



ATTACHMENTS

Tuesday, 21 April 2020

UNDER SEPARATE COVER

Ordinary Council Meeting

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MINUTES

Ordinary Council Meeting 17 March 2020

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17 MARCH 2020

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ORDINARY COUNCIL MEETING MINUTES

17 MARCH 2020

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 17 MARCH 2020 AT 5.00PM**

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 Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons.

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Scott Walters (Manager Information and Technology Services), Kate Alder-Conn (Governance Officer), 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 PUBLIC ACCESS AND QUESTION TIME

3.1 PUBLIC ACCESS AND QUESTION TIME - ITEM 17.1 BUSHFIRE RECOVERY ASSISTANCE FUNDING

Mr John Oomen addressed the meeting in relation to Item 17.1 Bushfire Recovery Assistance Funding and spoke on behalf of members of the Community Disaster Advice Centre (CDAC) who have been supporting the community and providing direction to those affected by the disaster. Mr Oomen thanked Council for the ongoing support and requested the business model which has been developed be considered by Council for any future disasters that may occur.

The Mayor thanked Mr Oomen for his address and advised his suggestion will be considered.

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4 APOLOGIES**RESOLUTION 170320/1**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That the apology received from Cr Morrissey and Cr Simpson be accepted and leave of absences granted.

CARRIED**5 MAYORAL MINUTES****5.1 MAYORAL MINUTE - IMPACTS AND MANAGEMENT OF COVID-19****RESOLUTION 170320/2**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council notes the impacts and actions being taken by Council to manage the response to COVID-19.

CARRIED**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 18 FEBRUARY 2020****RESOLUTION 170320/3**

Moved: Cr Robert Hayes

Seconded: Cr Sam Cornish

That Council confirms the Minutes of the Ordinary meeting held on 18 February 2020.

CARRIED**7 MATTERS ARISING OUT OF THE MINUTES**

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

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ORDINARY COUNCIL MEETING MINUTES

17 MARCH 2020

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR ATTENDANCES 11 FEBRUARY - 10 MARCH 2020****RESOLUTION 170320/4**

Moved: Cr Robert Mustow

Seconded: Cr Jill Lyons

That Council receive and note the Mayor's attendance report 11 February – 10 March 2020.

CARRIED**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MARCH 2020 ORDINARY MEETING****RESOLUTION 170320/5**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of March 2020.

CARRIED**13 MATTERS DETERMINED WITHOUT DEBATE****13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE****RESOLUTION 170320/6**

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That items 15.2 and 17.2 identified be determined without debate.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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14 GENERAL MANAGER'S REPORTS**14.1 DEVELOPMENT PRINCIPLES AND DEVELOPMENT ASSESSMENT PANEL POLICY****EXECUTIVE SUMMARY**

The current Development Assessment Panel (DAP) Policy was adopted in 2015. It has recently been amended to include a development principles component that reflects how Council will encourage and promote sustainable development within Council's local government area.

RESOLUTION 170320/7

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council adopt the amended Development Principles and Development Assessment Panel Policy.

CARRIED**15 FINANCIAL REPORTS****15.1 MONTHLY BUDGET ADJUSTMENTS REPORT - FEBRUARY 2020****EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of February 2020. The main adjustment includes the removal of \$670,894 from the waste management capital works program, largely due to the transfer of \$578,894 for Nammoona cell capping to the 2020/2021 financial year. In addition, Council has been granted funding towards the Northern Rivers Rail Trail project of which \$500,000 is expected to be spent this financial year. Further adjustments include the reallocation of \$104,400 in funding towards the trial of a new stabilising and waterproofing product on three unsealed roads that are constantly subject to corrugation, along with \$87,000 being allocated towards the replacement of playground equipment at Lilly Pilly Park.

The proposed changes see Council's capital works program decrease slightly by \$2,713 to a projected total of \$24,032,340. Council's projected surplus of \$240,304 for 2019/2020 will remain unchanged as all the proposed changes are fully funded from reserves or reallocations from other project budgets. The report provides further details of the proposed changes as well as the revised budget position as at 29 February 2020.

RESOLUTION 170320/8

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Approve the proposed budget adjustments for the month of February 2020.
2. Note the revised budget position for 2019/2020 as at 29 February 2020.
3. Review the leftover budget funds from Stan Payne Oval playground by reallocating funding to toilets at Evans Head Cemetery and Lilly Pilly Park, Evans Head.

CARRIED

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15.2 FINANCIAL ANALYSIS REPORT - FEBRUARY 2020**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 9) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 29 February 2020 including General Bank Accounts and Trust Funds is shown below.

Investment Portfolio	General Bank Accounts	Trust Funds	Total
\$49,689,607	\$1,136,831	\$87,050	\$50,913,489

The weighted average rate of return on Council's investments for February 2020 was -2.90% which was below the 90 Day Bank Bill Index for February of 0.810%.

RESOLUTION 170320/9

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That Council adopt the Financial Analysis Report detailing investment performance for the month of February 2020.

CARRIED**16 TENDER REPORTS****16.1 VP177662 - CONSTRUCTION OF FACILITY & AMENITIES BLOCK - CORAKI RIVERSIDE CARAVAN PARK****EXECUTIVE SUMMARY**

Richmond Valley Council has received funding from the Federal Government as part of the Community Development Grants Program. This program focuses on delivering crucial infrastructure to improve the quality of life for people in regional NSW.

One of the projects funded from the Community Development Grants Program is the Construction of a Facility and Amenities block at the Coraki Caravan Park.

Council called for tenders from suitably qualified and experienced contractors for the construction of a facility and amenities block at Coraki Riverside Caravan Park.

RESOLUTION 170320/10

Moved: Cr Robert Mustow

Seconded: Cr Sam Cornish

That:

1. AGS Commercial Pty Ltd be approved as the preferred tenderer for the Construction of Facilities and Amenities block at the Coraki Caravan Park project valued at \$583,647.51 (ex GST).
2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, including reducing or extending the scope of works, in line with the

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content of this report and the available budget, and affixing the seal of Council where necessary.

CARRIED

17 GENERAL BUSINESS

17.1 BUSHFIRE RECOVERY ASSISTANCE FUNDING

EXECUTIVE SUMMARY

The National Bushfire Recovery Agency has advised the Federal Government will provide a total of \$1,416,667 to support recovery projects within the Richmond Valley Council area following the bush fires which have severely impacted our community which started in October 2019.

The fires resulted in 48% of our local government area and more than 350 homes, outbuildings and facilities being destroyed or damaged. This large-scale bushfire burnt 142,741 hectares of land within the LGA and severely impacted key industries including primary producers and the forestry and timber industry.

These impacts have had an immediate ripple effect throughout the regional economy and economic stimulus is urgent required.

Funding guidelines for the National Bushfire Recovery Grant require a program of works be developed within three months of the announcement which is 10 April 2020 and then report back to the Commonwealth within 12 months.

Projects and activities which have been identified as essential for the recovery and renewal of communities include:

- Rebuilding damaged or destroyed Council assets such as key local roads, bridges and community facilities;
- Employing additional local staff to take on specialist recovery or planning roles to help coordinate and plan the rebuilding effort;
- Hosting new public activities and events to bring communities together and attract visitors back to affected regions; and
- Immediate maintenance and repairs to relief and evacuation centres.

RESOLUTION 170320/11

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Hayes

That:

1. Council approve the projects identified in the following table and outlined in this report in relation to bushfire recovery and funding.

Project	Amount	Program of Works
Rappville Hall	\$500,000	Rebuilding of hall and additional funds for a community precinct providing improved space and outdoor covered areas.
Rappville Pedestrian/Cycle Access	\$230,000	Pedestrian/cycle access from the school to the post office.
Rappville Master Plan and	\$50,000	Develop a master plan aimed at expanding the scale of the village

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investigations		
New Italy Mountain Bike Trails	\$50,000	Rebuild trails located in the Tabbimoble and Doubleduke State Forests.
Recovery resourcing including staff and administrative support	\$110,000	Staff resource costs during recovery process.
New Italy Museum	\$100,000	Provide emergency infrastructure and upgrading of facilities the hall.
Rappville Sportsground	\$220,000	Replace burnt infrastructure and allow for upgraded facilities.
Music Event	\$60,000	To aid in the wellbeing and recovery of the community (1 st anniversary of event).
Local Emergency Management Centre	\$10,000	Technical improvements to the local emergency operating centre
Portable Shower/toilet facilities	\$80,000	Purchase portable shower/toilet facilities for community.
Recovery items	\$6,667	Contribution to commencement of study for pedestrian pathway design and Rappville Masterplan
Total	\$1,416,667	

2. The National Bushfire Recovery Agency be notified of the program of works prior to 10 April 2020.
3. A report be prepared within 12 months detailing the projects and their expenditure as per the funding guidelines.

CARRIED**17.2 RENAMING OF ROAD - COOK STREET, BROADWATER****EXECUTIVE SUMMARY**

The current road naming issue of Cook Street in Broadwater has arisen due to a local resident being declined a pension rebate due to addressing issues. There are currently 2 sections of Cook Street; an east/west portion and north/south portion that meet and form a T-intersection. One section of Cook Street is required to be renamed to minimise any addressing issues in the future. As the east/west section has no residents formally addressed off it, it is proposed to be renamed.

RESOLUTION 170320/12

Moved: Cr Sam Cornish

Seconded: Cr Robert Hayes

That Council approves:

1. Renaming the east/west section of Cook Street to Maloney Street; and
2. In the event Maloney Street is rejected by the Geographic Names Board (GNB), then the east/west section of Cook Street be renamed Henry Street.

CARRIED

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17.3 RAZORBACK LOOKOUT MASTER PLAN**EXECUTIVE SUMMARY**

Council has undertaken a master plan process to provide a strategic direction for the future development and layout of the Razorback Lookout at Evans Head. Following initial requests from the Evans Head Business and Community Chamber a draft document was prepared for public comment. Following submissions, consideration of the ideas was compiled, and this final draft master plan has been provided to Council for adoption.

RESOLUTION 170320/13

Moved: Cr Robert Mustow

Seconded: Cr Robert Hayes

That Council adopt the Razorback Lookout Master Plan for use when future suitable funding opportunities arise.

CARRIED**17.4 RICHMOND RIVER GOVERNANCE AND FUNDING FRAMEWORK FINAL REPORT****EXECUTIVE SUMMARY**

The Richmond River Governance and Funding Framework Final Report has been presented to Councillors for endorsement, and in accordance with Council's Ordinary Meeting 18 February, 2020, resolution, any submissions from the general public received via Council's website be passed onto the managing State Department - Environment, Energy and Science (formerly Office of Environment and Heritage).

RESOLUTION 170320/14

Moved: Cr Jill Lyons

Seconded: Cr Robert Hayes

That Council:

1. Endorse the Richmond River Governance and Funding Framework Final Report and forward any submissions received during the 21-day exhibition of the report onto the Department of Environment, Energy and Science for their consideration; and
2. Support the intent of the recommendations of the report to appoint a NSW Government agency to have responsibility to drive the improvement of Richmond River Health outcomes.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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18 MATTERS FOR INFORMATION**RESOLUTION 170320/15**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

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

CARRIED**18.1 DISCLOSURE OF INTEREST - APPOINTMENT OF DESIGNATED PERSONS****RESOLUTION 170320/16**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the newly appointed designated person positions tabled for the information of Council.

CARRIED**18.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY TO 29 FEBRUARY 2020****RESOLUTION 170320/17**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the development application report for the period 1 February to 29 February 2020.

CARRIED**18.3 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2020****RESOLUTION 170320/18**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the Grant Application Information Report for the month of February 2020.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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18.4 GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 AGENCY INFORMATION GUIDE**EXECUTIVE SUMMARY**

Under Division 2 of the *Government Information (Public Access) Act 2009* (GIPA Act) agencies are required to adopt and maintain an Agency Information Guide (AIG). A review of the current 2015 version of Council's AIG has now taken place.

RESOLUTION 170320/19

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the updated Government Information (Public Access) Act 2009 Agency Information Guide.

CARRIED**18.5 REVIEW OF DISCLOSURE OF INTEREST PROCEDURE AND DESIGNATED PERSONS LIST****EXECUTIVE SUMMARY**

As part of Council's ongoing policy review process a review has been undertaken of Council's Disclosure of Interest Procedure, together with the positions Council nominates as designated persons. Going forward, Council will be required to publish designated persons' returns of interest on Council's website. This report details the approach Council will take to fulfilling this obligation.

RESOLUTION 170320/20

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council:

1. Adopt the revised List of Designated Persons, together with the revised Disclosure of Interest Procedure;
2. Acknowledge that from 1 July 2020, Council will publish redacted versions of designated persons' returns of interest on Council's website.

CARRIED**18.6 CORRESPONDENCE SUBMITTED TO MARCH 2020 ORDINARY MEETING****RESOLUTION 170320/21**

Moved: Cr Robert Hayes

Seconded: Cr Sandra Humphrys

That Council receive and note the correspondence from Strathfield Council extending support to various regional Councils following the 2019 Bushfires.

CARRIED

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ORDINARY COUNCIL MEETING MINUTES

17 MARCH 2020

19 QUESTIONS ON NOTICE**19.1 QUESTIONS WITH NOTICE, PROVIDED AT ORDINARY MEETING 18 FEBRUARY 2020**

The following questions on notice were received from Councillor Jill Lyons in relation to Item 12.1 Delegates' Report Submitted to February 2020 Ordinary Meeting, which referred to a summary of the Rous County Council 11 December 2019 Ordinary meeting:

Questions:

1. Why was the Floodgate and Drainage Management Guidelines Policy revoked?
2. Shouldn't the policy be maintained to reduce any negative impacts on the river quality as they have been previously by the flood migration communities system as per the NSW Floodplain Developer Guidelines and NSW Fisheries Management Act 1994 and NSW Local Government Act 1993?
3. Who asked for this decision and who prepared the report that recommended this decision?
4. Is this decision supported by Department of Primary Industry, Fisheries and other relevant agencies?
5. With the revoking of this policy what has been put in place instead? Who will be responsible for maintaining and monitoring the floodgates now?
6. Does this decision go against Rous County Council's duty of care?

Responses:

The following information was provided from Rous Water General Manager:

The guidelines that the policy was written on are out of date, and do not reflect current leading practice. Rous have active flood gate management plans for these assets. Details of the active floodgate management plans can be found on the following link: https://www.rous.nsw.gov.au/cp_themes/default/page.asp?p=DOC-BXC-08-83-64

Revoking this policy in no way removes Rous responsibility under our proclamation, the recommendation to revoke this policy was undertaken in consultation with Operations and Planning teams. Our flood mitigation team within operations is responsible for all flood mitigation related maintenance activities.

The Department of Primary Industry is a key stakeholder with active floodgate management plans.

The governance and funding review of which Rous was a key stakeholder did not cover floodgate operation, only governance structures.

RESOLUTION 170320/22

Moved: Cr Jill Lyons

Seconded: Cr Sam Cornish

That the responses to the questions regarding, Rous County Council 11 December 2019 Ordinary meeting, raised by Councillor Jill Lyons, be received and noted.

CARRIED**20 QUESTIONS FOR NEXT MEETING (IN WRITING)**

Nil

ORDINARY COUNCIL MEETING MINUTES

17 MARCH 2020

21 MATTERS REFERRED TO CLOSED COUNCIL**21.1 Evans Head Aerodrome Existing Contract for Sale**

This matter is considered to be confidential under Section 10A(2) - (c) and (d)(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager reported that a written representation had been received in respect to the item listed for consideration in Closed Council from Dr Richard Gates, President Evans Head Memorial Aerodrome Committee Inc, and is as follows;

"My Committee objects to this matter being considered behind closed doors notwithstanding refuge behind Section 10 of the LGA. There is no report whatsoever about this matter available to the public. In our view it is not good enough to just state that the matter is about an existing contract for sale of the aerodrome, a matter which has been outstanding for many years now without resolution. There is no mention of the extensive caveats over the aerodrome nor of a previous legal case regarding the caveats. There are many other matters in the public interest which should be considered in open council. Council has an obligation to keep us informed but has, in our view, failed to do so."

The Chair called for verbal representations from the gallery.

The Chair advised under section 10A of the Local Government Act 1993, the media and public are to be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

RESOLUTION 170320/23

Moved: Cr Jill Lyons

Seconded: Cr Sandra Humphrys

That:

1. Council resolved to enter Closed Council to consider the business identified in Item 21.1, together with any late reports tabled at the meeting.
2. Pursuant to section 10A(1)-(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the *Local Government Act 1993*.

Council closed its meeting at 6.08pm. The public left the Chamber.

CARRIED

The Open Council meeting resumed at 6.15pm.

ORDINARY COUNCIL MEETING MINUTES

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22 RESOLUTIONS OF CLOSED COUNCIL

The following resolutions of Council, passed while the meeting was closed to the public, were read to the Open Council Meeting by the General Manager.

21.1 EVANS HEAD AERODROME EXISTING CONTRACT FOR SALE

That :

1. Council authorise the General Manager to take appropriate action regarding the contract for sale of the land, generally in accordance with the details considered by Council.
2. Council authorise the General Manager to enter into and endorse relevant documents, including affixing the seal of Council where appropriate, generally in accordance with the details considered by Council.
3. A report be brought back to Council on the progress of this matter at key points.

The Meeting closed at 6.16pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 April 2020.

.....
CHAIRPERSON



MINUTES

Extraordinary Council Meeting 7 April 2020

EXTRAORDINARY COUNCIL MEETING MINUTES

7 APRIL 2020

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EXTRAORDINARY COUNCIL MEETING MINUTES

7 APRIL 2020

**MINUTES OF RICHMOND VALLEY COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 7 APRIL 2020 AT 5PM**

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), Scott Walters (Manager Information and Technology Services), 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

EXTRAORDINARY COUNCIL MEETING MINUTES

7 APRIL 2020

5 GENERAL MANAGER'S REPORTS**5.1 RESPONSE TO CORONAVIRUS (COVID-19) COMMUNITY AND ECONOMIC RESILIENCE PACKAGE****EXECUTIVE SUMMARY**

The COVID-19 (novel coronavirus) crisis and subsequent public health orders implemented by the NSW Government are placing enormous strain on communities and businesses.

This report outlines Richmond Valley Council's COVID-19 Community and Economic Resilience Package which was developed to provide assistance to community and businesses while minimising the risk to Council's financial sustainability, leaving a significant burden for current and future ratepayers.

The package will be delivered in two phases, Initial Response and Strategic Recovery Actions and will cost Council approximately \$142,000 through a number of initiatives including a zero interest rate on fees and charges until 30 September 2020.

The package will be supported by a communications plan which will wrap all of these initiatives together and promote them to our local community ensuring the maximum benefit is achieved.

RESOLUTION 070420/1

Moved: Cr Stephen Morrissey

Seconded: Cr Robert Hayes

That Council: -

1. Adopts the Community and Economic Resilience Package, as set out in this report and in Annexure A, and authorises the General Manager to implement the necessary actions to deliver this package to our community.
2. Adopts a zero interest rate for overdue rates and charges for the period 1 April 2020 to 30 September 2020.

CARRIED

EXTRAORDINARY COUNCIL MEETING MINUTES

7 APRIL 2020

5.2 DROUGHT ASSISTANCE FUNDING**EXECUTIVE SUMMARY**

The original drought communities' program was designed to deliver benefits in targeted drought affected regions of Australia. The Australian Government provided funding of \$35 million over four years, commencing in 2015-2016. The Government announced it would extend the program and renamed it the drought communities program extension. This has resulted in our local government area being added to the list of eligible councils and becoming eligible for funding in the amount of \$1 million dollars. The program is being administered through the business grants hub via the Department of Industry, Science, Energy and Resources on behalf of the Department of Infrastructure, Transport, Cities and Regional Development.

MOTION

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council

1. Approve the projects identified in the following table and outlined in this report in relation to funding provided under the Drought Communities Program extension;

	Amount	Program of Works
Water filling stations	\$100,000	Designated bulk water filling stations across the local government area to assist residents and bulk water carriers
Community Hall upgrades program	\$100,000	Provide a grant program for community halls across the Valley to enhance their facilities and improve their resilience
Casino Showground Upgrades	\$420,000	Day stall and sand warm up area to provide facilities to showground users including pony club, camping infrastructure including an RV short stay area
Paddock to Plate Project	\$95,000	Agritourism experience to showcase producers
Tourism Facilities Road Access Improvement	\$285,000	Improve rural road access for tourism venues to assist in stimulating economic growth
Total	\$1,000,000	

2. That application be made in accordance with the drought community guidelines via the business grants hub.

AMENDMENT

Moved: Cr Daniel Simpson

Seconded: Cr Robert Mustow

That the Drought Assistance Funding report be deferred.

EXTRAORDINARY COUNCIL MEETING MINUTES

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The amendment was put to the vote.

In Favour: Cr Daniel Simpson

Against: Crs Robert Mustow, Stephen Morrissey, Sam Cornish, Robert Hayes, Sandra Humphrys and Jill Lyons

The amendment was lost 1/6

The motion was carried.

RESOLUTION 070420/2

Moved: Cr Stephen Morrissey

Seconded: Cr Jill Lyons

That Council

1. Approve the projects identified in the following table and outlined in this report in relation to funding provided under the Drought Communities Program extension;

	Amount	Program of Works
Water filling stations	\$100,000	Designated bulk water filling stations across the local government area to assist residents and bulk water carriers
Community Hall upgrades program	\$100,000	Provide a grant program for community halls across the Valley to enhance their facilities and improve their resilience
Casino Showground Upgrades	\$420,000	Day stall and sand warm up area to provide facilities to showground users including pony club, camping infrastructure including an RV short stay area
Paddock to Plate Project	\$95,000	Agritourism experience to showcase producers
Tourism Facilities Road Access Improvement	\$285,000	Improve rural road access for tourism venues to assist in stimulating economic growth
Total	\$1,000,000	

2. That application be made in accordance with the drought community guidelines via the business grants hub.

CARRIED

The minutes of this meeting were confirmed at the Ordinary Meeting of the Richmond Valley Council held on 21 April 2020.

The Meeting closed at 5.45 pm.

.....
CHAIRPERSON



Office of
Local Government

COUNCILLOR SUPERANNUATION

Discussion paper

March 2020

ACCESS TO SERVICES

The Office of Local Government is located at:

5 O'Keefe Avenue
NOWRA NSW 2541

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

OFFICE HOURS

Monday to Friday
9.00am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
The office is wheelchair accessible.

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www.olg.nsw.gov.au

Minister's foreword



Since becoming the Minister for Local Government, I have actively engaged with local councils across New South Wales. I am constantly impressed by the passion held by our mayors and councillors, and frequently find myself commenting on the incredible work ethic of many who continually deliver for their communities.

I am proud to be a part of a Government that is committed to supporting councils to deliver for their local communities. Since 2011 this Government has provided more than \$9 billion to local councils to deliver and improve local infrastructure, services and facilities for their communities. About half of this funding has gone to regional and rural communities which are struggling through one of the worst droughts on record and are recovering and rebuilding after the recent natural disasters. This funding boost has helped local councils provide the very things that make our communities tick – from local infrastructure to essential services and programs that unite local residents.

Under Commonwealth legislation, councils are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors because they are not employees of councils. Recently I was pleased to host a workshop where the obstacles that deter women from nominating to be a councillor or mayor were identified, and the lack of superannuation payments was one of the barriers raised. It can also be said that this goes some way in deterring people under 35 from representing their community on their local council.

As you know, mayors and councillors currently receive a level of remuneration that is independently set by the Local Government Remuneration Tribunal based on the application of a range of criteria. It is currently possible for councils to make superannuation contributions on behalf of mayors and councillors on a pre-tax basis out of the fees they receive from the council as determined by the Tribunal.

However, the Government recognises that not everyone agrees with the current arrangements and acknowledges the calls for councils to be required to make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fees. The purpose of this discussion paper is to encourage further discussion about this issue and assist the Government in better understanding the views of the local government sector and the broader community.

The discussion paper:

- provides information on the current system for setting councillor remuneration and the legislation governing superannuation contributions for elected officials
- sets out the arguments for and against the payment of superannuation contributions for mayors and councillors, and
- provides different options and legislative models.

I welcome your input into this conversation and look forward to hearing your views.

The Hon Shelley Hancock MP
Minister for Local Government

1. Should mayors and councillors in NSW receive superannuation payments in addition to their fees?

Reasons that mayors and councillors should receive superannuation payments in addition to their fees can be summarised as follows:

- it will ensure that mayors and councillors are adequately remunerated for the performance of their duties
- it will address a historic anomaly that has seen mayors and councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce, and
- it is hoped it will encourage more women to stand as candidates for election to councils.

Each of these arguments are examined below.

Are NSW mayors and councillors adequately remunerated?

In NSW, the remuneration received by mayors and councillors is independently set by an expert tribunal, the Local Government Remuneration Tribunal.

Under section 239 of the NSW *Local Government Act 1993* (the Act), the Tribunal is required to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

To ensure that mayors and councillors receive remuneration that is commensurate with, and reflects their workload and responsibilities, the Tribunal is required to consider a range of criteria under section 240 of the Act in determining remuneration categories. These include:

- the size, physical terrain, population and the distribution of the population of each local government area
- the nature and volume of business dealt with by each council
- the nature and extent of the development of each local government area
- the diversity of the communities each council serves
- the regional, national and international significance of the council, and
- any other matters the Tribunal considers relevant to the provision of efficient and effective local government.

The Tribunal last undertook a significant review of the categories and the allocation of councils into each of the categories in 2017. The Tribunal has indicated that it will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

Under section 241 of the Act, the Tribunal is required to determine, no later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

As noted above, in determining the maximum and minimum fees payable in each of the categories, the Tribunal is required under section 242A(1) of the Act, to give effect to the same policies on increases in remuneration as the Industrial Relations Commission.

The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

However, the Tribunal is able to determine that a council can be placed into another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A(3) of the Act. This means that where, for whatever reason, the workload or responsibilities of the mayor and councillors increase, they may receive an increase in remuneration that reflects their increased workload even if that increase exceeds the 2.5% public sector wages cap.

The current remuneration levels for mayors and councillors in each category are set out below:

Table 1: Minimum and maximum fees for NSW mayors and councillors

Category		Councils in Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
			Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	1	27,640	40,530	169,100	222,510
	Major CBD	1	18,430	34,140	39,160	110,310
	Metropolitan Large	8	18,430	30,410	39,160	88,600
	Metropolitan Medium	9	13,820	25,790	29,360	68,530
	Metropolitan Small	11	9,190	20,280	19,580	44,230
General Purpose Councils – Non - metropolitan	Regional City	2	18,430	32,040	39,160	99,800
	Regional Strategic Area	2	18,430	30,410	39,160	88,600
	Regional Rural	37	9,190	20,280	19,580	44,250
	Rural	57	9,190	12,160	9,780	26,530
County Councils	Water	4	1,820	10,140	3,920	16,660
	Other	6	1,820	6,060	3,920	11,060

- Mayors and county council chairpersons receive their fee **in addition to** the fee they receive as a councillor/member.

A comparison of average remuneration received by mayors and councillors in NSW with the remuneration received by their counterparts in other jurisdictions indicates that NSW councillors receive similar or higher levels of remuneration than their counterparts in other jurisdictions other than Queensland.

Table 2: Interjurisdictional comparison of councillor remuneration (as paid at March 2020)

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	24,860	9,190		40,530	
QLD	141,066	53,049	577%	160,938	397%
VIC	27,999	8,833	96%	47,165	116%
TAS	23,372	9,546	104%	37,198	92%
WA	17,634	3,589	39%	31,678	78%
NT¹	13,283	4,428	48%	22,137	55%
SA	16,215	6,500	71%	25,930	64%

Table 3: Interjurisdictional comparison of mayors' remuneration (as paid at March 2020)

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	141,005	18,970		263,040	
QLD	185,824	106,100	1,030%	265,549	101%
VIC	131,877	62,884	331%	200,870	76%
TAS	58,430	23,863	125%	92,997	35%
WA	94,443	4,102	22%	184,784	70%
NT	73,856	24,619	130%	123,093	47%
SA	101,500	26,000	137%	177,000	67%

¹ NT's councillor and mayoral fees are based on the Councillor Member Allowances for July 2018-2019

Have NSW mayors and councillors been denied a financial benefit received by other members of the workforce through the payment of the superannuation guarantee?

The superannuation guarantee was introduced in 1992-93, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013-14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

While superannuation guarantee payments are made in addition to an employee's wages, as the Grattan Institute has demonstrated², higher compulsory superannuation contributions are ultimately funded by lower wages. When the superannuation guarantee increases, this is wholly or mostly borne by workers who receive smaller pay rises and lower take-home pay. For example, when the superannuation guarantee increased by from 9 per cent to 9.25 per cent in 2013, the Fair Work Commission stated in its minimum wage decision that the proposed minimum wage increase was *"lower than it otherwise would have been in the absence of the Super Guarantee increase"*.

Given the evidence that superannuation guarantee payments are in effect paid for by workers through lower wages, it would be over simplifying the situation to assume that workers are receiving a 9.5% supplementary payment that is being denied to NSW mayors and councillors.

The last increase in the superannuation guarantee came into effect in 2013/14 when the contribution rate increased from 9.25% to 9.5%. A comparison of increases in average weekly earnings with increases in NSW mayors' and councillors' remuneration as determined by the Tribunal since then indicates that NSW mayors and councillors have, on average, enjoyed slightly higher increases in remuneration than the rest of the community.

Table 4: Comparison of increases in average weekly earnings with increases in mayors' and councillors' remuneration

Financial year	Average weekly ordinary time earnings Aust - annual average increase June to June each year	Councillor remuneration increase 1 July
1 July 2014 – 30 June 2015	2.3%	2.5%
1 July 2015 – 30 June 2016	2.0%	2.5%
1 July 2016 – 30 June 2017	2.2%	2.5%
1 July 2017 – 30 June 2018	1.8%	2.5%
1 July 2018 – 30 June 2019	2.7%	2.5%
1 July 2019 – 30 June 2020	3.1%	2.5%

² See John Daley and Brendan Coates (2018) [Money in retirement: More than enough](#). Grattan Institute. November 2018

Were councils to be required to make an additional payment on behalf of mayors and councillors equivalent to the superannuation guarantee amount (currently 9.5% of their fees) this would, in effect confer on mayors and councillors a 9.5% increase in their remuneration outside of the normal process for setting mayors' and councillors' remuneration by the Local Government Remuneration Tribunal.

This will not be a one-off increase. With the superannuation guarantee set to increase to 12% in the years up to 2025, this would see further increases to mayors' and councillors' remuneration over and above any increases approved by the Tribunal.

While the receipt of a 9.5% increase in their remuneration through the payment of the superannuation guarantee is likely to be widely supported by mayors and councillors, it is important that the community is consulted and support shown by them before changes are made.

At present it is not clear whether ratepayers would support seeing the revenue they contribute to their local councils being diverted from providing services and infrastructure to fund a 9.5% increase in remuneration for their elected representatives.

Will payment of the superannuation guarantee encourage more women to stand as candidates at council elections?

Payment of the superannuation guarantee for mayors and councillors has been promoted as an equity measure to address disparities in men's and women's superannuation balances.

Research has demonstrated that the principal impediments to more women standing as candidates at local government elections are:

- lack of awareness of local government and the role of councils and councillors
- feeling unqualified
- balancing carer and work commitments
- the investment of time required to be an effective councillor, and
- perceptions of the culture of councils and councillor conduct.³

The payment of the superannuation guarantee would benefit male and female councillors alike. In the short term, male mayors and councillors will be the principal beneficiaries of any increase in remuneration through the receipt of an additional superannuation payment given that they currently comprise 69% of councillors in NSW⁴.

Major stakeholders promoting an increase in the number of females represented on councils including Local Government NSW, Women for Election Australia, Australian Local Government Women's Association and the Country Women's Association of NSW recently noted that *"a key barrier for women standing for election to local government can be the lack of access to superannuation, with women unwilling to take on more work with insufficient remuneration"*. The stakeholders also noted *"women tend to have far lower superannuation balances than men, often due to time out of the workforce caring for family members"*.

³ See Manion, Jo and Sumich, Mark (2013), [*Influencing Change – Views of elected representatives on leadership, decision making and challenges for Local Government in NSW*](#)

⁴ See Office of Local Government (2019), [*NSW Candidate and Councillor Diversity Report 2017*](#)

Will payment of the superannuation guarantee encourage younger people to stand as candidates at council elections?

Two separate studies undertaken by the University of Melbourne in 2014⁵ and 2015⁶ found that younger people tend not to be engaged by and are uninterested in superannuation or retirement planning. HECS repayments and saving to purchase a first home tend to be higher financial priorities for younger people than saving for retirement.

The average tenure of councillors is between one to two terms. More than three quarters (77%) of councillors elected at the 2012, 2016 and 2017 elections had served two terms or less. Assuming that councillors were to receive the superannuation guarantee of 9.5% with respect to their fees over one or two terms, as demonstrated by table 5, the value of the capital contributions made to their superannuation funds would, at retirement, represent a small proportion of their accumulated lifetime superannuation capital.

Table 5: Comparison of superannuation contribution amounts that would be made on the maximum annual fee in each category of council at a rate of 9.5% over 1 term (4 years) and 2 terms (8 years).

Category		Number of Councils in Category	Councillor/Member Maximum Annual Fee	4 years at 9.5%	8 years at 9.5%
General Purpose Councils – Metropolitan	Principal CBD	1	40,530	15,401	30,802
	Major CBD	1	34,140	12,973	25,946
	Metropolitan Large	8	30,410	11,556	23,112
	Metropolitan Medium	9	25,790	9,800	19,600
	Metropolitan Small	11	20,280	7,706	15,412
General Purpose Councils – Non-metropolitan	Regional City	2	32,040	12,175	24,350
	Regional Strategic Area	2	30,410	11,556	23,112
	Regional Rural	37	20,280	7,706	15,412
	Rural	57	12,160	4,621	9,242
County Councils	Water	4	10,140	3,853	7,706

⁵ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2014), [Superannuation Knowledge, Behaviour and Attitudes in Young Adults in Australia](#), CIPR Paper No. RP002/2014

⁶ See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2015), [No Thought for Tomorrow: Young Australian Adults' Knowledge, Behaviour and Attitudes About Superannuation](#), Law and Financial Markets Review Vol. 9, No. 2, pages 90-105

	Other	6	6,060	2,303	4,606
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How much will it cost and who will pay?

The cost of paying the superannuation guarantee for mayors and councillors will need to be met by each council out of its existing budget.

This cost will vary from council to council depending on what fees the mayor and councillors receive and how many councillors there are on the council. The table below sets out the average annual cost to councils in each remuneration category of paying the 9.5% superannuation guarantee for the mayor and each councillor based on the maximum annual fee payable in each category.

The total estimated annual cost of paying the 9.5% superannuation guarantee for mayors and councillors for the local government sector as whole is close to \$3 million (\$2,758,739).

Table 6: Average annual cost to councils of making a 9.5% superannuation contribution for mayors and councillors

Category		Councils in Category	Average annual cost of paying 9.5% superannuation contribution for mayors and councillors
General Purpose Councils – Metropolitan	Principal CBD	1	55,792
	Major CBD	1	55,886
	Metropolitan Large	8	45,973
	Metropolitan Medium	9	35,911
	Metropolitan Small	11	21,541
General Purpose Councils – Non-metropolitan	Regional City	2	46,007
	Regional Strategic Area	2	45,973
	Regional Rural	37	21,543
	Rural	57	11,762
County Councils	Water	4	9,289
	Other	6	5,081

2. Why are councils not required to make superannuation guarantee payments to mayors and councillors?

The Commonwealth *Superannuation Guarantee (Administration) Act 1993* (SG Act) imposes an obligation on an employer to pay the superannuation guarantee of 9.5% of an employee's earnings to a complying superannuation fund nominated by the employee.

The obligations under the SG Act do not extend to councils with respect to the fees they pay to mayors and councillors because they are not employees of the council for the purposes of that Act. Mayors and councillors are elected to a civic office in the council and the council is not their employer.

Section 12(9A) of the SG Act expressly excludes mayors and councillors across Australia from the definition of "employee" meaning that councils are not obliged to make superannuation guarantee payments to mayors and councillors under that Act. Section 12(9A) of the SG Act provides that, "*a person who holds office as a member of a local government council is not an employee of the council*".

Section 251 of the NSW Local Government Act also makes it clear that the payment of a fee to a mayor or councillor does not constitute the payment of a salary and mayors and councillors are not to be taken to be employees of councils because of the payment of the fee.

3. Can NSW councils make superannuation contributions on behalf of mayors and councillors as a component of their fees?

There is nothing currently preventing councils from making superannuation contributions on a voluntary basis on behalf of the mayor and councillors.

The Australian Tax Office has made a definitive ruling, (ATO ID 2007/205) that allows for mayors and councillors to redirect their annual fees into superannuation on a pre-tax basis.

In practical terms, there is nothing currently preventing mayors and councillors, who wish to make concessional contributions to their superannuation funds, from entering into an arrangement with their council under which they agree to forego part of their remuneration in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Councils are also able to determine for themselves, by council resolution and/or within an appropriate council policy, if and how councillors may do this.

4. Can NSW councils make superannuation contributions on behalf of mayors and councillors *in addition to the payment of their fee?*

It is open to councils under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the Commonwealth *Taxation Administration Act 1953* (TAA) to resolve that mayors and councillors are subject to Pay As You Go withholding. The resolution must be unanimous to be effective.

A resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA operates to take the mayor and councillors out of section 12(9A) of the SG Act, which recognises that they are not employees of the council, and brings them within section 12(10) of the SG Act which states that:

A person covered by paragraph 12-45(1)(e) in Schedule 1 to the Taxation Administration Act 1953 (about members of local governing bodies subject to PAYG withholding) is an employee of the body mentioned in that paragraph.

Section 12(1) effectively deems the mayor and councillors to be employees and the council to be their employer for the purposes of the SG Act. This will mean the council will be obliged to make superannuation guarantee contributions (currently 9.5% of the mayor's and councillors' fees) to complying superannuation funds in respect of fees paid to the mayor and councillors. These contributions would be paid in addition to the fees received by the mayor and councillors.

It should be noted however that a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA will also result in mayors and councillors being treated as employees for a wide range of other taxation purposes. Among other things:

- the council will have to withhold amounts from the payment of fees to the mayor and councillors in accordance with section 12-45(1)(e) of Schedule 1 of the TAA
- the council will be subject to fringe benefits tax under the Commonwealth *Fringe Benefits Tax Assessment Act 1986* on the taxable value of expenses paid to and facilities provided to the mayor and councillors under the council's councillor expenses and facilities policy adopted under section 252 of the LGA, and
- the council will be obliged under Commonwealth *Child Support (Registration and Collection) Act 1988* to withhold payments from fees paid to the mayor and councillors for the purposes of making child support/maintenance/carer payments.

It is unclear however whether a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA is permissible under sections 248(2) and 249(3) of the Act where it would have the consequence of requiring a council to make a superannuation guarantee contribution in respect of the fees paid to councillors and the mayor that, taken together with their fees, exceeds the maximum amount determined by the Local Government Remuneration Tribunal.

It is also unclear what impact section 242A of the Act would have in relation to a council's resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA. Section 242A of the Act places an obligation on the Local Government Remuneration Tribunal when determining the remuneration of mayors and councillors, to apply the same policies on increases in remuneration as those that the Industrial Relations Commission is required to apply under section 146C of the NSW *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.

It is possible that where a council is obliged to make superannuation guarantee contributions on behalf of the mayor and councillors in addition to their fee, the Tribunal may, in turn, be obliged under section 242A to make a determination reducing the mayor's and councillors' fees to ensure that the fee and superannuation contribution do not result in an increase that exceeds the 2.5% public sector wages cap.

5. What is the position in Queensland?

Section 226 of the Queensland *Local Government Act 2009* gives councils the option to pay an amount into a complying superannuation fund on behalf of the mayor and councillors up to an amount payable with respect to employees of the council. The amount paid is in addition to the amount the mayor and councillor receive as a fee. Alternatively, councils may contribute a portion of the mayor's or councillors' fees to complying superannuation fund as is the case in NSW.

6. Options

Option 1: Maintaining the status quo

Under this option, councils will continue not to be obliged to make superannuation guarantee payments on behalf of the mayor and councillors. Mayors and councillors who wish to make concessional contributions to their superannuation funds can continue to enter into an arrangement with the council under which they agree to forego part of their fee in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Option 2: Amending the NSW *Local Government Act 1993* to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Under this option, the Act would be amended to require councils to pay a proportion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

Option 3: Amending the NSW *Local Government Act 1993* to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees.

Under this option, all councils will be required to pay an amount equivalent to the superannuation guarantee contribution payable with respect to the mayor's and councillors' fees, into a complying superannuation fund nominated by the mayor and councillors. The payment would be made in addition to the payment of the mayor's and councillors' fees.

A supporting amendment would be required to exempt the additional payment from section 242A of the Act.

Option 4: Amend the NSW *Local Government Act 1993* to give councils the option to pay an amount equivalent to the superannuation guarantee into a

**complying superannuation fund nominated by the mayor and councillors
in addition to the mayor's and councillors' fees.**

This option is based on the Queensland model. Under this option, the payment of an additional superannuation contribution in addition to the mayor's and councillors' fees would be optional for councils. Councils would also have the option to make a superannuation contribution on behalf of the mayor and councillors as a portion of the mayor's or councillors' fees.

As with option 3, a supporting amendment would be required to exempt the additional payment from section 242A of the Act.

7. Have Your Say

We now want to hear from you.

Key questions to consider

- **Should councils be required to make superannuation contributions for the mayor and councillors?**
- **Should contributions be made as a portion of mayors' and councillors' fees or in addition to them?**
- **Which is your preferred option?**
- **Do you have an alternative suggested option?**

Submissions may be made in writing by COB Friday 8 May 2020 to the following addresses.

Post

Locked Bag 3015
NOWRA NSW 2541

Email:

olg@olg.nsw.gov.au

Submissions should be labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.

Further information

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at olg@olg.nsw.gov.au.

RICHMOND VALLEY COUNCIL POLICY REGISTER

Policy No: 1.1.14

Reference: Community Relations - Procedures; Customer Service - Procedures, Public Reaction; Corporate Management - Procedures

POLICY:	COMPLAINTS MANAGEMENT
FUNCTION:	Governance
OBJECTIVE:	To provide a complaints management framework for the effective handling of complaints and to ensure that complaints are dealt with in a consistent, systematic and appropriate manner so that Council's Governance processes can be enhanced.
DIRECTORATE:	CORPORATE SERVICES

POLICY

Richmond Valley Council aims to be responsive to "complaints" raised by the community. For this to be effective, a defined and readily understood system for the management of "complaints" needs to be in place. The Policy is a tool, which will enable dissatisfied residents, non-residents or any authority/organisation to make a complaint to Council and have the complaint managed effectively within Council.

A major outcome of this Policy will be the improvement in Council's efficiency and effectiveness in handling complaints, improved service delivery and strengthening public support.

Complaint Definition

What is a Complaint

- A Complaint is an expression of dissatisfaction, made in respect to a Council Officer's role and/or Council in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not.

What is Not a Complaint

- A request for service is an action request. Examples are reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues.
- A request for information or an explanation of a policy or procedure.
- Objections to a development application before Council determination.
- Objections/dissatisfaction in regard to regulatory notices that are challengeable/reviewable via Court or other processes (reference should be made to Council's Enforcement - Unlawful Activity Policy on these matters).

A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.

Adopted: 20/10/09 (Replaced Policy adopted 21/2/06)
Reviewed:

Page 1

If a complaint has been made to Council that alleges conduct that, if proven, would represent a breach of Council's Code of Conduct, it should be dealt with under the Code regardless of whether or not the complainant has requested that the complaint be dealt with under the Code of Conduct.

Sourcing of the Policy

The Policy and Procedure are available on:

- Council's Internet www.richmondvalley.nsw.gov.au
- Council's Intranet under Policies and Procedures
- At Council's Casino and Evans Head Offices

How to Lodge a Complaint

Council's Preferred Action

- In writing to:
The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470
- By email to:
council@richmondvalley.nsw.gov.au

Other Forms of Lodgement

- Telephone Council on (02) 6660 0300 to a Council officer
- In person at either of Council's Offices at Casino or Evans Head.

Recording of Complaints

Council will record all complaints received in the Records Management System. The principal benefit for recording complaints is that it provides a valuable tool for identifying trends and organisational weaknesses. Further, the information will be utilised as part of a program of continuous improvement.

Council's Governance Section will analyse and report to Council on complaints received by type and outcomes/actions on a quarterly basis.

How Complaints are Reviewed

Complaints will be reviewed in accordance with Council's Complaints Handling Procedure, which provides an efficient, fair and accessible mechanism for resolving complaints. It recognises, promotes and protects the rights of individuals or organisations to comment and complain.

Adopted: 20/10/09 (Replaced Policy adopted 21/2/06)
Reviewed:

Page 2

The Complaints Handling Procedure is located on Council's web site and outlines the actions which Council Officers will implement at each of the three levels of complaint review handling.

Dealing with Anonymous Complaints

Anonymous complaints will not be rejected, however, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.

Due to anonymity, Council will be unable to provide reasons for any decision of actions taken.

Dealing with Difficult Complainants

Council recognises and accepts members of the public will sometimes display frustration or other behaviour. Council staff are to ensure difficult complainants are not unreasonably denied rights.

Protecting Complainants

Council acknowledges the rights of members of the public to make a complaint. Council will ensure that people who complain are not subjected to victimisation, harassment, discriminated against or prejudged.

Disciplinary action will be taken against any member of staff who breaches this policy.

Protected Disclosures

Councillors and Council staff are 'public officials' for the purposes of the *Protected Disclosures Act 1994*. That Act, amongst other things, allows public officials to make protected disclosures to the General Manager of a Council or to any other person authorised to accept protected disclosures under Council's Internal Reporting Policy. To be protected under that Act, the disclosure must relate to certain types of conduct, namely corrupt conduct, maladministration or serious and substantial waste of public money by the Council or any of its officers and must be made in accordance with the established procedures for dealing with such disclosures.

Council has a separate Internal Reporting Policy to meet its obligations under the *Protected Disclosures Act*.

Complaints about Privacy Breaches

Councils are public sector agencies for the purposes of the *Privacy and Personal Information Protection Act 1998*. Under that Act, a person may seek an internal review by a Council of the following conduct:

- a breach of any information protection principles applying to the Council
- a breach of the *Privacy Code of Practice for Local Government*

Adopted: 20/10/09 (Replaced Policy adopted 21/2/06)
Reviewed:

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- disclosure of personal information held on a public register in a manner inconsistent with that permitted under the *Privacy Code of Practice for Local Government*
- a breach of a health privacy principle under the *Health Records and Information Privacy Act 2002* that applies to the Council
- a breach of a health privacy code of practice that applies to the Council.

The Act imposes certain obligations on Councils on how they conduct internal reviews. Council is also obliged to notify the Privacy Commissioner of internal reviews and report their findings. Council is also required to report certain information about internal reviews in its annual reports. Accordingly, Privacy Breaches are dealt with separately by Council.

Competitive Neutrality Complaints

Competitive neutrality is one of the principles of National Competition Policy. Competitive neutrality is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. Under the principles of National Competition Policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business.

The framework for the application of National Competition Policy to Councils is contained in the State Government's *Policy Statement on the Application of National Competition Policy to Local Government*, issued in August 1996. Under the *Policy Statement*, Council is required to apply a number of different elements of competitive neutrality to its business activities depending on the size of the business. Even where Council is not required to apply a particular element, it is expected to abide by the principle of competitive neutrality in the conduct of the business, namely, "*where Councils compete in the market place they should do so on a basis that does not utilise their public position to gain an unfair advantage over a private sector competitor*" (*Policy Statement*, paragraph 4.30).

The *Policy Statement* sets out the framework that applies to competitive neutrality complaints concerning Council businesses. Under the *Policy Statement*, Councils are responsible for resolving competitive neutrality complaints at first instance, with review by the Department of Local Government where warranted.

A competitive neutrality complaint is:

- a complaint that a Council has not met its obligations under the *Policy Statement or Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality* issued by the Department of Local Government in July 1997. This includes a concern that a Council has not established an effective complaints handling mechanism.
- a complaint that a Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

Adopted: 20/10/09 (Replaced Policy adopted 21/2/06)
Reviewed:

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A competitive neutrality complaint is not:

- a complaint regarding the level of service provided by a business activity
- a complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account
- a complaint regarding the trade practices laws and their application to Councils.

Complaints that do not concern competitive neutrality should be dealt with under the Council's normal complaint handling processes.

Complaints Handling Responsibilities

Council's General Manager is responsible for ensuring that Council's management of complaints is carried out in accordance with the Complaints Handling Policy and Procedures.

The General Manager will monitor policy and procedure compliance and arrange/undertake independent investigations of complaints.

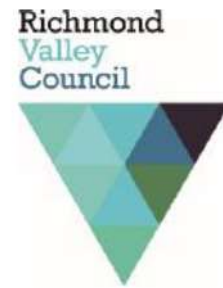
VARIATION

Council reserves the right to review and/or vary this Policy from time to time.

Adopted: 20/10/09 (Replaced Policy adopted 21/2/06)
Reviewed:

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Council Policy



Policy Title:	Complaints Management and Mandatory Reporting
Policy Number:	1.18
Focus Area:	CS1 Leading and Advocating for our Community
Responsibility:	Governance & Risk
Meeting Adopted:	Date of Council Meeting – Resolution Number

OBJECTIVE

To provide a complaints management framework for the effective handling of complaints and to ensure that complaints are dealt with in a consistent, systematic and appropriate manner.

To meet council's legislative requirement to have a system in place for identifying, receiving and responding to 'reportable allegations' of abuse against children under the *Children's Guardian Act 2019*.

1. COMPLAINTS MANAGEMENT

Richmond Valley Council aims to be responsive to complaints raised by the community. For this to be effective, a defined and readily understood system for the management of complaints needs to be in place. This policy is a tool, which will enable dissatisfied residents, non-residents or any authority/organisation to make a complaint to Council and have the complaint managed effectively within Council.

A major outcome of this policy will be the improvement in Council's efficiency and effectiveness in handling complaints, improved service delivery and strengthening public support.

1.1 Definition of complaint

What is a complaint?

- A complaint is an expression of dissatisfaction, made in respect to a Council Officer's role and/or Council in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not.

What is not a complaint?

- A request for service is an action request, examples include: reporting of road potholes, water leaks, dust and noise, overgrown allotments and dog issues;
- A request for information or an explanation of a policy or procedure;
- Objections to a development application before Council determination; and

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- Objections/dissatisfaction with regard to regulatory notices that are challengeable/reviewable via Court or other processes (reference should be made to Council's Enforcement - Unlawful Activity Procedure on these matters).

A complaint can progress from Council's lack of action following the lodgement of a request for service or a request for information.

If a complaint has been made to Council that alleges conduct that, if proven, would represent a breach of Council's Code of Conduct, it should be dealt with under the Code regardless of whether or not the complainant has requested that the complaint be dealt with under the Code of Conduct (reference should be made to Council's Code of Conduct – Councillors/Personnel Policy).

1.2 How to lodge a complaint

- In writing:
The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470
- By email:
council@richmondvalley.nsw.gov.au
- By telephone:
(02) 6660 0300
- In person at either of Council's offices at Casino or Evans Head.

1.3 Recording of complaints

Council will record all complaints received in the Records Management System. The principal benefit for recording complaints is that it provides a valuable tool for identifying trends and organisational weaknesses. Further, the information will be utilised as part of a program of continuous improvement.

Council's Governance department will analyse and report to Council on complaints received by type and outcomes/actions on an annual basis.

1.4 How complaints are reviewed

Complaints will be reviewed in accordance with Council's Complaints Handling Procedure, which provides an efficient, fair and accessible mechanism for resolving complaints. It recognises, promotes and protects the rights of individuals or organisations to comment and make complaints.

The Complaints Handling Procedure is affixed as Appendix A to this document. It outlines the actions which Council Officers will implement at each of the three levels of complaint review handling.

1.5 Dealing with anonymous complaints

Anonymous complaints will not be rejected, however Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.

Due to anonymity, Council will be unable to provide reasons for any decision of actions taken.

1.6 Dealing with difficult complainants

Council recognises and accepts members of the public will sometimes display frustration. Council staff are to ensure difficult complainants are not unreasonably denied rights.

1.7 Protecting complainants

Council acknowledges the rights of members of the public to make a complaint. Council will ensure that people who complain are not subjected to victimisation, harassment, discriminated against or prejudged.

Disciplinary action will be taken against any member of staff who breaches this policy.

1.8 Protected Disclosures

Councillors and Council staff are 'public officials' for the purposes of the *Protected Disclosures Act 1994*. That Act, amongst other things, allows public officials to make protected disclosures to the General Manager of a Council or to any other person authorised to accept protected disclosures under Council's Internal Reporting Policy. To be protected under that Act, the disclosure must relate to certain types of conduct, namely corrupt conduct, maladministration or serious and substantial waste of public money by the Council or any of its officers and must be made in accordance with the established procedures for dealing with such disclosures.

Council has a separate Internal Reporting Policy to meet its obligations under the *Protected Disclosures Act 1994*.

1.9 Complaints about privacy breaches

Councils are public sector agencies for the purposes of the *Privacy and Personal Information Protection Act 1998*. Under that Act, a person may seek an internal review by a Council of the following conduct:

- a breach of any Information Protection Principles applying to the Council;
- a breach of the Privacy Code of Practice for Local Government;
- disclosure of personal information held on a public register in a manner inconsistent with that permitted under the Privacy Code of Practice for Local Government;

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- a breach of a Health Privacy Principle under the *Health Records and Information Privacy Act 2002* that applies to the Council; or
- a breach of a health privacy code of practice that applies to the Council.

The Act imposes certain obligations on Councils on how they conduct internal reviews. Council is also obliged to notify the Privacy Commissioner of internal reviews and report their findings. Council is also required to report certain information about internal reviews in its annual reports. Accordingly, privacy breaches are dealt with separately by Council.

1.10 Competitive Neutrality Complaints

Competitive neutrality is one of the principles of National Competition Policy. Competitive neutrality is based on the concept of the 'level playing field' for all competitors in a market, be they public or private sector competitors. Under the principles of the National Competition Policy, all levels of government must establish an effective system to deal with complaints relating to competitive neutrality in respect of their business.

The framework for the application of the National Competition Policy to Councils is contained in the State Government's Policy Statement on the Application of Competitive Neutrality to Local Government, issued in January 2002. Under the Policy Statement, Council is required to apply a number of different elements of competitive neutrality to its business activities depending on the size of the business. Even where Council is not required to apply a particular element, it is expected to abide by the principle of competitive neutrality in the conduct of the business.

The Policy Statement sets out the framework that applies to competitive neutrality complaints concerning Council businesses. Under the Policy Statement, Councils are responsible for resolving competitive neutrality complaints at first instance, with review by the Department of Local Government where warranted.

A competitive neutrality complaint is:

- a complaint that a Council has not met its obligations under the Policy Statement or Pricing and Costing for Council Businesses - A Guide to Competitive Neutrality issued by the Department of Local Government in July 1997. This includes a concern that a Council has not established an effective complaint handling mechanism.
- a complaint that a Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

A competitive neutrality complaint is not:

- a complaint regarding the level of service provided by a business activity;
- a complaint regarding the cost of the service, unless it is that Council has not costed its service to take competitive neutrality into account; or
- a complaint regarding the trade practices laws and their application to Councils.

Complaints that do not concern competitive neutrality should be dealt with under the Council's normal complaint handling processes.

1.11 Complaints Handling Responsibilities

Council's General Manager is responsible for ensuring that Council's management of complaints is carried out in accordance with the Complaints Management Policy.

The General Manager will monitor policy compliance and arrange/ undertake independent investigations of complaints.

2. MANDATORY REPORTING

The *Children's Guardian Act 2019* commenced on 1 March 2020. Under the Act, the Reportable Conduct Scheme is administered by the Office of the Children's Guardian. Councils are required to have systems in place for identifying, receiving and responding to 'reportable allegations' of abuse against children and for preventing reportable conduct.

2.1 Reportable Conduct Scheme

The scheme monitors how relevant entities investigate and report on certain conduct (known as 'reportable allegations' and 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children.

Council's General Manager will be required to give written notice to the Children's Guardian within **seven business days** of becoming aware of a reportable allegation or a reportable conviction and conduct an investigation into the allegations. If the report is not ready to submit within 30 calendar days, the General Manager must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

Forms for the purpose of making a report under the Reportable Conduct Scheme are available on the website of the Office of the Children's Guardian. Relevant forms include 7-Day Notification Form, Entity Report Form and 30-Day Interim Report Form (all under Part 4 *Children's Guardian Act 2019*).

Reportable Conduct is defined under the *Children's Guardian Act 2019* to include:

- A sexual offence;
- Sexual misconduct;
- Ill-treatment of a child;
- Neglect of a child;
- Assault against a child;
- Offence under s43B (failure to protect) or s 316A (failure to report) under the *Crimes Act 1900*; and
- Behaviour that causes significant emotional or psychological harm to a child.

Councils are required to report on the inside work conduct relating to all their employees and volunteers, and if they hold a Working with Children Check, the inside and outside work conduct relating to those employees, volunteers and contractors.

2.2 What must be reported?

Council's General Manager must provide details of the following within seven business days after becoming aware of the allegation or conviction:

- a) Date the report was received;
- b) Type of reportable conduct;
- c) Name of employee;
- d) Name and contact details of the entity and head of entity;
- e) Whether Police were notified;
- f) Whether a ROSH (Risk of Significant Harm) report was made; and
- g) Nature of initial risk assessment and management (i.e. moving employee to a different role).

Penalties will be applied for failure to comply with notification requirements. Exemptions and a 'reasonable excuse' discretion apply.

2.3 Employee obligations under the Scheme

Employees who are captured by the Scheme are required to give a report (tell the General Manager) about reportable allegations against another employees (or themselves) that they become aware of, as soon as practicable.

Reports against the head of an organisation, must be made directly to the Children's Guardian via email reportableconduct@kidsguardian.nsw.gov.au.

A work culture that encourages and supports the appropriate reporting of child protection concerns is a critical component of a child safe organisation. Protections against retribution apply for people who make reports, these protections are outlined under s63 and s64 of the *Children's Guardian Act 2019*.

Failure to make a report may constitute misconduct. This may result in disciplinary action by Council, together with potential for a criminal offence under *Crimes Act* s43B.

REFERENCES

- *Children's Guardian Act 2019*
- Code of Conduct – Councillors/Personnel Policy (Richmond Valley Council Policy 1.1)
- Enforcement – Unlawful Activity (Richmond Valley Council Procedure 15.6)
- *Health Records and Information Privacy Act 2002*
- Internal Reporting Policy (Richmond Valley Council Policy 1.9)
- Key changes in the *Children's Guardian Act 2019* www.kidsguardian.nsw.gov.au
- National Competition Policy
- Office of the Children's Guardian website <https://www.kidsguardian.nsw.gov.au/>
- *Personal and Personal Information Protection Act 1998*
- Policy Statement on the Application of Competitive Neutrality, 2002
- Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality, 1997
- Privacy Code of Practice for Local Government
- *Protected Disclosures Act 1994*

CONSULTATION

This review was conducted in line with feedback by the Office of the Children's Guardian, together with Richmond Valley Council customer service staff.

REVIEW

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

Version Number	Date	Reason / Comments
1	21 February 2006	New policy
2	20 October 2009	Review
3	Insert date	Formerly CPOL 1.1.14 Now incorporates Complaints Handling Procedure Format update, references to policies updated, inclusion of Mandatory Reporting information

APPENDIX A – COMPLAINTS HANDLING PROCEDURE

This procedure should be read and applied in conjunction with Council's Complaint Management Policy. In addition, reference should be made to the Department of Local Government Practice Note No. 9 – Complaints Management in Councils (revised July 2009).

Complaints Handling Review Procedures

The Complaints Handling Procedure provides an efficient, fair and accessible mechanism for resolving complaints quickly. The procedure recognises, promotes and protects the rights of individuals or organisations to comment and complain. The three tiers of review outline processes and responsibilities that will be implemented to manage complaints.

First Tier - Frontline Complaint Handling

- First point of Council contact with the public will involve a complaint over the telephone, in person or in writing. The focus at this level is on an informal resolution of complaints. Council Officers have a clear delegation to resolve complaints wherever possible at the first level.
- Council Officers at all levels within the organisation from the General Manager to Customer Service Officers can be involved in the first level of complaint handling depending on the nature of the complaint.

Council responsibilities when managing complaints at this level are:

- Council Officers will deal with complaints from customers within the scope of their decision-making capacity and limitations on remedies that they can authorise.
- To determine if the issue is an action request or complaint in accordance with the Complaint Definition described in these procedures.
- If the issue is a request for service, then the Council officer receiving the information is to create an action request in accordance with the appropriate Council procedures.
- If the issue is a complaint, then the Council officer is to deal with the complaint in accordance with their level of responsibility.
- If the complainant remains dissatisfied then the complaint may need to be referred to the second tier of the complaint handling system.

Written complaints, then the Council Officer must:

- Within twenty-one days, contact the complainant by telephone or in writing with a response. If the complaint is unresolved, the Council Officer must advise the complainant of any action Council intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.

Telephone or in person complaints, then the Council Officer must:

- Record all information in the complaints form (attached) and refer to Records for registration and tasking to the General Manager. The complaint can also be recorded via Council's Incident Reporting System.

- Note on the form any comments made to the complainant regarding the resolution of the complaint, including form of response, telephone or written, i.e. the complainant can be advised that the matter will be referred to the General Manager and a response provided to them.
- If the complaint is unresolved, the Council Officer must advise the complainant of any action Council intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.
- At all times, courteously assist with all issues raised by the public.
- Maintain confidentiality of the complainant's person information.
- Council Officers must keep the complainant informed of the progress of the complaint.

Final response requirement

- Council's final response must address the availability of other internal remedies available, where the complainant is dissatisfied with the Council response, including seeking an Internal Review or Investigation.

When frontline complaint handling staff should automatically refer a complaint on

When the complaint is about a staff member's own conduct and he or she is not confident about dealing with it fairly, or if the complainant requests it, the problem should be automatically referred on. Unless the whole matter can be resolved by some kind of conciliation on the spot, staying involved will almost certainly make it harder to resolve the complaint and may encourage the escalation of the dispute. In such circumstances, the staff member should politely suggest it would be better for the complainant if someone else reviewed the matter.

Automatically refer the problem on when:

- The problem is clearly outside a staff member's delegation or area of expertise.
- There are established internal or external referral procedures, (e.g. for protected disclosures or code of conduct complaints, ICAC notifications or referral of pecuniary interest matters to the Department of Local Government). These are discussed in more detail below.
- A staff member is alleged to have committed a criminal offence, acted corruptly, or engaged in other serious or controversial conduct, and/or
- Significant disciplinary action is a possible outcome.

Whenever a problem is to be referred on, the complainant should be told exactly what they need to do, or what staff will do to refer the matter, and what action the complainant can expect.

Second Tier - Internal Review or Investigation

- The role of Council Officers at this level is to review and/or investigate complaints, when a customer is dissatisfied with the outcome of the first level of complaint handling.
- At the second level of complaint handling, the complaint will be referred to the General Manager, Director or Manager for review.
- It may be appropriate for Council (in the case of more substantial enquiries) to refer the matter to a specialist complaint handler. Such decisions will be made by the General Manager.

Council responsibilities when managing complaints at this level are:

Investigation or review of telephone or in person complaints

- Council Officers are to discuss the issue of the complaint with the complainant.
- Council Officers are to ensure that a complaints registration form is completed and forwarded to Records.
- If the complaint is unresolved, Council must advise the complainant of any action Council intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.

Written requests for internal review or investigation

- The responsible Council Officer must within twenty-one days contact the complainant by telephone or in writing with a response to the complaint.
- If the complaint is unresolved, Council must advise the complainant of any action Council intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.
- Council officers must keep the complainant informed of the progress of the complaint at all times.
- Council officers must maintain the confidentiality of the complainant's personal details.

Final response requirement

- Council's final response must address the availability of other external remedies available, where the complainant is dissatisfied with the Council response including seeking an alternative dispute resolution, referring the complaint to agencies such as Ombudsman or Department of Local Government, or as a last resort any legal remedy.
- The final response at this level is to be signed by the General Manager.

Third Tier – Review by External Agencies

If the complaint remains unresolved after two prior levels of review, the General Manager will recommend to the complainant:

- Alternative dispute resolution remedy such as mediation or conciliation.
- The availability of external agencies, to resolve the complaint,
 - NSW Ombudsman
 - NSW Office of Local Government
 - Independent Commission against Corruption (ICAC)
 - Anti-Discrimination Board
 - Australian Competition and Consumer Commission
 - Privacy Commissioner
 - Legal remedies (to consider as a last resort).

Procedure for Anonymous Complaints

- Anonymous complaints will not be rejected, however, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied. The complaint should be recorded and assessed as per other complaints.
- Due to anonymity Council will be unable to provide reasons for any decisions or actions taken.

Complaints Handling Responsibilities

- Council's General Manager is responsible for ensuring that Council's management of complaints is carried out in accordance with its Complaints Management Policy.
- The General Manager will monitor compliance with the policy and will arrange/undertake independent investigations of complaints when requested.