



# ATTACHMENTS

## Tuesday, 19 February 2019

## UNDER SEPARATE COVER

**Ordinary Council Meeting** 

### **Table of Contents**

Minutes Ordina	ry Meeting held on 18 December 2018	
Attachment 1	Minutes Ordinary Meeting 18 December 2018	4
Minutes Extrao	rdinary Meeting held on 7 February 2019	
Attachment 1	Minutes Extraordinary Meeting 7 February 2019	18
Delivery Progra	am Progress Report (July 2018 to December 2018)	
Attachment 1	Delivery Program Progress Report (1 July 2018 - 31 December 2018)	22
Quarterly Budg	et Review Statement for the Quarter ended 31 December 2018	
Attachment 1		67
Code of Condu	ct and Code of Conduct Procedures	
Attachment 1	Draft Code of Conduct - Councillors/Personnel	86
	Attachment 1 Minutes Extrao Attachment 1 Delivery Progra Attachment 1 Quarterly Budg Attachment 1 Code of Condu	<ul> <li>Minutes Ordinary Meeting held on 18 December 2018</li> <li>Attachment 1 Minutes Ordinary Meeting 18 December 2018</li> <li>Minutes Extraordinary Meeting held on 7 February 2019</li> <li>Attachment 1 Minutes Extraordinary Meeting 7 February 2019</li> <li>Delivery Program Progress Report (July 2018 to December 2018)</li> <li>Attachment 1 Delivery Program Progress Report (1 July 2018 - 31 December 2018)</li> <li>Quarterly Budget Review Statement for the Quarter ended 31 December 2018</li> <li>Attachment 1 Quarterly Budget Review Statement for the quarter ended 31 December 2018</li> <li>Code of Conduct and Code of Conduct Procedures</li> <li>Attachment 1 Draft Code of Conduct - Councillors/Personnel</li> </ul>



## MINUTES

### Ordinary Council Meeting 18 December 2018

#### 18 DECEMBER 2018

#### **ORDER OF BUSINESS**

1		WLEDGEMENT OF COUNTRY	
2	PRAYE	R	4
3	PUBLIC	ACCESS AND QUESTION TIME	4
4	APOLO	GIES	4
5	MAYOR	AL MINUTES	4
	Nil		
6	CONFIF	MATION OF MINUTES	5
	6.1	Minutes Ordinary Meeting held on 20 November 2018	5
	6.2	Internal Audit & Risk Committee Minutes 4 December 2018	5
7	MATTE	RS ARISING OUT OF THE MINUTES	5
8	DECLA	RATION OF INTERESTS	5
9	PETITIC	DNS	5
	Nil		
10	NOTICE	OF MOTION	5
	Nil		
11	MAYOR	'S REPORT	5
	11.1	Mayor's Attendances 13 November - 10 December 2018	5
12	DELEG	ATE'S REPORTS	6
	12.1	Delegates report submitted to the November 2018 Ordinary Meeting	6
13	MATTE	RS DETERMINED WITHOUT DEBATE	6
	13.1	Matters to be Determined Without Debate	6
14	GENER	AL MANAGER'S REPORTS	6
	14.1	Technical Tour - Japan	6
	14.2	Evans Head Living Museum	
15	FINANC	CIAL REPORTS	
	15.1	Monthly Budget Adjustments November 2018	
	15.2	Financial Analysis Report - November 2018	
16	TENDE	R REPORTS	
		Woodburn Riverside Precinct	
17		AL BUSINESS	
	17.1	Adoption of Crawford Square Master Plan	. 10
	17.2	Planning Proposal to rezone 75 Gregors Road, Spring Grove for a Rural Residential development	. 11
	17.3	Public Libraries Funding	. 12
	17.4	Swimming Pool Compliance Program Update	. 13
	17.5	Adoption of Reduction to Parking Fine Concessions	. 13
18	MATTE	RS FOR INFORMATION	. 14

ORDINARY	COUNCIL MEETING MINUTES	18 DECEMBER 2018
18.1	Development Applications determined under the Enviro Assessment Act for the period 1 November 2018 to 30	-

	18.2	Grant Application Information Report - November 2018 14
19	QUES	TIONS ON NOTICE
	Nil	
20	QUES	TIONS FOR NEXT MEETING (IN WRITING)14

18 DECEMBER 2018

#### MINUTES OF RICHMOND VALLEY COUNCIL ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO ON TUESDAY, 18 DECEMBER 2018 AT 5.00 PM

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys and Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Jono Patino (Financial Accountant), Julie Clark (Personal Assistant to the General Manager and Mayor) and Charlene Reeves (Project Support Officer)

#### 1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

#### 2 PRAYER

The meeting opened with a prayer by the General Manager.

#### 3 PUBLIC ACCESS AND QUESTION TIME

Nil requests were received.

#### 4 APOLOGIES

#### APOLOGY

#### RESOLUTION 181218/1

Moved: Cr Stephen Morrissey Seconded: Cr Robert Hayes

That the apology received from Cr Jill Lyons be accepted and leave of absence granted.

CARRIED

#### 5 MAYORAL MINUTES

Nil.

18 DECEMBER 2018

#### 6 CONFIRMATION OF MINUTES

#### 6.1 MINUTES ORDINARY MEETING HELD ON 20 NOVEMBER 2018

#### **RESOLUTION 181218/2**

Moved: Cr Sandra Humphrys Seconded: Cr Stephen Morrissey

That Council confirms the Minutes of the meeting held on 20 November 2018.

#### CARRIED

#### 6.2 INTERNAL AUDIT & RISK COMMITTEE MINUTES 4 DECEMBER 2018

#### RESOLUTION 181218/3

Moved: Cr Daniel Simpson Seconded: Cr Sandra Humphrys

That Council receives and notes the Minutes of the Internal Audit and Risk Committee Meeting held on 4 December 2018.

CARRIED

#### 7 MATTERS ARISING OUT OF THE MINUTES

Nil.

8 DECLARATION OF INTERESTS

Nil.

- 9 PETITIONS
- Nil.
- 10 NOTICE OF MOTION
- Nil.
- 11 MAYOR'S REPORT

#### 11.1 MAYOR'S ATTENDANCES 13 NOVEMBER - 10 DECEMBER 2018

#### **RESOLUTION 181218/4**

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey That Council receive and note the Mayor's attendance report 13 November – 10 December 2018.

CARRIED

18 DECEMBER 2018

#### 12 DELEGATE'S REPORTS

#### 12.1 DELEGATES REPORT SUBMITTED TO THE NOVEMBER 2018 ORDINARY MEETING

#### **RESOLUTION 181218/5**

Moved: Cr Sandra Humphrys Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of November 2018.

CARRIED

#### 13 MATTERS DETERMINED WITHOUT DEBATE

Following identification of the above items a motion will be moved in regard to the balance of items being determined without debate.

#### 13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

#### **RESOLUTION 181218/6**

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes That items 15.1, 15.2, 17.1, 17.3, 17.4, and 17.5 be determined without debate.

CARRIED

#### 14 GENERAL MANAGER'S REPORTS

#### 14.1 TECHNICAL TOUR - JAPAN

#### EXECUTIVE SUMMARY

Delivering economic benefit to the Richmond Valley is one of Council's highest priorities in the Richmond Valley Made 2030 Community Strategic Plan. Council is also investigating new technologies to meet the challenge that the waste management industry is facing.

As a result of this, Council has been working with a Japan based company, Pacific Consultants, who are exploring business opportunities in Australia. Pacific Consultants has invited the Mayor and a Councillor to join the delegation which will include representatives of Council's Executive, Economic Development and Waste business teams. It is proposed that the visit commence on 24 February and conclude on 3 March 2019.

#### RESOLUTION 181218/7

Moved: Cr Daniel Simpson Seconded: Cr Sam Cornish

That Council:

 Approves overseas travel for the Mayor and Deputy Mayor to attend a Technical Tour of facilities in Japan following an invitation from Pacific Consultants who has received a grant from the Japanese Government, and

#### 18 DECEMBER 2018

2. Notes that the General Manager and select staff will also attend the tour which is being funded by Pacific Consultants via a grant from the Japanese Government.

#### CARRIED

#### 14.2 EVANS HEAD LIVING MUSEUM

#### EXECUTIVE SUMMARY

Council Officers have been working closely with the Living Museum Committee and representatives from Reflections Holiday Parks, looking at suitable locations for the relocation of the current Living Museum and Community Technology Centre (CTC) buildings in Evans Head. The parcel of land which currently houses the gazebo next to the Kiosk in the central precinct of the Reflections Holiday Park is considered the best site for the relocation of the current Living Museum. This site is Crown Land but is under the control of Council as Land Managers. Because of this classification the approval process to proceed with the relocation is a straight forward process and can be delivered within the timeframe required for the Health One Facility construction which is to commence early in 2019.

The Living Museum Committee has voiced their desire to have not only the current Living Museum relocated, but also the current CTC building. The process for the second building to be moved is more complicated, expensive and time consuming. Advice received from Crown Lands is they do not believe the relocation fits within the current Silver Sands Plan of Management (SSPoM) for that site. Therefore they will not support the relocation unless the Plan of Management is altered.

Experience shows that altering a Plan of Management can take many months and in some cases years. There is also additional cost involved as Council would have to temporarily relocate the current CTC building to another site, until the Plan of Management allows the building to be permanently located within the Reflection Holiday Park Central Precinct. The main risk in this is the alteration to the Plan of Management is refused. If that occurred Council would have to decide what to do with the CTC building, either demolish it or look for another alternate location for it.

#### RESOLUTION 181218/8

Moved: Cr Daniel Simpson Seconded: Cr Robert Hayes

That:

- 1. Council proceed with the demolition of the gazebo on Lot 3 DP 829998.
- 2. Council relocate the current Living Museum building to Lot 3 DP 829998.
- 3. Council seek permission to relocate the current Community Technology Centre (CTC) building to an unused portion of Stan Payne Oval on a temporary basis and work with Reflections Holiday Park and Department of Primary Industries Lands to have the Silver Sands Plan of Management amended to allow the CTC building to be permanently located adjacent to the Living Museum building.
- 4. A report be brought back to Council prior to proceeding with moving the CTC building to Stan Payne Oval if that becomes necessary.
- Council note the additional financial impact to temporarily relocate the current CTC building to Stan Payne Oval and the risks involved in achieving approval for an amendment to the Plan of Management.

CARRIED

18 DECEMBER 2018

#### 15 FINANCIAL REPORTS

#### 15.1 MONTHLY BUDGET ADJUSTMENTS NOVEMBER 2018

#### EXECUTIVE SUMMARY

This report details proposed budget adjustments for the month of November 2018. The main changes are as a result of Council being successful in its grant applications with six projects under the Stronger Country Communities Fund.

Capital improvements will be undertaken at Woodburn Riverside Park and Woodburn Oval, Stan Payne Oval and Main Beach in Evans Head, Queen Elizabeth Park in Casino and Windsor Park in Coraki. These projects will be delivered over two financial years, with an estimated project value of \$1,172,741 to be delivered in 2018/2019 and \$569,920 in 2019/2020.

The above projects are fully funded by capital grants, apart from Council's share of \$21,752 towards the Woodburn Riverside Park project. Council's share of funding is proposed to be sourced from an unexpended insurance claim for damage incurred to the Woodburn Visitor Information Centre in 2013.

During 2013, Council received \$42,039 in relation to the above mentioned insurance claim. It is proposed to utilise \$21,752 for the above playground upgrade at Woodburn Riverside Park, with the remaining \$20,287 proposed to be added to the Woodburn Riverside Precinct project.

Additionally, \$15,000 is required to be drawn from sewerage reserves to fund the renewal of the sludge mixer at the Casino Sewerage Treatment Plant, which has reached the end of its serviceable life.

#### RESOLUTION 181218/9

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

That:

- 1. Council approve the proposed budget adjustments for the month of November 2018.
- 2. Council note the revised budget position for 2018/2019 as at 30 November 2018.

CARRIED

18 DECEMBER 2018

#### 15.2 FINANCIAL ANALYSIS REPORT - NOVEMBER 2018

#### EXECUTIVE SUMMARY

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 139) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 30 November 2018 including General Bank Accounts and Trust Funds are shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total	
\$46,109,683	\$1,753,145	\$87,050	\$47,949,877	

The average rate of return on Council's investments for November 2018 was 2.53% which is above the 90 Day Bank Bill Index for November of 1.95%.

#### **RESOLUTION 181218/10**

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month November 2018.

CARRIED

#### 16 TENDER REPORTS

#### 16.1 WOODBURN RIVERSIDE PRECINCT

#### EXECUTIVE SUMMARY

This report provides information to Council on the negotiations that have been undertaken to secure contractors to undertake works for the Woodburn Riverside Precinct.

The project essentially splits into three components, being the community building, landscaping and jetty/boardwalk.

The community building contract has been awarded to AGS Commercial at a contract cost of \$752,230 and works are currently progressing with a completion date of 8 April 2019.

Significant negotiation has been continuing with Boyds Bay Landscaping to deliver as much work as possible within the budget. A contract will be awarded prior to Christmas with a January 2019 start.

Note that there will be no work done on the areas of the beach, boardwalk or the memorial. Works will be focussed on the earthworks and landscaping to provide access to the community building and for the playground and adjacent areas.

The boardwalk is not affordable at this stage and designs for the jetty/pontoon have been finalised. This work is proposed to be delivered in early 2019.

#### RESOLUTION 181218/11

18 DECEMBER 2018

Moved: Cr Daniel Simpson Seconded: Cr Robert Hayes

That Council notes the outcome of direct negotiations with contractors to deliver the works associated with the Woodburn Riverside Precinct.

CARRIED

#### 17 GENERAL BUSINESS

#### 17.1 ADOPTION OF CRAWFORD SQUARE MASTER PLAN

#### EXECUTIVE SUMMARY

At the September Ordinary Meeting Council adopted the Draft Crawford Square Master Plan and resolved to place the draft plan on public exhibition for a period of 28 days. Following the exhibition period Council received no submissions and it is therefore recommended that Council adopt the Crawford Square Master Plan without amendment.

#### **RESOLUTION 181218/12**

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

That Council adopt the Crawford Square Master Plan.

CARRIED

#### 17.2 PLANNING PROPOSAL TO REZONE 75 GREGORS ROAD, SPRING GROVE FOR A RURAL RESIDENTIAL DEVELOPMENT

#### EXECUTIVE SUMMARY

Council has received an application (PP2018/0002), supported by a Planning Proposal, to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) to enable the establishment of an 18 lot rural residential estate on Lot 4 DP708496, 75 Gregors Road, Spring Grove (the Land). The proposed development is sited immediately to the west of existing rural residential estates at Spring Grove, and is supported by Council's Rural Residential Development Strategy.

The Land currently has a Land Zone of RU1 Primary Production, and a minimum lot size for subdivision of 40ha. To facilitate the proposed development the LEP requires amendment to:

- change the Land Zone Map by applying Zone R5 Large Lot Residential to part of the Land (about 24.34ha); and
- change the lot size map by applying a minimum lot size (MLS) of:
  - > 1ha to the Zone R5 area (with a 2ha MLS to apply to proposed Lot 1), and
  - > 20ha to the remaining RU1 zoned part of the Land (to facilitate creating one residue lot).

Council's support for the planning proposal is required to commence the rezoning process. This will cause the planning proposal to be submitted to the Department of Planning and Environment (DoPE) for assessment and Gateway Determination, which would incorporate conditional agency and community consultation.

A further report will be presented to Council at the conclusion of the consultation phase, where a decision to proceed with the LEP amendment will be required. If it is to proceed, Council may use Ministerial Plan Making delegations to prepare and make the final LEP amendment, but only where such delegations had been sought, and granted, through the Gateway process. These delegations would be assigned to the General Manager.

#### RESOLUTION 181218/13

Moved: Cr Stephen Morrissey Seconded: Cr Sandra Humphrys

That:

- 1. Council support Planning Proposal PP2018/0002, which proposes to amend the *Richmond Valley LEP 2012*, as it applies to Lot 4 DP708496, 75 Gregors Road Spring Grove, by rezoning the land to facilitate a rural residential development;
- 2. PP2018/0002 be directed to the DoPE for a Gateway Determination; and
- 3. EP&A Act Ministerial Plan Making delegations be requested for the General Manager.

CARRIED

18 DECEMBER 2018

#### 17.3 PUBLIC LIBRARIES FUNDING

#### **EXECUTIVE SUMMARY**

Local Government NSW and the NSW Public Libraries Association have come together to create the Renew Our Libraries campaign. So far 90 of the 128 councils across the state have officially endorsed the campaign through a council resolution.

The campaign is having an effect as on 24 August 2018 the NSW Government announced a \$60 million funding commitment for NSW public libraries. NSW Labor then announced an additional \$10.5 million boost to their previous commitment of \$50 million.

While both NSW Government and Labor's is a welcome additional funding boost for public libraries it still falls short of the \$94 million target that was set at the beginning of the campaign. A long term solution to public library funding also needs to include indexing as both parties funding commitment cuts off in 2023. Indexation and legislation will deliver a long-term solution for funding for public libraries.

#### RESOLUTION 181218/14

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

That Council;

- 1. Endorse the NSW Public Libraries Association and Local Government NSW Library funding advocacy initiative, Renew our Libraries.
- 2. Note the announcement by the NSW Government on 24 August 2018 of its intention to provide a \$60m funding package for NSW public libraries for the quadrennial period 2019-20 to 2022-23.
- 3. Support the ongoing Renew Our Libraries initiative to secure the pledged funding, clarify the funding components and liaise with the government regarding the funding model.
- Support Renew Our Libraries to work with the Government to develop a sustainable future funding model with a view guaranteeing an appropriate level of ongoing and indexed state funding.
- 5. Write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for the provision of a significant increase in state funding for NSW public libraries, supported by a sustainable future funding model.
- 6. Take a leading role in activating the campaign locally.
- 7. Endorse the distribution of the NSW Public Libraries Association and Local Government NSW library funding advocacy initiative information in Council libraries, as well as involvement in any actions arising from the initiative.
- 8. Formally advise the NSW Public Libraries Association and Local Government NSW that Council has endorsed the library funding advocacy initiative.

CARRIED

18 DECEMBER 2018

#### 17.4 SWIMMING POOL COMPLIANCE PROGRAM UPDATE

#### EXECUTIVE SUMMARY

Amendments to the Swimming Pools Act 1992 (the Act) resulted in a report being presented to Council in 2014 for the implementation of a Swimming Pool Compliance Program as mandated by these amendments.

A review has been conducted of this program and this report outlines proposed changes to the current program.

#### RESOLUTION 181218/15

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

Recommended that;

- 1. Council endorse proposed changes to the swimming pool fence inspection program and publicly exhibit the amended Swimming Pool Compliance program for a period of 28 days.
- 2. A further report be provided to Council following the exhibition period for a resolution.

CARRIED

#### 17.5 ADOPTION OF REDUCTION TO PARKING FINE CONCESSIONS

#### EXECUTIVE SUMMARY

In June this year the NSW Government announced plans to make parking fines fairer for residents across the state.

Many councils have noted they have no power to reduce parking fine amounts, which are set at a \$112 minimum under State legislation, and the Government has committed to providing Councils the freedom and flexibility to reduce their parking fines. Following broad consultation overwhelming support was revealed from the community for fine reductions.

#### **RESOLUTION 181218/16**

Moved: Cr Sandra Humphrys Seconded: Cr Robert Hayes

That

- 1. Council take advantage of the Parking Fine Concessions and 'opt in' and reduce its fines from \$112 to \$80 effective from 1 January 2019.
- 2. The Mayor be authorised to sign the opt-in form agreeing to the reduction.

CARRIED

18 DECEMBER 2018

#### 18 MATTERS FOR INFORMATION

#### **RESOLUTION 181218/17**

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

Recommended that the following reports submitted for information be received and noted.

CARRIED

#### 18.1 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 NOVEMBER 2018 TO 30 NOVEMBER 2018

#### **RESOLUTION 181218/18**

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receive and note the development application report for the period 1 November 2018 to 30 November 2018.

CARRIED

#### 18.2 GRANT APPLICATION INFORMATION REPORT - NOVEMBER 2018

#### **RESOLUTION 181218/19**

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That the Grant Application report for the month of November be received and noted.

CARRIED

#### 19 QUESTIONS ON NOTICE

Nil.

#### 20 QUESTIONS FOR NEXT MEETING (IN WRITING)

The Meeting closed at 5:47pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 February 2019.

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CHAIRPERSON



## MINUTES

### Extraordinary Council Meeting 7 February 2019

#### 7 FEBRUARY 2019

#### ORDER OF BUSINESS

1	ACKNO	DWLEDGEMENT OF COUNTRY	3
2	PRAYE	R	3
3	APOLO	GIES	3
4	DECLA	RATION OF INTERESTS	3
5	GENER	AL MANAGER'S REPORTS	4
	5.1	Special Rate Variation Application	4

7 FEBRUARY 2019

#### MINUTES OF RICHMOND VALLEY COUNCIL EXTRAORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO ON THURSDAY, 7 FEBRUARY 2019 AT 5.00 PM

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

- PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson
- IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Deborah McLean (Manager Governance & Risk) and Julie Clark (Personal Assistant to the General Manager and Mayor).

#### 1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

#### 2 PRAYER

The meeting opened with a prayer by the General Manager.

#### 3 APOLOGIES

Nil

#### 4 DECLARATION OF INTERESTS

Nil

7 FEBRUARY 2019

#### 5 GENERAL MANAGER'S REPORTS

#### 5.1 SPECIAL RATE VARIATION APPLICATION

#### EXECUTIVE SUMMARY

In 2013 Council resolved, and the Independent Pricing and Regulatory Tribunal (IPART) approved, a Special Rate Variation for five years for the financial periods 2014/2015 to 2018/2019. As a result of the current special rate variation period concluding this financial year, Council determined at its November 2018 meeting that it would be timely to go back to the community to discuss the need for a further special rate variation to fund the increased service levels that have been established and enjoyed by the community, and continue with the asset renewals and maintenance programs in a financially sustainable manner. To achieve this and continue to improve our financial performance indicators an increase above the rate peg amount of 2.7% is necessary.

Council staff have modelled three different increased rate revenue scenarios and the cost impact of these rate increases on ratepayers for a four-year period commencing from 2019/2020 to 2022/2023. A thorough community consultation process commenced in December 2018 and has just concluded to gauge the community's satisfaction with current service levels and to determine the preferred rating option for the next four-year period. In the event that Council resolves to submit an application for a Special Rate Variation, the community has a further opportunity to provide submissions to IPART before it finalises its determination.

Council's role is to decide which rate increase best balances the views and interests of the whole of the Richmond Valley community and ensuring that the Council business is managed in a financially sustainable manner.

#### RESOLUTION 070219/1

Moved: Cr Robert Mustow Seconded: Cr Sam Cornish

That Council;

- 1. Note and consider the concerns raised by community members about the financial impact pensioners, farmers and residents with higher unimproved capital land values;
- Note and consider the feedback received and results of the extensive community consultation that has been conducted and from this process the majority of residents are accepting of the need for an increase above the rate peg;
- 3. Approve that the General Manager submit an application to the Independent Pricing and Regulatory Tribunal for a permanent Special Rate Variation under Section 508A of the Local Government Act 1993 of 5.5% (including rate peg) for four successive years from 2019/2020 to 2022/2023.
- <u>In Favour:</u> Crs Robert Mustow, Stephen Morrissey, Sam Cornish, Robert Hayes, Sandra Humphrys, Jill Lyons and Daniel Simpson

Against: Nil

CARRIED 7/0

The Meeting closed at 5.35 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Richmond Valley Council held on 19 February 2019.

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CHAIRPERSON



#### **Richmond Valley Council Integrated Planning Reporting Framework**

Our Councillors have made a commitment to support our organisation and the community in making Richmond Valley a better place to live, work and visit. This Progress Report reports against the Delivery Program (4 year) within the NSW Government's Integrated Planning and Reporting (IP&R) framework.

The IPR framework aims to improve the sustainability of local communities by encouraging councils, residents and state agencies to work together to achieve the objectives set out within these long term plans.

To focus Council's attention to achieve this, Councillors have agreed to four Strategic Priorities – Connecting People and Places, Growing our Economy, Looking after our Environment and Making Council Great. The priorities are outlined in the Delivery Program (V2) 2017-2021, adopted by Council 26 June 2018, and in the Richmond Valley Made 2030 Community Strategic Plan, adopted 27 June 2017.

The Delivery Program report is presented in individual tables containing the progress towards completion of all Delivery Program activities and targets. The report also provides a status report on the progress against the Community Indicators outlined in the Community Strategic Plan for each community objective within the four priority areas.

The status is defined as:

**Green**: The action or milestone has been completed.

**Amber**: The action or milestone is on schedule and is being actively managed.

**Blue**: The action or target is not due to commence in the reporting period.

**Purple:** The action is not progressing. **Red:** The action or milestone is behind schedule. The progress report relates to quarters one and two of the 2018/2019 financial year.



#### **Connecting People and Places**

#### **PP1: Fresh and Vibrant Community**

#### PP1.1: Support local Event Organisers and enhance marketing and promotion of events

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.1.1	Draft and implement a marketing plan	2020/2021	Sharon Davidson	Marketing plan nearing final draft.	On Schedule	
PP1.1.2	Review Richmond Valley Events Strategy	2020/2021	Sharon Davidson	Review underway.	On Schedule	
PP1.1.3	Conduct workshops with Community event and local organisers to improve their marketing and promotion of events	Annual	Sharon Davidson	Planning underway for a series of new workshops.	On Schedule	
PP1.1.4	Increase the promotion through Organisers to promote Richmond Valley events across the region and as far and wide as possible	2018/2019	Sharon Davidson	Events are promoted using various marketing disciplines such as email, social media, website, media releases and posters.	On Schedule	
PP1.1.5	Maintain the RVC website as a focused information resource for events	2018/2019	Sharon Davidson	Corporate website is updated daily.	On Schedule	
PP1.1.6	Assist suitable events to gain additional support and funding where appropriate	Annual	Sharon Davidson	Council's Community Programs and Grants team host a number of Get That Grant! workshops.	On Schedule	
PP1.1.7	Ensure that Richmond Valley event practices are as accessible as possible	Annual	Sharon Davidson	Event organisers are made aware of Richmond Valley Council's Disability Inclusion Action Plan.	On Schedule	

#### PP1.2: Increase Brand Recognition

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.2.1	Include branding as compulsory criteria to receive council support	2017/2018	Sharon Davidson	Organisations are required to acknowledge Council's contribution in all advertising and promotional material associated with the event. This means Council's logos should appear in a prominent position on any brochures, flyers, posters, press advertisements, invitations and programs associated with the event.	On Schedule	
PP1.2.2	Maintain a collection of current and appropriate footage and photographs from the Richmond Valley, which is available to Event Organisers and media	2017/2018	Sharon Davidson	Collection is growing by the day.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.3.1	Development of Masterplans at Woodburn Riverside, Casino Drill Hall, Casino Showgrounds	2017/2018	Andrew Leach	Master plans completed and adopted by Council	Completed	
PP1.3.2	Development of Masterplans at Razorback Lookout at Evans Head	2018/2019	Andrew Leach	Consultation process initiated.	On Schedule	
PP1.3.3	Complete service standards and levels for all open spaces	2017/2018	David Timms	Draft document in process.	On Schedule	
PP1.3.4	Ensure the safest possible play spaces within Richmond Valley	Annual	Andrew Leach	Playground safety inspections programmed and carried out on schedule.	On Schedule	
PP1.3.5	Completion of capital works program	Annual	Andrew Leach	Ongoing and as per the works program.	On Schedule	
PP1.3.6	Develop a strategy for sports field irrigation	2018/2019	David Timms	Joint Project with Parks and Gardens and Asset Area. Assets to set parameters of what is required.	Not Progressing	
PP1.3.7	Develop a strategy for upgrade of town garden beds	2019/2020	David Timms	Open Spaces staff are working on strategies to upgrade town garden beds.	On Schedule	

PP1.4: Provide safe and well maintained Swimming Pools
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Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.4.1	Develop and implement a swimming pools strategic plan	2017/2018	Andrew Leach	Service review has been undertaken by Finance Area. This document is to be delivered to a working group to establish Pool Strategy moving forward.	On Schedule	
PP1.4.2	Manage current pool contracts	2019/2020	Andrew Leach	Officers in contact on a regular basis with Contractor to ensure appropriate delivery of services.	On Schedule	
PP1.4.3	Respond to Infrastructure reporting to ensure maintenance and operation of Swimming Pools.	Annual	Andrew Leach	Some works have been undertaken, however major decisions regarding future works are to be made following Casino Pool Master plan Review, and the delivery of the Pools Strategic Plan.	On Schedule	
PP1.4.4	Develop a Draft Masterplan for future development of Casino Swimming Pool Site	2018/2019	Andrew Leach	Master plan has been placed on display and feedback from Community received. Final draft to be compiled in conjunction with Pools Strategy.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.5.1	Cemetery works as per capital works plan	Annual	David Timms	Casino and Evans Head Cemeteries Capital Works projects are on track for delivery.	On Schedule	
PP1.5.2	Develop service standards for cemeteries	2017/2018	David Timms	The Coordinator Open Spaces, Cemeteries and Facilities is working on reviewing service standards in consultation with other staff.	On Schedule	
PP1.5.3	Review Cemetery Strategy and deliver project plans accordingly	Annual	David Timms	The Coordinator Open Spaces, Cemeteries and Facilities is working on reviewing the Strategy in consultation with other staff.	On Schedule	
PP1.5.4	Preparation for Casino Cemetery expansion	2020/2021	David Timms	The Coordinator Open Spaces, Cemeteries and Facilities has started the planning for the expansion of the Casino Cemetery towards the south within the confines of the available land.	On Schedule	

#### PP1.5: Increase customer satisfaction with Cemeteries in the Richmond Valley

#### PP1.6: Provide library programs across all ages and diverse interests

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.6.1	Development of new and/or enhance existing programs to meet community needs	Annually	Gary Ellem	Programs continue to attract people to the library with 434 programs so far.	On Schedule	

#### PP1.7: Library be innovative and provide equitable community access to all library resources

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.7.1	Implement and utilise Library Management System (LMS) through upgrades	2017/2018	Gary Ellem	LMS continues to function well. An upgrade was successfully installed during the 2nd quarter and a staff member attended a Libero User Group meeting.	On Schedule	

#### PP1.8: Undertake the repair and maintenance of council buildings

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.8.1	Maintain current levels of availability and condition	Annual	Andrew Leach	Inspections and Customer Relationship Management information used to ensure that maintenance is timely and responsive to ensure ongoing safe use.	On Schedule	
PP1.8.2	Development of Masterplan at Casino Civic Hall	2018/2019	Andrew Leach	Grant Funding confirmed. Quotes to be re-visited and awarded.	On Schedule	

#### PP1.9: Planning, preparedness, response and recovery to Emergency Services

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP1.9.1	Coordinate Councils resources and commitment to Council and regional emergency response planning and resourcing	Annual	Angela Jones	Richmond Valley Council provides assistance to combat agencies and surrounding Council's when and where possible in the event of an emergency.	On Schedule	

#### **PP2: Getting Around**

#### PP2.1: Improve Road Management practices at Richmond Valley Council

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP2.1.1	Develop a Road Management Strategy which provides long term direction and information on sustainability of road network including assessment of bridges affected by load limits.	2018/2019	Andrew Leach	Use of Revaluation report and information to be used to finalise scope and draft proposal. Consultant sourcing to be undertaken.	On Schedule	
PP2.1.2	Review Pedestrian Access Mobility Plan (PAMP) and cycleway plan	2017/2018	Andrew Leach	Application has been submitted.	On Schedule	

#### PP2.2: Striving for consistent improvement

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP2.2.1	Create a strategic Plan for the rehabilitation of the Woodburn Coraki Road	2017/2018	Andrew Leach	Design and priority works established following Consultant design and investigation. Works being carried out as funding becomes available.	Completed	
PP2.2.2	Introduce and Implement a road network condition survey	2017/2018	Andrew Leach	Works undertaken as part of Road Revaluation Process.	Completed	
PP2.2.3	Deliver a targeted maintenance regime developed from the road survey	Annual	Andrew Leach	Works undertaken and information compiled as part of Road Revaluation Process.	Completed	
PP2.2.4	Develop an education and awareness program including information sheets explaining road management practices	Annual	Andrew Leach	Project forms part of the Road Management Strategy and will be delivered in 2nd quarter 2019.	Not Progressing	
PP2.2.5	Completion of capital works program	Annual	David Timms	Roads, Drainage and Quarries Capital Works projects are being delivered ahead of schedule at this stage of the financial year.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP2.3.1	Plan and implement public space safety and cleaning programs (street cleaning and street lighting)	Annual	Andrew Leach	Programs developed as part of the Budget Development process. Maintenance programs monitored through budget reporting quarterly.	On Schedule	
PP2.3.2	Plan and implement maintenance programs (bus shelters, carparks, cycle ways and aerodromes)	Annual	Andrew Leach	Programs developed as part of the Budget Development process. Maintenance programs monitored through budget reporting quarterly.	On Schedule	
PP2.3.3	Advocate for expansion of public & community transport	Annual	Andrew Leach	Seek support, community input and funding to progress projects whenever possible. Liaising with the Coordinator Community Programs and Grants.	On Schedule	
PP2.3.4	Create attractive town entrances that create community pride and increase visitation to the Richmond Valley	Annual	David Timms	Avenue Planting Projects and ongoing maintenance programs currently in progress.	On Schedule	

#### **PP3: Working Together**

#### PP3.1: Improve our Engagement/Consultation with the Community

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.1.1	Rolling Program of listening tours	Annual	Sharon Davidson	New schedule is to be discussed.	On Schedule	
PP3.1.2	Conduct community surveys for relevant projects	Annual	Sharon Davidson	New surveys are under development.	On Schedule	

#### PP3.2: Encourage and support volunteerism to contribute to the Richmond Valley Community

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.2.1	Sponsor and support national volunteer's week celebration and deliver training/ workshops to up-skill volunteers	Annual	Andrew Leach	National Volunteers Week falls in May 2019 - fourth quarter.	On Schedule	

#### PP3.3: Ensure that Council is reaching all target groups for relevant community issues

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.3.1	Developing contact lists for interest groups and towns	2017/2018	Andrew Leach	This is an ongoing process.	On Schedule	
PP3.3.2	Hosting and or supporting local community events	Annual	Sharon Davidson	Council's local events calendar has around 75 listed events, with varying degrees of support.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.4.1	Strengthening our relationships with Aboriginal communities	Annual	Andrew Leach	This is an ongoing process. There has been good progress with community suggestion to have an Aboriginal Events Working Group for 2019 events - major ones are Reconciliation Week and NAIDOC Week but others may be added as the community wishes.	On Schedule	
PP3.4.2	Develop and build on partnership Activities with community organisations e.g. health initiatives, employment initiatives, social service initiatives, youth, education and others as identified by the community	Annual	Andrew Leach	This is an ongoing process.	On Schedule	

#### PP3.4: Partnering with and supporting community organisations to achieve their aims

### PP3.5: Develop partnership activities that promote and improve social services and inclusion and accessibility for people with disabilities, aged, early childhood and youth, disadvantaged and multicultural sectors.

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.5.1	Develop partnership activities which promote inclusion and accessibility	2017/2018	Andrew Leach	This is an ongoing process.	On Schedule	
PP3.5.2	Facilitate Accessibility, Liveability and Aged Advisory Committee	Annual	Andrew Leach	The committee's purpose is under review.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.6.1	Publication and delivery of Council newsletter	Annual	Sharon Davidson	Monthly community newsletter delivered via Australia Post to 11,560 households.	On Schedule	
PP3.6.2	Production and distribution of online content including interactive website, video content, podcasts etc.	Annual	Sharon Davidson	Project videos are regularly posted to Facebook.	On Schedule	
PP3.6.3	Grow our online community and engage through social media	Annual	Sharon Davidson	Around 3670 people now 'like' Council's Facebook page. Some posts have a reach of more than 40,000.	On Schedule	
PP3.6.4	Implement the "Richmond Valley Made" branding campaign	2017/2018	Sharon Davidson	The Richmond Valley Made logo is appearing on more items, including some local food products.	On Schedule	

#### PP3.7: Educate and support community groups to obtain grant funding

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.7.1	Schedule Grant writing workshops - two levels, introductory and intermediate	Annual	Andrew Leach	Two workshops are scheduled for March 2019 - one in Casino and one in Evans Head.	On Schedule	

PP3.8: Ma	ximise opportunities for community and C	council to app	oly for grant o	pportunities

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
PP3.8.1	Continue to disseminate Community grant information to community groups and relevant stakeholders	Annual	Andrew Leach	This is an ongoing process.	On Schedule	
PP3.8.2	Provide administration and promotion of ClubGRANTS	Annual	Andrew Leach	2019 process shortly to commence - February - March 2018.	On Schedule	
PP3.8.3	Fund a Section 356 Community Financial Assistance Program	Annual	Andrew Leach	Community Grants administrates the funding but it is not part of Community budget.	On Schedule	
PP3.8.4	Facilitate a proactive Council Grant Funding application process	Annual	Andrew Leach	Round 2 for 2018/19 will open on 4 March 2019 and close on 1 April 2019.	On Schedule	

#### Growing our Economy

#### **EC1: Driving Economic Growth**

#### 1. EC1.1: Review Council's existing businesses and investigate further business opportunities

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.1.1	Provide advice to Council business operations as required.	2018/2019 and 2019/2020	Ben Zeller	Advice provided as required.	On Schedule	
EC1.1.2	New technology opportunities in waste fully explored for RVC specific outcomes in either a LGA or regional context	Annual	Michael Perkins	Currently pursuing regional waste to energy proposal with Pacific Consultants.	On Schedule	

## 2. EC1.2: Actively lobby and provide assistance for the establishment of new businesses and the expansion and/or continuing operation of existing businesses.

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.2.1	Actively lobby, and provide assistance for the establishment of new businesses and the expansion and/or continuing operation of existing businesses.	Annual	Michael Perkins	Continue to work closely with both private enterprise and government departments including Department of Premier and Cabinet to identify and maximize new business opportunities.	On Schedule	
EC1.2.2	Collaborate across Federal, State and Local Governments and all stakeholder groups to ensure relationships are built, maintained and effective so as to ensure we rapidly respond to both economic and job opportunities.	Annual	Michael Perkins	Staff are engaging in regular interaction across all levels of Government to continue to maintain and foster relationships.	On Schedule	•
EC1.2.3	Continue to work closely with prospective investors to capitalise on new technologies in the renewable energy and waste to energy sectors	Annual	Michael Perkins	Continuing work with Pacific Consultants and Utilitas to develop waste to energy proposals in the Richmond Valley.	On Schedule	

#### 3. EC1.3: Align tourism, economic development and events to deliver economic outcomes for the Region

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.3.1	Develop synergistic outcomes from the "Richmond Valley Tourism Plan" and "A Guide to Economic Development in the Richmond Valley".	Annual	Sharon Davidson	A review of promotion and marketing is underway.	On Schedule	

#### 4. EC1.4: Provide support to prospective developers regarding Council processes and requirements

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.4.1	Assist applicants of major developments to navigate Council processes via a case management approach to the lodgement and assessment of significant development applications	Annual	Michael Perkins	Continuing to work with Iron Gates and other significant developments to assist with Council processes.	On Schedule	

### 5. EC1.5: Increase visitors and overnight stayers in the Richmond Valley

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.5.1	Implement the Richmond Valley Tourism Development Plan	Annual	Sharon Davidson	Due to the nature of the tourism industry, the Richmond Valley Tourism Development Plan needs to be an evolving document. Thus, the document will be updated following consultation with our stakeholders.	On Schedule	

6.	EC1.6: Improved	customer	satisfaction	with the	DA process
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Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.6.1	Collaborate with the State Government to introduce E-Planning	2017/2018	Andrew Hanna	Continue to liaise with Department of Planning and Environment, however, the Department needs to progress the program at their end before further inroads are made.	On Schedule	
EC1.6.2	Develop a Development Information Package.	2017/2018	Andrew Hanna	Factsheets have been written and further ones are being prepared.	On Schedule	
EC1.6.3	Opening doors development project	2018/2019	Andrew Hanna	No feedback or enquiries have been forwarded from Service NSW about the Café program and no further feedback regarding the footpath dining program and development of a state wide policy.	On Schedule	
EC1.6.4	Ensure efficient DA processing	Annual	Andrew Hanna	Statistics identify we are processing DA's efficiently with local DA's having a turn-around time of less than 25 days.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights	
EC1.7.1	Development Control Policy review	2018/2019	Andrew Hanna	Emphasis is on strategic planning this financial year to enable development control policy review.	On Schedule		
EC1.7.2	Local Environmental Plan review	2020/2021	Andrew Hanna	Emphasis is on strategic planning this financial year to enable Local Environmental Plan.	On Schedule		
EC1.7.3	Certificates ie. Planning Certificates	Annual	Andrew Hanna	Planning certificates (149 certificates) are issued regularly within the requested timeframes.	On Schedule		
EC1.7.4	Heritage management	Annual	Andrew Hanna	Local heritage consultant visits once a month to provide advice on development applications in relation to heritage matters.	On Schedule		
EC1.7.5	Contributions Plan Review	2017/2018	Andrew Hanna	Liaising with Assets team to review priorities.	Behind Schedule		

## 7. EC1.7: Provide flexible and innovative planning controls

## 8. EC1.8: Provide sustainable Urban Development Opportunities

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC1.8.1	Implement the Local Growth Management Plan to provide for an adequate supply of residential land.	2019/2020	Andrew Hanna	Finalising the plan for Casino is the priority and is progressing.	On Schedule	
EC1.8.2	Develop growth management strategies as an input into the LEP for zoning land for the required residential, rural residential, commercial and industrial land uses whilst maintaining environmental sustainability.	2018/2019	Andrew Hanna	This is part of the emphasis being given to strategic planning matters at the moment and is progressing.	Behind Schedule	

#### EC2: Building on our strengths

### 9. EC2.1: Operate a financially sustainable business

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.1.1	Provide materials for Council works that are not available elsewhere.	Annual	David Timms	Woodview Quarry is providing flood blend to projects as required.	On Schedule	
EC2.1.2	Continue with leasing of Peterson's Quarry as per agreement.	2019/2020	David Timms	Peterson's Quarry is leased to Quarry Solutions and they are complying with the terms of the lease.	On Schedule	

#### 10. EC2.2: The Northern Rivers Livestock Exchange returns a profit to the community

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.2.1	Stage 1 upgrade of the NRLX (upgrade of receivables and sale areas)	2017/2018	Ben Zeller		Completed	
EC2.2.2	Stage 2 upgrade of the NRLX (upgrade of post-sale area)	2018/2019	Ben Zeller	Site works underway. Project is on time and on budget (June 2019 Completion).	On Schedule	
EC2.2.3	Prepare a Business Plan	2017/2018	Brad Willis	Focus has been on the \$14m upgrade to the facility. Draft Business Plan currently being prepared.	Behind Schedule	

#### 11. EC2.3: Provide a service where appropriate to support niche community and business needs

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.3.1	Provide Private Works as required	Annual	David Timms	Council is providing and quoting on private works as requested. Demand has been higher than usual this financial year due to Pacific Highway works.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.4.1	Acquisition, management and disposal of Council Land to realise commercial opportunities	Annual	Michael Perkins	Development of the Evans Head Administration Office site to allow for the establishment of a HealthOne in Evans Head.	On Schedule	
				Sale of Evans Head Aerodrome being pursued.		
				Development of Canning Drive land - marketing of remaining lots in Casino industrial estate.		
EC2.4.2	Undertake review of Councils existing land holdings and develop a strategy for the acquisition and disposal of Council land for economic benefit	2018/2019	Michael Perkins		Not Due To Commence	

### 12. EC2.4: Acquisition, management and disposal of Council land to realise commercial opportunities

#### 13. EC2.5: Develop Council business activities around commercial, industrial and residential land development

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.5.1	Implement strategy for the acqusition and disposal of Council land for economic benefit	Annual	Michael Perkins		Not Due To Commence	
EC2.5.2	Develop and market residential land estate	Annual	Michael Perkins	Canning Drive residential development being designed with release of land targeted for mid 2019.	On Schedule	
EC2.5.3	Develop and market industrial land estate	2020/2021 and 2021/2022	Michael Perkins		Not Due To Commence	
EC2.5.4	Acquisition of development site for industrial subdivision	2020/2021	Michael Perkins		Not Due To Commence	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.5.5	Acquisition of development site for residential subdivision	2019/2020	Michael Perkins		Not Due To Commence	

## 14. EC2.6: Build and nurture relationships with Business Chambers and the business community at large

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EC2.6.1	Business engagement	Annual	Michael Perkins	Business engagement is an ongoing activity for the Economic Development team. The team uses face-to-face meetings, events held by Council, and networking opportunities at regional events to facilitate linkages and collaborative opportunities for business and promote the Richmond Valley.	On Schedule	
EC2.6.2	Interact with local Business Chambers and work regionally with the NSW Business Chamber	Annual	Michael Perkins	Engagement with Chambers is an ongoing activity which is being undertaken regularly. Strong relationships are in place with both local Chambers and Northern Rivers NSW Business Chamber representatives.	On Schedule	
EC2.6.3	Develop and implement an action plan for the reduction of vacant retail spaces.	2018/19 and 2019/2020	Michael Perkins		Not Due To Commence	
EC2.6.4	Maintain the database of businesses operating in the LGA and utilise this data to open communication directly with businesses.	Annual	Michael Perkins	The database of businesses is an ongoing activity which is being constantly updated and maintained.	On Schedule	

- 15. Looking after our Environment
- 1. EH1: Managing our Waste and Water

#### 2. EH1.1: Waste and resource recovery future options

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.1.1	Develop and implement a waste strategy including long term waste and resource recovery options which are sustainable and affordable	2017/2018	David Timms	In conjunction with the Executive the decision was made to change the requirement for a Waste Strategy to a Business Plan. The Business Plan has been drafted and is being reviewed by Management.	On Schedule	

#### 3. EH1.2: Operate waste and resource recovery as a business, including kerbside collection options for businesses

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.2.1	Review costs, resources and options for businesses and set a new fee structure	2017/2018	David Timms	Some work has been done as part of the Business Plan that's been drafted, however the remainder will be completed during the budget preparation.	On Schedule	

#### 4. EH1.3: Waste Management domestic kerbside collections

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.3.1	Review collection run frequencies and efficiencies including investigating GPS tracking systems and options	2018/2019	David Timms	Collection run frequencies are being reviewed and truck drivers have been moved around the different runs to benchmark run times. Preparations are being made to advertise an EOI for GPS tracking systems and technologies.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.4.1	Develop and implement capping plans	Annual	David Timms	Capping Plan for Bora Ridge has been finalised and tendered. An assessment of the tenders is being undertaken. The Capping Plan for Nammoona is in the final stages of drafting prior to submission to the EPA for approval.	On Schedule	

#### 5. EH1.4: Close and cap completed waste facility cells

## 6. EH1.5: Seek and utilise grant funding to support waste infrastructure needs and new projects in line with the NSW Water Avoidance and Resource Recovery Act and Strategy

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.5.1	Research and secure Waste Less Recycle More EPA and Environmental Trust funding	Annual	David Timms	The Waste & Resource Recovery Team is continually exploring opportunities for innovative ways to use the funding for beneficial projects and access additional funding for projects that have been identified in master plans.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.6.1	Education delivered to the community through various activities	Annual	David Timms	The Educator Waste Avoidance & Collections continues to focus on presenting information to the community on the changes in recycling, FOGO - Food Organics and Garden Organics (Business) and other waste related matters. The role also works closely with other waste educators in the NEwaste Group (North East Waste) on regional programs and initiatives.	On Schedule	
EH1.6.2	Delivery of capital works projects	Annual	David Timms	There have been delays in the works associated with Cell 6 design, however all other Waste & Resource Recovery Capital Works projects are on track.	On Schedule	

#### 7. EH1.6: Deliver environmentally sustainable waste collection, disposal and recycling programs and services to the community

#### 8. EH1.7: Provide services which protect and enhance our natural and built environment

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.7.1	Implement the revised stormwater management plan	2018/2019	David Timms	Capital and maintenance works delivery are on schedule.	On Schedule	

9. EH1.8: Provide compliant, continuous and cost effective water supplies and sewerag
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Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.8.1	Continue to provide safe and secure water and sewerage networks through the implementation of Integrated Water Management Plans	Annual	David Timms	Water from the Casino Water Treatment Plant is being supplied in accordance with all EPA and Drinking Water Standards requirements. Sewerage networks and treatment facilities are operating in accordance with all EPA requirements and management plans.	On Schedule	
EH1.8.2	Work through network and camera surveys to develop a long term strategic works program for water and sewer assets.	Annual	Andrew Leach	Data from in-house works and contractor feedback being compiled to develop works and maintenance programs	On Schedule	
EH1.8.3	Implement an energy and carbon emission reduction program	2017/2018	David Timms	The 100kW Solar Power Generation system at the Casino Water Treatment Plant is complete.	Completed	
EH1.8.4	Review current water sewer infrastructure and develop improvement plan	2018/2019	Andrew Leach	Information is being compiled from maintenance records, breakage and blockage data, valuation process and development applications to provide a future works program.	On Schedule	
EH1.8.5	Investigate an alternative water source for water supply security to Casino in emergencies	2018/2019	Andrew Leach	Delayed pending regional future water security funding application/investigation. State requested postponing the funding application, pending regional funding application outcome.	Behind Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH1.8.6	Develop and implement strategies to improve Council's water and sewerage infrastructure as identified in the IWCM Strategy Plan		Andrew Leach	Strategies and actions from within the Integrated Water Cycle Management (IWCM) Plan being implemented in development and delivery of Maintenance and Capital Works programming.	On Schedule	

### **10.** EH2: Promoting the Protection of the Environment

### 11. EH2.1: Provide services and programs which protect and enhance our natural and built environment

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.1.1	Budgets allocated to support services and programs	Annual	Andrew Hanna	This is an ongoing process.	On Schedule	

#### 12. EH2.2: Upgrade to the Jabiru Geneebeinga Wetlands

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.2.1	Develop Jabiru Geneebeinga Wetlands Masterplan	2020/2021	Andrew Hanna	Community Group management plan is yet to be received at Council.	Not Due to Commence	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.3.1	Respond to Environmental Incidents	Annual	Andrew Hanna	Incidents responded to as a priority.	On Schedule	

# 14. EH2.4: Develop programs in consultation with the community and stakeholders to minimise environmental harm through Council's own environmental practices

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.4.1	Flying Fox Management	Annual	Andrew Hanna	Information signs about flying fox are finished and will be erected in McAuliffe Park over coming week. Heatwave conditions in January required a response between Council and wildlife care groups in event of a die off. Fortunately there was no die off.	On Schedule	
EH2.4.2	Conduct Food Shop Inspections	Annual	Andrew Hanna	On target	On Schedule	
EH2.4.3	Skin Penetration inspections	Annual	Andrew Hanna	On target	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.4.4	Maintain Water Quality Inspections Schedule for public swimming pools	Annual	Andrew Hanna	On target	On Schedule	
EH2.4.5	Prompt response to general enquires	Annual	Andrew Hanna	On target	On Schedule	
EH2.4.6	Liquid Trade Waste Program	Annual	Andrew Hanna	On target, however, some larger food manufacturers need following up and will be part of program over next 6 months.	On Schedule	
EH2.4.7	Public Health Registers and Response	Annual	Andrew Hanna	Updated as required.	On Schedule	
EH2.4.8	Conduct On Site Sewerage Management System (OSMS) audits	Annual	Andrew Hanna	On target	On Schedule	
EH2.4.9	Caravan Park approvals		Andrew Hanna	Issued as required.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.5.1	Draft a long term strategic plan for the Animal Shelter	2018/2019	Andrew Hanna	Emphasise needs to be increased on this project to ensure delivery of the plan.	On Schedule	

#### 15. EH2.5: Develop a long term strategic plan for the Animal Shelter

#### 16. EH2.6: Implement Council's adopted Companion Animals Management Strategy

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
EH2.6.1	Decrease in the number of dog attacks	Annual	Andrew Hanna	On schedule.	On Schedule	
EH2.6.2	Increase in the number of de-sex animals from the previous years statistics	Annual	Andrew Hanna	Social media releases have been finalised on Councils Facebook and webpage.	On Schedule	
EH2.6.3	Decrease in the number of roaming animals	Annual	Andrew Hanna	This is an ongoing process.	On Schedule	
EH2.6.4	Increase in the number of follow ups of dangerous dogs audits	Annual	Andrew Hanna	This is an ongoing process.	On Schedule	
EH2.6.5	Rehousing rates	Annual	Andrew Hanna	On schedule.	On Schedule	

## Making Council Great

## CS1: Leading and Advocating for our Community

#### CS1.1: Improve decision making by engaging stakeholders and taking community input into account

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS1.1.1	Encourage participation in council meetings/committee meetings	Annual	Deborah McLean	This is an ongoing process.	On Schedule	
CS1.1.2	Provide business papers in accordance with Code of meeting Practice	Annual	Deborah McLean	Business paper delivered in accordance with Code of Meeting Practice.	On Schedule	
CS1.1.3	Develop and conduct a Councillor training program	Annual	Deborah McLean	Office of Local Government (OLG) guidelines have been issued. To be workshopped at a future Information session, prior to development of training program.	On Schedule	
CS1.1.4	Communicate Council's achievements, strategic objectives and actions		Deborah McLean	Annual report and Mid-Term Report published. Bi-annual Progress Report on Delivery Program to be presented to the February 2019 Council meeting.	On Schedule	

CS1.2: Facilitate Council's compliance with legal and governance requirements, including risk and insurance
---

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS1.2.1	Develop a risk management program which identifies and controls Council's Enterprise Risks	Annual	Deborah McLean	Risk register currently being reviewed and migrated across to PULSE.	On Schedule	
CS1.2.2	Place appropriate insurance in accordance with Council's insurance program	Annual	Deborah McLean	AON insurance program has commenced. A review of key assets has been carried out as part of our risk management program to review the current insurance valuation methodology.	On Schedule	
CS1.2.3	Implementation of a corporate compliance program	Annual	Deborah McLean	A compliance register has been implemented and is currently being integrated into both the Delegations database and Risk Register.	On Schedule	

## CS1.3: Ensure transparency and accountability in council's operations

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS1.3.1	Internal audit committee meetings	Annual	Ben Zeller	Three of five Internal Audit meetings have been held. Four internal audit reviews and the acceptance of the Financial Statements have been presented.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS1.4.1	Monitor capital works performance	Annual	Ben Zeller	Weekly monitoring occurs. Progress is reported monthly to managers. Executive Assistant is assisting officers to update the reporting tool.	On Schedule	
CS1.4.2	Coordination and management of major projects	Annual	Ben Zeller	Signature project management continues - the Drill Hall, Woodburn Riverside and NRLX Stage 2 have all started.	On Schedule	
CS1.4.3	Identify trends in business performance and report to senior management	Annual	Ben Zeller	The Project Management Office monitors capital works delivery, overtime performance and leave balance trends. These are reported to managers' meetings and discussed with relevant staff.	On Schedule	

#### **CS2: Great Support**

#### CS2.1: Ensure the ongoing delivery of a quality customer service oriented organisation

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.1.1	Ensure that Council continues to meet the expectations of the community in delivering quality customer service	Annual	Kelly Moroney	This is an ongoing process	On Schedule	
CS2.1.2	Continually review and monitor the quality of customer service provision across the organisation	Annual	Kelly Moroney	This is an ongoing process	On Schedule	

#### CS2.2: Staff have the technology and information systems required to deliver the outcomes expected by the community

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.2.1	Implement application upgrades, configuration changes, data entry screens, reports, and workflow within Council's core applications	Annual	Scott Walters	This quarter has seen updates required to support various TechOne projects such as single touch payroll, employee self-service, timesheets, etc.	On Schedule	
CS2.2.2	Utilise mobile technologies so staff can access council information and complete tasks while in the field	Annual	Scott Walters	Mobile phone rollout for select field staff complete with a few outstanding devices due to leave.	On Schedule	
CS2.2.3	RVC documents project delivers records and document management and workflow capabilities	2017/2018	Scott Walters	Document Management system (ECM) has been implemented. Various business processes are now supported through the connected content tools. This enables documents stored within other TechOne products to be held within ECM.	Completed	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.3.1	Manage and maintain CCTV and public Free Wi-Fi systems	Annual	Scott Walters	Plan to migrate from existing CBD Free Wifi system to a combined CCTV/Free Wifi solution is underway. Some issues concerning security are still to be resolved by the end of planning phase.	On Schedule	

### CS2.3: Technology in the community which promotes economic growth and community safety

### CS2.4: Efficiency and value from IT investments

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.4.1	Systems are maintained within one version of currently released product	Annual	Scott Walters	Microsoft System Center being used to ensure all server systems are up to date.	On Schedule	
CS2.4.2	Management of network performance.	Annual	Scott Walters	Internal corporate network has been upgraded with new network switches.	On Schedule	
CS2.4.3	Security and data protection	Annual	Scott Walters	Sophos endpoint server protection has been removed from servers. Microsoft Defender is being deployed to all new PC's.	On Schedule	

### CS2.5: Efficient records processes

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.5.1	Efficient processing of incoming correspondence.	Annual	Scott Walters	Service level agreement is being met.	On Schedule	
CS2.5.2	Efficient processing of information requests.	Annual	Scott Walters	Service level agreement is being met.	On Schedule	

## CS2.6: Place-based employer of choice attracting a diverse workforce

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.6.1	Streamline recruitment process	Annual	Caroline Redwood	Multiple interventions made in 2018-2019. Candidates are brought on the recruitment journey with multiple touch points from the Support Officer - Talent. Job ads are targeted with friendlier language. EEO questions added to applications.	On Schedule	
CS2.6.2	Rebrand recruitment to coincide with EVP strategies	Annual	Caroline Redwood	On-boarding software to be purchased for staff induction prior to commencing at Council. Manager Communications creating videos for recruitment that will be placed on our website showing our People and our Culture.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.6.3	Implement internal initiatives that boost morale	Annual	Caroline Redwood	Field staff are visited on-site multiple times a year by Manager Infrastructure Services and Manager People & Culture, boosting bottom-up communication. Peer-to-peer awards commenced in the Corporate Support group. Health & Wellbeing day to be an annual event. Fitness Passport has been implemented.	On Schedule	
CS2.6.4	Update on-boarding process	Annual	Caroline Redwood	Content currently being collated to launch digital onboarding. This will have videos, relevant policies and an assessment to show that compliance has been achieved. Software to be purchased this financial year.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.7.1	Implement a 12-24 month leadership and culture plan	2018/2019	Caroline Redwood	Overseers and leading hand leadership training is due for completion February 2019. Management are currently beginning their leadership training. Coordinator leadership training will consist of a mix of overseer and Management training - to commence next financial year.	On Schedule	
CS2.7.2	Implement a Health and Wellbeing Program	Annual	Caroline Redwood	Health & Wellbeing program designed and implemented, including morning stretches and weekly Yoga classes.	On Schedule	
CS2.7.3	Manage strategy for YES trainees including those that have graduated by designing an emerging leaders program	Annual	Caroline Redwood	2019 apprentices, trainees and school-based trainees commence a new program 2019. Newly recruited People Development Officer will be tasked with an Emerging Leaders program.	On Schedule	
CS2.7.4	Manage staff survey strategy	Annual	Caroline Redwood	Engagement Survey is conducted each quarter with interventions being put in place to increase ratings.	On Schedule	

## CS2.8: Creating a contemporary workplace

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.8.1	Review current values and behaviours	Annual	Caroline Redwood	This will be reviewed as per the performance reviews preparation for 2018/19.	On Schedule	
CS2.8.2	Manage the implementation of digital transformation for HR systems and process	Annual	Caroline Redwood	Onboarding (PULSE) and payroll (ESS) are currently in the process of being digitised. Work Health & Safety app (ChemWatch) is also being purchased to assist in the most up-to-date information on chemicals and plants requirements. VAULT a new incident management system is purchased and currently being tested.	On Schedule	
CS2.8.3	Manage training plan	Annual	Caroline Redwood	Training Plan developed.	Completed	
CS2.8.4	Develop OD team to be 'match-fit' that supports a contemporary workforce	2018/2019	Caroline Redwood	Team has been restructured to support an innovative and forward thinking Council.	Completed	
CS2.8.5	Manage and review policies and procedures	Annual	Caroline Redwood	WHS Policies are the current focus for People & Culture.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.8.6	Educate staff on PULSE and review process yearly	Annual	Caroline Redwood	Great annual review process this year. Intense education focus for our People leaders inclusive of 'how to have the conversation with staff'.	Completed	

## CS2.9: Proactive management of WHS systems to minimise safety risks

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.9.1	Continue to coordinate Council's Incident Reporting system	Annual	Deborah McLean	New incident reporting system has been implemented. Currently in testing phase with the People and Culture team to roll out following testing.	On Schedule	
CS2.9.2	Annual review of Safety Management Plan	Annual	Caroline Redwood	Safety Management Plan under review in consultation with Executive Management.	On Schedule	
CS2.9.3	Rolling audit and hazard inspection program and reporting	Annual	Caroline Redwood	Audit and Inspection Schedule (Including remedial Action Planner) created for 2018-19.	On Schedule	
CS2.9.4	Develop and Implement a Health Monitoring Program	2017/2018	Caroline Redwood	Lung Bus completed. Noise reduction scheduled. New drug testing kits ordered and received. Alcohol kits still to be delivered.	On Schedule	
CS2.9.5	Facilitate Health and Safety Committee	Annual	Caroline Redwood	Health & Safety Representatives are currently enrolled to do refresher training. Meetings attended by People & Culture.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.9.6	Develop and implement a WHS Safety Training program	Annual	Caroline Redwood	Training Program (Toolbox and Take 5s) created for the next two years. Areas covered include: manual handling, office safety, snake awareness etc.	On Schedule	
CS2.9.7	Ensure Council's WHS practices are compliant with legislative requirements	Annual	Caroline Redwood	This is an ongoing process.	On Schedule	

## CS2.10: Provide an effective injury management program

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.10.1	Develop and implement a Return to work program	Annual	Caroline Redwood	Annual review is in progress.	On Schedule	
CS2.10.2	Develop relationships with Stakeholders to assist in managing Workers Compensation claims	Annual	Caroline Redwood	Strong relationships with our insurer have been established by People & Culture. Strong relationships with staff are also established and maintained.	On Schedule	
CS2.10.3	Reporting of injury management results to council	Annual	Caroline Redwood	Results currently being calculated for Council.	On Schedule	

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.11.1	Complete review of council revenue	Annual	Ryan Gaiter	Revenue review completed in 2017/2018.	Completed	
CS2.11.2	Ensure council's procurement practices deliver best value for money	Annual	Ryan Gaiter	Council still remains an active member of the Noroc JO Regional Procurement Group and has recently commenced implementing the Vendor Panel as procurement software.	On Schedule	
CS2.11.3	Examine the opportunity to share regional services with other local government agencies.	Annual	Ryan Gaiter	Council continues to be involved in the Noroc JO Regional Procurement Group consisting of Tweed Shire Council, Ballina Shire Council, Lismore City Council, Byron Shire Council, Kyogle Council and Richmond Valley Council.	On Schedule	
CS2.11.4	Investigate different investment options to maximise Councils return on investments	2017/2018	Ryan Gaiter	Council staff are continually looking for opportunities to improve portfolio performance.	On Schedule	

#### CS2.12: Ensure compliance with Accounting Standards and Local Government Legislation

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.12.1	Manage Council's finances in accordance with legislative requirements	Annual	Ryan Gaiter	Financial decisions are made in-line with Ministerial Orders, Legislative Guide lines and Councils adopted Investment Policy.	On Schedule	

#### CS2.13: To sustainably and strategically manage council's fleet program

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.13.1	Complete fleet procurement in accordance with the plant replacement program	Annual	Ryan Gaiter	Ongoing procurement of Council fleet in-line with Councils replacement plan.	On Schedule	

## CS2.14: Maintain Strategic Asset Management focus, and provide inspection and technical information for the development of design and Capital works programs

Action Code	Action Name	Timeframe	Responsible Officer	Comments	Status	Traffic Lights
CS2.14.1	Development of design and Capital works programs Annually.	Annual	Andrew Leach	Capital Works Program developed as part of the budget formulation stage in March each year.	Completed	

**Richmond Valley Council** 

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## **Richmond Valley Council**

QUARTERLY BUDGET REVIEW STATEMENT

for the quarter ended 31 December 2018



"A great community with a relaxed Richmond Valley Council

#### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

Та	Table of Contents					
1.	Responsible Accounting Officer's Statement	1				
2.	Income & Expenses Budget Review Statements - Income & Expenses Budget Review Statement - Summary Budget Result - Income & Expenses Budget Review Statement - Summary by Priority - Income & Expenses Budget Review Statement - by Service	2 3 4-5				
3.	Capital Budget Review Statement	6-8				
4.	Budget Variation Explanations	9-11				
5.	Cash & Investments Budget Review Statement	12-14				
6.	Key Performance Indicator (KPI) Budget Review Statement	15-16				
7.	Contracts & Other Expenses Budget Review Statement	17				

Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

#### **Report by Responsible Accounting Officer**

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

It is my opinion that the Quarterly Budget Review Statement for Richmond Valley Council for the quarter ended 31 December 2018 indicates that Council's projected financial position at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

From a cash perspective, the projected cash deficit for 2018/2019 has declined to an estimated deficit as at 31 December 2018 of \$705,476. This is largely as a result of deferral of loan borrowings of \$1,000,000 in waste fund. Due mainly to a number of successful grant applications, Council's capital expenditure budget has increased by \$2,098,063 to \$33,477,311 as at 31 December 2018.

1

With approval of the special rate variation, Council has taken steps to reduce cash deficits whilst still being able to maintain adequate expenditure on capital projects and maintenance of existing assets. Delivery of capital budgets will continue to be monitored in future budgeting processes as this has a significant effect on the cash result.

Signed: Rvan Gaiter Responsible Accounting Officer

Date: 14/02/2019

## Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

Income & Expenses	Budget Revie	w Statement

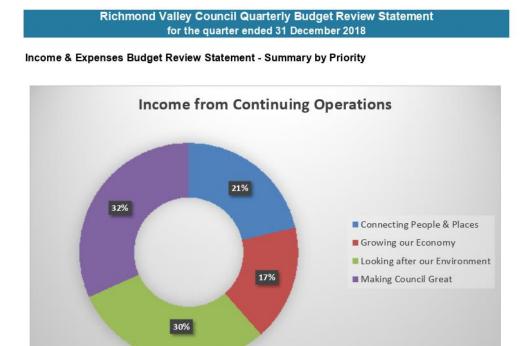
income & Expenses Budget Review Statement								
		Approved Recommended						
Summary Budget Result		Approved	Approved	QBRS		Changes for		
	Original	Changes	Changes	Changes	Revised	Council	Projected	Actual
	Budget	Carry-Overs	Monthly	Sep	Budget	Resolution	Year End	YTD
	2018/2019	from 2017/18		QBRS	2018/2019	Dec Qtr	Result	figures
Income								
Connecting People & Places	10,656,452	2,001,049	377,500	680,449	13,715,450	2,044,495	15,759,945	6,312,077
Growing our Economy	11,981,885	103,912	-	432,600	12,518,397	100,000	12,618,397	4,059,812
Looking after our Environment	21,845,464	-	-	70,000	21,915,464		21,915,464	10,002,984
Making Council Great	23,071,022	-	-	199,525	23,270,547	101,476	23,372,023	16,695,114
Total Income from Continuing Operations	67,554,823	2,104,961	377,500	1,382,574	71,419,858	2,245,971	73,665,829	37,069,987
Evmonace								
Expenses								
Connecting People & Places	23,390,787	32,333	25,500	3,243,355	26,691,975	76,392	26,768,367	13,072,865
Growing our Economy	5,719,382	- 1		320,039	6,039,421	(40,800)	5,998,621	3,412,526
Looking after our Environment	21,520,204	82,852	36.000	162,628	21.801.684	(4,800)	21,796,884	10,504,178
Making Council Great	6,515,588	32,671		138,618	6,686,877	41,274	6,728,151	4,363,085
Total Expenses from Continuing Operations	57,145,962	147.856	61,500	3.864.640	61.219.958	72,066	61,292,024	31,352,654
Net Operating Result from Continuing Operations	10,408,861	1,957,105	316,000	(2,482,066)	10,199,900	2,173,905	12,373,805	5,717,333
Net Operating Result before Capital Items	(1,700,651)	(129,596)	(61,500)	(2,422,974)	(4,314,721)	45,416	(4,269,305)	865,505
Budget Result Reconciliation:								
Add: Non-Cash Expenses								
Depreciation & Amortisation	14,184,735	-	-	3,315,265	17,500,000	-	17,500,000	8,629,960
Rehabilitation Borrowing Expenses	66,929				66,929		66,929	
Quarry Inventory Movements	300,000	-	-	-	300,000	-	300,000	-
Add: Non-Operating Funds Employed								
Loan Funds Utilised	2,000,000	-	-	-	2,000,000	(1,000,000)	1,000,000	-
Deferred Debtor Repayments	1,300	-	-	-	1,300		1,300	-
Gross Proceeds from the Disposal of Assets	3,724,973	-	-	174,661	3,899,634	-	3,899,634	2,788,360
Less: Funds Deployed for Non-Operating Purposes								
Capital Expenditure	29,502,829	5,122,257	(1,034,675)	(2,211,163)	31,379,248	2,098,063	33,477,311	10.550.496
Loan Principal Repayments	2,369,833	5,122,251	(1,034,075)	(2,211,103)	2,369,833	2,090,003	2,369,833	1,104,418
Loan Pincipal Repayments	2,369,635	-	-	-	2,309,033	-	2,309,033	1,104,410
Estimated Funding Result - Surplus/(Deficit)	(1,185,864)	(3,165,151)	1,350,675	3,219,023	218,682	(924,158)	(705,476)	5,480,739
Equity Movements								
Restricted Funds - Increase/(Decrease)	(1,291,408)	(3,165,151)	1,350,675	3,037,003	(68,881)	(941,714)	(1,010,596)	5,480,739
Working Funds - Increase/(Decrease)	105,544	(0,100,101)	-	182,020	287,564	17,556	305,120	-
Tatal Family Managements	14 495 000	10 405 454	4 250 075	2 240 022	040.000	1004 450	(705 /70)	5 400 700
Total Equity Movements	(1,185,864)	(3,165,151)	1,350,675	3,219,023	218,683	(924,158)	(705,476)	5,480,739

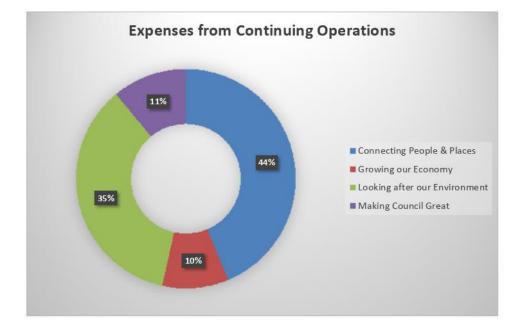
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Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

This document forms part of Richmond Valley Council's Quarterly Budget Review Statement for the quarter ended 31 December 2018 and should be read in conjunction with other documents in the QBRS.





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				Approved	Recommended				
Income & Expenses - by Service		Approved	Approved	QBRS		Changes for			
	Original	Changes	Changes	Changes	Revised	Council	Notes	Projected	Actual
	Budget 2018/2019	Carry-Overs from 2017/18	Monthly Adjustments	Sep QBRS	Budget 2018/2019	Resolution Dec		Year End Result	YTD figures
ncome	2010/2013	110112017/10	Aujustments	QDING	2010/2013	Dec		Result	ngures
Connecting People & Places									
Festivals and Events	21,313	-	-	-	21,313	17,500	1	38,813	27
Swimming Pools	- 1		-	-	- 1	- 1		-	
Libraries	1,239,310		-	-	1,239,310	(22,049)	2	1,217,261	1,174,51
Emergency Management	1,064,657		-	95,000	1,159,657			1,159,657	767,2
Cemeteries	323,669		-		323,669			323,669	109.20
Sports Grounds, Parks and Facilities	1,653,916	654,537	-	(66,731)	2,241,722	2,009,044	3	4,250,766	873,97
Community Centres and Halls	88,462	101,859	-		190.321			190.321	143.15
Building and Maintaining Roads	6,265,125	1,244,653	377,500	652,180	8,539,458	40,000	4	8,579,458	3,243,65
Community Engagement, Consultation & Communication			-						
Community Programs and Grants	· ·	-	-	-				-	
Growing our Economy								-	
Economic Development			_					_	
Tourism	2.664				2.664			2.664	31
Town Planning & Development Services	2.020.963				2.020.963	100,000	6	2,120,963	1.153.6
Quarries	1,331,127				1,331,127	100,000	Ů	1,331,127	863.5
Northern Rivers Livestock Exchange	8,500,231	103.912	-	-	8,604,143	· ·		8,604,143	1,536,87
Private Works	82,400	103,812	-	432.600	515,000			515,000	483.00
Real Estate Development	44,500		-		44,500	:		44,500	22,2
Looking after our Environment					· ·			-	
Waste Management	6.037.051			(20.000)	6.017.051			6.017.051	5,368,12
Stormwater Management	213.725		-	(20,000)	213,725	· ·		213,725	208.8
Water Supplies	6.626.961		-	(50,000)	6.576.961	· ·		6.576.961	1.787.3
Sewerage Services	8,532,758		-	140.000	8,672,758	· ·		8.672.758	2,335,1
Sewerage Services Environmental Health	434,969		-	140,000	434,969	· ·		434,969	2,335,13
	434,808	· ·	-	-	434,909	· ·		434,909	303,5
Environmental Management	· ·		-	-		· ·		-	
Making Council Great								-	
Governance & Advocacy	388,823		-	-	388,823			388,823	12,9
Customer Service	3,600		-	-	3,600	2,773		6,373	6,33
Information Technology Services	8,122		-	-	8,122	l -		8,122	6,31
Organisational Development	17,388		-	-	17,388	26,089	9	43,477	36,78
Work, Health & Safety	28,329	· ·	-	-	28,329	31,340	10	59,669	59,60
Financial Services	17,797,624	· ·	-	199,525	17,997,149	· ·		17,997,149	14,011,1
Engineering Support & Asset Management	42,636	.	-	-	42,636	41,274	11	83,910	81,10
Fleet Management	4,784,500	-	-	-	4,784,500	-		4,784,500	2,480,7
Fotal Income from Continuing Operations	67,554,823	2,104,961	377,500	1,382,574	71,419,858	2,245,971		73,665,829	37,069,9

4

## Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018 Income & Expenses Budget Review Statement

Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

This document forms part of Richmond Valley Council's Quarterly Budget Review Statement for the quarter ended 31 December 2018 and should be read in conjunction with other documents in the QBRS.

				Ammund		in a survey of a start			
				Approved	R	ecommended			
Income & Expenses - by Service		Approved	Approved	QBRS		Changes for			
	Original	Changes	Changes	Changes	Revised	Council	Notes	Projected	Actual
	Budget	Carry-Overs	Monthly	Sep	Budget	Resolution		Year End	YTD
	2018/2019	from 2017/18	Adjustments	QBRS	2018/2019	Dec		Result	figures
Expenses									
Connecting People & Places									
Festivals and Events	230,283		-	20,000	250,283	58,300	1	308,583	121,77
Swimming Pools	683,457	- 1	-	9,467	692,924	- 1		692,924	342,86
Libraries	2,080,450		10,000	5,421	2,095,871	(9,908)	2	2,085,963	1,354,35
Emergency Management	1,934,548		-	98,442	2,032,990	-		2,032,990	992,96
Cemeteries	353,668		-	5,625	359,293			359,293	171,57
Sports Grounds, Parks and Facilities	2,619,975		15,500	158,462	2,793,937	28,000	3	2.821,937	1,324,22
Community Centres and Halls	641,994		· -	23,774	665,768	· · -		665,768	344,04
Building and Maintaining Roads	14,359,020	18,261	-	2.914.376	17,291,657			17,291,657	8,233,22
Community Engagement, Consultation & Communication	226,876		-	1,600	228,476			228,476	54,35
Community Programs and Grants	260,516	14,072	-	6,188	280,776			280,776	133,47
Growing our Economy									
Economic Development	461.841		-	18,765	480.606			480,606	231.57
Tourism	217,594				217,594	(40,800)	5	176,794	54.43
Town Planning & Development Services	2.382.912			(1.345)	2,381,567	(10,000,	Ŭ	2.381.567	1,348,25
Quarries	834.213			(3,400)	830,813			830,813	522.92
Northern Rivers Livestock Exchange	1,259,533			(54,947)	1,204,586			1,204,586	722.97
Private Works	80.213			360.000	440.213			440,213	251.60
Real Estate Development	483,076		-	966	484,042			484,042	280,74
Looking after our Environment									
Waste Management	5.644.141	76.035		63,162	5,783,338			5,783,338	2,565,79
Stormwater Management	948,261	10,000		(9,925)	938,336			938,336	474.16
Water Supplies	5,972,225	I .	18,000	61,700	6,051,925			6.051.925	3,114,29
Sewerage Services	7,469,532		18,000	48,200	7,535,732	(4,800)	8	7,530,932	3,560,50
Environmental Health	1,037,070		10,000	(509)	1,036,561	(4,000)	Ů	1,036,561	587,80
Environmental Management	448,975	6,817		(508)	455,792			455,792	201,61
Making Council Great									
Governance & Advocacy	2,243,875		-	611	2,244,486			2.244.486	1,283,03
Customer Service	3.600			1.398	4,998			4,998	4,11
Information Technology Services	123,597			894	124,491			124,491	101.79
Organisational Development	123,387			(445)	(445)			(445)	120,25
Work. Health & Safety	· ·		-	(++5)	(445)	-		(445)	120,20
Financial Services	122,762		-	(300)	122.462			122,462	62.51
Engineering Support & Asset Management	42.636	32.671	-	22,010	97.317	41,274	11	138,591	39.84
Fleet Management	3,979,118	32,071		114,450	4,093,568	41,274	11	4,093,568	2,751,52
Total Expenses from Continuing Operations	57,145,962	147,856	61,500	3,864,640	61,219,958	72,066		61,292,024	31,352,65
Net Operating Result from Continuing Operations	10,408,861	1,957,105	316,000	(2,482,066)	10,199,900	2,173,905		12,373,805	5,717,33
01									
Net Operating Result before Capital Items	(1,700,651)	(129,596)	(61,500)	(2,422,974)	(4,314,721)	45,416		(4,269,305)	865,50

### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018 Income & Expenses Budget Review Statement

Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

				Approved	R	ecommended			
Capital Budget	Original Budget 2018/2019	Approved Changes Carry-Overs from 2017/18	Approved Changes Monthly Adjustments	QBRS Changes Sep QBRS	Revised Budget 2018/2019	Changes for Council Resolution Dec	Notes	Projected Year End Result	Actual YTD figures
Capital Expenditure									
Connecting People & Places									
Festivals and Events			-	-	-	-		-	
Swimming Pools		176,176	-	-	176,176			176,176	117,79
Libraries	112.069	-	-	-	112.069	(1,126)	2	110,943	42.50
Emergency Management		25.000		5.000	30.000	(		30.000	
Cemeteries	40.000	26,657	30.000		96.657			96.657	7.84
Sports Grounds, Parks and Facilities	3,562,263	1.059.706	477.825	(134,459)	4,965,335	2.030.528	3	6,995,863	1.206.12
Community Centres and Halls	59,481	214,192	25,000	(104,408)	298.673	2,000,020	, , , , , , , , , , , , , , , , , , ,	298,673	131.23
Building and Maintaining Roads	6,723,696	1,766,679	312,500	745.079	9,547,954	40,000	4	9,587,954	5.310.71
Community Engagement, Consultation &	0,720,000	1,700,070	512,500	140,010	0,047,004	40,000		0,007,004	5,510,71
Communication									
Community Programs and Grants									
Growing our Economy									
Economic Development	· .								
Tourism		· .		-					
Town Planning & Development Services									
Quarries	10.000			(5,000)	5.000			5.000	1.93
Northern Rivers Livestock Exchange	7.000.000	137.282		(0,000)	7.137.282			7,137,282	884.68
Private Works	1,000,000	107,202			7,107,202			1,107,202	001,00
Real Estate Development	1,008,334		15,000	-	1,023,334			1,023,334	75,93
Looking after our Environment									
Waste Management	4,359,852	163,532	(2,000,000)	(1.076.237)	1.447.147			1,447,147	138.34
Stormwater Management	433.000	44,500		(293,000)	184.500			184,500	61.29
Water Supplies	1,560,000	653,943	-	(1,157,109)	1,056,834			1,056,834	619,37
Sewerage Services	1,897,770	718,806	105,000	(272,065)	2,449,511	24.800	8	2,474,311	1,178,44
Environmental Health	-		-						
Environmental Management	-	-	-	2,603	2,603	994		3,597	3,59
Making Council Great									
Governance & Advocacy		38,100	-	(6,960)	31,140	-		31,140	
Customer Service	20,000		-		20,000			20,000	3,83
Information Technology Services	-	I .	-	763	763	1,794	I	2.557	2.55
Organisational Development	· ·	I .	-						
Work. Health & Safety	· ·	I .	-	-					
Financial Services	· ·	I .				1.073		1.073	1.07
Engineering Support & Asset Management	165.000	97.684	-	90.000	352.684	1,070		352,684	7,89
Fleet Management	2,551,364	-	-	(109,778)	2,441,586			2,441,586	755,30
Total Capital Expenditure	29,502,829	5,122,257	(1,034,675)	(2,211,163)	31,379,248	2,098,063		33,477,311	10,550,49

# Richmond Valley Council Quarterly Budget Review for the quarter ended 31 December 2018

Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

				Approved	R	ecommended			
Capital Budget		Approved	Approved	QBRS		Changes for			
	Original	Changes	Changes	Changes	Revised	Council	Notes	Projected	Actual
	Budget 2018/2019	Carry-Overs from 2017/18	Monthly Adjustments	Sep QBRS	Budget 2018/2019	Resolution Dec		Year End Result	YTD figures
Capital Revenue									
Capital Grants and Contributions									
Connecting People & Places									
Festivals and Events		· .			-				
Swimming Pools		l .			-	-			
Libraries	39.000	· .			39,000			39,000	38,99
Emergency Management	-			5,000	5,000			5,000	
Cemeteries	· .	· .		-	0,000				
Sports Grounds, Parks and Facilities	1,442,936	654.537	-	(85,000)	2,012,473	1,988,489	3	4.000.962	741.51
Community Centres and Halls	1,112,000	101,859		(00,000)	101.859	1,000,100	Ŭ	101,859	101.85
Building and Maintaining Roads	1,784,776	1.226.393	377,500	(49.092)	3.339.577	40,000	4	3.379.577	1.789.08
Community Engagement, Consultation &	1,704,770	1,220,383	311,000	(40,002)	3,338,077	40,000		3,318,311	1,708,00
Communication				I					
Community Programs and Grants			-						
Community Programs and Grams	-		-						
Growing our Economy									
Economic Development			-	-	-	-		•	
Tourism			-	-	-	-		-	
Town Planning & Development Services	1,357,500		-	-	1,357,500	100,000	6	1,457,500	847,24
Quarries	-	-	-	-	-	-			
Northern Rivers Livestock Exchange	7,195,300	103,912	-	-	7,299,212	-		7,299,212	1,038,22
Private Works	-		-	-	-	-			
Real Estate Development	-	-	-		-				
Looking after our Environment									
Waste Management	40,000		-	(20,000)	20,000	-		20,000	
Stormwater Management			-	-	-	-		-	
Water Supplies	150,000		-	(50,000)	100,000	-	I	100,000	60,44
Sewerage Services	100,000		-	140,000	240,000	-		240,000	234,45
Environmental Health			-	-	-	-	I	-	
Environmental Management	-	· ·	-	· ·	-				
Making Council Great									
Governance & Advocacy			-		-	-		-	
Customer Service			-	-	-	-		-	
Information Technology Services		- 1	-	-	-	-			
Organisational Development	-	· ·	-	-	-	-		-	
Work, Health & Safety			-		-	-			
Financial Services		I .	-		-	-			
Engineering Support & Asset Management	· .	· .	-	-	-	-	I		
Fleet Management		· ·	-		-	-			
	12.109.512	2,086,701					I		4,851,82

# Richmond Valley Council Quarterly Budget Review for the quarter ended 31 December 2018

#### Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

			l Budget Revie	Approved		ecommended			
Capital Budget	Original Budget 2018/2019	Approved Changes Carry-Overs from 2017/18	Approved Changes Monthly Adjustments	QBRS Changes Sep QBRS	Revised Budget 2018/2019	Changes for Council Resolution Dec	Notes	Projected Year End Result	Actual YTD figures
Capital Revenue (continued)									
Loan Funds Utilised									
Connecting People & Places Sports Grounds, Parks & Facilities Building and Maintaining Roads	1,000,000	:	:	-	1,000,000	:		- 1,000,000	
<b>Looking after our Environment</b> Waste Management	1,000,000		-	-	1,000,000	(1,000,000)	7	-	
Total Loan Funds Utilised	2,000,000	-	-	-	2,000,000	(1,000,000)		1,000,000	
Deferred Debtor Repayments									
Making Council Great Financial Services	1,300				1,300			1,300	
Total Deferred Debtor Repayments	1,300			-	1,300		1	1,300	
Asset Sales									
Connecting People & Places Libraries	1,000		-	3,429	4,429			4,429	3,44
Growing our Economy Real Estate Development	3,091,000				3,091,000			3,091,000	2,377,81
Looking after our Environment Waste Management Sewerage Services	:	:	-	46,518	46,518	:		46,518	46,51
<i>Making Council Great</i> Fleet Management	632,973			124,714	757,687			757,687	360,58
Total Asset Sales	3,724,973	-	-	174,661	3,899,634	-		3,899,634	2,788,36
Total Capital Revenue	17,835,785	2,086,701	377,500	115,569	20,415,555	1,128,489		21,544,044	7,640,18

# Richmond Valley Council Quarterly Budget Review for the quarter ended 31 December 2018

Notes:

Original Budget +/- approved changes in previous quarters = Revised Budget Revised Budget +/- recommended changes this quarter = Projected Year End Result

Variation

(\$22,049)

(\$9,908)

(\$1,126)

\$28,000

#### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

#### Budget Variation Explanations Recommended changes to Revised Budget

The following notes detail budget variations of \$5,000 or more (or if material to the overall program) from the Revised Budget as a 30 September 2018 to the Revised Budget as at 31 December 2018, excluding monthly budget adjustments previously adopted by Council

# 1 Festivals and Events Income from Continuing Operations \$17,500 Council was successful in obtaining grant funding of \$17,500 for the "Beats and Eats" Festival under the NSW Government's Youth Opportunities Program, increasing both operating income and expenditure budgets. \$58,300 Expenses from Continuing Operations \$58,300

Council was successful in obtaining grant funding of \$17,500 for the "Beats and Eats" Festival under the NSW Government's Youth Opportunities Program, increasing both operating income and expenditure budgets. In addition, operating expenditure budgets increased by a further \$40,800 due to a reallocation of salaries between the Events and Tourism cost centres. This was required due to delays in the recruitment of Council's Destination Officer and has been offset by a reduction of the same within the Tourism cost centre.

#### 2 Libraries

3

Notes Details

Income from Continuing Operations

There has been a reduction in the actual NSW State Library grants for 2018/2019. Richmond Valley Council's grant allocation was under budget by \$11,034, with the Regional Library's income reducing by \$11,015 which includes Kyogle's allocation.

Expenses from Continuing Operations

Expenses have decreased by \$9,908. This includes a reduction of \$11,034 in the contribution paid to the Regional Library as a result of a decrease in grant funding. Offsetting this decrease is a transfer of \$1,126 from capital expenditure budgets to fund the purchase of book easels.

#### Capital Expenditure

Budget of \$1,126 has been transferred to operating expenditure to fund the purchase of book easels.

#### Sports Grounds, Parks and Facilities

 Operating Income
 \$20,555

 Capital Grants and Contributions
 \$1,150,989

 Total Income from Continuing Operations
 \$1,171,544

Operating income budgets have increased by \$20,555. This includes an increase of \$28,000 from income at the Coraki Caravan Park based on year to date performance, offset by a decrease of \$7,445 in sports grounds and parks hire income, also based or year to date performance.

Council was successful with its grant application under round 2 of the Stronger Country Communities Fund (SCCF), which included grant funding of \$1,720,909 for six projects. These projects will be completed over two years, with grant funding of \$1,150,989 being anticipated for 2018/2019.

Expenses from Continuing Operations

Along with an increase in income at the Coraki Caravan Park, there is a requirement to increase expenditure budgets to cover cleaning, electricity and other operating expenses.

#### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

#### **Budget Variation Explanations**

#### Recommended changes to Revised Budget

The following notes detail budget variations of \$5,000 or more (or if material to the overall program) from the Revised Budget as a 30 September 2018 to the Revised Budget as at 31 December 2018, excluding monthly budget adjustments previously adopted by Council

Notes	Details	Variation
3	Sports Grounds, Parks and Facilities (continued)	

#### Capital Expenditure

\$2 030 528

Council was successful with its grant application under round 2 of the Stronger Country Communities Fund (SCCF), which included grant funding of \$1,720,909 for six projects. These projects will be completed over two years, with grant funding of \$1,150,989 being anticipated for 2018/2019. Projects are expected to be completed as follows:

	2018/2019	2019/2020	Total
Woodburn Riverside Park Development: Playground and Central Hub Area*	\$347,360	\$226,168	\$573,528
Evans Head Main Beach Access Enhancement	\$115,392	\$70,373	\$185,765
Coraki Hockey Club Training Facilities: Windsor Park Revitalisation	\$61,146	\$33,907	\$95,053
Stan Payne Oval Sporting Facility Enhancement with Grandstand Upgrade	\$252,854	\$57,030	\$309,884
Queen Elizabeth Park Sporting Complex Enhancement	\$343,304	\$136,413	\$479,717
Woodburn Recreation Oval Enhancement of Sporting Facilities	\$52,685	\$46,029	\$98,714
Total	\$1,172,741	\$569,920	\$1,742,661
* Note: Woodburn Riverside Park project includes \$21,752 in Council funding			

Council's share of funding for the Woodburn Riverside Playground of \$21,752 has been sourced from unexpended insurance claims in relation to the Woodburn Visitor Information Centre. In addition, the budget for the Woodburn Riverside Precinct has been increased by \$20,287, with funding also sourced from the unexpended insurance claim.

Capital expenditure budgets have also increased by \$837,500 due to successful Building Better Regions funding associated with the construction of the new Visitor Information Centre, carpark and landscaping at the Casino Drill Hall site

#### 4 Building and Maintaining Roads

Income from Continuing Operations	\$40,000
Capital Expenditure	\$40,000

Roads and Maritime Services (RMS) had previously advised grant funding towards construction of a shared pathway on the Bruxner Highway, from Foy Street to Wattle Street in Casino. RMS had advised an incorrect allocation of \$559,500 on one source of documentation. The actual allocation is \$599,500, increasing capital grants and capital expenditure by \$40,000

#### 5 Tourism

#### Expenses from Continuing Operations

Expenditure budgets decreased by \$40,800 due to a reallocation of salaries between the Events and Tourism cost centres. This was required due to delays in the recruitment of Council's Destination Officer and has been offset by an increase of the same within the Events cost centre

#### Town Planning & Development Services 6

Income from Continuing Operations

The income budget from Section 7.12 contributions (formerly Section 94A) has been increased by \$100,000 as a result of year to date performance

#### 7 Waste Management

Loan Funds Utilised

With the construction of Cell 6 at Nammoona Landfill being deferred, loan funds of \$1,000,000 will not be required to be drawn in 2018/2019

This document forms part of Richmond Valley Council's Quarterly Budget Review Statement for the quarter ended 31 December 2018 and should be read in 10 conjunction with other documents in the QBRS.

#### (\$40,800)

\$100.000

(\$1,000,000)

Richmond Valley Council Quarterly Budget Review Statemer	ıt
for the quarter ended 31 December 2018	

#### Budget Variation Explanations Recommended changes to Revised Budget

The following notes detail budget variations of \$5,000 or more (or if material to the overall program) from the Revised Budget as at 30 September 2018 to the Revised Budget as at 31 December 2018, excluding monthly budget adjustments previously adopted by Council

Notes	Details	Variation
8	Sewerage Services	
	Expenses from Continuing Operations	(\$4,800)
	Two split system air conditioning units require replacement at the Evans Head Sewerage Treatment Plant (STP). This wirds from savings in maintenance costs at the Evans Head STP.	ill be fundec
	Capital Expenditure	\$24,800
	Changes to the capital works budget are detailed below.	
	Casino STP - Lab Extension - requires an increase from \$40,000 to \$45,000 (fund from reserves) Casino STP - Submerisble Mixer - requires replacement (fund from reserves) Evans Head STP - two split system air conditioning units (funded from savings in maintenance costs) Total	\$5,000 \$15,000 \$4,800 <b>\$24,800</b>
9	Organisational Development	
	Income from Continuing Operations	\$26,089
	Increase in income in relation to Paid Parental Leave received by Council.	
10	Work, Health & Safety	
	Income from Continuing Operations	\$31,340
	Represents an increase in the actual amount of the WHS incentive payment received for 2018/2019. This has been trans reserve.	sferred tc
11	Engineering Support & Asset Management	
	Income from Continuing Operations Expenses from Continuing Operations	\$41,274 \$41,274

Council has been allocated funding of \$41,274 to assist with the implementation of the new *Crown Land Management Act 2016* (CLM Act). The funding is intended to be a contribution to the cost of developing compliant plans of management

Richmond Valley Council for the quarte	Quarterly Bu rended 31 Dec		w Statement				
Cash & Investme	nts Budget Re	view Statem	ent				
Income & Expenses Budget Review Statement	Opening Cash and Investments 1/07/2018	Original Budget Net Transfer to/(from)	Approved Changes Carry-Overs from 2017/18	Approved Changes Monthly Adjustments	Recommended Changes for Council Resolution Sep	Interest Earned	Projected Cash and Investments 30/06/2019
General Fund							
External Restrictions Unexpended Grant - Evans Head Landcare Unexpended Grant - Roads to Recovery Unexpended Grant - RMS Natural Disaster Dec 10/Jan 11 Unexpended Grant - Industry & Investment NSW Manyweathers Weir	4,049 36,068 0 - 4,393		(36,068)			-	4,049 0 0 - 4,393
Unexpended Grant - Richmond Valley Floodplain Risk Management Plan Unexpended Grant - NSW EPA Better Waste and Recycling Grant Unexpended Grant - NSW Env Trust Organics Collection Systems Grant Program Unexpended Grant - NSW EPA Waste Less Deavid Man. Cleven of Costbill and El	6,750 159,268 - 138,540	- - - (156,237)	(159,268) (53,539)	-	- 59,880 - 71,236		6,750 59,880 -
Unexpended Grant - NSW EPA Waste Less Recycle More - Closure of Coraki Landfill Unexpended Grant - NSW EPA Waste Less Recycle More - Establish Coraki Transfer Station Unexpended Grant - Office of Env & Heritage - Koala Survey & Habitat Mapping Unexpended Grant - NSW RFS Subsidy Northem Rivers Zone Unexpended Grant - NECS Volunteer Grants Program Evans Head Rec Hall Unexpended Grant - Public Library Infrastructure Redesign Evans Head Library Unexpended Grant - NSW State Library Reino Library Redesign Unexpended Grant - NSW State Library REID Implementation	136,540 180,000 3,169 189,388 182 2,616 4,480	(130,237) (180,000) - - - - -		-	/ 1,236 180,000 - - - - -	-	180,000 3,169 189,388 182 2,616 4,480
Unexpended Grant - CPTIGS Canterbury St Bus Shelter Lighting Unexpended Grant - Elsa Dixon Aboriginal Employment Funding Unexpended Grant - Rural Fire Fighting Fund - Brigade Amenities Unexpended Grant - NSW Dept Industry - Future Towns Program	50,662	(20,713)	-	-	(209)	-	29,740
Unexpended Grant - Dept Family & Community Services - McCracken Park Unexpended Grant - LPMA - Surf Club Grant Unexpended Grant - Responsible Pet Ownership Program		(22,400)	-	-	22,400	-	-
Unexpended Grant - Pedestrian Access and Mobility Plan (PAMP) Unexpended Grant - Financial Assistance Grant Advance Payment Unexpended Grant - NSW State Library - Expansion of Internet Equipment Access Unexcended Grant - RMS Active Transport Broadwater Shared Cycleway	13,741 2,486,219 37 15,049		(15,640) - - (15,049)	-	1,899 29,029	-	2,515,248 37
Unexpended Grant - SCCF - Casino Civic Hall Revitalisation Unexpended Grant - SCCF - Casino Showground Modern Catering & Amenities Block Unexpended Grant - SCCF - Broadwater Outdoor Youth Space Unexpended Grant - SCCF - Crawford Square Outdoor Gym	12,176 88,401 43,489 767		(12,176) (88,401) (43,489) (767)		-	-	-
Unexpended Grant - RACS - Casino Playgroup Hall Unexpended Grant - CPTIGS MR145 Woodburn Coraki Rd Bus Shelter Unexpended Grant - NSW Arts & Culture Infrastructure Grant - Casino Drill Hall Unexpended Grant - NSW Dept Health - Investing in Women	49,791 3,000 214,114 6,717	(214,100)	(49,791) (3,000)	-	(14) (6,717)	-	-
Unexpended Grant - NSW Rec Fishing Trust - Corakit Riparian Restoration Unexpended Grant - NSW Rec Fishing Trust - Corakit Riparian Restoration Unexpended Grant - NSW Dept Industry - Small Business Month Unexpended Contribution - NCAT Stan Payne Oval Tennis Courts Relocation	4,000 5,000 67,342		(87,555)	-	(4,000) (5,000) 20,213	-	-
Unexpended Contribution - RUCRL Mobile Library Replacement Fund Unexpended Contribution - Hannigan DA 2005/188 Benns Rd Unexpended Contribution - Statecover WHS Incentive Works Unexpended Contribution - Fire Fighting Infrastructure	66,463 10,338 173,761 10,000	36,982 - -	-	-	-	-	103,445 10,338 205,101 10,000
Unexpended Contribution - Broadwater Sugar Mill DA Bridge Approaches Unexpended Contribution - Insurance Claim Woodburn VIC Unexpended Contribution - Casino Playgroup Improving Amenities Unexpended Loan - Northern Rivers Livestock Exchange	90,000 42,039 1,364		(1,364)	-	-	100	90,000 100
Unexpended Loan - Parks & Gardens Unexpended Loan - Sealed Rural Local Roads Domestic Waste Management On-Site Sewerage Fees	- 338,157 4,397,378 172.020	- (1,928,850) 28.425	(26,760)	2,000,000	(338,157) 822,945		4,264,713 200.445
Stormwater Management Service Charge Section 94 - Infrastructure Section 94 - Community Services	484,945 2,387 52,526	(219,275)	(44,500)	-	293,000	-	514,170 2,387 52,526
Section 94 - Recreation & Civil Facilities Section 94 - Road Network (new) Section 94 - Quarry Road Contributions Section 94 - Ex Copmanhurst Roads	1,005 117,071 70,277 83,643	- - 4,900 -		- - -		- 900 -	1,005 117,071 76,077 83,643
Section 94 - Ex Copmanhurst Community Facilities Section 94 - Ex Copmanhurst Bushfire Section 94 - Rural Development Heavy Haulage Section 94A Development Contributions Plan	4,732 8,943 1,346,502 206,536	- 407,500 23,000		- (400,000) -	- - (275)	2,000 1,200 1,400 100	6,732 10,143 1,355,402 329,361
Contributions to Roadworks Controlled Trust Funds Bonds & Deposits (General Fund) Total External Restrictions	103,993 47,467 516,094 12,142,708	(2,240,768)	- - - (637,367)	1,600,000	1,140,571	200 23,000 - 28,900	104,193 70,467 516,094 11,123,345
	. , .	,,				, -	

Notes:

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations Internal restrictions are funds that Council has determined will be used for a specific purpose 12

Richmond Valley Council for the quarter			v Statement							
Cash & Investments Budget Review Statement										
Income & Expenses Budget Review Statement	Opening Cash and Investments 1/07/2018	Original Budget Net Transfer to/(from)	Approved Changes Carry-Overs from 2017/18	Approved Changes Monthly Adjustments	Recommended Changes for Council Resolution Sep	Interest Earned	Projected Cash and Investments 30/06/2019			
General Fund										
Internal Restrictions	4 070 044					40.400	4 000 444			
Employee Leave Entitlements	1,078,011	-		-		18,400	1,096,411			
Employee Leave Entitlements - Richmond Upper Clarence Regional Library	46,671	45 007		-	-	800	47,471			
Richmond Upper Clarence Regional Library Unexpended Rates Variation	292,449	(15,887)		(10,000)	3,429 195,301	5,000	263,976 50,000			
Unexpended Rates Variation Evans Head Memorial Aerodrome Reserve	1,633,176	(1,168,212) 210,990	(526,940)	(83,325)	195,301	-	210,990			
Insurance Reserve	94,595	210,990		-		1.600	96,195			
Plant Replacement	94,595	(406,009)	(97,684)	-	234,492	15,900	676,504			
Real Estate and Infrastructure	4.831.140	1.190.289	(97,664) (25,000)	(15,000)	(90,000)	85,700	5.977.129			
Petersons Quarry	2,063,442	(311,261)	(23,000)	(13,000)	(30,000)	35,200	1,787,381			
Woodview Quarry	1,254,040	385,351		-	(5,000)	21,400	1,655,791			
Quarry Rehabilitation	152,451	1.500			10.000	2,600	166.551			
Road Rehabilitation Reserve	457,473	172,500	(44,965)	_	10,000	7,800	592,808			
Northern Rivers Livestock Exchange	555,130	265,442	(33,370)			9,500	796,702			
Other Waste Management	1,065,924	(606,533)	(00,010)			18,200	477,591			
Other Waste Management - Plant Reserve	1.518.947	390,000			(51,518)		1,883,329			
Rural Road Safety Program	111,623	(6,967)		-	(01,010)	20,000	104,656			
RMS State Roads Maintenance Contract	5,357	(0,001)	(10,000)	-	10.000	100	5,457			
Public Cemeteries Perpetual Maintenace Reserve	427,356	(58,224)	(26,657)	-		7,300	349,775			
Revolving Energy and Sustainability Fund - RUCRL	8,225	-	-	-		100	8,325			
Carry Over Works	359,865	(40,000)	(390,419)	-	70,554	-	· -			
Total Internal Restrictions	16,885,680	2,979	(1,155,035)	(108,325)	377,258	255,500	16,247,042			
Total General Fund Restrictions	29,028,388	(2,237,789)	(1,792,402)	1,491,675	1,517,829	284,400	27,370,387			
Sewerage Fund										
External Restrictions										
Section 64 Headworks Contributions	3,206,898	24,500			140.000	75,500	3,446,898			
Infrastructure Replacement	7,411,942	(152,056)	(718,806)	(123,000)	272,065	174,500	6.844.645			
Total Sewerage Fund Restrictions	10,618,840	(127,556)	(718,806)	(123,000)	412,065	250,000	10,291,543			
Water Fund										
External Restrictions										
Section 64 Contributions	1,697,380	127,900		-	(50,000)	22,100	1,797,380			
Infrastructure Replacement	3,671,731	341,636	(653,943)	(18,000)	1,157,109	47,900	4,546,433			
Total Water Fund Restrictions	5,369,111	469,536	(653,943)	(18,000)	1,107,109	70,000	6,343,813			
Total Restrictions (All Funds)	45,016,339	(1,895,809)	(3,165,151)	1,350,675	3,037,003	604,400	44,005,743			

Notes:

External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations Internal restrictions are funds that Council has determined will be used for a specific purpose 13

#### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

#### Cash & Investments Budget Review Statement

#### **Comment on Cash & Investments Position**

#### Investments

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

Fair Value of Investments as at 31 December 2018 is \$45,638,117.

#### Cash

As at 31 December 2018, bank statements have been reconciled up to 30 November 2018.

#### Richmond Valley Council Quarterly Budget Review Statement for the guarter ended 31 December 2018

#### Key Performance Indicators Budget Review Statement

		Current Projection					
	General Fund	Water Fund	Sewerage Fund	Total			
The Council monitors the following Key Performance Indicators:							
1. Operating Performance Ratio	-13.29%	6.56%	10.69%	-7.49%			
Total Continuing Operating Revenue <sup>(1)</sup> (excl. Capital Grants & Contributions) - Operating Expenses         Total Continuing Operating Revenue <sup>(1)</sup> (excl. Capital Grants & Contributions) <sup>(1)</sup> (i)         Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and net share of interests in joint ventures.	<u>(5,596,167)</u> 42,113,000	<u>425,036</u> 6,476,961	<u>901,826</u> 8,432,758	<u>(4,269,305)</u> 57,022,719			
Prior Periods: Revised Budget 2018/2019 - 30 September 2018 Original Budget 2018/2019 2017/2018 2016/2017	-13.42% -8.24% -9.75% 5.12%	6.56% 5.30% 7.11% 14.78%	10.69% 10.34% -8.29% 12.62%	-7.58% -3.42% -7.31% 7.50%			

1. Operating Performance Ratio

Purpose: This ratio measures Council's achievement of containing operating expenditure within operating revenue. Commentary: Council's Operating Performance Ratio is below the benchmark of 0%. Council obtained a special rate variation over 5 years and has taken steps to address this ratio as part of the current 10 year Long Term Financial Plan. The 2018/2019 ratio will be adversely affected by a significant increase in depreciation as a result of the revaluation of its Roads, Bridges and Footpaths in 2017/2018.

2. Own Source Operating Revenue Ratio	53.83%	97.16%	96.27%	77.41%
Total Continuing Operating Revenue <sup>(1)</sup> (less ALL Grants & Contributions)	31,445,223	6.390.461	8.349.008	57,022,719
Total Continuing Operating Revenue (1)	58,416,110	6,576,961	8,672,758	73,665,829
<sup>(1)</sup> Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and net share of interests in joint ventures.				
Prior Periods:				
Revised Budget 2018/2019 - 30 September 2018	57.52%	97.18%	96.27%	79.68%
Original Budget 2018/2019	55.55%	96.25%	97.80%	65.51%
2017/2018	53.45%	97.05%	95.12%	64.04%
2016/2017	58.08%	97.56%	92.94%	68.13%

Purpose: This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Commentary: Council's Own Source Operating Revenue Ratio is above the benchmark of 60% on a consolidated basis and indicates a trend towards less reliance on grants and contributions. The general fund ratio is just under the benchmark meaning an increased focus needs to be made in generating other revenue sources within that fund.



#### Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018

#### Key Performance Indicators Budget Review Statement

	Current Projection				
	General Fund	Water Fund	Sewerage Fund	Total	
3. Debt Service Cover Ratio	4.98	0.00	1.53	3.60	3. Debt Service Cover Ratio
Operating Result (1) before capital excluding interest and					12.00
depreciation/impairment/amortisation (EBITDA) Principal Repayments + Borrowing Interest Costs	8,183,233	1,931,536	2,035,565	13,230,695 3,677,339	12.00
, .		-			10.00
<sup>(1)</sup> Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and net share of interests in joint					8.00
ventures.					8.00
					·을 6.00
Prior Periods:					
Revised Budget 2018/2019 - 30 September 2018	4.96	0.00	1.53	3.59	4.00
Original Budget 2018/2019 2017/2018	4.57 2.12	0.00	1.47 0.33	3.39 0.93	2.00
2017/2018	2.12	0.00	1.55	5.02	
Purpose: This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.			2016/17 2017/18 2018/2019 (O) 2018/2019 (Sep)		
Commentary: Council's Debt Service Cover Ratio (General Fund) is above the benchmark minimum of 2.0, whilst Sewerage Fund is below the benchmark of 2.0. Water Fund is debt free.			General Fund 🛁 Water Fund Sewer Fund —Benchmark		

# Richmond Valley Council Quarterly Budget Review Statement for the quarter ended 31 December 2018 Contracts & Other Expenses Budget Review Statement Income & Expenses Budget Review Statement Part A - Contracts Listing - contracts entered into during the quarter Contractor Contract detail & purpose Contract Value Date of Contract (Y/N) Nil

#### Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.

2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.

3. Contracts for employment are not required to be included.

Part B - Consultancy & Legal Expenses		Budgeted
Expense	Expenditure YTD \$	Budgeted (Y/N)
Consultancies (including Capital Expenditure)	443,542	Y
Legal Expenses (including Capital Expenditure)	103,401	Y

#### Definition of a consultant:

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

#### Comments:

All consultancies and legal expenses incurred to date are within budget allocations. All figures exclude GST.

# **Council Policy**



Policy Title:	Code of Conduct - Councillors/Personnel
Policy Number:	1.1
Priority Area:	Making Council Great
Responsibility:	Governance and Risk
Meeting Adopted:	

#### OBJECTIVE

To define and maintain suitable standards of conduct and openness in Council decisions and dealings and meet the requirements of Section 440 of the *Local Government Act 1993.* 

#### POLICY

Council has adopted "The Model Code of Conduct for Local Councils in NSW - 2018."

#### REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, changes to the Model Code of Conduct, compliance requirements or at least every four years.

Adopted: 16 August 2016

Page 1 of 1

# Model Code of Conduct for Local Councils in NSW



# MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW 2018

#### ACCESS TO SERVICES

The Office of Local Government is located at: Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541 Postal Address: Locked Bag 3015, Nowra, NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 TTY: 02 4428 4209 Email: olg@olg.nsw.gov.au Website: www.olg.nsw.gov.au

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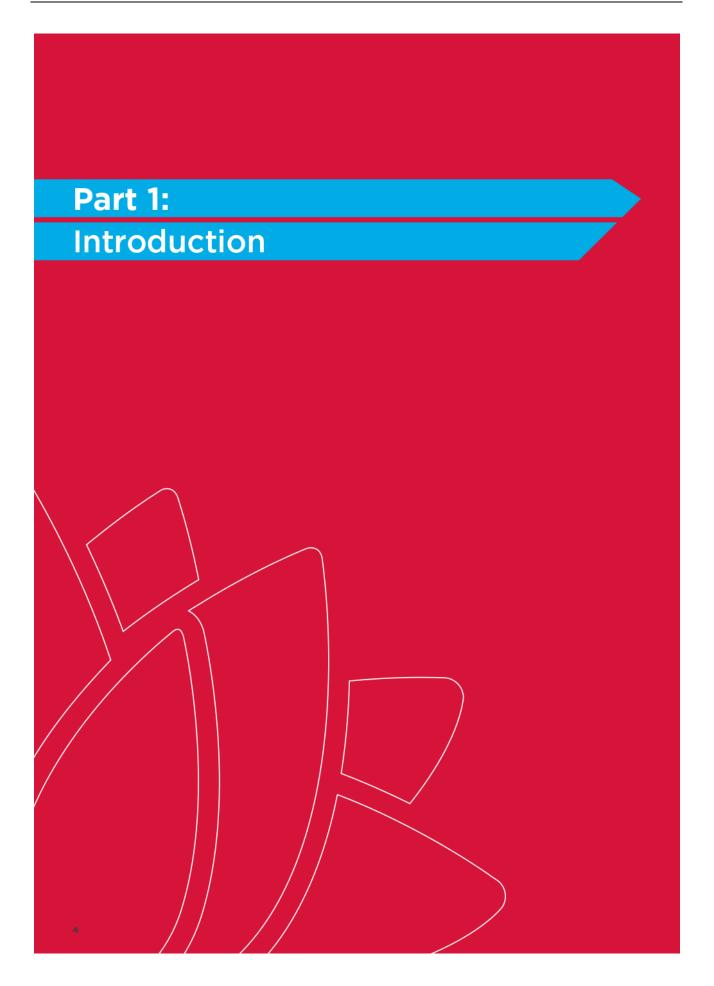
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Contents

# Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	General Conduct Obligations	10
Part 4:	Pecuniary Interests	14
Part 5:	Non-Pecuniary Conflicts of Interest	22
Part 6:	Personal Benefit	28
Part 7:	Relationships Between Council Officials	32
Part 8:	Access to Information and Council Resources	36
Part 9:	Maintaining the Integrity of this Code	42
Schedule 1:	Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21	46
Schedule 2:	Form of Written Return of Interests Submitted Under Clause 4.21	54
Schedule 3:	Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37	58



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.

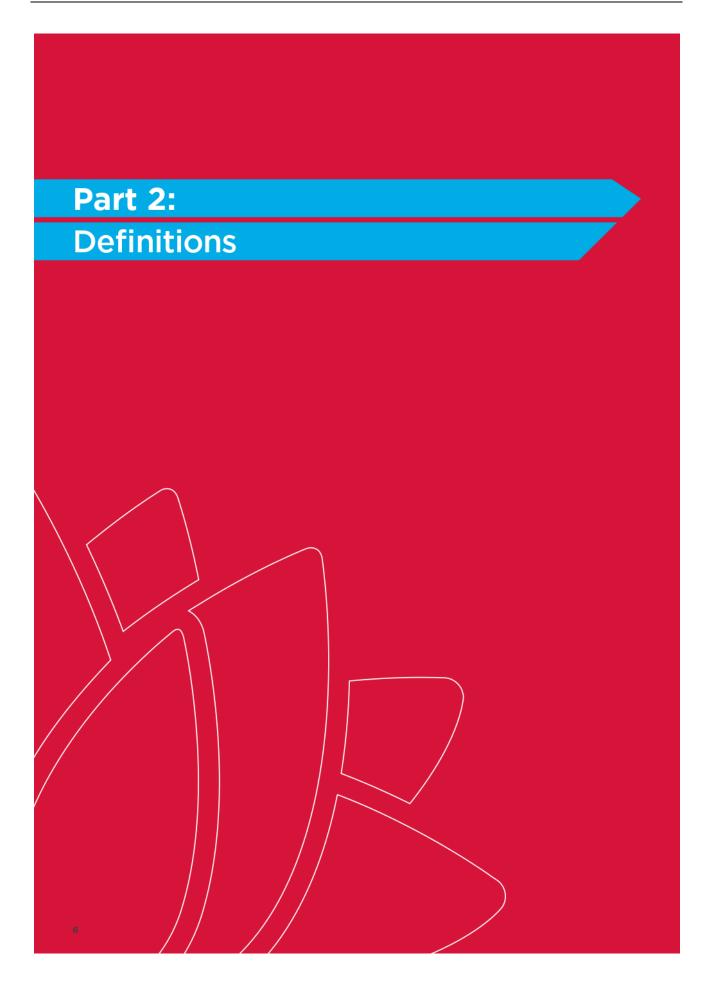
Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor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



Definitions

In this code the following terms have the following meanings:

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</i> Assessment Act 1979
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
local planning panel	a local planning panel constituted under the <i>Environmental Planning</i> and Assessment Act 1979
mayor	includes the chairperson of a county council or a joint organisation

#### Model Code of Conduct for Local Councils in NSW

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





## **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'

#### Model Code of Conduct for Local Councils in NSW

- 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
- 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

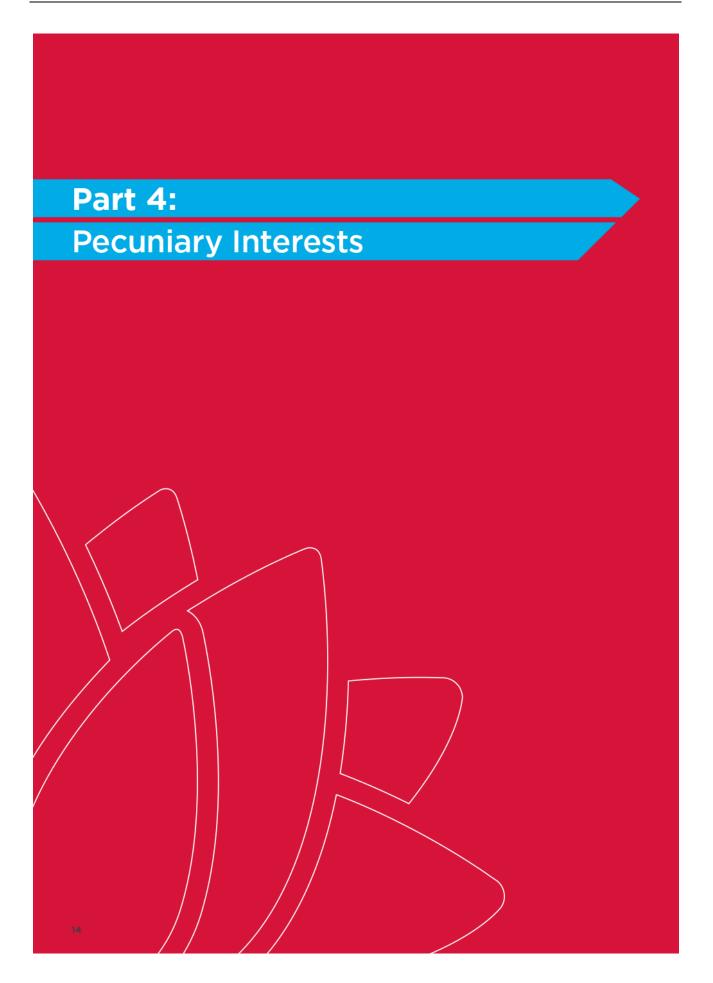
3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory 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.



**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
  - 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

#### Model Code of Conduct for Local Councils in NSW

- 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 nonprofit 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:

- 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)
- 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
- 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
- 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.

**Pecuniary Interests** 

# 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
- 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.

**Pecuniary Interests** 

- 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:
  - 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.

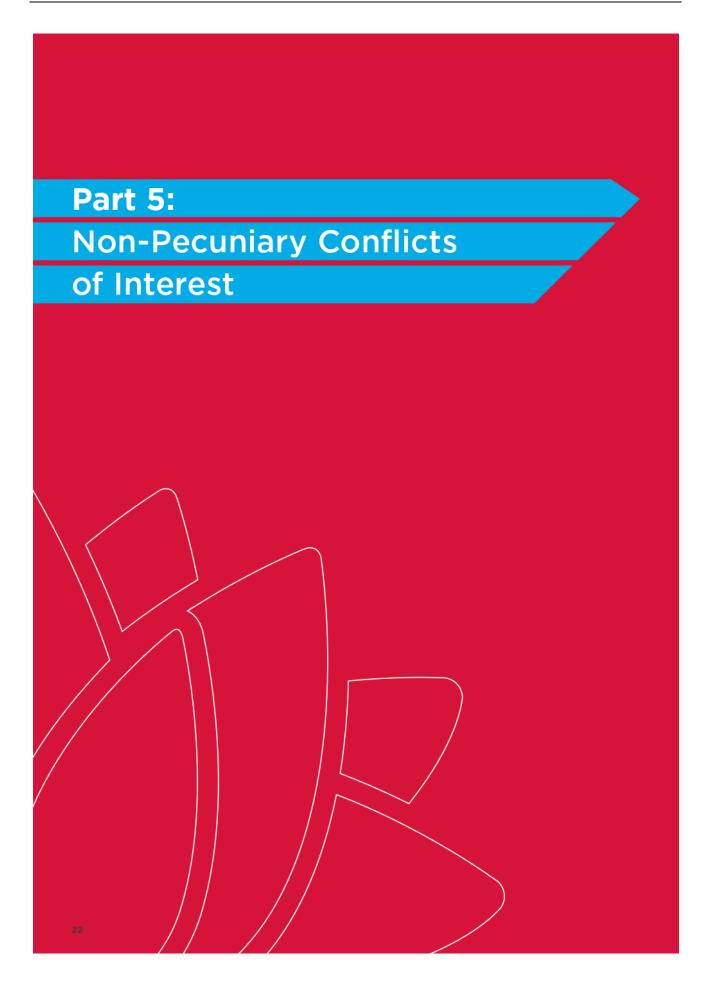
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 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.

#### Model Code of Conduct for Local Councils in NSW

- 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:
    - 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.





### 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 nonpecuniary 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
- 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 nonpecuniary 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 nonprofit 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:
    - 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

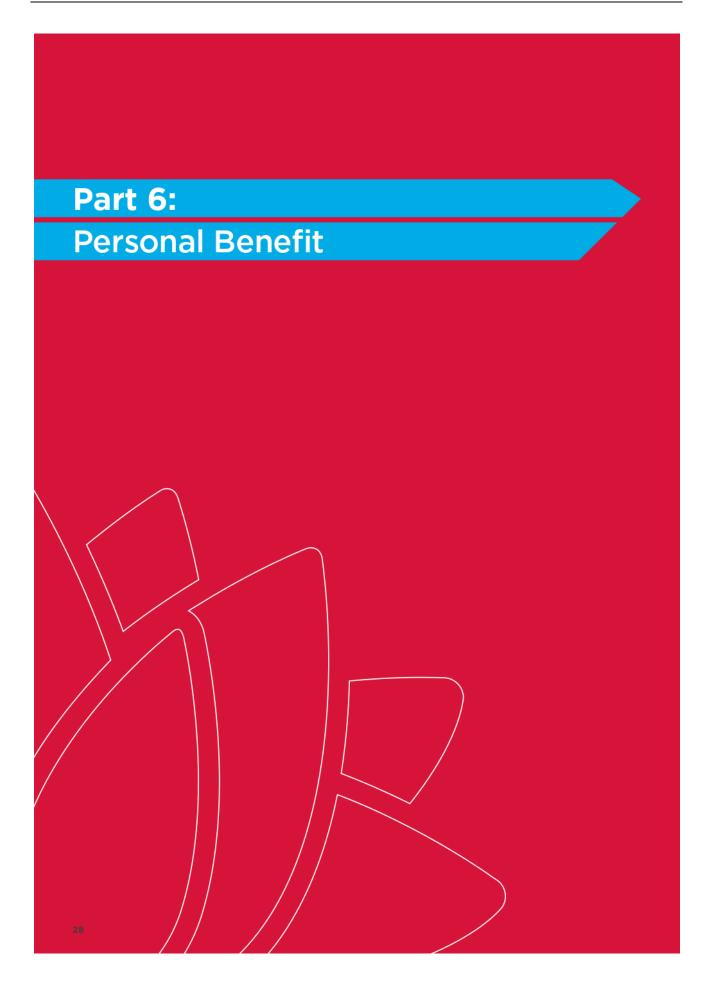
- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business 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.





**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 cashlike 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.

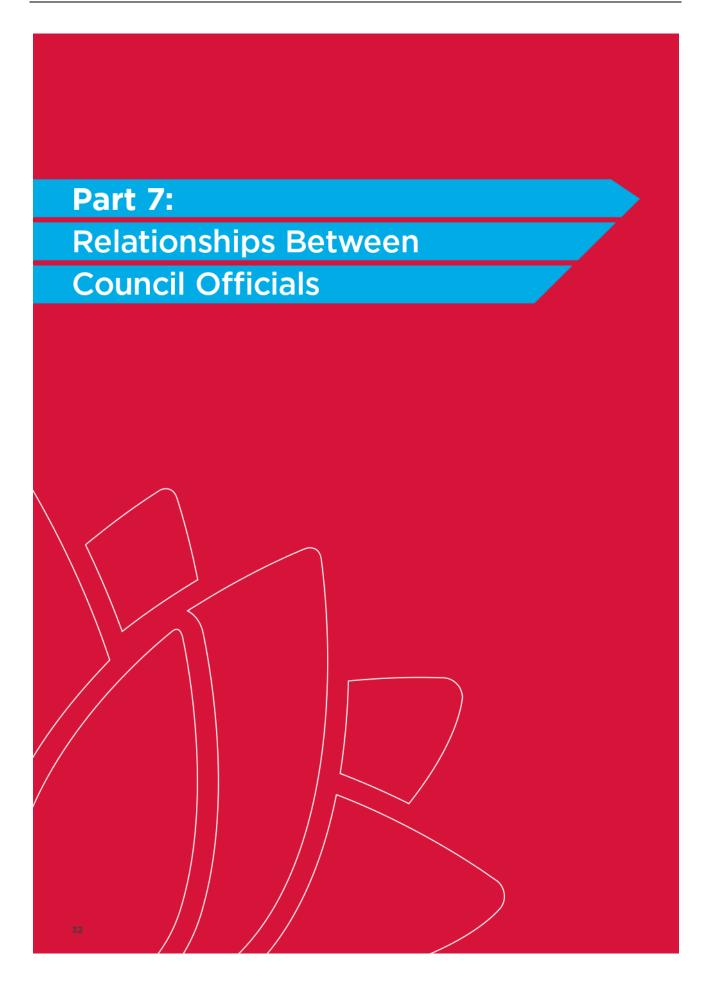
Personal Benefit

### "Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cashlike 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.



### 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**

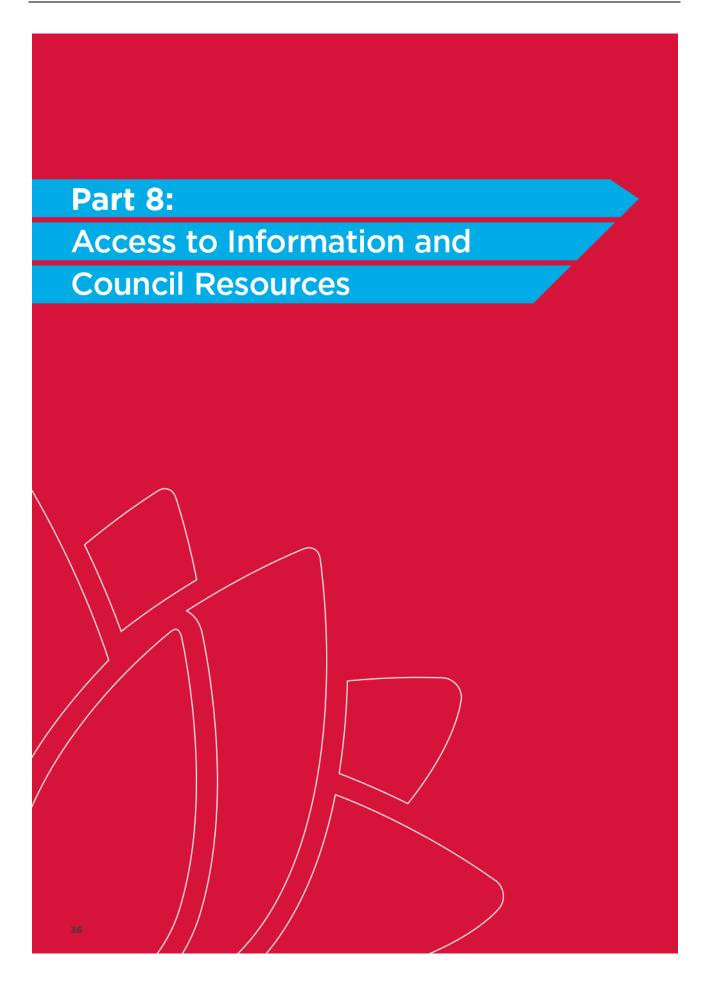
- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that 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
  - 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
  - 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
  - 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
- 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
- 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.





### 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.

Access to Information and Council Resources

- 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.

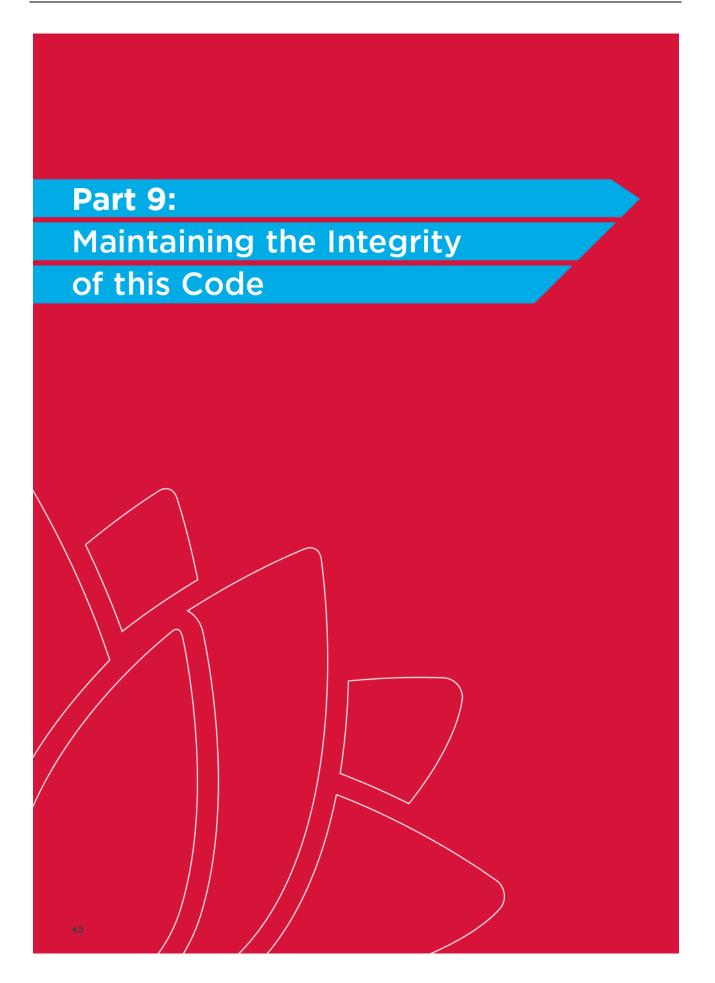
### **Council record keeping**

- 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.





### 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
  - to take reprisal action against a person for exercising a function prescribed under the Procedures
  - 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.

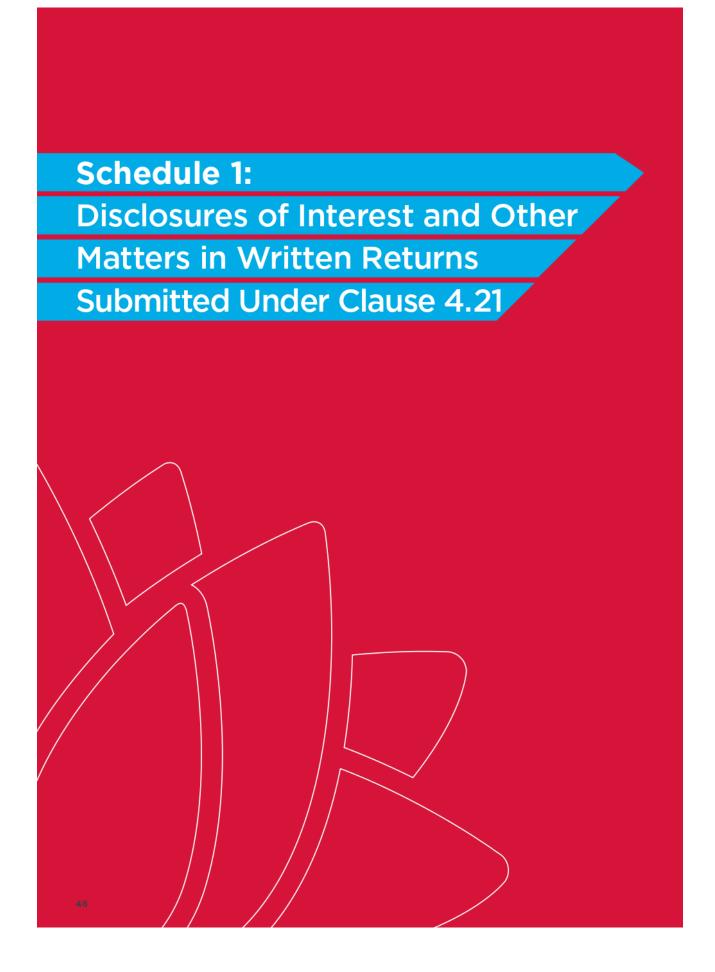
### Disclosure of information about the consideration of a matter under the Procedures

- 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.





### 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
- 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 factor 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.
- 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

- 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.
- 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:
  - 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.
- 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.
- For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

#### Gifts

- A person making a return under clause 4.21 of this code must disclose:
  - 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 clause4.21 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.

- 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 clause4.21 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
  - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- 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.
- 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

- 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

- A person making a return under clause4.21 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**

- 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.
- 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.
- 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.

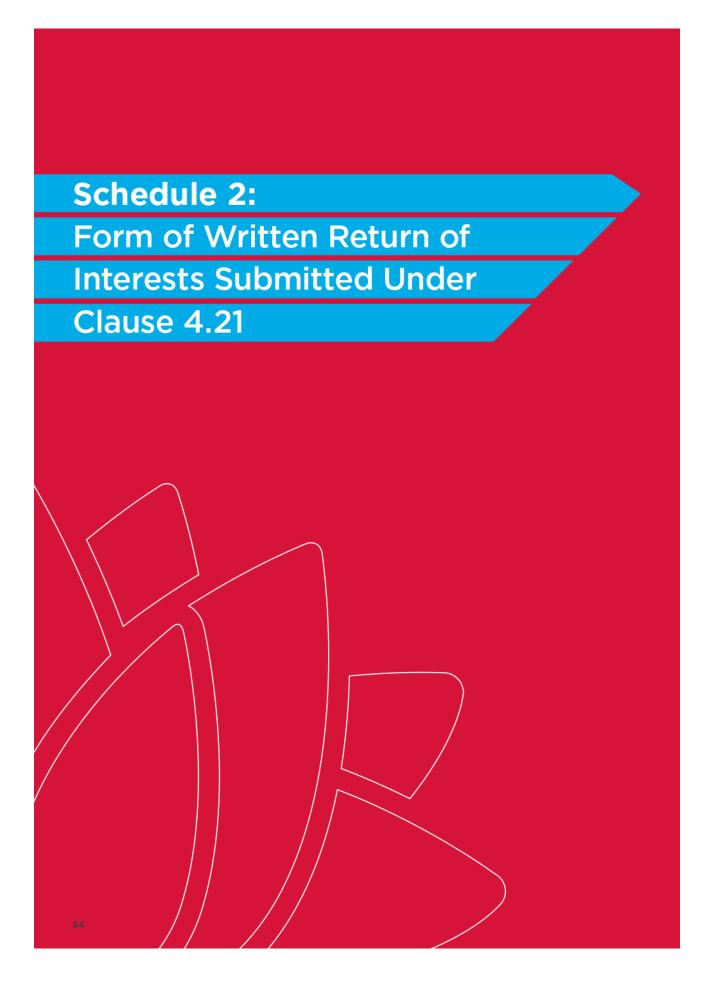
#### Debts

- 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
  - 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.
- 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:

- 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 deposittaking 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:
  - 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.



### 'Disclosures by councillors and designated persons' return

- 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.

- 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.
- 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]

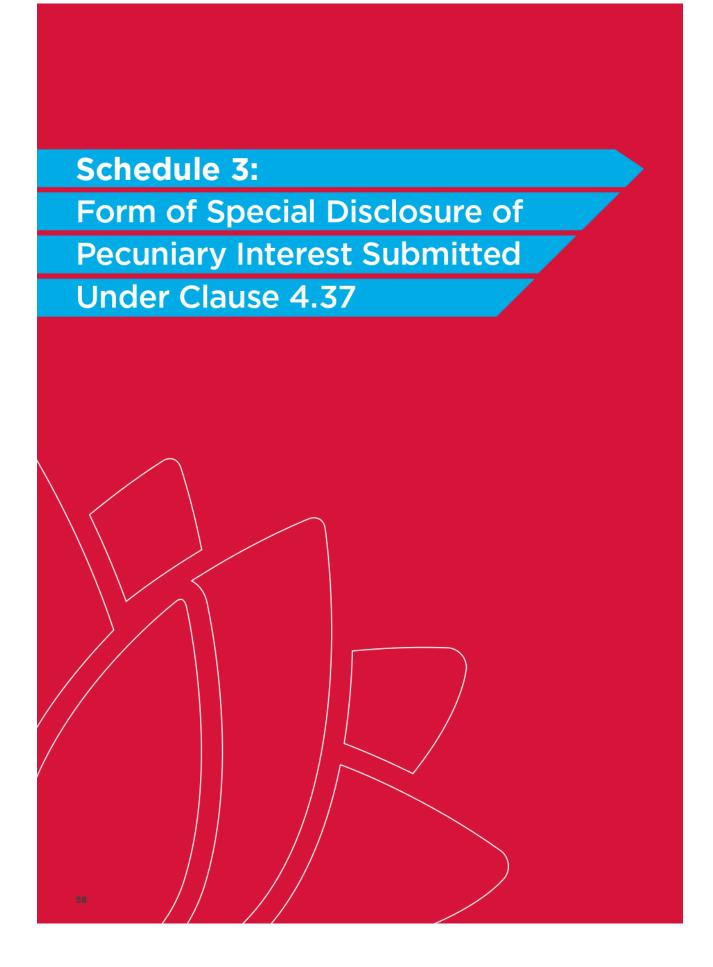
#### C. Gifts

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	Name of States, Territories of the Commonwealth ar overseas countries in which travel was undertaken
E. Interests and positions in corporations	
Name and address of each corporation in which I had an interest or held a Nature of interest Description of position at the return date/at any time (if any) position (if any) since 30 June	Description of principal objects ( any) of corporatio (except in case of listed company)
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	position
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	position
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 <b>H. Debts</b> Name and address of each person to whom I was liable to pay any debt at	
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	
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 <b>H. Debts</b> Name and address of each person to whom I was liable to pay any debt at time since 30 June	the return date/at any et address of the d, either wholly or in

J. Discretionary disclosures



Schedule 3

- 1. This form must be completed using block letters or typed.
- 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. Model Code of Conduct for Local Councils in NSW

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

- 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.

Schedule 3

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

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

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

### ACCESS TO SERVICES

The Office of Local Government is located at: Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541 Postal Address: Locked Bag 3015, Nowra, NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 TTY: 02 4428 4209 Email: olg@olg.nsw.gov.au Website: www.olg.nsw.gov.au

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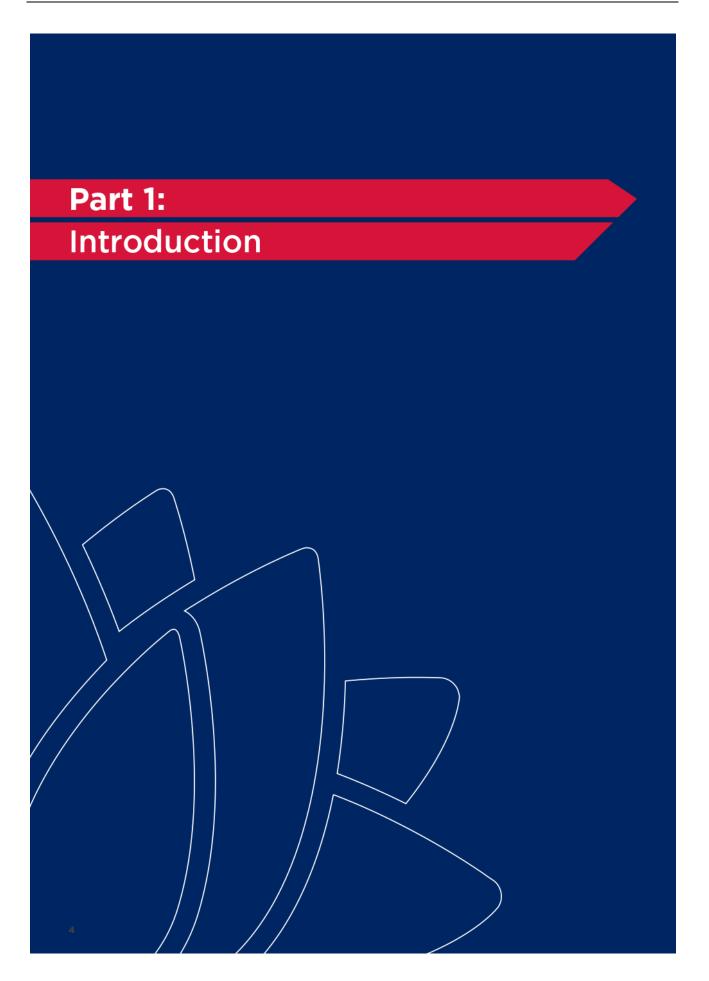
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Contents

# Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	Administrative Framework	10
Part 4:	How May Code of Conduct Complaints be Made?	14
Part 5:	How are Code of Conduct Complaints to be Managed?	18
Part 6:	Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers	26
Part 7:	Investigations of Code of Conduct Complaints About Councillors or the General Manager	32
Part 8:	Oversight and Rights of Review	42
Part 9:	Procedural Irregularities	46
Part 10:	Practice Directions	48
Part 11:	Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager	50
Part 12:	Confidentiality	52



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.

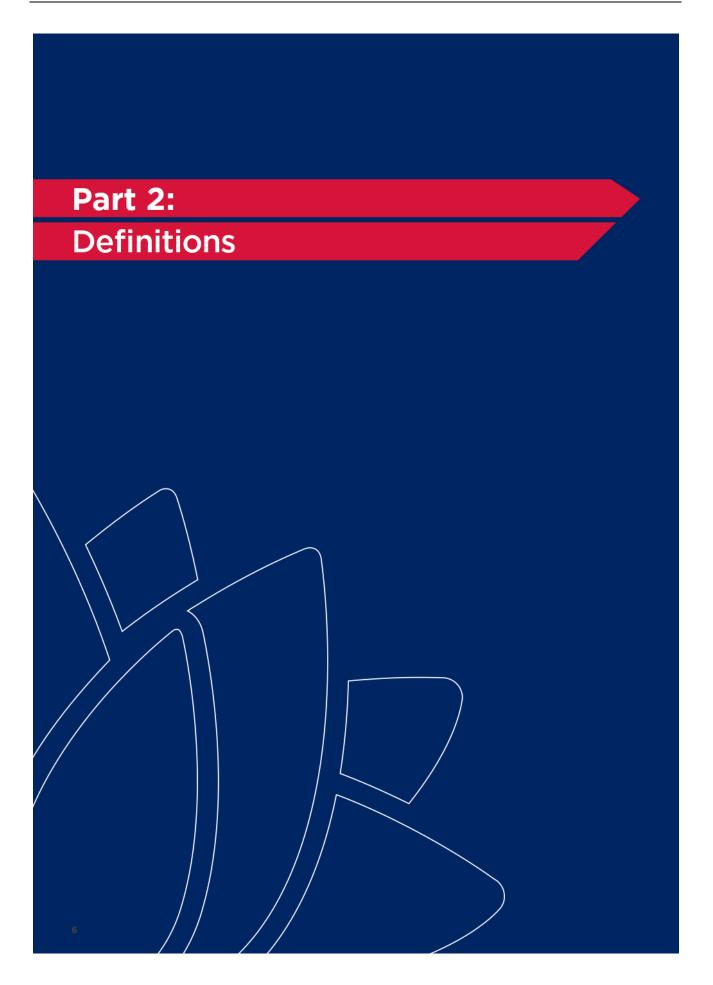
The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code 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.



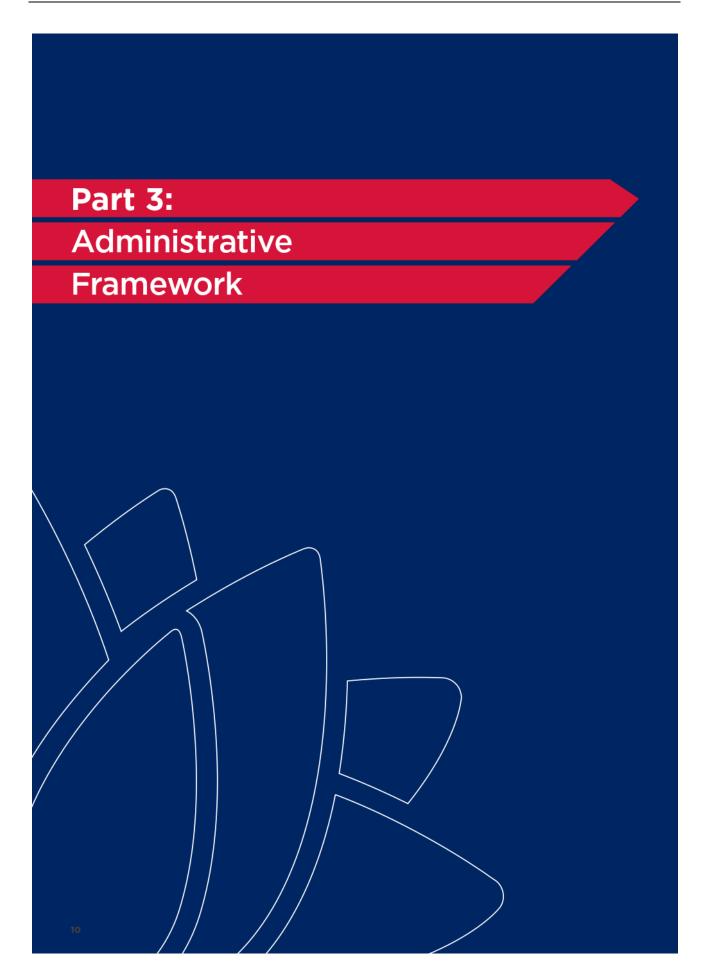
Definitions

In these procedures the following terms have the following meanings:

	5 5
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
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 4000 of the LGA

LGA	the Local Government Act 1993
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
the Regulation	the Local Government (General) Regulation 2005
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





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:
  - 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
  - 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.

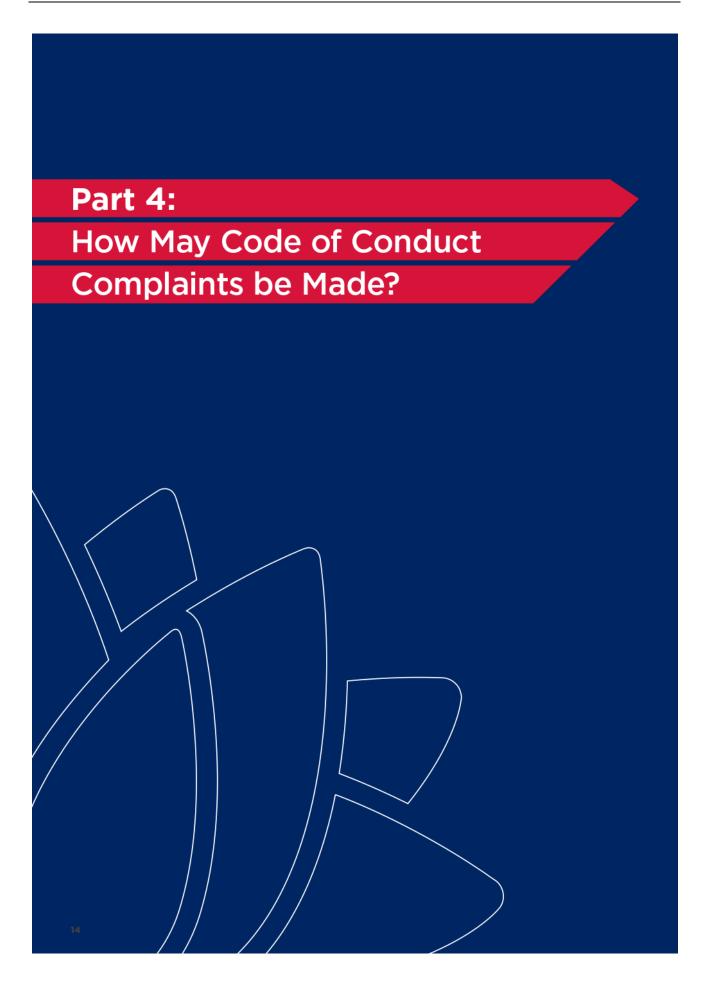
## The appointment of an internal ombudsman to a panel of conduct reviewers

- 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.





# 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
  - 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.

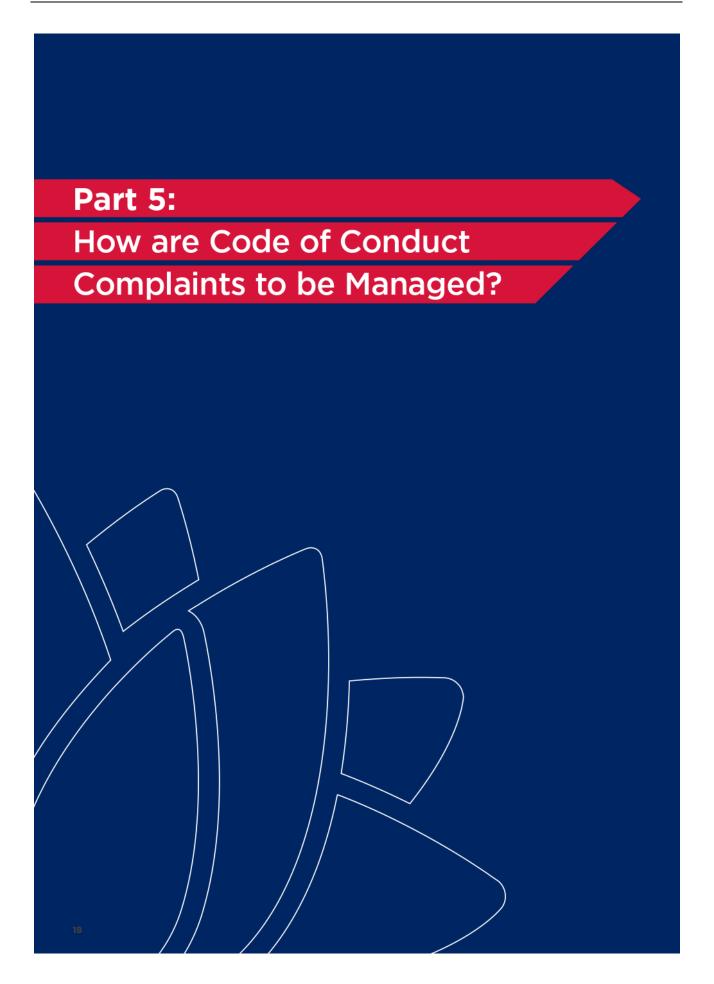
## How may a code of conduct complaint about a council official other than the general manager be made?

- 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.





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

- 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

How are Code of Conduct Complaints to be Managed?

- 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
- 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)
  - 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
  - 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
  - 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
  - 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

#### How are Code of Conduct Complaints to be Managed?

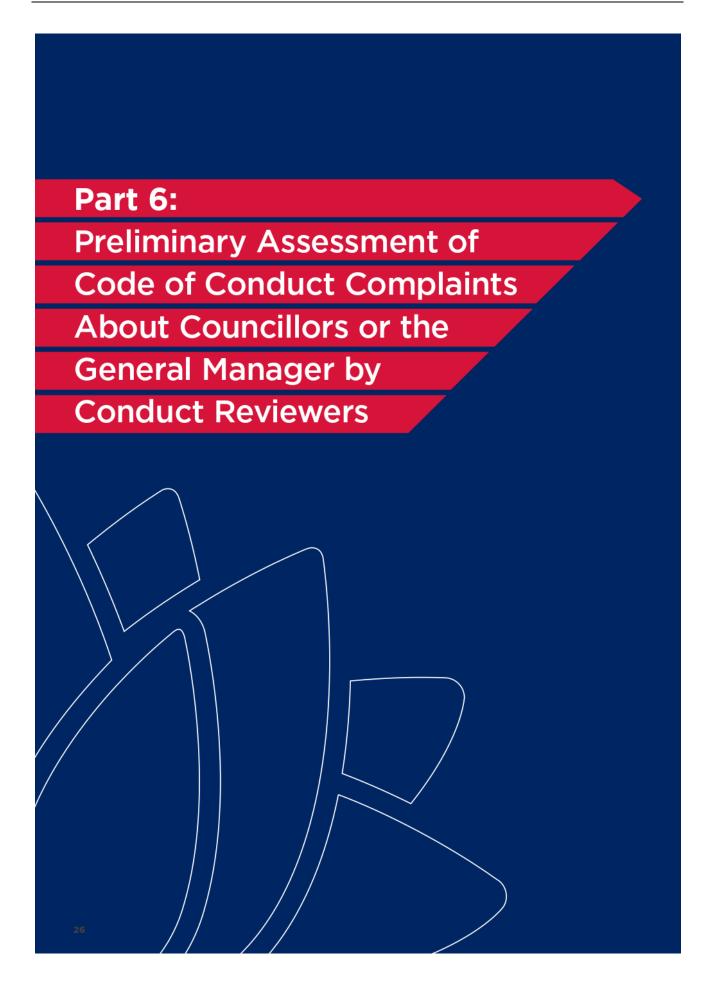
procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

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.



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 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.

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

- 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
  - 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

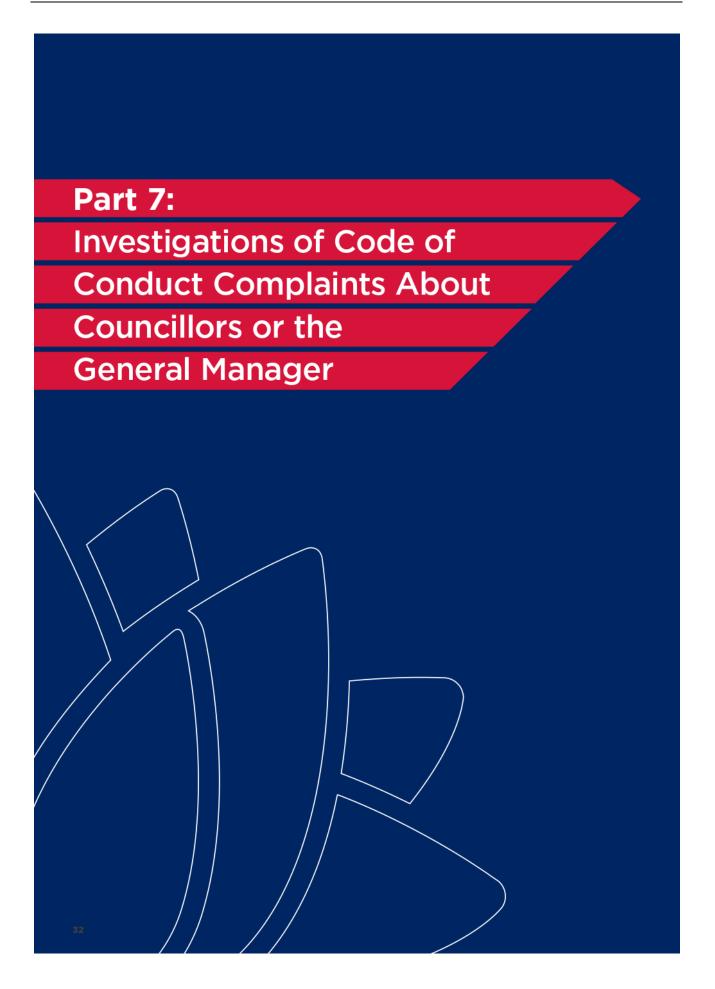
- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which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

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

- i) any previous proven breaches of the council's code of conduct
- 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
- 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
- such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.



### 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

- 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:

- 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 clause7.23, 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
- 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:
  - 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
- 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
- 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)
- 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

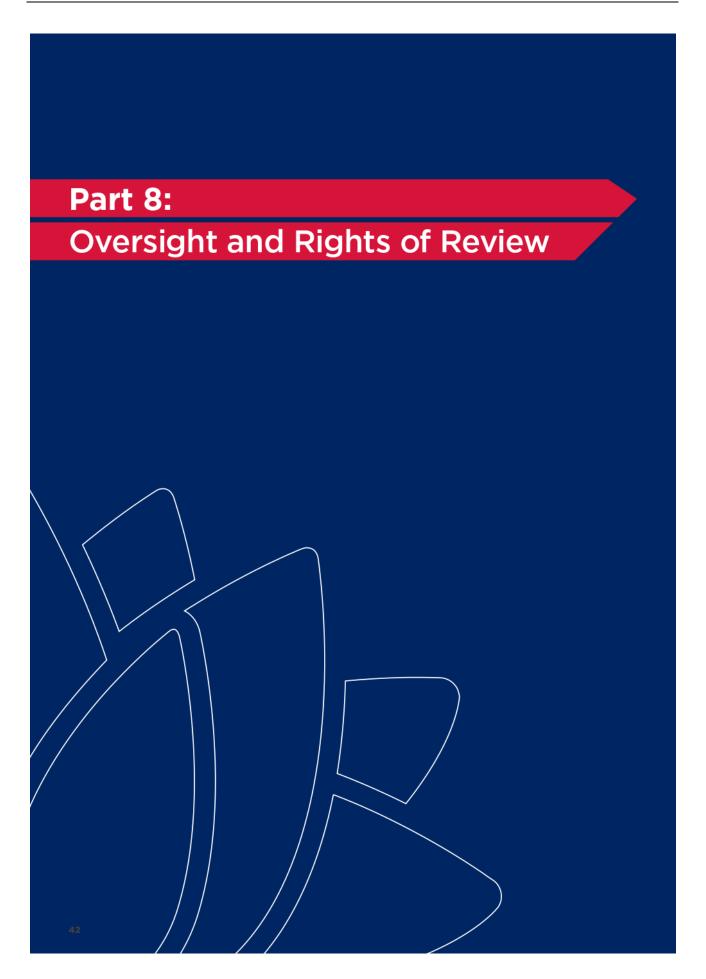
- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction 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 other wise 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:
  - 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.





### 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.

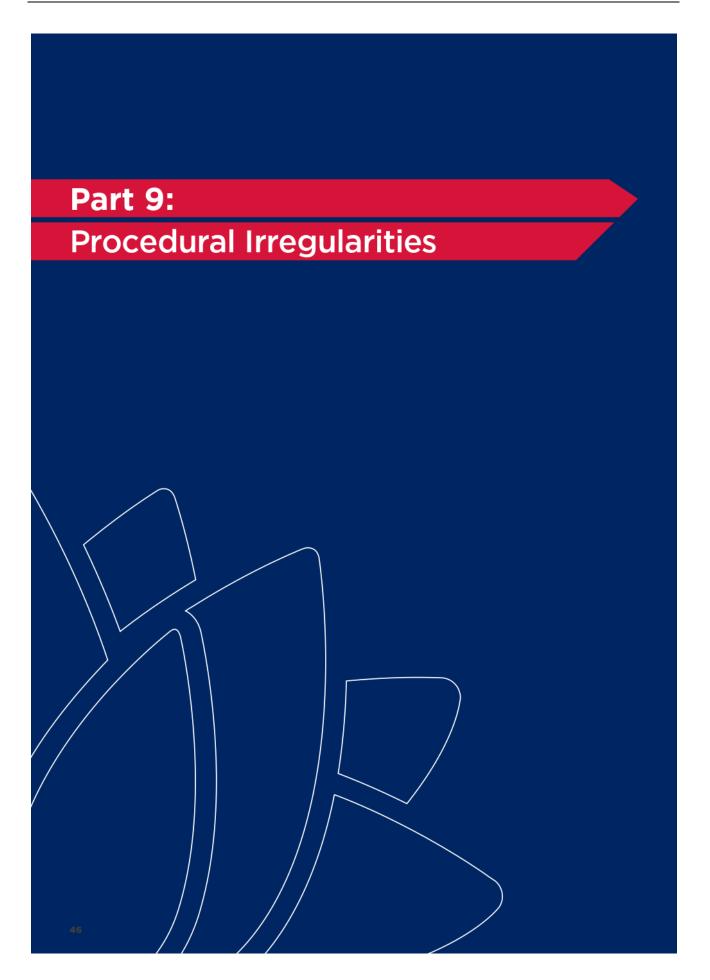
## Review of decisions to impose sanctions

- 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.

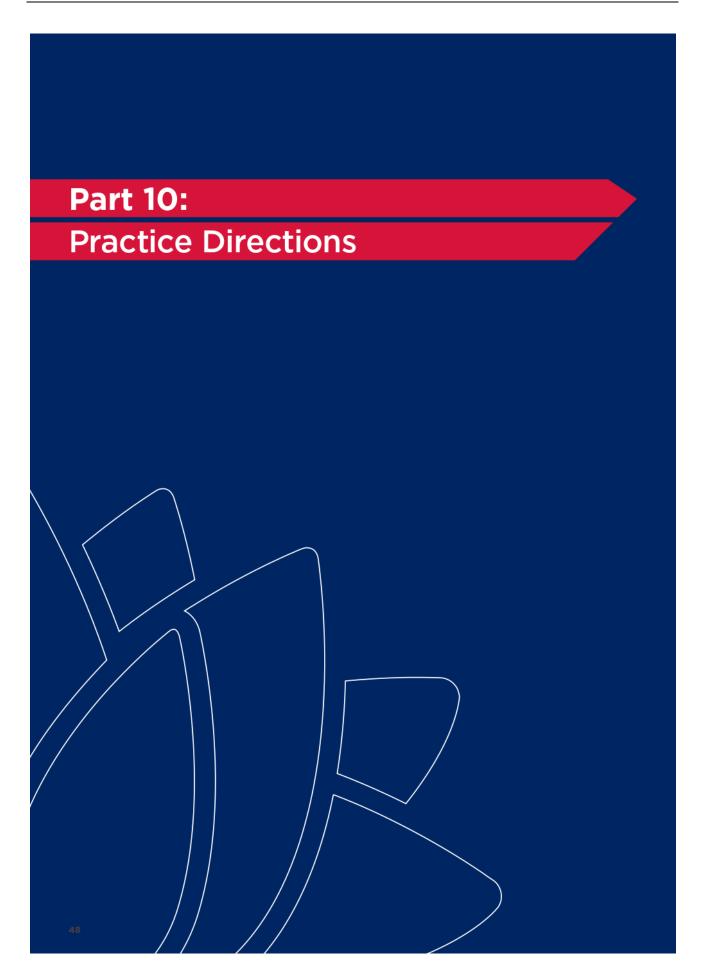
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
  - a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general 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.





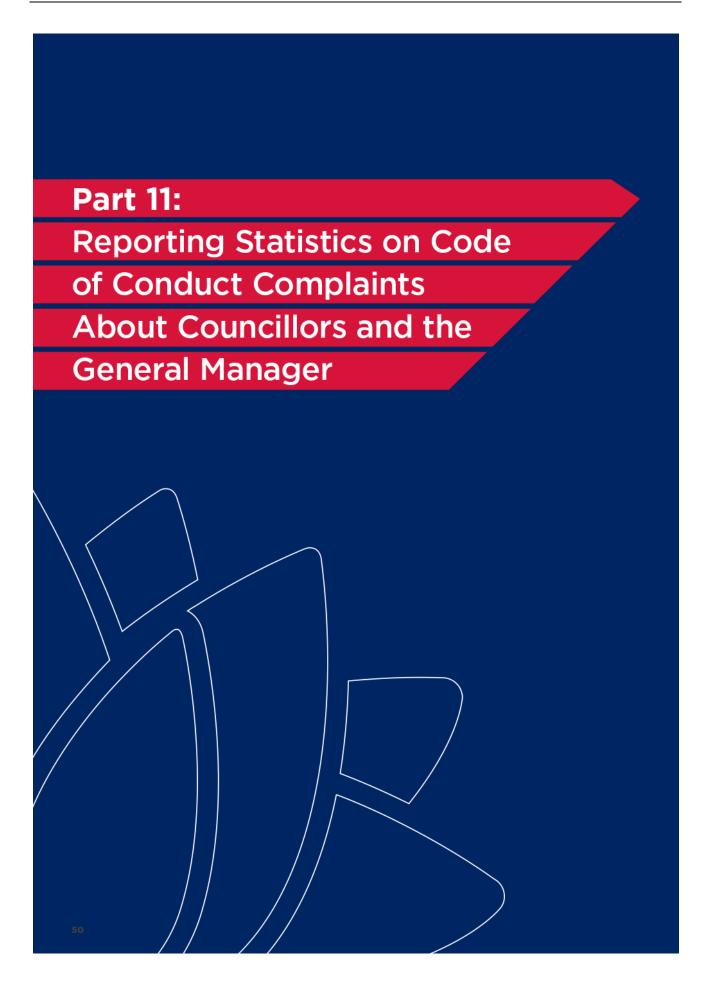
**Procedural Irregularities** 

- 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 noncompliance.



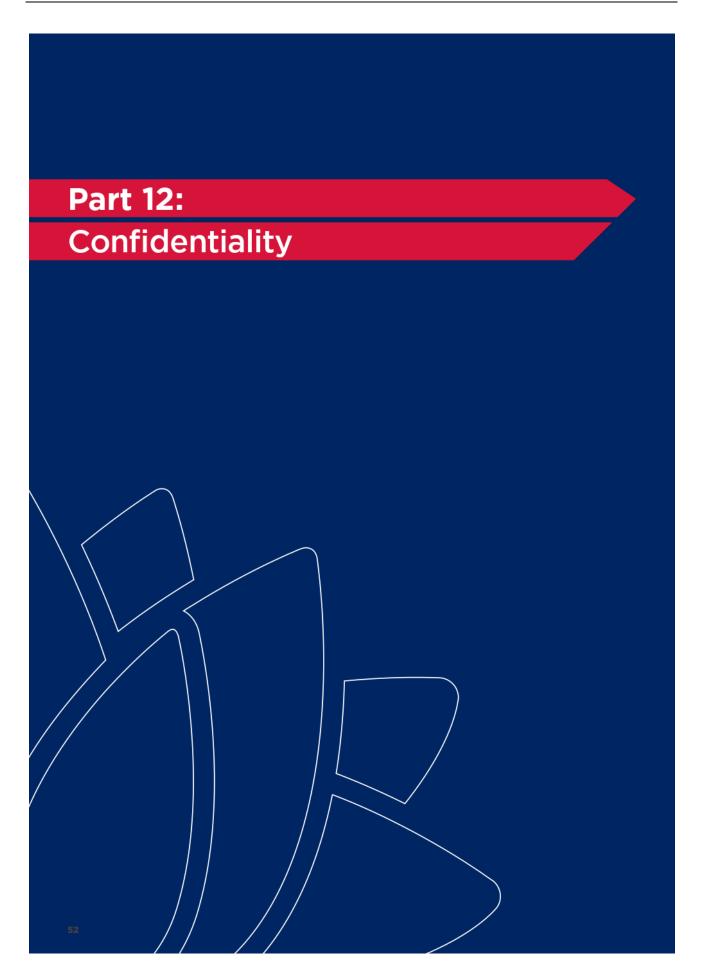
#### **Practice Directions**

- 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.



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.



#### 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
  - 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.

