of the Committee, it was emphasised that members are in a unique position and have an obligation to maintain an ARIC perspective in the interests of the community. For elected members, this will require them to display an independence of mind separate from their role as a Councillor. There was also discussion on the responsibilities of Chairman over and above other members.

The workshop considered meeting procedures and ARIC responsibilities and work plans (examples of these were provided and discussed). Considerable attention was given to effective reporting to Council by way of the minutes and annual Committee report.

I was disappointed that there was little attention given to the process to be adopted by the Committee on receipt of external and internal audit reports, although the importance of the Committee following up on actions taken in response to any recommendations was emphasised.

Much of the rest of the workshop was taken up by an item by item review of the Committee's responsibilities as set out in the unproclaimed sections of the Act. These are:

The Committee must keep under review the following aspects of the council's operations:

- (a) compliance,
- (b) risk management,
- (c) fraud control,
- (d) financial management,
- (e) governance,
- (f) implementation of the strategic plan, delivery program and strategies,
- (g) service reviews,
- (h) collection of performance measurement data by the council,
- (i) any other matters prescribed by the regulations.

Finally, some attention was given to quality assurance aspects of the Committee's own performance.

Overall the workshop was very valuable in putting a framework to (what is currently expected to be) the role and responsibilities of Audit, Risk and Improvement Committees. Leeton Shire Council is to be commended on its initiative in obtaining this training locally rather than the Sydney, Dubbo and Coffs Harbour sessions originally advised by LGNSW.

I understand that Wendy Reichelt, Council's Governance and Records Officer, attended on Monday 27 May and she may wish to provide further comment on these workshops.

David G Maxwell
Chairman, ARIC

RECOMMENDATION:

1. That the report be received and noted.
2. That Council be requested to make representations to the Minister of Local Government, the local member and OLG seeking the urgent issue of the draft guidelines for ARICs.
3. That staff and elected members be encouraged to attend any future workshops.
4. That this report be made available to all elected members.

7. Audit and Risk Committee Minutes

RECOMMENDATION that Riveria Water receive and note the minutes of the Audit and Risk Committee Meeting held 22nd May 2019 and endorse the recommendations contained therein.

MINUTES of the MEETING of AUDIT & RISK COMMITTEE
held at 91 HAMMOND AVENUE, WAGGA WAGGA,
on WEDNESDAY, 22nd MAY 2019 at 9.30 am

PRESENT:

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

IN ATTENDANCE:

General Manager
Manager Corporate Services
Manager Works
Governance & Records Officer
Minute Secretary
Observer

Mr. Andrew Crakanthorp
Ms. Emily Tonacia
Mr. Austin Morris
Ms. Wendy Reichelt
Ms. Kerrie Fawcett
Ms. Alison Herbst

The meeting of the Audit and Risk Committee commenced at 9.33 am.

1. APOLOGIES:

One apology from Clr. T. Quinn.

2. DECLARATIONS OF INTEREST

No declarations were made.

3. CONFIRMATION OF MINUTES PREVIOUS MEETING 6th MARCH 2019

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the minutes of the proceedings of the Audit and Risk Committee meeting held 6th March 2019 be confirmed as a true and accurate record.

CARRIED

4. EXECUTIVE REPRESENTATIVE REPORT (VERBAL)

Deferred to later in meeting.

5. BUSINESS ARISING

There was no business arising.

6. DRAFT FINANCIAL STATEMENTS

There was no agenda item in this business paper.

7. EXTERNAL AUDIT

The Committee considered the Annual Audit Plan as submitted to the Committee dated 25 February 2019.

Recommendation:

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

CARRIED

8. INTERNAL AUDIT

8.1 INTERNAL AUDIT REPORT – ASSET MANAGEMENT

Recommendation:

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

- a) receive and note the report;
- b) the Committee expresses reservations about the recommendations in Issue 3 – Maintenance and Depreciation and identified as recommendations c) and d); and
- c) the Committee emphasises the importance of asset management system which integrates with the Council's Enterprise Management Platform.

CARRIED

8.2 INTERNAL AUDIT PROGRESS REPORT

Recommendation:

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

- 1) receive and note the report;
- 2) that the Water Quality and Systems Monitoring Audit scope be amended to reflect the revised scope as discussed during the meeting (to address the recently introduced ADWG process); and
- 3) include the Bligh Tanner report in the agenda for July Meeting of the ARIC.

CARRIED

9. EXECUTIVE REPRESENTATIVE REPORT (VERBAL)

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the Audit and Risk Committee receive and note the verbal report from Manager Works, Mr. Austin Morris with thanks and congratulations.

CARRIED

10. OTHER REPORTS

10.1 AUDIT & ACCREDITATION REPORTS BY OTHER BODIES

No reports to this meeting.

10.2 GENERAL MANAGER CONFIDENTIAL REPORT (VERBAL)

Recommendation:

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

CARRIED

10.3 PRIVATE WORKS

Recommendation:

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

CARRIED

10.4 ANNUAL CUSTOMER SATISFACTION SURVEY

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the General Manager's report into the 2019 Riverina Water County Council residents survey be received and noted.

CARRIED

10.5 STATECOVER SELF AUDIT REPORT

Recommendation:

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

CARRIED

11 COMMITTEE OPERATIONS

11.1 COMMITTEE ACTION PLAN

Recommendation:

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

CARRIED

11.2 AUDIT FOLLOW-UP MATRIX

Recommendation:

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

- 1) receive and note the report; and
- 2) that all previous management responses be recorded in the updated version of the matrix.

CARRIED

11.3 REVIEW 4 YEAR STRATEGIC PLAN

Recommendation:

On the motion of Mr. B. McNair and Clr. Y. Braid OAM that the chairman convene a meeting consisting of the General Manager, Internal Auditors and appropriate staff to develop a revised draft four year internal audit plan.

CARRIED

Next Meeting: Wednesday 24th July 2019 at 9.30 am at the
Holbrook Library Complex, Holbrook

Meeting Closed 11.55 am

8. Appointment of Investment Advisory Service

RECOMMENDATION that Council engage 'Imperium Markets' as Council's independent investment advisor.

Council's Investment Policy (POL 1.23) contains the following provisions around the use of an Investment Advisor:

The Council's investment advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

In line with Council's procurement procedure, Council recently requested a proposal from Imperium Markets for Investment Advisory Services. Imperium Markets is an independent investment consultant, licenced by the Australian Securities and Investment Commission. Imperium Markets works with Council's and other organisations to develop, implement and manage their investment portfolio. The proposal from Imperium Markets provides for both investment advisory services and associated reporting, along with a unique on-line investment portfolio transacting and management platform.

Staff have taken advantage of a free trial of Imperium's products and services in recent months to assess their performance. The quality of the investment advice and the ease of use of the online investment platform was rated very highly.

The term of the investment advisory service will be on a month to month basis and may be terminated by either party giving 7 days' notice in writing.

9. Performance Review – General Manager

RECOMMENDED that this report be received and board members provide the Chairman with any items for consideration by the PRC prior to the 7 August 2019.

I advise Council that the General Manager's Annual Review has been scheduled for Wednesday, 14 August 2019, at 9.00 am at the Council Chambers. The review will be facilitated by Terrey Kiss from Blackadder Associates.

The following outlines the preparatory work for the Review, and the procedure on the day.

1. Before the Meeting on 14 August 2019

The General Manager is asked to undertake a self-assessment of achievements as per the Agreement and submit to myself as Chairman.

I will provide the Performance Review Committee (PRC) with that self-assessment. The PRC members are to provide comments as they see fit and rate each item. Each PRC member brings his marked copy of the Agreement to the meeting.

The General Manager is asked to provide a short list of projects for Part D – Annual Projects and Priorities and any additions or deletions in Part F - Corporate Key Performance Indicators for consideration in the new 2019/20 Agreement.

2. At the Meeting on 14 August 2019

The PRC firstly receives a presentation from the General Manager on his self-assessment. Questions may be asked of the General Manager during this presentation. The General Manager then leaves the meeting.

The PRC members consider the General Managers self-assessment and their own individual comments and ratings. A collective rating is achieved by consensus. The PRC discuss any changes to the employment conditions for the General Manager including a remuneration increase.

The PRC and the General Manager then discuss the new Agreement and the General Managers suggested key projects. A draft new Agreement will then be determined.

3. After the meeting on 14 August 2019

I will report to the Board in Closed Session, that a review has taken place and provide a summary of the results. This is not to be seen as an opportunity to rake over the results. The General Manager will not be present when I report to the Board.

I will also advise the meeting that a new Agreement is being prepared and ask Board members for comments.

Any remuneration increase (apart from the SOORT increase allowed in the contract) to be reported in Open Council.

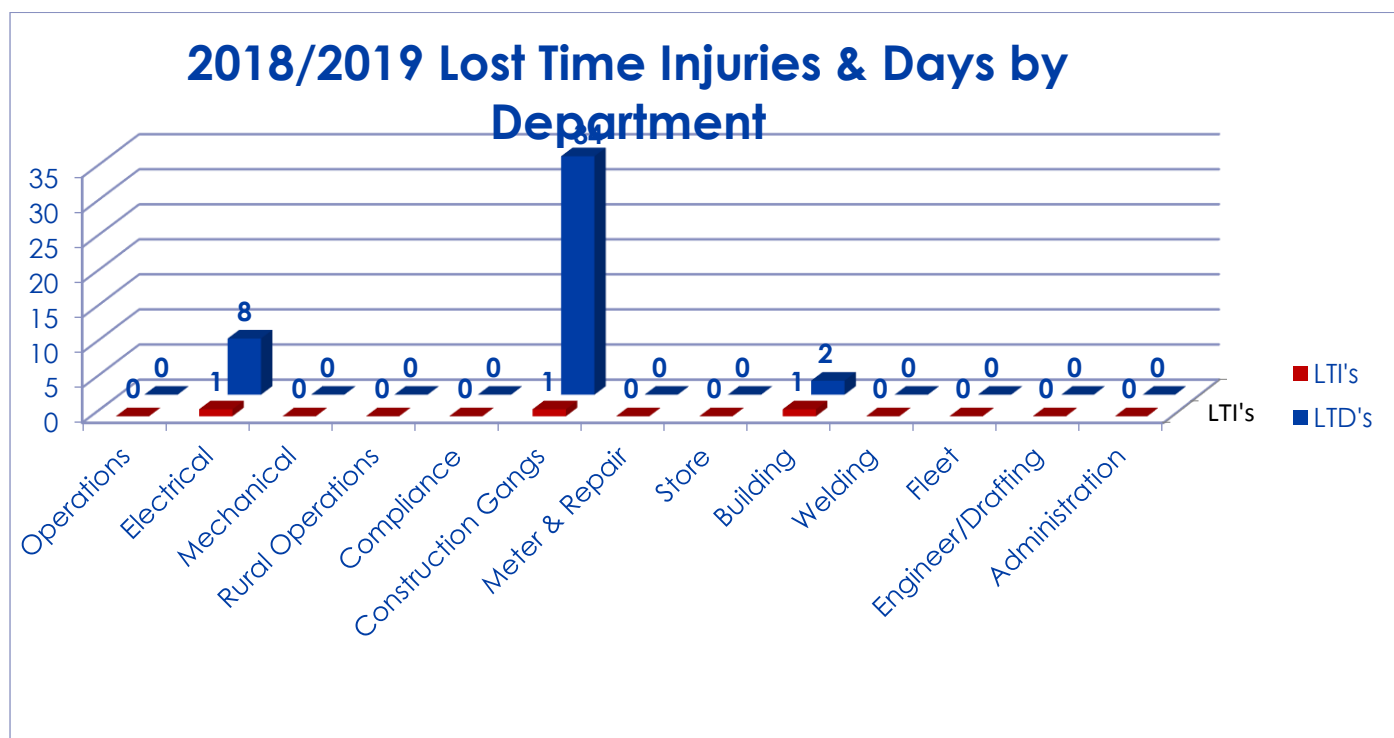
Within 6 weeks after the meeting on 14 August 2019, I will send to the General Manager a written statement with the conclusions of the General Manager's performance for the review period. As soon as possible after receiving the statement the Chairman/PRC and the General Manager will sign off on the new agreement.

The General Manager, Mr Crakanthorp has entered into a five-year contract with Council which commenced on 10 January 2018. Mr Crakanthorp's performance is being assessed in accordance with the provisions of the contract.

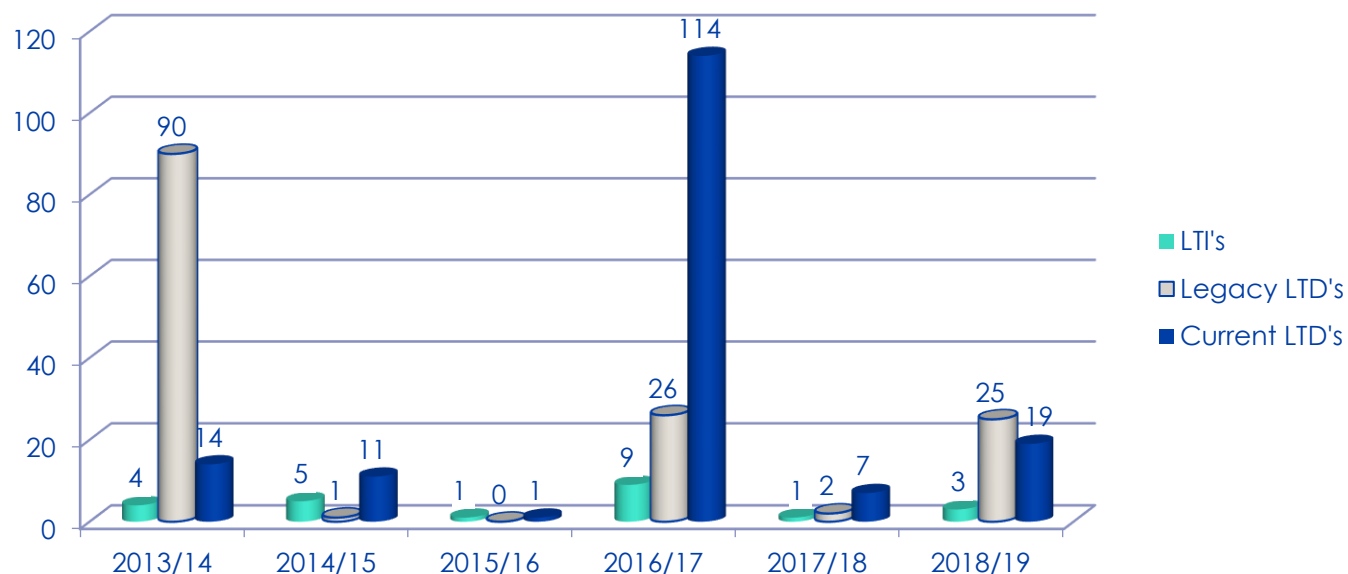
10. Lost Time Injury Statistics 2018/19

RECOMMENDATION that the quarterly statistics report on Lost Time Injuries for the 2018 / 2019 financial year to date be received and noted.

QUARTER	LOST TIME INJURIES	LOST TIME DAYS CURRENT INCIDENTS	LOST TIME DAYS LEGACY INCIDENTS	TOTAL LTD's
July - September 2018	0	0	12/6/2018 Knee injury 22	22
October - December 2018	1	Shin laceration 8	0	8
January - March 2019	0	0	12/6/2018 Knee injury 3	3
April - June 2019	2	Knee 2, Finger 9 11	0	11
Year to date running tally	3	19	25	44



Financial Year Statistical History



WHS KPI's

Objectives	Key Performance Indicator	Progress to 18 June 2019	
Number of full days lost through workplace injury/illness	0 or < previous period	2017/18 9	2018/19 44
Total hours worked compared to time lost through workplace injury & illness	< previous period	0.05%	0.21%

Over the current July 18 / June 19 period we have worked a total of 180975 hours and have lost 373.4 hours through workplace injury or illness.

11. Community Engagement Strategy 2019-21

RECOMMENDED that the Council adopt the Community Engagement Strategy.

Background:

Water is the backbone of the southern Riverina. It helps our communities grow and thrive. It's an essential resource which underpins everything we do from drinking to cooking and cleaning through to recreation, heating, cooling and the running of business, industry and agriculture - which not only feeds the Riverina but Australia.

Our mission is delivering our community safe and reliable drinking water at the lowest sustainable cost.

Formed in 1997 as county council (a single-purpose water supply council), we are made of four constituent local government areas, where we supply water to customers. Our Board is made up of a mix of councillors from each constituent council.

Our formation 22 years ago built on a long and proud history of close to 60 years of water supply in the southern Riverina region. We look forward to building on this legacy as we move into a new direction.

Our community:

We deliver safe and reliable drinking water to a community of more 67,000 people across more than 15,000 square kilometres in parts of the NSW Riverina.

We have more than 26,000 properties connected directly to our water supply network across towns including Holbrook, Lockhart, Urana and Wagga Wagga.

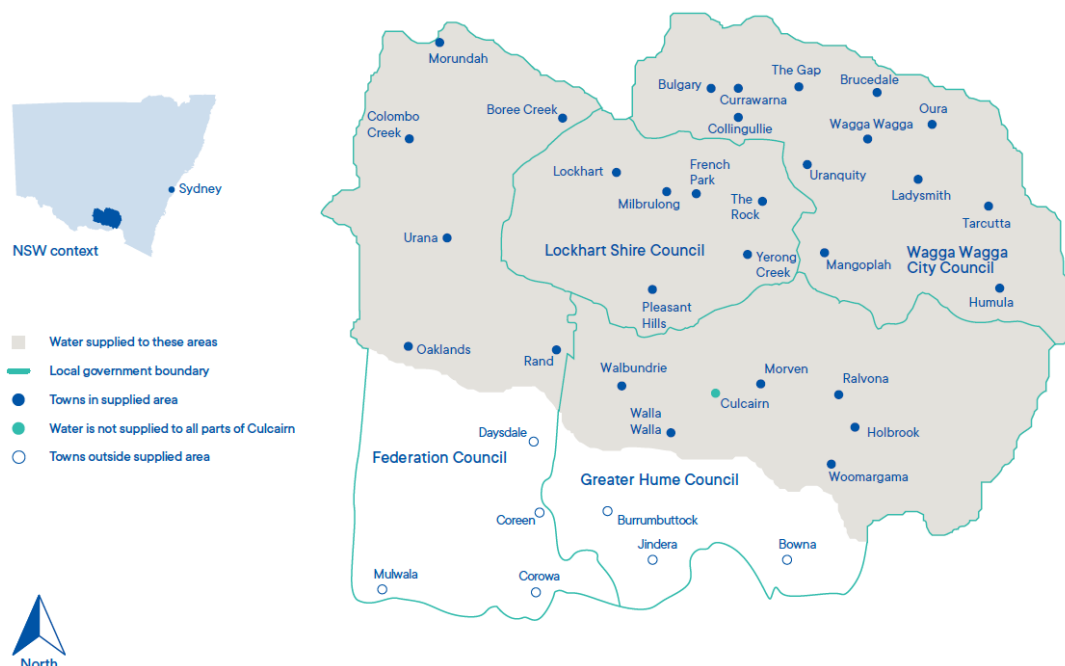
Our customers are diverse and range from households, to farmers, business, industry and other institutions such as hospitals, aged care facilities, the Royal Australian Air Force Base Wagga and education institutions including Charles Sturt University.

Our network:

We have more than 26,000 properties connected directly to our water supply network made up of more than 1800 kilometres of water mains.

Stretching from Morundah to Woomargama and Urana to Humula, we cover the local government areas of Wagga Wagga and Lockhart and parts of Greater Hume and Federation (see below).

Riverina Water supply area



We draw water from the Murrumbidgee River which runs through the heart of Wagga Wagga. We also source water from 10 bores which makes up about 60 per cent of our source water supply.

Our water supply network includes 16 water treatment plans and more than 80 reservoirs.

Strategy aim:

We understand that our community and customers are our most important asset. The development of our first Community Engagement Strategy marks a new direction for our organisation and coincides with the appointment of our first Community Engagement Officer who will facilitate the strategy rollout.

In moving from a more transactional relationship with our customers, the aim of this strategy is to bring a stronger engagement focus to our interactions with community. We believe this will help our community take greater ownership of our brand and our activities.

Over the next two years, this strategy will enable us to engage with community through a range of different ways including social media, events, education and branding, as well as giving back to our communities through our Community Grants and Donation programs.

Strategy aim: To engage with community in new and innovative ways that help us build lasting two-way relationships which empower our community to take ownership/pride of our brand and service.

Key message/tagline:

Providing quality water everyday

This is a concise, down to earth message which embodies our mission statement. The message is designed to clearly portray our driving goal for our audience.

Stakeholders:

Primary stakeholder group	Key interests	What we want them to know/calls to action	How we'll reach them
Community including: <ul style="list-style-type: none">• Direct customers• Indirect customers• Community groups• Business• Industry• Agriculture• Other institutions	<ul style="list-style-type: none">• Water quality and safety• Water affordability• Water security• Service delivery• Water conservation	<ul style="list-style-type: none">• We provide safe and reliable drinking water at the lowest sustainable cost• We've got water for when you need it• We've undertaken strategic planning to ensure our supply area's water supply and now and into the future• Our workforce is specialised and experienced to ensure our water supply is safe and secure• Making every drop count through conservation and technology	<ul style="list-style-type: none">• Events and tours• Customer service• Media and social media• Website• Consultation• Passive marketing• Partnerships with community groups• Branding• Meaningful merchandise• Communications collateral including customer newsletter• Refill stations

Secondary stakeholder groups:

Water industry including <ul style="list-style-type: none">• Water utilities• Advocacy groups• Professional associations• Suppliers• Contractors	Government including: <ul style="list-style-type: none">• Local councils• Other county councils• LG NSW• NSW Government• NSW Health• Constituent councils
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How we'll communicate:

Our 2019 Customer Satisfaction Survey results tell us traditional media such as print, TV and radio account for more than a third of one-way communication from us to community. In contrast the combined preference for communication via these channels is 5 per cent.

While mail dominates as both the usual (82 per cent) and preferred (71 per cent) method of communication, primarily through customer bills and customer newsletter, email is significantly underutilised.

As audiences continue to shift to online platforms, we will continue to maintain our existing channels while investing in digital channels including email, our website and social media platforms such as Facebook, Twitter, Instagram, LinkedIn and YouTube. These channels allow us to continue the digital experience through digital advertising and video where we can share information in effective and engaging ways.

While promoting email as a primary method of communication, Riverina Water will investigate opportunities to build a customer data base which allows us to digitise our customer newsletter, share updates about service issues and other news.

We'll also invest in our website to ensure a rich and informative customer experience which empowers community with the right tools and information to resolve customer-service related issues. We'll also focus on education resources to promote behaviour change through awareness of water wise practices.

Please note: figures do not sum to 100 per cent because respondents were able to select multiple answers. The figures used show which proportion of the total respondents chose each method.

Two-way communication

Increasing opportunities to communication via digital platforms such as social media will foster two-way communication often in real time, where community can engage with content, ask questions and be given a response. In some cases, these interactions could lead to meaningful conversations which benefit the wider community through the sharing of information and tools.

Channel composition

- Social media
- Email
- Riverina Water website
- Newspaper editorial and advertising
- Face-to-face engagement including events and site tours
- TV and Radio content and advertising

COMMUNICATION USUAL & PREFERRED METHODS

	USUAL	PREFERRED
By mail	82%	71%
Riverina Water newsletter	18%	7%
Local newspaper	16%	2%
Email	14%	30%
Television	12%	3%
Radio	8%	1%
Website	9%	4%

Awareness and behaviour

Our 2019 Customer Satisfaction Survey identified areas for further awareness including:

- Sprinkler ban between 10am and 5pm
- Stepped tariff
- Water conservation
- The Riverina Water supply network
- Projects available for community consultation

We'll continue to develop and promote content across all channels that improves awareness of these areas. This information will aim to promote behaviour changes where applicable.

Reporting:

The progress of this strategy will be reported in the Riverina Water Annual Report.

Progress updates will include a quarterly Media and Social Media Report covering all media and digital communications including social media and the Riverina Water website.

The primary key performance metric for the strategy implementation and rollout will be the successful delivery of each applicable action item.

Overall network water consumption will be monitored and assessed for changes in line with water wise education.

Action plan

1. Community engagement and events

Approach: We will focus on benefit-led and innovative ways to connect with our community and stakeholders

Aim: To build relationships with community and stakeholders and to encourage audiences to actively think about water use through education

1.1	We will sponsor and attend Fusion to 2020. We will lead the promotion of sustainable water practices and focus on minimising our waste footprint at the event
1.2	We will run water treatment plant tours for students and other groups
1.3	We will develop water wise gardens and green walls at our Wagga site in partnership with experts including CSU ecologists and ErinEarth. These sites will form part of tours to the WTP
1.4	Riverina Water will run water wise campaigns to promote the sustainable use of water/best practice and to create related behaviour change in our community
1.5	Riverina Water will run tap water campaigns including the distribution of branded table water bottles to local cafes and restaurants in our supply area
1.6	Riverina Water will develop an interactive customer service area including display boards with current information, wall artwork/photography, iPad surveys on customer service levels, self-service functions, digital logins for guests etc
1.7	Riverina Water will seek to consult with community during policy development in new and innovative ways

2. Drinking water refill stations

Approach: We will work collaboratively with our constituent councils to rollout water refill stations

Aim: To encourage community and stakeholders to think about water supply and the benefits of tap

2.1	<p>Each calendar year we will have one drinking water refill station available upon request for each of our rural constituent councils and two for Wagga City. Each council will choose the installation location within the Riverina Water supply area boundaries and manage cleaning and graffiti removal as required. Stations will be directly contacted to the Riverina Water supply network. Riverina Water will manage the installation and ongoing operational maintenance. The refill station design will include the Riverina Water and relevant constituent council logo.</p> <ul style="list-style-type: none">• We will also update the existing Lake Albert refill station with a stainless steel unit
2.2	<p>As part of Fusion, we will provide tap water for attendees through portable refill stations and we'll promote BYO bottle in addition to supply reusable bottles</p> <ul style="list-style-type: none">• We will also Investigate using biocups for events

3. Social media

Approach: We will use social media to engage with community in meaningful ways and direct people to our website where they can further engage with content

Aim: To increase awareness of Riverina Water, our services, projects and initiatives while also empowering community to think about their water use through education

3.1	We will build our presence on Facebook by 10 per cent each calendar year
3.2	We will build our presence on Twitter
3.3	We Water will build our presence on Instagram
3.4	We will build our presence on LinkedIn
3.5	We will build our presence on other social media channels including YouTube and investigate emerging social media channels to build its digital presence
3.6	We will report quarterly on our social media analytics
3.7	We will develop and implement a social media policy
3.8	We use social media to facilitate customer enquiries

4. Customer newsletter

Approach: We will develop relevant, engaging, customer focused and benefit-led materials

Aim: To inform and education community and stakeholders about our organisation, our services, projects and initiatives while also empowering community to think about their water use through education

4.1	We will produce an customer newsletter quarterly
4.2	We will create an electronic direct marketing version of its newsletter, in line with privacy and data storage requirements

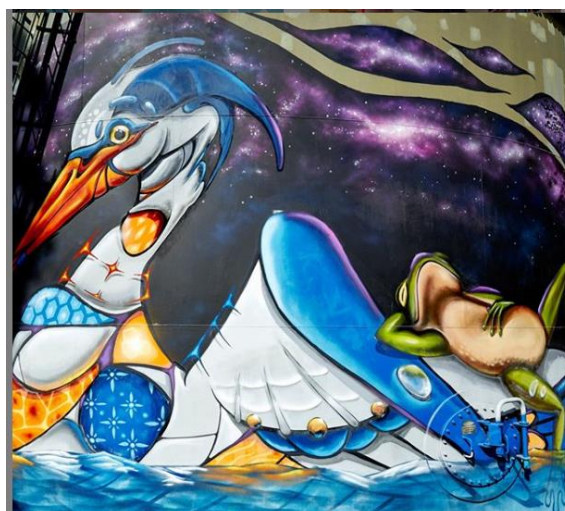
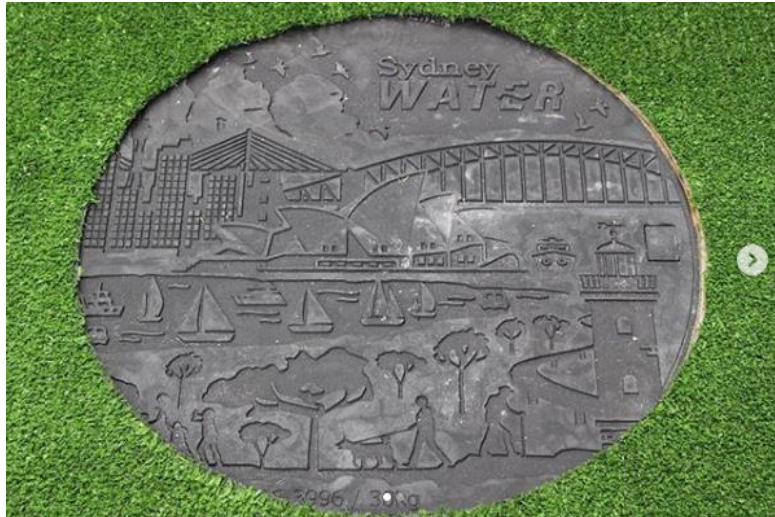
5. Visual identity

Approach: We will develop a contemporary and community-focused visual identity and brand identity style guide. The current Riverina Water logo will form part of this visual identity. The visual identity will be the visual element of our brand experience. It will be implemented across internal and external visual touch points

Aim: To visually communicate our brand, frame how community and stakeholders think about our brand, build brand recognition and raise our brand profile

5.1	We will develop a visual identity and verbal identity
5.2	We will develop a brand style guide
5.3	We will develop a suite of marketing, communications and business collateral materials using the new visual identity
5.4	We will replace existing outdoor signage with new on brand signage
5.5	We will replace water refill station signage with new on brand signage

- 5.6 We will investigate opportunities to incorporate branding and art onto infrastructure in creative ways (see Sydney Water manhole, pump house and reservoir examples below)



6. Donations

Approach: We will promote our new Donation Program

Aim: To identify donation opportunities that benefit our entire community

6.1	We will develop a Donation Policy and program to replace its current Donation Policy and program
6.2	We will develop application and acquittal forms to support the program
6.3	We will launch and promote the new program in 2019

7. Grants

Approach: We will promote its Community Grants Program

Aim: To support a wide range of community projects and activities that enhance life for the wider community

7.1	We will develop a community grants program
7.2	We will develop online application and acquittal forms to support the program
7.3	We will launch and promote the new program in 2019

8. Environment

Approach: To protect and enhance our natural environment including waterways, Riverina Water managed lands, surrounding lands and other areas in our supply area. We'll also minimise our waste footprint as part of production

Aim: To show Riverina Water is socially responsible and to see improved local environments and habitats

8.1	Promote water related days/weeks of significance including: <ul style="list-style-type: none">• World Water Day - March• World Water Week - May• National Water Week - October
8.2	We will look for opportunities to use sustainable suppliers and sustainable production options (types of materials, printing, freight, supplier location etc) in the development of marketing and communications collateral
8.3	We will take a digital-first approach to marketing and communications materials where appropriate to reduce the reliance on hard copy assets and production
8.4	We will minimise instances of over ordering stock resulting in waste
8.5	We will reduce our waster footprint by developing meaningful water-related/water wise merchandise with ability for reuse. In line with this approach, we will also not consider large merchandise requests and will not consider requests for merchandise not aligned with this approach

9. Website

Approach: To develop a digital-first customer friendly experience through an engaging and practical website that acts as a one-stop shop for customer needs which can be managed end-to-end on the site where applicable

Aim: To inform and educate community and stakeholders about Riverina Water, its services, projects and initiatives while also empowering community to think about their water use through education and servicing customer needs

9.1	We will engage external suppliers to rebuild its website
-----	--

10. Media

Approach: We will deal with media in a professional, response, transparent and proactive way

Aim: To minimise media risk and to be seen as trustworthy and transparent

9.1	We will develop and implement a media policy
9.2	We will identify opportunities for proactive media coverage

2019 priorities

- Visual ID development
- Website rebuild
- Community Grants Program
- Donation Program
- Fusion 2019

The 2019/20 budget contains \$70,000 to assist in implementing the strategy.

12. Murrumbidgee Customer Advisory Group

RECOMMENDATION that Council receive and note the report.

WaterNSW recently called for nominations for people to be appointed the Murrumbidgee Customer Advisor Group. Both Council and the Riverina Joint Organisation nominated Bede Spannagle to be appointed to the Group.

Attached is a copy of correspondence from WaterNSW advising that Bede has been appointed to the Group for a three-year term commencing 1 July 2019.

Riverina Joint Organisations has been advised of the appointment and have also been requested to nominate an alternate delegate. Bede will attend the first meeting of the Group in Griffith on 1 August 2019.

- **Correspondence from WaterNSW**



20 May 2019

Andrew Crakanthorp
General Manager
Riverina Water County Council and Riverina Joint Organisation
91 Hammond St
WAGGA WAGGA NSW 2650

Dear Andrew

Appointment to the Murrumbidgee Customer Advisory Group - 2019-2022

Thank you for submitting nominations for the Murrumbidgee Customer Advisory Group (CAG) for the 2019-2022 term of office.

I wish to advise that the following nominees have been successful and will represent Riverina Water County Council and Riverina Joint Organisation on the CAG from 1 July 2019 through to 30 June 2022.

Primary delegate – Bede Spannagle

Alternate delegate - Nil nominated

Appointment letters have been sent to the successful nominees and information for new members will be emailed in due course. This includes the full list of members for the Customer Advisory Group, as well as links to information relating to the Customer Advisory Group and WaterNSW. All members and alternates have an obligation to provide regular feedback to all water users forming their constituency.

There are ten Customer Advisory Groups throughout the state that provide a forum for communication and consultation between WaterNSW and its customers. Customer Advisory Group members and WaterNSW staff exchange information so that a positive, constructive and efficient service provider-customer relationship can be maintained.

The date for the first full meeting of the Murrumbidgee Customer Advisory Group is Thursday 1 August 2019 in Griffith. Meeting details, including an agenda and business papers, will be emailed to all members prior to this meeting.

If you have any questions regarding Customer Advisory Group matters, please don't hesitate to contact Toni Hayes on 02 9849 9979.

Yours sincerely



Jonathan Dickson
Manager Customer and Industry Relationships

Andrew

13. Riverina Water Sponsorships

RECOMMENDATION:

1. that the advice from the General Manager regarding sponsorships by Riverina Water for the year 2018/2019 be noted.
2. That Council note the current review of Policy 1.25 – Sponsorships and endorse the revised arrangements for applications for sponsorship as outlined in the report.

Riverina Water County Council has for a number of years sponsored various community groups/events.

Council's Sponsorship Policy requires that the general manager report on sponsorships made on an annual basis.

A copy of sponsorships for 2018/2019 follows: -

It should be noted that some of these sponsorships are once off assistance, including:

Committee4Wagga	Sponsorship School Leader Program	\$ 5,000
Four Hundred in 4	Sponsorship Charity Bike Ride	\$ 250
Give me 5 for Kids	Sponsorship Wagga McDonald House	\$ 500
Lockhart Golf Club	Sponsorship of Golf Tees	\$ 240
Lockhart Shire Council	Sponsorship of Water Tower Mural	\$ 3,000
Ningana Enterprises	Sponsorship of Charity Ball	\$ 2,000
Wagga Wagga City Council	Sponsorship Drought Relief Concert	\$ 3,200
Henty Community Committee	Sponsorship Henty Streetscape opening	<u>\$ 2,000</u>
Lockhart Picnic Races	Donation of water for watering track	\$ 374
South Wagga Rotary Club	Sponsorship of Stop The Coward Punch	\$ 500
CSU Reddies Rugby Club	Sponsorship of 2019 Charity Ball	<u>\$ 500</u>
Total		<u>\$17,564</u>

The remainder have been more of an ongoing arrangement as appear below:

Charles Sturt Foundation	Annually Funded Scholarship 2018	\$4,500.00
Henty Bowling Club	Sponsorship 2019 Invitation Triples	\$ 200.00
Henty Show Society Inc.	Sponsorship 2019 Show	\$2,500.00
Kurrajong Waratah	Membership 2018/2019	\$ 20.00
Kurrajong Waratah	2019 Kurrajong Race Day	\$2,000.00
Lillier Lodge - Wagga Wagga	Subsidise Water Account (flat rate)	\$ 970.00
Lockhart Bowling Club	Sponsorship of 2019 Club Championship	\$ 300.00
Lockhart Golf Club	Sponsorship 2019 Annual Men's Tournament	\$ 500.00
Lockhart Picnic Race Club	Half page advert in 2019 race meeting booklet	\$ 500.00
Lockhart Spirit of the Land Committee	Sponsorship of 2019 Festival	\$2,500.00

Murrumbidgee Rotary Club	Sponsorship 2019 Science & Engineering Challenge	\$2,000.00
Oaklands Truck Show Inc.	Sponsorship 2019 Truck Show	\$1,000.00
Riverina Monaro Club	Sponsorship 2019 Riverina Show & Shine	\$ 250.00
Riverina Pregnancy & Baby Loss	Sponsorship 2019 Fundraising Appeal	\$ 250.00
Riverina Summer School of Strings	Sponsorship 2018/19 Event	\$2,500.00
Rotary Club of South Wagga Inc.	Sponsorship 21 st Annual Golf Day	\$ 300.00
Rotary Club of South Wagga Inc.	Sponsorship of Circus Quirkus 2019	\$ 600.00
Rotary Club of South Wagga Inc.	Sponsorship Nepal School Building Project	\$3,250.00
TAFE NSW Riverina Institute	Sponsorship of 2019 Presentation Event	\$ 250.00
The Rock Show Society Incorporated	Sponsorship 2019 Show	\$1,000.00
The Rock Triathlon Committee	Sponsorship of 2019 The Rock Triathlon	\$ 500.00
Urana Vintage Machinery Club	Sponsorship of 2019 Show	\$ 910.00
Uranquinty Progress Assoc.	Sponsorship Xmas Celebrations 2018	\$ 500.00
Wagga School of Arts Community	Sponsorship of Play Festival 2019	\$1,600.00
Wagga Wagga Country Club	Sponsorship of 2019 Pro Am	\$ 900.00
Wagga Wagga City Council	Sponsorship of 2019 Fusion Festival	\$25,000.00
WaterAid Australia	2018/19 Membership	\$20,000.00
TOTAL		\$74,800.00

Council has sponsored events during 2018/19 that total \$92,364. Council's budget for 2018/19 was \$90,000 which includes \$25,000 for the Fusion three-year sponsorship and Council's annual membership of WaterAid. The additional expenditure of \$2,364 will be funded from the savings in other areas of the corporate services budget.

The current Sponsorship Policy is currently being reviewed with a view to replacing the Sponsorship Policy with a new Donations Policy. This change was considered at a Councillor workshop in April 2019.

As part of that review, Council has written to all organisations that received funding during the past two financial years advising of the change to the Policy and advising that any applications for a donation or sponsorship during the period July to September inclusive, will be considered by Council in November 2019 (following the exhibition and adoption of the new Donations Policy).

The advice to the organisations states that applications for funding for events during that period will be considered on a retrospective basis. It also advises that Council is launching its 2019/20 Community Grants Program in August this year and encourages those organisations to consider making an application via that program.

14. Request for Sponsorship – Eastern Riverina Regional Organisation of Councils

RECOMMENDATION:

- a) That Council provide sponsorship of \$2,500 on annual basis to the Eastern Riverina Regional Organisation of Councils for their “Build a Bridge...and get over it!” Camp
 - b) That the sponsorship be funded in 2019/20 from the annual sponsorship budget
 - c) That REROC be requested to both provide appropriate recognition of Councils sponsorship during the camp.
-

The Eastern Riverina Regional Organisation of Councils (REROC) has written to Council requesting that Council consider sponsorship the annual “Build a Bridge...and get over it!” camp.

A copy of their letter is attached.

REROC advises that the camp has been operating successfully for the past 12 years and provides an opportunity for students from all schools within the REROC footprint, who have an interest in an engineering career, to attend the camp.

The organisation and funding for the 2019 camp has become more challenging following the withdrawal of Snowy Valley's Council and Wagga Wagga City Council as members of REROC. REROC at its meeting in June gave consideration to a report to address the matter.

The REROC report appears below including the recommendation:

Build A Bridge...and get over it! 2019

Planning is underway for this year's event which will be held from 12-14 August at Borambola.

This year we have the challenge of what to do about the schools that are in Snowy Valleys' and Wagga Wagga LGAs that have always participated in the program. This issue was discussed at the last Executive meeting. The Executive are recommending that priority for placement in Build a Bridge be given to students who reside in a REROC Member LGA, however once the places have been filled by these students if places remain that they can be offered to Wagga Wagga and Snowy Valleys' schools at a cost of \$500 per student (plus GST). I have discussed this approach with The Compact's CEO, Megan Mulrooney, who is in a difficult position because their operational footprint encompasses both LGAs. She is comfortable with the idea that they can participate on a fee-paying basis.

We will need to write to each of the schools in those LGAs to advise them of the new process.

Recommendation: *The Board resolves that priority for participation in Build a Bridge be given students that reside in REROC Member Council LGAs, where there are spaces left in the program that these be offered to students who reside in Snowy Valleys and Wagga Wagga LGAs on a fee-paying basis, with the cost being \$550 per student.*

The above recommendation recognised that such a proposal was not ideal and in fact compromised the attendance of students in the camp, which effectively was counter intuitive to the overall intent of the camp.

During discussion of the matter, the meeting was advised that the camp operated with expenditure of \$12,800 and sponsorship income of \$5,000 from "The Compact".

The operating loss of \$7,800 has recently been funded from REROC's annual operating result, that is the equity held by REROC on behalf of its member councils.

At the meeting the Chairperson and General Manager suggested that Riverina Water would be interested in considering providing a corporate sponsorship to the camp which has led to the creation of this report.

The request aligns with Councils sponsorship policy and promotes careers in local government civil engineering. As Council is aware, the Sponsorship budget for 2018/19 is fully expended and it proposed that the sponsorship of \$2,500 be funded from the 2019/20 budget for sponsorships.

The sponsorship would improve Council's profile with students and schools in the region and position Council as a future career option for graduate engineers.

As the letter states, Council's Director Engineering – Bede Spannagle, has been heavily involved in recent years at the camp.

- **Build a Bridge Sponsorship Request letter**

12 June 2019

Mr Andrew Crakanthorp
General Manager
Riverina Water
PO Box 456
WAGGA WAGGA NSW 2650

Dear Andrew

Sponsorship of Build A Bridge

I write following discussions held at the REROC Board meeting last week concerning the **Build a Bridge...and get over it!** Camp and Cr Verdon's invitation to approach Riverina Water regarding a possible sponsorship of the Camp.

The Camp is a joint initiative of REROC and the Compact. It commenced 12 years ago with goal of addressing skills shortages in civil engineering. The Camp provides a unique, experiential learning opportunity for students interested in a career in civil engineering. Since its inception almost 300 students have attended the Camp, with about 35% going on to a career in engineering.

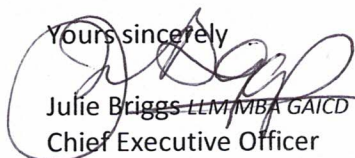
Attendance at the 3 day Camp is free of charge, and the funding that supports its operations has been provided by REROC and the IPWEA (NSW). Over 3 days, students work through all facets of engineering under the guidance of Melbourne-based facilitator and Construction Engineer, Nigel Worne. Students are mentored by civil engineers from REROC, IPWEA (NSW) and Transport for NSW as they design, project manage and build a bridge from concept to reality. Videos and photos from previous Camps can be found at <https://www.youtube.com/watch?v=jMVT7RCxDaM> and at <https://reroc.com.au/build-a-bridge-camp>

Riverina Water has been actively involved in the Camp through Mr Bede Spannagle who has participated as a mentoring engineer. The addition of a sponsorship by Riverina Water would be greatly appreciated, we are seeking \$2,500 to support the delivery of the 2019 Camp.

In return for the sponsorship we will publicise Riverina Water's involvement in all the materials that are associated with the event including placing the Riverina Water logo on our pull-up banners and the students' graduation certificates. We would also welcome Riverina Water's participation in the final presentation which will be held at Borambola on 14 August, providing an opportunity address to the participating students and their parents as well as assisting with the presentation of the students' Certificates of Participation.

If you requires any further information please do not hesitate to contact the writer. REROC greatly appreciates Riverina Water's consideration of a sponsorship for this event.

Yours sincerely



Julie Briggs LL.M/MBA GAICD
Chief Executive Officer

15. Wagga Wagga Boat Club

RECOMMENDATION that Council:

1. receive and note the application made by the Wagga Wagga Boat Club.
 2. set a debt threshold of \$4,500 for a duration of 12 months.
-

The Wagga Boat Club has written to Council requesting that Council consider donating their outstanding fees & charges balance of \$2,917.51 as a community donation due to the current financial hardship they are experiencing as a result of lack of rainfall and current conditions of Lake Albert.

A copy of their letter is attached.

The nature of the request from the Wagga Wagga Boat Club does not meet the requirements under Council's donation policy. It is therefore recommended that Council acknowledge the circumstances that the Wagga Wagga Boat Club are currently experiencing and allow the club to maintain a debt balance at a maximum of \$4,500 for a period of 12 months. During this timeframe any amounts under this threshold will not attract interest or legal debt recovery action. Council staff in addition will work with the club to put an affordable payment arrangement in place.

- **Wagga Boat Club letter**



PO BOX 2060 Wagga Wagga NSW 2650 PH: 69262300 Mobile: 0410600773

ACN 001 064 106

ABN 23 001 064 106

COMMODORE: MICK HENDERSON

Riverina Water

Attention Andrew Crakanthorp

The Wagga Wagga Boat Club is requesting that Riverina Water can assist us by donating the outstanding amount of \$2917.51 as a community Donation.

Due to the lack of rainfall and the current condition of Lake Albert we are facing financial hardship we acknowledge that you are currently in a working partnership with the Wagga city council to help find a solution to the water levels for the future sustainability of the Lake and appreciate your efforts.

We would acknowledge this as a community donation to our members and community via all social media sites.

Thank you for your consideration of this matter and look forward to hearing from you.

Kind regards

Board of directors

Wagga Wagga Boat Club

16. Adoption of Policy 1.2 Code of Meeting Practice

RECOMMENDATION: That Council:

1. notes that there were no submissions received during the exhibition period for the draft Policy 1.2 Code of Meeting Practice
 2. adopts Policy 1.2 Code of Meeting Practice
-

Council at its meeting on the 23 April 2019 resolved as follows:

- 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.

The policy was placed on exhibition from the 11 May 2019 to the 17 June 2019 with no submissions received. Accordingly, it is recommended that the policy be adopted as exhibited.

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

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 as advertised is attached.**

CODE OF MEETING PRACTICE

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

- 3.3 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 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

- 3.4 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 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, 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.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to members of ordinary council meetings

- 3.7 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 3.7 reflects section 367(1) of the Act.

- 3.8 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 3.8 reflects section 367(3) of the Act.

Notice to members of extraordinary meetings

- 3.9 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 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 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.
- 3.11 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.
- 3.12 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.

- 3.13 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

- 3.14 A member may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A member is not permitted to ask a question with notice under clause 3.14 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.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 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

- 3.17 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.
- 3.18 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 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the chairperson to put a minute to a meeting under clause 9.6.
- 3.20 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.

- 3.21 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 3.21 reflects section 9(2A)(a) of the Act.

- 3.22 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

- 3.23 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 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 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 3.24 reflects section 9(2A)(b) of the Act.

- 3.25 For the purposes of clause 3.23, 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 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 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.
- 3.28 Despite clause 3.27, 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.

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

Pre-meeting briefing sessions

- 3.32 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.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 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.
- 3.36 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 other than a member, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Members may only be expelled by resolution of the council or the committee of the council.
- 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 TIME LIMITS ON COUNCIL MEETINGS

- 17.1 Meetings of the council and committees of the council are to conclude no later than 2 pm.
- 17.2 If the business of the meeting is unfinished at 2 pm, the council or the committee may, by resolution, extend the time of the meeting.
- 17.3 If the business of the meeting is unfinished at 2 pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the general manager must:

- (a) individually notify each member of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

18 AFTER THE MEETING

Minutes of meetings

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

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

- 18.2 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.

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

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

- 18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

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

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

- 18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 18.7 The confirmed minutes of a 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

- 18.8 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 18.8 reflects section 11(1) of the Act.

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

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

- 18.10 Clause 18.8 does not apply if the 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 18.10 reflects section 11(3) of the Act.

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

Implementation of decisions of the council

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

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

19 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all members

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 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.
- 19.4 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

- 19.5 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

- 19.6 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.

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

Attendance at committee meetings

19.8 A committee member (other than the 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.

19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

19.10 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

19.11 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.

19.12 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.

19.13 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.

19.14 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

- 19.15 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.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 19.17 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

- 19.18 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.
- 19.19 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.
- 19.20 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

- 19.21 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

- 19.22 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.
- 19.23 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.

- 19.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.25 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.
- 19.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.27 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.
- 19.28 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.

20 IRREGULARITIES

- 20.1 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 20.1 reflects section 374 of the Act.

21 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

17. Adoption of Model Code of Conduct and Procedures

RECOMMENDATION that Council:

- (a) notes that there were no submissions received during the exhibition period for the draft Policy 1.1 Model Code of Conduct and Policy 1.1a Procedures for the Administration of the Model Code of Conduct
- (b) adopts Policy 1.1 Code of Conduct and Policy 1.1a Procedures for the Administration of the Model Code of Conduct

Council at its meeting on the 23 April 2019, resolved:

- (a) 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) 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.
- (c) that Council continue its arrangement with Riverina Eastern Regional Organisation of Councils (REROC) to share a panel of conduct reviewers
- (d) That both draft Codes 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.

The policy was placed on exhibition from the 11 May 2019 to the 17 June 2019 with no submissions received. Accordingly, it is recommended that this policy be adopted as exhibited.

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. The report to the April meeting proposed 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**
 - **Procedures for the Administration of the Model Code of Conduct**

The Model Code of Conduct for Local Councils in NSW

2018

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model 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 Model 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.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their 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 councillor 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 councillors for misconduct, including suspension or disqualification from civic office. A councillor 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.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

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

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

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
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 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
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
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
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>
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	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 councillors, 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 council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, 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 council 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 council 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 council 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 councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council 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 councillor 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 councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (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 councillor or a council committee member
- (o) an interest arising from the appointment of a councillor 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 council) 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 council and the council 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 council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter 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 councillor?

- 4.20 A councillor:
- (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 councillor 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 councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor 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 councillor 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 council 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 councillor 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 council 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 councillor 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 council or committee, or
 - (b) at any time during which the council 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 council 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 councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor'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 council in which it is given (whichever is the sooner), sufficient disclosure of the councillor'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 council or council committee after the date of the notice.

- 4.33 A councillor 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 councillor 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 councillor 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 councillor 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 councillor in the councillor'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 councillor 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 council 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 councillor 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 council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter 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 mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes 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 mayor.

- 5.13 Despite clause 5.10(b), a councillor 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 Councillors 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 councillor 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 Councillors 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 councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors 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 councillor 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 councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of 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 councillor 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 councillor 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 council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor 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 council.

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 ratepayer, 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 councillor 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 councillors and administrators

- 7.1 Each council is a body politic. The councillors 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 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor 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 councillors and council staff that have been authorised by the council 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 mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors 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 mayor and other councillors 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) councillors 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 councillors 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 councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors 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 councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors 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) councillors 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 councillors 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) councillors 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 mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors 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 councillors 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 councillors 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 councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors 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, councillors 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.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors 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 councillor 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 councillor 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 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors 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 councillors and council staff.
- 8.27 Councillors 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 councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under 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 council, 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 councillor, 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 councillor 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 councillor 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 councillor 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 councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor 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 councillor 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 councillor 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 councillor 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 councillor 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 councillor 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 councillor 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 councillor 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 councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor 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 councillors 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 councillor 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 councillor 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 councillor 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 council 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 councillor or designated person]

as at [return date]

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

[councillor'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 any	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	---------------	----------------------------------	---

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

G. Positions in trade unions and professional or business associations

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

I. Dispositions of property

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

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

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model 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 Model 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 council 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 councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council 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 councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor 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 councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <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>	

¹ Clause 4.1 of the Model 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 Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model 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 councillor 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.]

Councillor'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]

**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.

18. Riverina Water Resolution Sheet

Council Resolution Sheet – Meeting held 26 June 2019

Report Ref	Subject	Responsible Officer	Council Decision	Action Taken
Meeting held 28 February 2018				
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. All the quotes have been sourced and further work on the design of an access platform (above the suspended ceiling) is complete. Local companies have been appointed to complete various aspects of the fit-out with work to commence within the month. It is expected that Council will hold its December meeting in the new meeting room.
Meeting held 27 June 2018				
18/103	Contract W.195 – Water Treatment Plant (WTP) Contract Variation	DE	<p>(a) That Council authorise the General Manager to further negotiate a suitable outcome within the original project budget.</p> <p>(b) That Council be provided with an update on the contract negotiations at the Board meeting in August 2018.</p>	The DE has prepared a report on this matter in the confidential section of the business paper. In addition to that the replacement filters are due to be installed commencing October 2019 and completed by December 2019

(c) That the financial implications of any negotiated outcome be reported to Council as part of the September 2018 Quarterly Financial Review

Meeting held
18 October
2018

18/167	Purchase of Land for Storage and Potential Access	DE	<p>RESOLVED, on the motion of Ctrs. Braid and Funnell that:</p> <p>(a) Council purchases land zoned RU1 bordering Koorungal Road, comprised of:</p> <p>Part Lot 5, DP 588177</p> <p>Part Lot 17, DP 863322</p> <p>Part Lot 15, DP 842485</p> <p>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 Koorungal Road, comprised of:</p> <p>Part Lot 5, DP 588177</p> <p>Part Lot 17, DP 863322</p> <p>for operational and access requirements in accordance with Section 187 of the Local Government Act 1993.</p>	<p>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 took place in June and settlement is expected in this calendar year.</p>
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18/168	PFAS matter	DE	RESOLVED on the motion of Clrs. Funnell and Quinn that the report be received and that Council be kept apprised of further developments in the management of the matter.	No further updates are available at this stage
Meeting held 23 April 2019				
19/49	Community Grants Program	GM and Community Engagement Officer	RESOLVED on the motion of Clrs Meyer OAM and Conkey OAM that Council adopt the Riverina Water Community Grant Guidelines and launch the program in August 2019.	Guidelines finalised and meetings held with the general managers of the four Councils. The online application platform has been created (using Survey Monkey software). Program ready to launch in late July

Yours sincerely



Andrew Crakanthorp
GENERAL MANAGER

DIRECTOR OF ENGINEERING'S REPORTS TO RIVERINA WATER MEETING

1. Works Report covering April 2019

RECOMMENDATION that this report be received and noted.

- Works Report for April 2019

DIRECTOR OF ENGINEERING'S REPORTS
TO JUNE 2019 COUNCIL MEETING

29th May 2019

1 WORKS REPORT COVERING APRIL 2019

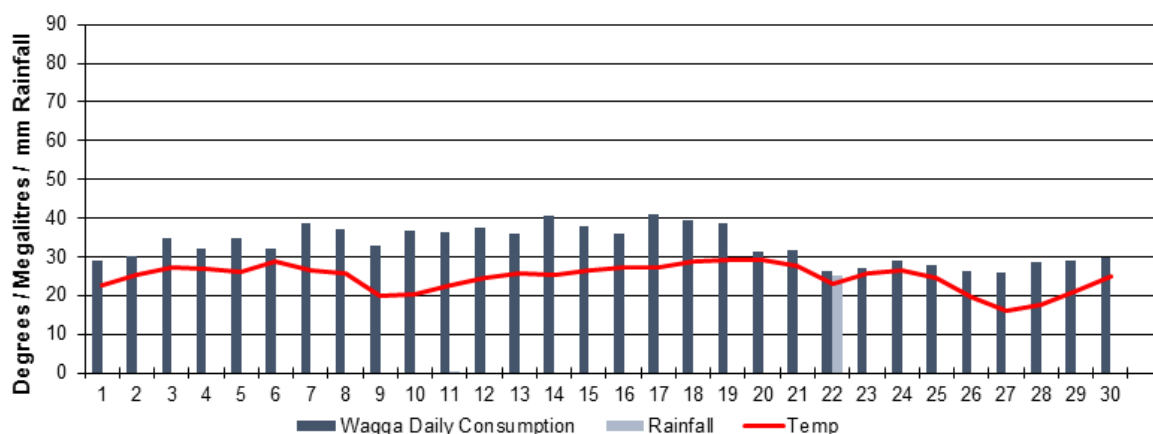
RECOMMENDATION: That this report be received and noted.

1.1 WATER SOURCED AND USED

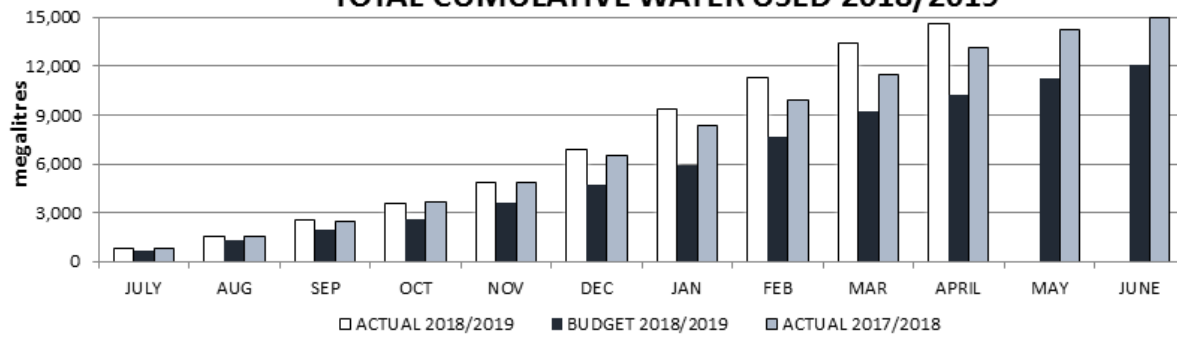
April	2017	2018	2019
Rainfall	31.6	4.0	25.4
Wet Days	7	3	2
WATER SOURCED April 2019 (ML)			
North Wagga bores	230.09	253.47	233.37
West Wagga bores	420.24	478.44	125.85
East Wagga bores	571.57	178.22	335.81
Murrumbidgee River	0.00	610.82	470.63
SUB-TOTAL	1,221.90	1,520.95	1,165.66
Bulgary Bores	45.84	42.34	48.31
Urana Source	0.00	5.28	3.43
Ralvona Bores	19.17	22.55	21.55
Walla Walla Bores	21.38	9.15	11.08
Goldenfields Water Supply System	5.33	3.83	2.12
SUB-TOTAL	91.72	83.15	86.49
Woomargama	1.73	1.40	1.85
Humula	0.58	0.66	0.37
Tarcutta	3.23	4.24	3.94
Oura	3.09	4.20	3.05
Walbundrie/Rand	4.45	4.21	5.54
Morundah	0.72	0.97	1.06
Collingullie	6.39	7.74	4.75
SUB-TOTAL	20.19	23.42	20.56
TOTALS	1,333.81	1,627.52	1,272.71

WATER USED April 2019 (MI)			
	2017	2018	2019
East Bomen	28.14	29.79	23.38
Estella	71.75	120.51	103.90
North Wagga	56.46	58.34	77.76
Wagga Wagga – Low Level	132.58	228.60	146.16
Wagga Wagga – High Level	460.77	781.52	528.13
Wagga Wagga – Bellevue Level	62.15	55.66	84.20
SUB-TOTAL	811.85	1,274.42	963.53
Ladysmith System	3.48	7.17	4.06
Brucedale Scheme	23.04	33.15	25.23
Currawarna Scheme	12.14	19.21	13.61
Rural Southern trunk main system	104.47	150.16	138.46
Rural Western trunk main system	44.84	67.14	52.57
SUB-TOTAL	187.97	276.83	233.93
Holbrook	15.73	22.55	21.46
Woomargama	1.30	1.40	1.85
Humula	0.72	0.66	0.37
Tarcutta	3.63	4.24	3.90
Oura	4.07	4.20	3.05
Walbundrie/Rand	2.92	4.21	5.54
Morundah	0.91	0.97	1.01
Collingullie	4.21	7.74	5.53
SUB-TOTAL	33.49	45.97	42.71
TOTALS	1,033.31	1,597.22	1,240.17

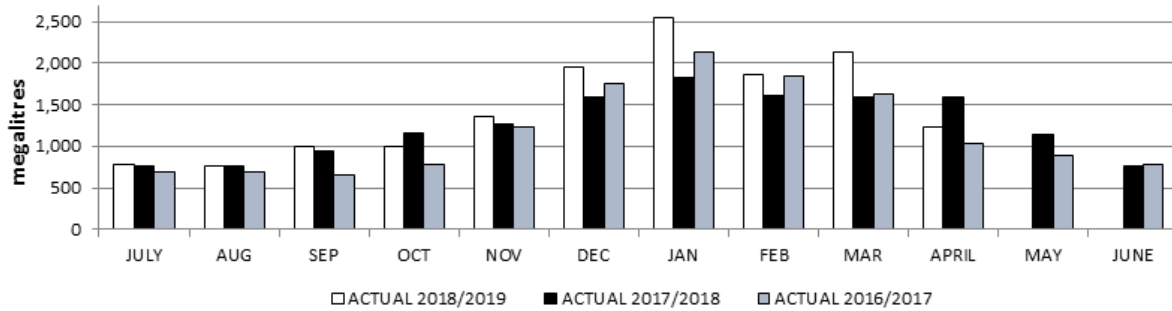
DAILY WATER USED, WAGGA WAGGA, April 2019



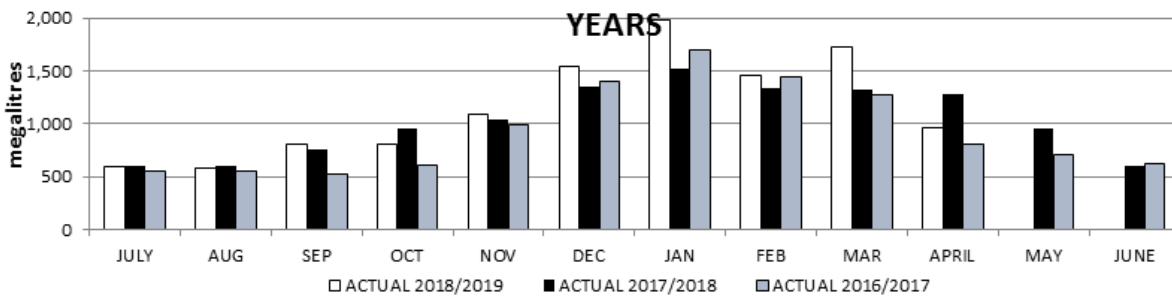
TOTAL CUMULATIVE WATER USED 2018/2019



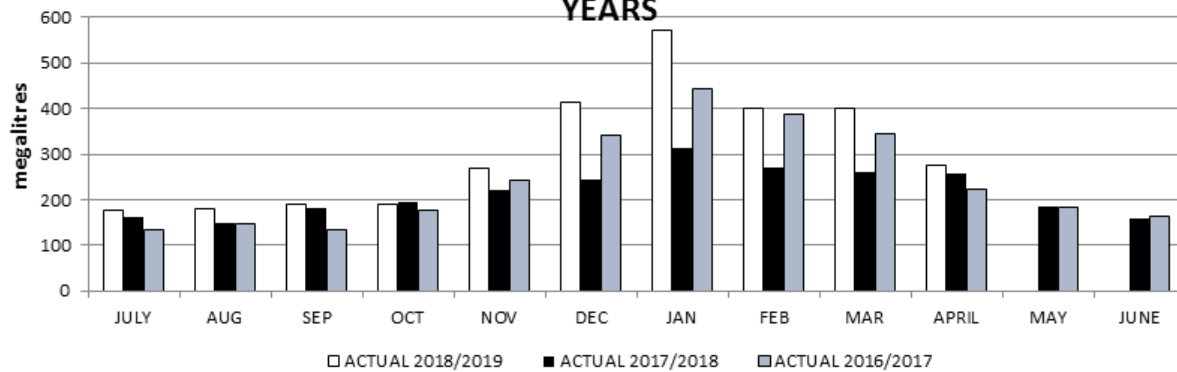
MONTHLY TOTAL WATER USED COMPARED TO PREVIOUS YEARS



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 APRIL 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	36	3		43	6	5				35	4	2
Wagga Wagga				13	1	3				15	3	
Forest Hill	1	1		1	1					1		
North Wagga				1								
Bomen				1								
Estella				2						1		
Koorinal				3	1					3		
Turvey Park	6			4		1				1		2
Lake Albert	5			10						5	1	
Ashmont				2		1				4		
Mt Austin				1						1		
Bourkelands										1		
Tatton	1			1								
Glenfield				1	2					2		
Lloyd	1									1		
Springvale				2								
Boorooma	8			1								
Gobbagombalin	6				1							
Gumly Gumly		2										
Brucedale										1		
Currawarna	1											
Humula				1								
Oura										2		
San Isidore	1											
Tarcutta										1		1
The Gap				3								
Bulgary											1	
Collingullie				1								
French Park				1								
Lockhart	1	2			1					3	2	
The Rock										2		
Uranquinty				1								
Henty				4								
Holbrook										1		
Walla Walla	2		1							2		
Woomargama				1								
Morundah					1							
Rand				1								
Urana				1								
TOTAL	41	5	1	57	8	5	0	0	0	47	7	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
2	Elm Road	Wagga Wagga	Wagga Wagga	Pipe Failure (not specified)	No	1:00	0	0
16	Farrer Rd - Front Of Anglican College	Boorooma	Boorooma	Pipe Failure (not specified)	No	1:00	2	0
22	1 Nara Place	Glenfield Park	Glenfield Park	Pipe Failure (not specified)	No	6:00	30	0
TOTALS						8:00	32	0
Total Breaks – 3			Breaks needing shut off - 3			Breaks affecting customers – 2		

RURAL								
Date	Location	Town	Main Type	Cause	Live Repair	Outage Duration Time	Customers Affected (no supply)	Water Lost KI
2	Cummings Road	Walla Walla	75 AC	T/ Band Broken/Leaking	No	2:30	0	12
15	1 Bakes lane	Pleasant Hills	40 PVC	Pipe Failure (not specified)	No	1:00	2	1
15	1 Brookong St	Lockhart	150 AC	Pipe Failure (not specified)	No	2:00	0	0
29	2510 Sturt Highway	Collingullie	50 PVC	Leaking collar	No	0:30	0	0
29	Olympic Highway	Yerong Creek	250 CI	Pipe Failure - Ground Movement	No	3:00	15	90
1	Elbe Street	Milbrulong	100 DICL	Pipe Failure - Ground Movement	Yes		0	0
2	Kennedy Street	Collingullie	100 WPVC	Pipe Failure - Ground Movement	Yes		0	0
2	Scott Street	The Rock	100 AC	Pipe Failure - Ground Movement	Yes		0	5
4	Lockhart Road	Milbrulong	200 BPVC	Pipe Failure - Ground Movement	Yes		0	12
6	Schneider's Lane	Pleasant Hills	32 PE	Pipe Failure - Ground Movement	Yes		0	23
12	52 Scott Street	The Rock	100 AC	Leaking collar	Yes		0	0
17	Bakes Lane	Pleasant Hills	40 PVC	Leaking collar	Yes		0	9
27	1 Chaplains lane	The Rock	50PE	Pipe Failure (not specified)	Yes		0	0
28	Chaplin's Lane	The Rock	50PE	Pipe Failure - Ground Movement	Yes		0	0

30	Holbrook Road	Ralvona	150 AC	Pipe Failure - Ground Movement	Yes		0	6
TOTALS						9:00	17	158
Total Breaks – 15				Breaks needing shut off - 5		Breaks affecting customers – 2		

1.4 WATER QUALITY COMPLAINTS

Date	Location	Problem	Action Taken
1/04/2019	Morundah Pub, Morundah	Issues with baking with tap water	WQ within ADWG
9/04/2019	11/5 Bentley Pl, Wagga	Dirty water	Site visit and water cleared on its own
10/04/2019	Lockhart Collingullie Rd, Lockhart	Dirty water	Flushed service
16/04/2019	9 Winter Ave, Gobbagombalin	Dirty water	Flushed main
23/04/2019	30 Karoom Dr, Glenfield Park	Dirty water	Flushed service
20/04/2019	44 Simkin Cres, Koorringal	Dirty water	Flushed service
25/04/2019	5 Larch Pl, Forest Hill	Cloudy water	Flushed mains
26/04/2019	15 George St, Walbundrie	Scale build up	Site visit and flushed mains
28/04/2019	8 Tura Pl, Glenfield Park	Dirty water	Flushed mains

1.5 MAINS CONSTRUCTIONS

1.5.1 MAINS EXTENSIONS AND NEW WORKS

LOCATION	PROJECT	100 OPVC	150 OPVC
Pine Gully Rd	New Subdivision	448	300
Uranquinty	New Subdivision	78	
	TOTAL	526	

LOCATION	PROJECT	150 OPVC
Woomargama	Mains Replacement	246
	TOTAL	246

1.6 OTHER CONSTRUCTION

LOCATION OR PROJECT	WORK DONE
North Wagga	Install 200mm pressure limiting valve
Hammond Avenue	Install 100mm Fire Service
Estella	Run 42 services in subdivisions

1.7 MAJOR REPAIRS / OVERHAULS

LOCATION OR PROJECT	WORK DONE
West Wagga Bore #1	Bore removed - motor failure
Woomargama WTP	Booster pump refurbished and replaced
Wagga WTP Lamella #2	Drained, cleaned and inspected
West Wagga Bore 4 & 5 main	Flushed
Tarcutta WTP	Clean iron filter media

1.8 WATER FILLING STATION ACTIVITY

LOCATION	NUMBER OF FILLS
Bomen Hereford Street	10
Estella Farrer Road	141
Forest Hill Elizabeth Avenue	45
Glenfield Red Hill Road	289
Henty Olympic Way	28
Holbrook Millswood Road	41
Lake Albert Plumpton Road	195
Lockhart Napier Road	47
Pleasant Hills Manson Street	22
The Rock	0
Yerong Creek Finlayson Street	8

1.9 STAFF TRAINING & SAFETY

Training or Programme	Number of Staff
WIOA Conference - Orange	1
Treatment Operator Pt1 Nowra	1
EWP	1
First Aid Refresher	3
Basic Rigging	3
Project Management	1

1.10 FLEET DISPOSALS/ NEW VEHICLE DETAILS

No Fleet disposal information.



Bede Spannagle
DIRECTOR OF ENGINEERING

2. Works Report covering May 2019

RECOMMENDATION that this report be received and noted.

- Works Report for May 2019

DIRECTOR OF ENGINEERING'S REPORT TO JUNE 2019 MEETING

7th June 2019

1 Works Report Covering May 2019

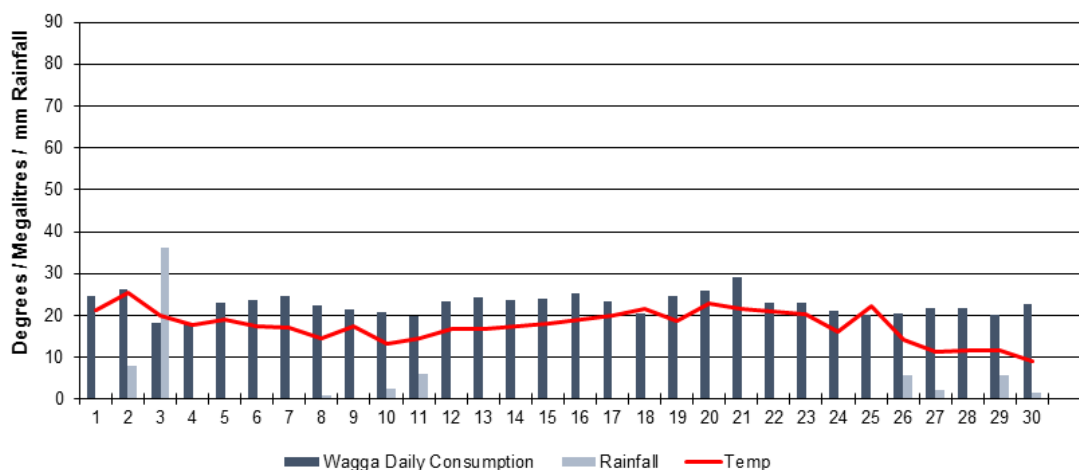
RECOMMENDATION: That this report be received and noted.

1.1 Water Sourced and Used

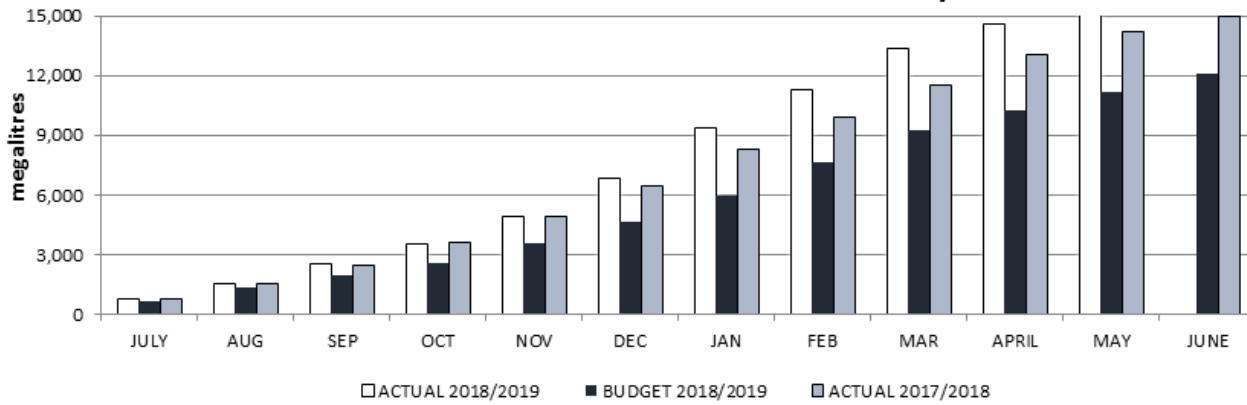
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Rainfall	31.6	4.0	68.2
Wet Days	7	3	10
WATER SOURCED May 2019 (MI)			
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West Wagga bores	420.24	478.44	93.08
East Wagga bores	571.57	178.22	435.35
Murrumbidgee River	0.00	610.82	82.28
SUB-TOTAL	1,221.90	1,520.95	798.68
Bulgary Bores	45.84	42.34	32.29
Urana Source	0.00	5.28	0.00
Ralvona Bores	19.17	22.55	15.64
Walla Walla Bores	21.38	9.15	0.00
Goldenfields Water Supply System	5.33	3.83	0.00
SUB-TOTAL	91.72	83.15	47.93
Woomargama	1.73	1.40	1.04
Humula	0.58	0.66	0.00
Tarcutta	3.23	4.24	2.98
Oura	3.09	4.20	1.81
Walbundrie/Rand	4.45	4.21	2.29
Morundah	0.72	0.97	0.57
Collingullie	6.39	7.74	3.08
SUB-TOTAL	20.19	23.42	11.77
TOTALS	1,333.81	1,627.52	858.38

WATER USED May 2019 (MI)

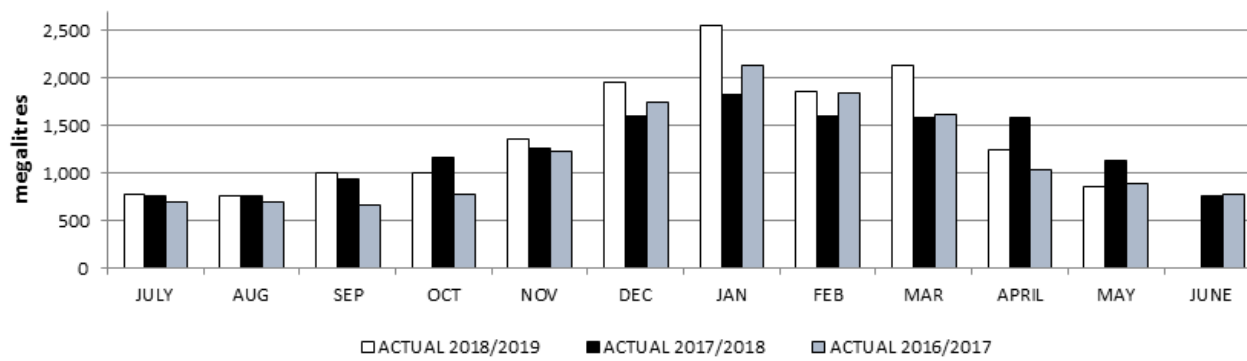
	2017	2018	2019
East Bomen	28.14	29.79	17.20
Estella	71.75	120.51	61.87
North Wagga	56.46	58.34	89.00
Wagga Wagga – Low Level	132.58	228.60	118.76
Wagga Wagga – High Level	460.77	781.52	343.85
Wagga Wagga – Bellevue Level	62.15	55.66	49.13
SUB-TOTAL	811.85	1,274.42	679.81
Ladysmith System	3.48	7.17	2.72
Brucedale Scheme	23.04	33.15	14.16
Currawarna Scheme	12.14	19.21	8.55
Rural Southern trunk main system	92.52	115.58	94.72
Rural Western trunk main system	26.34	27.33	32.64
SUB-TOTAL	157.52	202.44	152.79
Holbrook	15.73	22.55	15.64
Woomargama	1.30	1.40	1.04
Humula	0.72	0.66	0.00
Tarcutta	3.63	4.24	2.78
Oura	4.07	4.20	1.81
Walbundrie/Rand	2.92	4.21	2.29
Morundah	0.91	0.97	0.49
Collingullie	4.21	7.74	3.92
SUB-TOTAL	33.49	45.97	27.97
TOTALS	1,002.86	1,522.83	860.57

DAILY WATER USED, WAGGA WAGGA, May 2019


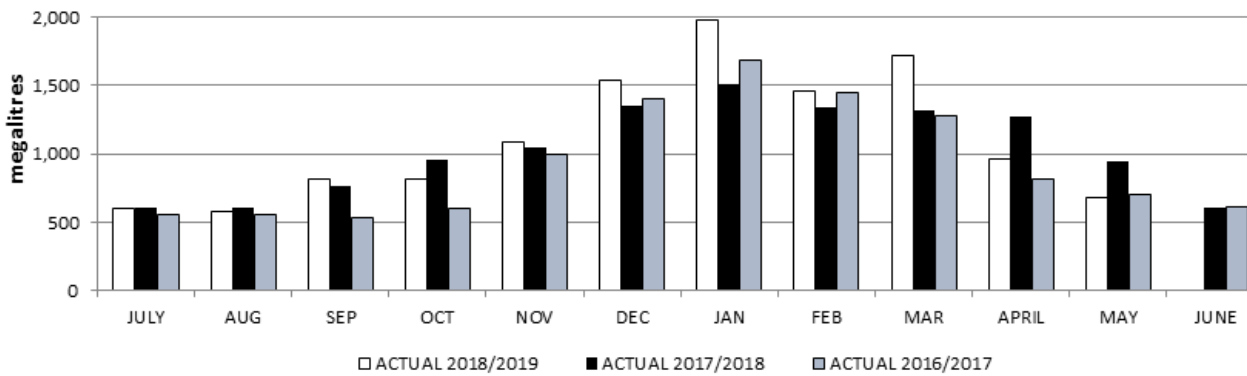
TOTAL CUMULATIVE WATER USED 2018/2019



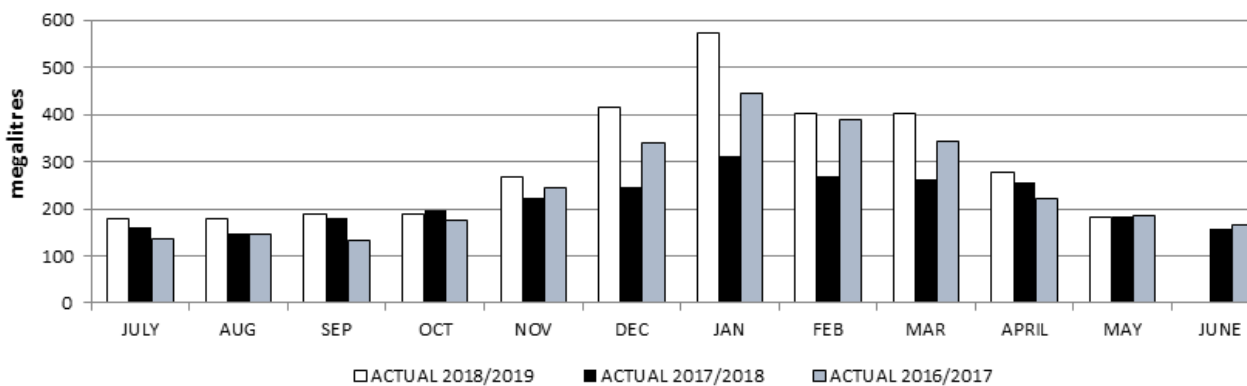
MONTHLY TOTAL WATER USED COMPARED TO PREVIOUS YEARS



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 May 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	25	4	7	39	7	5			76	1	8	
Wagga Wagga			4	19	3	2			33	1	4	
Forest Hill	3			3	1	1			1		1	
Bomen					1							
Estella				1					1			
Koorungal	1			5	1	1			5			
Turvey Park	4		2		1				2		1	
Lake Albert		2	1	1					11		2	
Ashmont				2					6			
Tolland				1					3			
Mt Austin				1					3			
Bourkelands				1					1			
Glenfield				3		1			9			
Lloyd	4			1								
Springvale	1											
East Wagga		2							1			
Boorooma	3											
Gobbagombalin	9											
Gumly Gumly				1								
Brucedale									1			
Currawarna				1								
Euberta												
Humula				1								
The Gap				3								
Lockhart	1				1	1				1		
Mangoplah	1											

Milbrulong													1
The Rock				1									
Uranquinty													1
Yerong Creek			1										
Culcairn				1									
Henty				2							2		
Holbrook												1	
Ralvona				1									
Walla Walla		1				1							
Boree Creek				2									
TOTAL	27	5	8	50	9	9	0	0	0	80	2	8	

1.3 Water System Repairs

WAGGA WAGGA

						Outage	Customers	Water
Date	Location	Town	Main	Cause	Live	Duration	Affected	Lost
			Type		Repair	Time	(no supply)	Kl
1	Brunskill/Fife	Forest Hill	Forest Hill	Pipe Failure (not specified)	No	3:00	0	0
3	5 Crisp Drive	Wagga Wagga	Wagga Wagga	Tree Roots	No	6:00	0	0
22	Emblen/Edward Street	Wagga Wagga	Wagga Wagga	Accidental damage	No	3:00	1	0
TOTALS						12:00	1	0
Breaks needing							Breaks affecting	
Total Breaks –		3	shut off -		3	customers –		1

RURAL

						Outage	Customers	Water
Date	Location	Town	Main	Cause	Live	Duration	Affected	Lost
			Type		Repair	Time	(no supply)	Kl
8	Orme st	Boree Creek	100 AC	T/ Band Broken/Leaking	No	1:00	12	9
16	Sturt Highway	Collingullie	100 DICL	Pipe Failure - Ground Movement	No	23:00	0	8
20	Alf Freemans Lane	Pleasant Hills	40 PVC	Pipe Failure (not specified)	Yes		0	0

23	County boundry lne	Milbrulong	80 PVC	Pipe Failure - Ground Movement	Yes	0	13
22	1 Bowler Street	Holbrook	100 AC	Pipe Failure - Ground Movement	Yes	0	7
1	Urana Road	Bidgeemia	63 PE	Pipe Failure - Ground Movement	Yes	0	8
1	10 Linton Street	Collingullie	100 WPVC	Pipe Failure (not specified)	Yes	0	0
6	Boree creek Road	Urana	200 WPVC	Pipe Failure - Ground Movement	Yes	0	46
8	Rods Road	The Rock	50 PVC	Pipe Failure - Ground Movement	Yes	0	7
10	Chaplins lne	The Rock	40 PE	Pipe Failure - Ground Movement	Yes	0	9
11	Linton st	Collingullie	100 WPVC	Pipe Failure - Ground Movement	Yes	0	16
TOTALS					25:00	17	152
Breaks needing						Breaks affecting	
Total Breaks –		14	shut off -		3	customers –	2

1.4 Water Quality Complaints

Water quality complaints received during May 2019 were:

Date	Location	Problem	Action Taken
2/05/2019	1 Pioneer Drive, Walla Walla	Bad smell and taste	Site visit, flushing, sample analysis by CSU, WQ within ADWG
2/05/2019	Riverina Oils, 177 Trahairs Rd, Bomen	TDS results different to NSW Health report	Site visit, sample analysis by CSU, WQ within ADWG
7/05/2019	5 Simpsons Ave, Forest Hill	Hardness	Site visit, WQ within ADWG
7/05/2019	Christian College, 401 Koorringal Rd, Koorringal	Cloudy water	Flushed service and mains
13/05/2019	2 Ferrier St, Lockhart	Dirty Water	Flushed service
17/05/2019	St Mary's College, 20 Hely Ave, Turvey Park	Air in line and bad taste	Site visit, service WQ within ADWG, construction on site cause of issue
21/05/2019	86 Mitchell Rd, Lake Albert	Dirty Water	Site visit, internal gal pipe causing issue

21/05/2019	8 Lovell Pl, Lloyd	Chemical smell and hair loss	Site visit, WQ within ADWG and sample analysis by CSU
22/05/2019	6 Lewisham Ave, Wagga	Dirty Water	Flushed main

1.5 Mains Constructions

1.5.1 Mains Extensions and New Works

New water mains laid during May 2019 include:

LOCATION	PROJECT	100
		OPVC
Uranquinty Connorton St	New Subdivision	78
	TOTAL	78

1.5.2 Replacement of Existing Mains

Mains replaced during May 2019 include:

LOCATION	PROJECT	63	100	300	450	
		Poly	OPVC	DICL	OPVC	DICL
Woomargama	Mains Replacement		60	601		
Milbrulong - Lockhart	Mains Replacement				468	
Boorooma	Mains Replacement					50
Yerong Creek	Mains Replacement	100				
Linton St Collingullie	Mains Replacement		272			
	TOTAL	100	332	601	468	50

1.6 Other Construcion

Other construction works during May 2019 include:

LOCATION OR PROJECT	WORK DONE
West Wagga Rising Main	2 x Scours to 450mm main
Wagga Depot	Creek Retaining Wall

1.7 Major Repairs / Overhauls

Major repairs/overhauls during May 2019 include:

LOCATION OR PROJECT	WORK DONE
Walbundrie WTP	High lift #1 overhauled & recommissioned
Wagga WTP	Lamella #1 emptied & cleaned
Bulgary - The Rock PRV overhauled	Overhauled
Tarcutta WTP	Replace media in manganese filter
Pleasant Hills Reservoir	Replace actuator on inlet valve

1.8 Water Filling Station Activity

Water Filling Station activity during May 2019 include:

LOCATION	NUMBER OF FILLS
Bomen Hereford Street	11
Estella Farrer Road	101
Forest Hill Elizabeth Avenue	27
Glenfield Red Hill Road	240
Henty Olympic Way	3
Holbrook Millswood Road	40
Lake Albert Plumpton Road	123
Lockhart Napier Road	97
Pleasant Hills Manson Street	0
The Rock	1
Yerong Creek Finlayson Street	1

1.9 Staff Training & Safety

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

Training or Programme	Number of Staff
Oz Water Conference	4
Diploma Project Management	1
First Aid Refresher	2

1.10 Fleet Disposals

Fleet disposals made during May 2019 are:

Vehicle Details

Vehicle No	Description	Vehicle Type	Make & Model	Year	kms
369	Water Quality	Wagon	Kia Sorento	2016	
362	Depot	Wagon	Holden Colorado 7	2016	
331	Depot	Extra cab ute	Ford Ranger	2014	
315	Depot	Extra cab ute	Ford Ranger	2013	
297	Depot	Extra cab ute	Holden Commodore	2012	
235	Depot	Backhoe	Komatsu	2010	
267	Depot	Backhoe	JCB	2010	
5TH GANG	Depot	Backhoe	New		

1.11 Fleet Acquisitions

Fleet acquisitions made during May 2017 are:

New Vehicle Details

Vehicle No	Tenders Received	Accepted Tenderer	Vehicle Type	Make & Model	Price exc GST
403	11	Riverina Motor Group	SUV Wagon	Volkswagen	\$49,573
404	10	Wagga Motors	Wagon	Holden Trailblaze	\$36,692
405	10	Lieschke Motors	Extra cab ute	Holden Colorado	\$36,822
406	10	Jupiter Motors	Extra cab ute	Mazda BT50	\$40,454
407	10	Thomas Brothers Mitsubishi	Extra cab ute	Mitsubishi Triton	\$30,820
408	3	Cadmac	Backhoe	JCB 3CX	\$179,529
409	3	Cadmac	Backhoe	JCB 3CX	\$179,529
410	3	Cadmac	Backhoe	JCB 3CX	\$179,529

1.12 Major Capital Projects Progress



- On track



- Behind Schedule



- Unlikely this Financial Year

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

Description	2018/19 Budget	Actual & Committed to Date	Comments
MANAGEMENT			
Depot Buildings			
Fitout new Council meeting room in new depot building	\$190,000	\$57,628	Quotes obtained for fit out. Additional walkway for roof access designed and will be incorporated.
Land & Buildings for Admin, Depot & Workshops			
Access, Parking and Landscaping			
Purchase of vacant land - Copland St	\$800,000	\$803,432	Purchase completed.
Alternate access Hammond Avenue - Urban	\$397,000	\$157,615	Contracts exchanged for land purchase.
Levee protection stage 2 Hammond Ave - Urban	\$1,534,966	\$1,127,417	Capping alignment completed. Block wall construction commenced.
PLANT & EQUIPMENT			
IT Equipment			
Computer Equipment - Urban	\$182,098	\$112,088	
Working Plant & Vehicle Purchases			
Routine plant & vehicle replacements	\$1,444,988	\$1,416,468	
Telemetry & Control Systems Upgrade			
West Wagga WTP & Bores Control System Upgrade	\$138,126	\$148,412	

Radio Communications Upgrade/Replacements/Improvements			
Energy Efficiency & Power Factor Improvements	\$170,000	\$101,126	
Radio Communication	\$260,475	\$164,119	
SOURCES			
Bores-renew/refurbish/decommission			
TREATMENT PLANTS			
Treatment Plant Refurbishments			
East Wagga Aeration Basin cover - Urban	\$160,000	\$37,188	Steel fabrication commenced.
WTP Stage 1 - Urban	\$4,673,019	\$3,780,412	See detailed report.
RESERVOIRS			
New/Replacement Reservoirs			
Main Low Level Reservoir 2x11ML Investigation & Design - Urban	\$1,000,000	\$4,808,909	Site established and work has commenced.
Glenoak Res 2 x 4.5ML - Construction	\$1,400,000	\$1,395,065	Site established. Pipework under floor installed.
Shires Reservoir Relocation - Non-Urban	\$745,573	\$677,666	Completed
MAINS, SERVICES & METERS			
MAINS			
System Improvements			
System Improvements - Urban	\$270,000	\$221,789	
Estella to CSU 450mm DI CL	\$1,037,000	\$798,899	

Reticulation for Developers (including other extensions)			
Reticulation for Developers - Urban	\$800,000	\$480,358	
Renew Reticulation Mains			
Renew Reticulation Mains - Non-Urban	\$200,000	\$102,081	
Renew Reticulation Mains - Urban	\$400,000	\$174,477	\$140k to Inglewood Road
The Gap Hall Coolamon Road	\$200,000	\$102,081	Completed
Billigha Street	\$108,000	\$108,409	Completed
Inglewood Road	\$150,000	\$284,384	Completed. Original scope increased.
Renew Trunk Mains			
Renew Trunk Mains - Urban	\$136,000	\$24,547	
Renew Trunk Mains - Non-Urban	\$180,000	\$138,328	
Bulgary Bore Rising Main - 7.5km 200mm of OPVC	\$4,600,000	\$335,708	Completed
Woomargama	\$300,000	\$133,641	Underway
The Rock - Milbrulong BT Trunk Mains Replacement	\$900,000	\$658,026	
SERVICES			
Service Connections, new including Meters			
Service Connections, New - Urban	\$500,000	\$464,776	
Renew Services			
Renew Services - Urban	\$100,000	\$47,142	
METERS			
Water Meters Replacement			
Water meters replacement - Urban	\$150,000	\$86,388	
Water Filling Stations Upgrade			
WFS - Non-Urban	\$117,686	\$66,423	



Bede Spannagle
DIRECTOR OF ENGINEERING

3. Purchase of Land for future operational requirements

RECOMMENDATION: That Council consider the report "Purchase of land for future operational requirements", 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.

4. Briefing on the WTP Contract with UGL and contract completion strategy

RECOMMENDATION: That Council consider the report "Briefing on the WTP Contract with UGL and contract completion strategy", whilst the meeting is closed to the public, as it concerns litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as prescribed by Section 10A(2)(g) of the Local Government Act 1993.



Bede Spannagle
DIRECTOR OF ENGINEERING

QUESTIONS & STATEMENTS – Closure of Meeting to the Public (Confidential Reports)