

ATTACHMENTS

Tuesday, 24 June 2025

UNDER SEPARATE COVER

Ordinary Council Meeting



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MINUTES

Ordinary Council Meeting 20 May 2025

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MINUTES OF RICHMOND VALLEY COUNCIL ORDINARY COUNCIL MEETING HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO ON TUESDAY, 20 MAY 2025 AT 6PM

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 Lyndall Murray, Cr John

Walker

IN ATTENDANCE: Vaughan Macdonald (General Manager), Ryan Gaiter (Director Organisational

Services), Jenna Hazelwood (Chief of Staff), Ben Zeller (Director Infrastructure Services & Projects), Hayley Martin (Manager Finance), Tony McAteer (Strategic Land Use Planner), Julie Clark (Personal Assistant to the

General Manager and Mayor), Sebastian Scholl (IT Support Officer).

1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS

Nil

4 APOLOGIES

Nil

5 MAYORAL MINUTES

Nil

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6 CONFIRMATION OF MINUTES

6.1 MINUTES ORDINARY MEETING HELD 15 APRIL 2025

RESOLUTION 200525/1

Moved: Cr Robert Hayes Seconded: Cr John Walker

That Council confirms the Minutes of the Ordinary Meeting held on 15 April 2025.

CARRIED

7 MATTERS ARISING OUT OF THE MINUTES

Cr Hayes referred to questions asked by Mr Ian Brown, during the Public Access segment, at the 15 April Ordinary meeting, regarding flood management at Coraki, and asked if responses had been provided.

The General Manager advised that Council was currently finalising its response to Mr Brown and it would be forwarded shortly, noting the imminent release of the CSIRO study into the Richmond River catchment.

8 DECLARATION OF INTERESTS

Cr Robert Hayes declared a pecuniary interest in relation to Item 15.2 Section 46 Richmond Valley Local Environmental Plan - Proposed Overheight Dwelling, 4 Cedar Street, Woodburn, due to being the applicant of the development application and advised he would be leaving the Chamber during discussion of this item.

9 PETITIONS

Nil

10 NOTICE OF MOTION

10.1 NOTICE OF MOTION - CUSTOMER SERVICE TECHNOLOGY

RESOLUTION 200525/2

Moved: Cr Lyndall Murray Seconded: Cr John Walker

That Council investigates the potential operational efficiencies, customer experience improvements and cost-effectiveness of implementing Artificial Intelligence (AI), chatbot and live chat functionalities as part of Council's customer service matrix; and

- 1. Receives a report outlining:
 - a. Current industry best practice and technology adoption in local government customer service delivery;
 - b. Potential platforms and tools suitable for Richmond Valley Council;

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- c. Projected costs, savings, and service improvements;
- d. Any workforce or data security implications; and
- e. Opportunities to pilot or phase-in such technology aligned with the Customer Experience Strategy and Digital Transformation priorities in the Operational Plan.

CARRIED

10.2 **NOTICE OF MOTION - YOUTH FORUM**

Moved: Cr Lyndall Murray Seconded: Cr John Walker

That Richmond Valley Council:

- 1. Establishes a Richmond Valley Youth Forum to provide young people aged 12 to 18 with a structured platform to engage with Council on matters that affect them.
- 2. Aligns the Youth Forum with the objectives of the 2025-26 Operational Plan, specifically Item 8 A1.3: "Continue to work with community, business advisory groups and youth networks and develop an ongoing program of listening tours and engagement."
- 3. Develops Terms of Reference for the Youth Forum, including:
 - Criteria ensuring diverse representation across the LGA.
 - Meeting frequency and format.
 - Clear mechanisms for reporting outcomes and recommendations to Council.
- 4. Explores opportunities for mentorship between Councillors and Youth Forum members, drawing on models such as Clarence Valley Council's Councillors' Youth Mentoring Program launching in May 2025.
- 5. Allocates appropriate resources to support the establishment and ongoing facilitation of the Youth Forum, including staffing and administrative support.
- 6. Engages with community-led youth organisations, high school students, First Nations youth leaders, and students who attend high schools outside of the region.
- 7. Tasks the Youth Forum, under mentorship, with contributing to the planning and activation of Richmond Valley's Youth Week 2026 celebrations, to provide leadership experience and elevate youth-led community initiatives.

An amendment was moved by Councillor Robert Mustow, seconded Cr Robert Hayes

That the General Manager reports back to a future meeting on options for a Richmond Valley Youth Forum that considers the following ideas:

- 1. Establishing a Richmond Valley Youth Forum to provide young people aged 12 to 18 with a structured platform to engage with Council on matters that affect them.
- 2. Aligning the Youth Forum with the objectives of the 2025–26 Operational Plan, specifically Item 8 A1.3: "Continue to work with community, business advisory groups and youth networks and develop an ongoing program of listening tours and engagement."
- 3. Developing Terms of Reference for the Youth Forum, including:
 - o Criteria ensuring diverse representation across the LGA.
 - Meeting frequency and format.
 - Clear mechanisms for reporting outcomes and recommendations to Council.
- 4. Exploring opportunities for mentorship between Councillors and Youth Forum members, drawing on models such as Clarence Valley Council's Councillors' Youth Mentoring Program launching in May 2025.
- 5. Allocating appropriate resources to support the establishment and ongoing facilitation of the

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Youth Forum, including staffing and administrative support.

- 6. Engaging with community-led youth organisations, high school students, First Nations youth leaders, and students who attend high schools outside of the region.
- 7. Tasking the Youth Forum, under mentorship, with contributing to the planning and activation of Richmond Valley's Youth Week 2026 celebrations, to provide leadership experience and elevate youth-led community initiatives.

The amendment was put to the vote and was CARRIED

The amendment then became the motion.

RESOLUTION 200525/3

Moved: Cr Robert Mustow Seconded: Cr Robert Hayes

That the General Manager reports back to a future meeting on options for a Richmond Valley Youth Forum that considers the following ideas:

- 1. Establishing a Richmond Valley Youth Forum to provide young people aged 12 to 18 with a structured platform to engage with Council on matters that affect them.
- 2. Aligning the Youth Forum with the objectives of the 2025–26 Operational Plan, specifically Item 8 A1.3: "Continue to work with community, business advisory groups and youth networks and develop an ongoing program of listening tours and engagement."
- 3. Developing Terms of Reference for the Youth Forum, including:
 - Criteria ensuring diverse representation across the LGA.
 - Meeting frequency and format.
 - o Clear mechanisms for reporting outcomes and recommendations to Council.
- 4. Exploring opportunities for mentorship between Councillors and Youth Forum members, drawing on models such as Clarence Valley Council's Councillors' Youth Mentoring Program launching in May 2025.
- 5. Allocating appropriate resources to support the establishment and ongoing facilitation of the Youth Forum, including staffing and administrative support.
- 6. Engaging with community-led youth organisations, high school students, First Nations youth leaders, and students who attend high schools outside of the region.
- 7. Tasking the Youth Forum, under mentorship, with contributing to the planning and activation of Richmond Valley's Youth Week 2026 celebrations, to provide leadership experience and elevate youth-led community initiatives.

CARRIED

10.3 NOTICE OF MOTION - NSW RECONSTRUCTION AUTHORITY RESPONSES

Motion:

Moved: Cr Lyndall Murray Seconded: Cr Robert Hayes

That Council responds to the NSW Reconstruction Authority's letter tabled at the April 2025 meeting asking it to answer the questions as asked with full transparency:

- 1. How much of the \$790 million (now \$880m) has been distributed, with a breakdown by local government area, priority level, and the average time taken for approval? To be specific;
 - a) How much has been distributed (i.e. paid out) to date?
 - b) Please provide a breakdown by postcode within the Richmond Valley LGA.
 - c) Please include a breakdown by priority level.

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- d) What is the average time between application and grant approval across each grant stream?
- e) If postcode-specific data cannot be shared due to confidentiality, please provide aggregated data at suburb or LGA level where possible.
- 2. Will all priority homes mapped 1-4 receive a grant and what is the timeline to deliver these in full? To be specific:
 - a) Will all homeowners identified in Priority Levels 1 to 4 (as mapped) receive a Resilient Homes Grant, provided they apply and are deemed eligible?
 - b) Is the current \$880 million budget sufficient to deliver grants to all Priority 1 to 4 homes?
 - c) What is the projected timeline for delivering outcomes to these Priority 1 to 4 homes including assessment, approval, and completion of works?
- 3. Repair to Return program: If any funds were allocated to the Richmond Valley, what amount was spent and on how many homes? To be specific:
 - a) What portion of the \$5 million Repair to Return program budget has been allocated and spent on homes in the Richmond Valley LGA?
 - b) Were all 102 homes repaired under this specific \$5 million program, or were other funding sources used?
- 4. GIVIT was announced as the primary fundraising vehicle by the State Government. How much money has been raised for Cyclone Alfred, and how much has been spent in the Richmond Valley? To be specific:
 - a) Of the \$340,000 raised through the Cyclone Alfred appeal, how much was directly distributed to residents in the Richmond Valley LGA?
 - b) The figure of \$2,121,433 in donated funds and 29,665 items appears to include support from both the 2022 flood and Cyclone Alfred events. Could you please provide a breakdown of these figures by event?
- 5. With the announcement of new funding for the Resilient Homes Program through a delivery support partnership with Resilient Lismore & Building Advisory Support Service (BASS) specifically for house raising, retrofitting, and relocation can the NSW Reconstruction Authority please confirm:
 - a) The total amount of new funding allocated,
 - b) The selection criteria being used to determine which homes receive funding,
 - c) How homes are being selected and reported across each LGA, and
 - d) Whether the NSW Reconstruction Authority will publicly disclose a transparent breakdown of spending, including how much is being directed to industry professionals, trades, materials, project management, and administration costs for each home?

In Favour: Crs Lyndall Murray and Robert Hayes

Against: Crs Robert Mustow, Stephen Morrissey, Sam Cornish, Sandra Humphrys and John Walker

LOST 2/5

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11 MAYOR'S REPORT

11.1 MAYORAL ATTENDANCE REPORT 9 APRIL - 12 MAY 2025

RESOLUTION 200525/4

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey

That Council receives and notes the Mayoral Attendance Report for the period 9 April - 12 May

2025.

CARRIED

12 DELEGATES' REPORTS

12.1 DELEGATES' REPORT MAY 2025 - ROUS COUNTY COUNCIL

RESOLUTION 200525/5

Moved: Cr Sandra Humphrys Seconded: Cr Robert Mustow

That Council receives and notes the Delegates' Report – Rous County Council for May 2025.

CARRIED

13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 200525/6

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That items 14.3, 17.2 and 17.3 identified be determined without debate.

CARRIED

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14 GENERAL MANAGER

14.1 REVISED COMMUNITY STRATEGIC PLAN AND DRAFT DELIVERY PROGRAM

EXECUTIVE SUMMARY

Richmond Valley Council's revised Community Strategic Plan – Richmond Valley 2040, and draft Delivery Program 2025-2029 have been prepared following community consultation and are presented for Council's consideration. The review has confirmed that the Community Strategic Plan's key directions to grow and diversify the Richmond Valley economy, provide more housing and jobs, protect the environment and support continued flood recovery and adaptation continue to receive strong community support. The revised plan includes a number of amendments and refinements to reflect emerging community priorities and streamline the planning and reporting process. The draft Delivery Program 2025-2029 includes one of Council's most extensive capital works programs, to complete disaster recovery road repairs, build future flood resilience and provide essential infrastructure to support long-term growth. This report outlines key changes to the revised CSP and seeks Council's endorsement to publicly exhibit the draft plans for a minimum of 28 days.

RESOLUTION 200525/7

Moved: Cr Robert Mustow Seconded: Cr Stephen Morrissey

That Council:

- 1. Notes the review of the Community Strategic Plan, as required under the *Local Government Act 1993*, and the community engagement program undertaken to inform the draft Plan and draft Delivery Program 2025-2029.
- 2. Exhibits the draft Community Strategic Plan and Delivery Program for further public comment for a minimum of 28 days.
- 3. Notes that the draft reports will be brought back to Council to consider any feedback received, or amendments proposed, before final adoption at the June Council meeting.

CARRIED

14.2 DRAFT OPERATIONAL PLAN 2025/2026 (INCLUDING DRAFT FINANCIAL ESTIMATES 2025/2029), DRAFT REVENUE POLICY 2025/2026 AND DRAFT LONG TERM FINANCIAL PLAN 2025/2035.

EXECUTIVE SUMMARY

The following documents have been prepared in consultation with Councillors:

- 1. Draft Operational Plan 2025/2026 (including Draft Financial Estimates for the period 2025/2029).
- 2. Draft Revenue Policy 2025/2026, and
- 3. Draft Long-Term Financial Plan 2025/2035.

It is now proposed to place the documents on public exhibition for a period of at least 28 days.

RESOLUTION 200525/8

Moved: Cr Robert Mustow

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Seconded: Cr John Walker

That:

- 1. The Draft Operational Plan 2025/2026 (including Draft Financial Estimates 2025/2029), Draft Revenue Policy 2025/2026 and Draft Long Term Financial Plan 2025/2035 be placed on public exhibition for a period of at least 28 days.
- 2. The draft documents be brought back to Council to consider any submissions received, or amendments proposed, before final adoption at the Meeting of Council on 24 June 2025.

CARRIED

14.3 2025 COMMUNITY SURVEY OUTCOMES

EXECUTIVE SUMMARY

Council has been working with research firm, Micromex Research to undertake regular community surveys since 2013. The surveys explore current community priorities, perceptions of life in the Richmond Valley, satisfaction levels with council services and facilities, future expenditure priorities and general satisfaction with Council's performance. The 2025 survey was conducted in February and the results are presented for Council's consideration. The survey was one of the consultation inputs considered when developing Council's draft Community Strategic Plan and 2025-2029 Delivery Program, which is the subject of a further report to this meeting.

RESOLUTION 200525/9

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council

- Notes the results of the 2025 Community Survey, the recommendations of the survey report and the proposed response to identified priorities and improvement areas in the draft 2025-2029 Delivery Program.
- 2. Continues to pursue opportunities for performance improvement in Council services, facilities and advocacy in response to the survey results.

CARRIED

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15 COMMUNITY SERVICE DELIVERY

15.1 DRAFT BUSH FIRE PRONE LAND MAP - POST EXHIBITION

EXECUTIVE SUMMARY

The Draft Richmond Valley Council Bush Fire Prone Land Map (2 December 2024) was prepared by NSW Rural Fire Service (RFS) with the intention of replacing the current Bush Fire Prone Land map from 2015. This Draft Map differs considerably from the current map by-

- including agricultural lands (grazing and cropping) as bushfire hazard
- incorporating an additional hazard category (there are three (3) categories and buffer), and
- changing the colour symbology used to display hazard categories and buffer.

Public Exhibition of the Draft Map has now been completed. Several submissions were receive which have been forwarded to the RFS with recommended changes to the Draft Map. The RFS has in turn supplied a final version of the map which incorporates all recommended changes.

This report seeks Council's endorsement of the Final Draft Richmond Valley Council Bush Fire Prone Land map dated 6 May 2025 (the final draft map).

RESOLUTION 200525/10

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council:

- Notes the outcome of the community consultation for the Draft Richmond Valley Council Bush Fire Prone Land Map (02 Dec 2024); and
- Endorses the Final Draft Richmond Valley Council Bush Fire Prone Land map (6 May 2025) for certification by the Commissioner of the NSW Rural Fire Service.

CARRIED

At 7:26 pm, Cr Robert Hayes left the meeting.

15.2 SECTION 46 RICHMOND VALLEY LOCAL ENVIRONMENTAL PLAN - PROPOSED OVERHEIGHT DWELLING - 4 CEDAR STREET, WOODBURN..

EXECUTIVE SUMMARY

Council has received a development application for alterations and additions to a flood-affected home at Woodburn to raise the existing flood affected dwelling above the minimum habitable floor level including alterations and additions. This includes a Section 4.6 variation to the RVLEP 2012 for building height exceeding 8.5m as it raises the dwelling by 2.79m to help avoid future inundation.

The proposal would result in the building being more than 10% above the permissible height limit and, therefore, it must be referred to Council for determination. As the home is located on a large residential lot and there will be no impacts on neighbouring properties, the variation is recommended for approval.

RESOLUTION 200525/11

Moved: Cr Stephen Morrissey

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Seconded: Cr Sandra Humphrys

That pursuant to Clause 4.6 of *Richmond Valley Local Environmental Plan 2012* a variation in respect of Clause 4.3 Height of Buildings be granted for DA2025/0152, as outlined in this report.

.CARRIED

At 7:27 pm, Cr Robert Hayes returned to the meeting.

16 PROJECTS & BUSINESS DEVELOPMENT

16.1 PROPOSED ROAD CLOSURE PETERSONS QUARRY ROAD CORAKI

EXECUTIVE SUMMARY

A Development Application DA2022/0250 has been approved for the Extractive Industry expansion of Petersons Quarry to the maximum of 4,900,000 tonnes over the life of the quarry, including the quarry footprint over the existing road reserve known as Peterson Quarry Road. Part of the approval requires the formal road closure of the road reserve within the operating quarry and consolidation of individual land parcels.

Petersons Quarry is owned by Richmond Valley Council and operated by KIS Plant Pty Ltd (t/a KIS Quarries) under a lease agreement. Upon road closure the land will form part of the quarry property owned by Council as operational land.

Council is required to undertake relevant consultation in accordance with Section 38B of the *Roads Act 1993* to close the public road. A further report will be submitted to Council at the end of the consultation period for consideration and determination.

RESOLUTION 200525/12

Moved: Cr Stephen Morrissey Seconded: Cr Sandra Humphrys

That

- 1. Council undertakes the relevant consultation in accordance with Section 38B of the *Roads Act 1993* to close the public road.
- 2. A further report be submitted to Council at the completion of the consultation.

CARRIED

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17 ORGANISATIONAL SERVICES

17.1 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2025

EXECUTIVE SUMMARY

The budget review report for the quarter ended 31 March 2025 has been prepared to provide Council and the community with information regarding Council's financial performance and proposed amendments to the 2024/2025 budget.

Council's projected operating result including capital grants and contributions for 2024/2025 has decreased by \$11.23 million, excluding previously approved adjustments, to a surplus of \$31.14 million. The net operating result before capital grants and contributions has improved \$1.97 million to a deficit of \$7.26 million. The improvement is due to receiving grant funding in 2025 for operational work that is scheduled in 2026.

Income from continuing operations has decreased \$2.38 million, to \$80.67 million and expenses from continuing operations have decreased \$4.35 million to \$87.93 million. Significant adjustments include transferring \$3.68 million in operational income and \$6.11 million in operational expenditure to the 2026 budget due to an updated work schedule for the Casino Industries Activation project funded through the Bushfire Local Economic Recovery Fund. Councils actual revenue is tracking at 73.6% of the projected year-end result which is 10.7% better than this time last year and expenditure from continuing operations is on track with 69.5% of the projected year end result expended as at 31 March 2025.

Council's capital works program has been reviewed, resulting in a projected program for 2024/2025 of \$60.66 million, reducing the programmed works by \$24.44 million after previously approved adjustments, largely due to the impacts of Cyclone Alfred and the ongoing wet weather. Current actual expenditure for the capital program is at 61.1% of the projected year-end result and is forecasted to increase notably over the final quarter of 2025, weather permitting, with several significant projects underway including Tatham and Broadwater bridge replacements. The capital budget will continue to be closely monitored, with any adjustments required to be included in future monthly budget adjustment reports to Council.

Council's unrestricted cash surplus has remained unchanged at \$272,799 as of 31 March 2025.

RESOLUTION 200525/13

Moved: Cr Robert Mustow Seconded: Cr John Walker

That Council:

- 1. Receives the Quarterly Budget Review Statement as at 31 March 2025; and
- 2. Approves the recommended budget variations.

CARRIED

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17.2 FINANCIAL ANALYSIS REPORT - APRIL 2025

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the status and performance of its cash and investment portfolio in accordance with the *Local Government Act 1993* s.625, Local Government (General) Regulation 2021 cl.212, Australian Accounting Standard (AASB 9) and Council's Investment Policy.

The value of Council's cash and investments at 30 April 2025 is shown below:

Bank Accounts	Term Deposits	Floating Rate Notes	Fixed Rate Bonds	TCorp IM Funds	Total
\$14,584,436	\$31,000,000	\$6,750,390	\$4,500,000	\$17,363,473	\$74,198,299

The weighted average rate of return on Council's cash and investments at 30 April 2025 was 4.87% which was above the Bloomberg AusBond Bank Bill Index for April of 4.23% (annualised), which is Council's benchmark.

RESOLUTION 200525/14

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council adopts the Financial Analysis Report detailing the performance of its cash and investments for the month of April 2025.

CARRIED

17.3 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

EXECUTIVE SUMMARY

Section 380 of the *Local Government Act 1993* (LG Act) requires Council to review its delegations during the first 12 months of each term of office. This report is presented to confirm delegations for Richmond Valley Council's General Manager, Vaughan Macdonald.

RESOLUTION 200525/15

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That:

- 1. All previous delegations to the General Manager be revoked.
- 2. Council delegates to the General Manager all of the functions of the Council pursuant to section 377 of the *Local Government Act 1993*, as outlined in this report, excluding:
 - a) Those functions specified in clauses (a) to (u) of section 377(1) of the *Local Government Act 1993*,
 - b) Any function that would be inconsistent with the aims, objectives or provisions of any existing Council policy,
 - c) Any function where Council, by resolution, has lawfully directed that a particular matter

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be referred to Council for decision, in which event this delegation shall not apply to such particular matter unless and until such direction or resolution is revoked by further lawful direction or resolution, and

- d) The write-off of any debts owed to Council with a value of more than \$5,000.
- 3. The General Manager takes steps to ensure the conditions and limitations outlined above (point two of the recommendation) apply to functions sub-delegated to Council staff by the General Manager, where appropriate.
- 4. Council delegates the responsibility for determining the allocation of section 356 Community Financial Assistance Programs to the General Manager, with determinations to be made following a workshop with Councillors and in accordance with Council's Community Financial Assistance Program Policy.
- 5. Council delegates the responsibility for determining the allocation of funding under the Events Support Program to the General Manager, with determinations to be made following a workshop with Councillors and in accordance with the Event Support Policy.

CARRIED

18 GENERAL BUSINESS

Nil

19 MATTERS FOR INFORMATION

RESOLUTION 200525/16

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

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

CARRIED

19.1 OUTCOME OF COMMUNITY FINANCIAL ASSISTANCE PROGRAM 2024/2025 ROUND TWO FUNDING

RESOLUTION 200525/17

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receives and notes the allocations under the Community Financial Assistance

Program 2024/2025 Round Two.

CARRIED

19.2 RESPONSE TO NOTICE OF MOTION - FLYING FOXES ANNUAL VISIT TO CASINO

RESOLUTION 200525/18

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receives and notes the Response to Notice of Motion – Flying Foxes Annual Visit to Casino

Jasıno.

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CARRIED

19.3 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 APRIL 2025 - 30 APRIL 2025

RESOLUTION 200525/19

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receives and notes the Development Application report for the period 1 April 2025 to

30 April 2025

CARRIED

19.4 GRANT APPLICATION INFORMATION REPORT - APRIL 2025

RESOLUTION 200525/20

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receives and notes the Grant Application Information Report for the month of April

2025.

CARRIED

19.5 CORRESPONDENCE - ENERGY FROM WASTE FRAMEWORK REVIEW; OPTIONS PAPER SUBMISSION

RESOLUTION 200525/21

Moved: Cr Stephen Morrissey Seconded: Cr Sam Cornish

That Council receives and notes the Energy from Waste Framework Review - Options Paper

submission from Richmond Valley Council.

CARRIED

20 QUESTIONS ON NOTICE

Nil

21 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

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22 MATTERS REFERRED TO CLOSED COUNCIL

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 Tender VP444226 - Construction of Patricia Street and Irving Drive

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.2 Tender VP452353 - Supply and Delivery of Bitumen Surfacing, Stabilisation and Asphalt Services 25-26

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

22.3 Tender VP443460 – Casino Sewage Treatment Plant Detailed Design

This matter relates to (d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

These matters are considered to be confidential under Section 10A(2) - (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 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 no written representations had been received in respect of the items listed for consideration in Closed Council.

The Chair called for representations from the gallery.

There were no verbal representations from the gallery in respect of this item.

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

RESOLUTION 200525/22

Moved: Cr Stephen Morrissey Seconded: Cr Sandra Humphrys

That:

- 1. Council enters Closed Council to consider the business identified in Item 22.1, together with any late reports tabled at the meeting.
- 2. Pursuant to section 10A(2) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be discussed is classified confidential under the provisions of section 10(2) as outlined above. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) Local Government Act 1993

CARRIED

Page 18

20 MAY 2025

Council closed its meeting at 7.42pm

The open Council meeting resumed at 7.51pm

23 RESOLUTIONS OF CLOSED COUNCIL

The resolutions of the Closed Council meeting were read by the Director Infrastructure Services and Projects (Items 22.1 & 22.3) and Director Organisational Services (Item 22.2).

22.1 Tender VP444226 - Construction of Patricia Street and Irving Drive

That

- Council declines all tenders for Tender VP444226 Construction of Patricia Street and Irving Drive, due to all tenders being more than Council's available budget.
- Applies Clause 178 (3)(e) of the Local Government (General) Regulation 2021 to authorise
 the General Manager to enter direct negotiations with suitably qualified consultants with a
 view to procure works that provide Council with the best outcome both from a financial and
 delivery perspective, and to finalise terms of the contract or agreement and affixing the seal
 of Council where necessary.
- 3. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

22.2 Tender VP452353 - Supply and Delivery of Bitumen Surfacing, Stabilisation and Asphalt Services 25-26

That:

- Council accepts the Tender VP452353 from the following suppliers on a Schedule of Rates based contract.
 - · Accurate Stabilising
 - Bitupave Ltd
 - Colas New South Wales Pty Ltd
 - Downer Edi Works Pty Ltd (Eastern Creek)
 - Downer Edi Works Pty Ltd (Goonellabah)
 - Elite Roads NSW & QLD Pty Ltd
 - Ellis Profiling (QLD) Pty Ltd
 - Fenworx Pty Ltd
 - Fulton Hogan Industries Pty Ltd
 - Hiway Aus Pty Ltd
 - NSW Building and Civil Pty Ltd
 - RPQ Spray Seal Pty Ltd
 - Stabilcorp Pty Ltd
 - Stabilised Pavements of Australia Pty Limited
- 2. The General Manager be authorised to negotiate and finalise the terms and conditions of any contract or agreement, in line with the content of this report and the available budget and affixing the seal of Council where necessary.

Page 19

20 MAY 2025

22.3 Tender VP443460 – Casino Sewage Treatment Plant Detailed Design

That Council:

- Declines the submissions received for Tender VP443460 Casino Sewage Treatment Plant Detailed Design due to the submitted tenders being either above the allocated budget or being non-conforming with the scope in the Request for Tender.
- 2. Applies Clause 178 (3)(e) of the Local Government (General) Regulation 2021 to authorise the General Manager to enter direct negotiations with suitably qualified consultants with a view to procure works that provide Council with the best outcome both from a financial and delivery perspective, and to finalise terms of the contract or agreement and affixing the seal of Council where necessary.
- 3. Notes that the outcome of the negotiations will be reported to Council for information at a future meeting.

The Meeting closed at 7.55pm.

The minutes	of t	this	meeting	were	confirmed	at the	Ordinary	Council	Meeting	held	on	24	June
2025.			_						_				

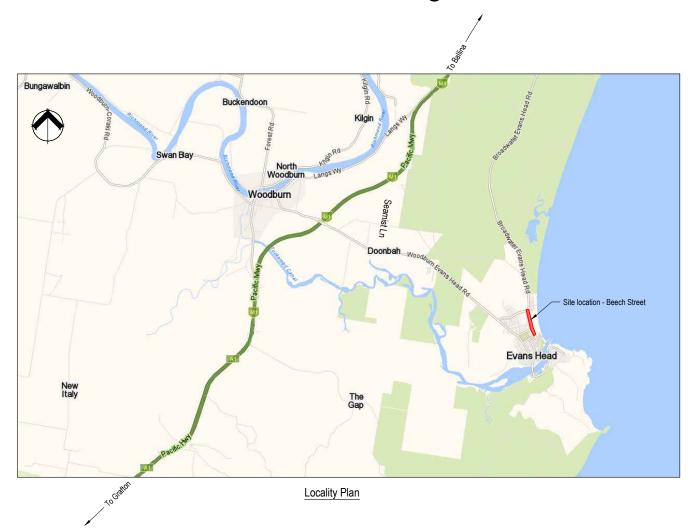
CHAIRPERSON

RICHMOND VALLEY COUNCIL

BEECH STREET TRAFFIC CALMING

Currajong Street to Booyong Street, Evans Head

Detailed Design

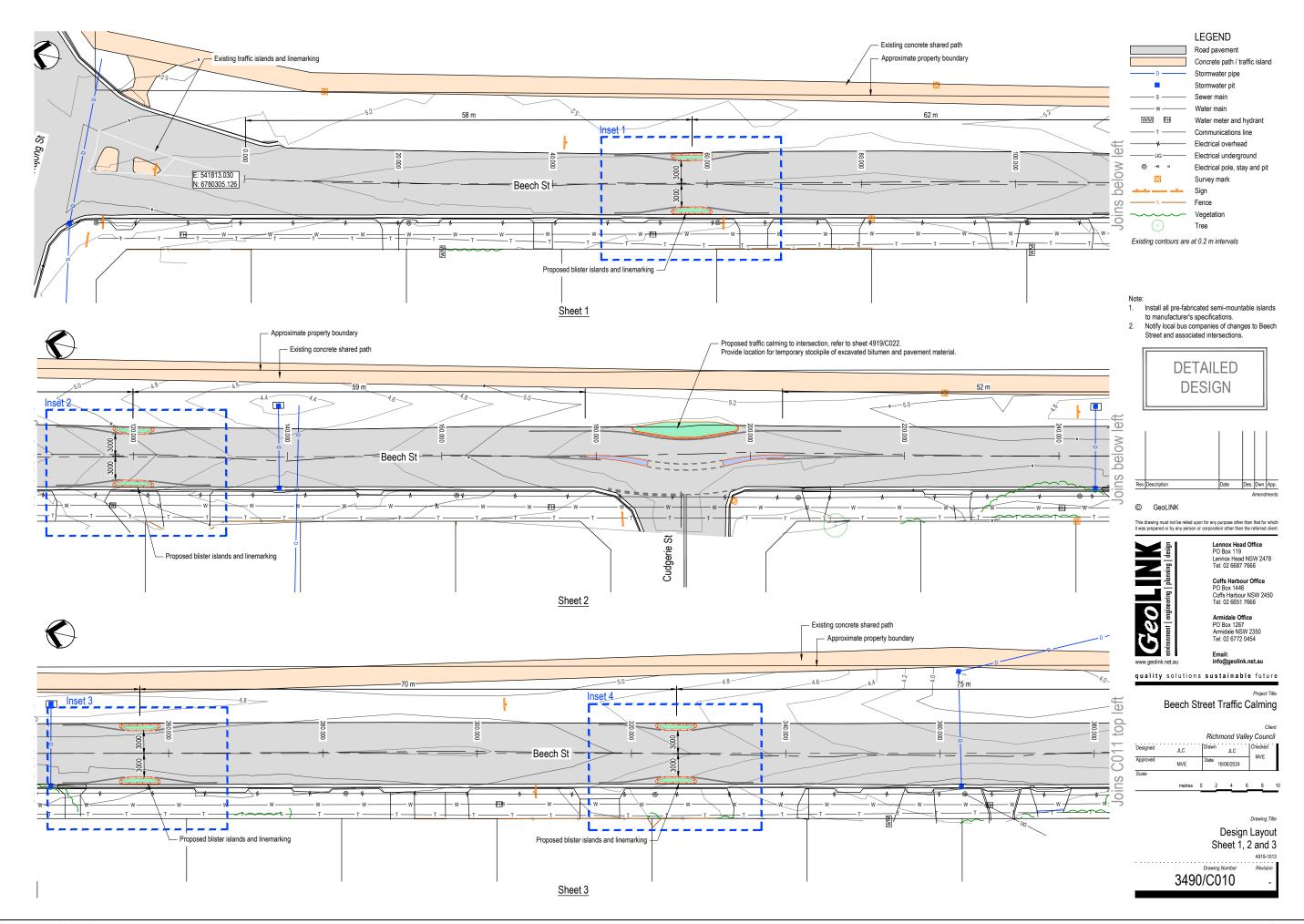


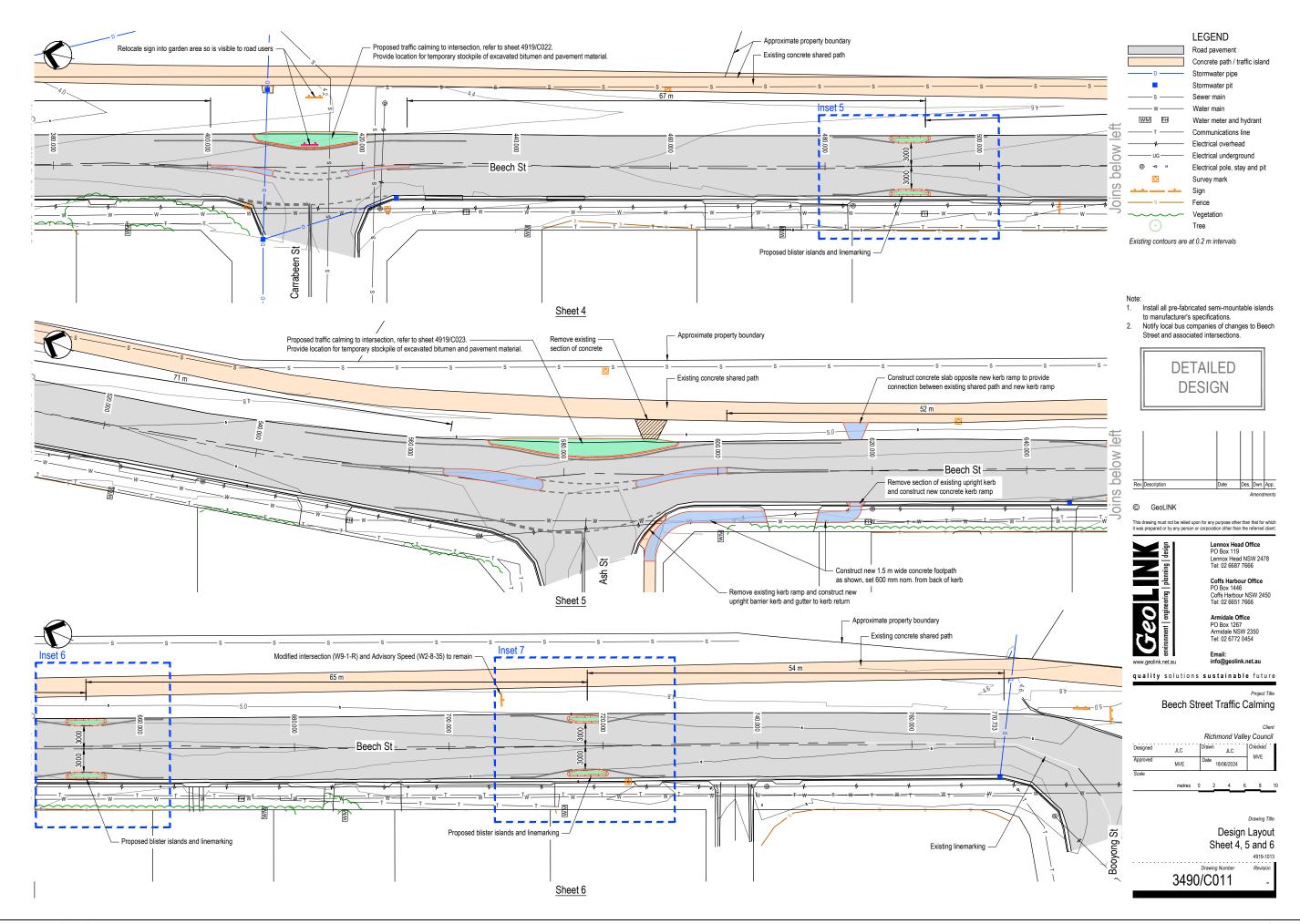
	Drawing Schedule						
DWG No.	DWG No. TITLE						
3490/C001	Cover Sheet, Locality Plan, Key Plan and Drawing Schedule	-					
3490/C010	Design Layout Sheet 1, 2 and 3	-					
3490/C011	Design Layout Sheet 4, 5 and 6	-					
3490/C020	Blister Islands - Inset 1, 2, 3 and 4	-					
3490/C021	Blister Islands - Inset 5, 6, 7 and 8 and Island Details	-					
3490/C022	Modified T-intersection Cudgerie St. and Carrabeen St.	-					
3490/C023	Modified T-intersection Ash St.	-					
3490/C024	Construction Details	-					
3490/C025	Construction Notes and ERSED Details						

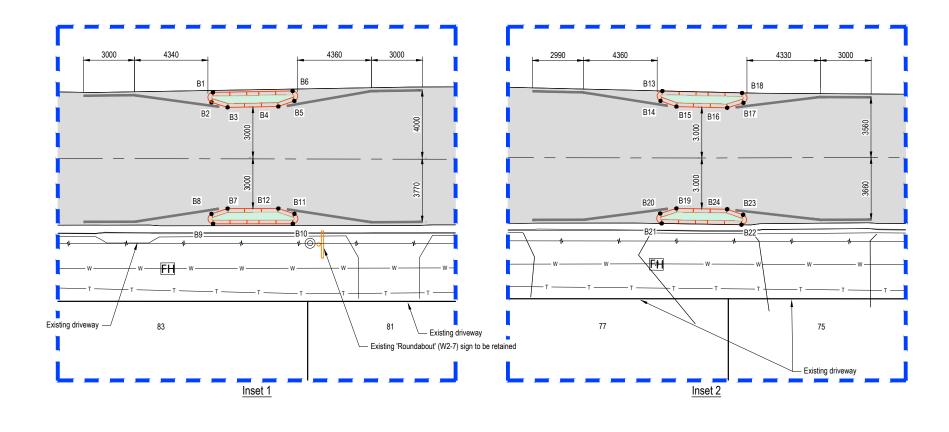


Key Plan



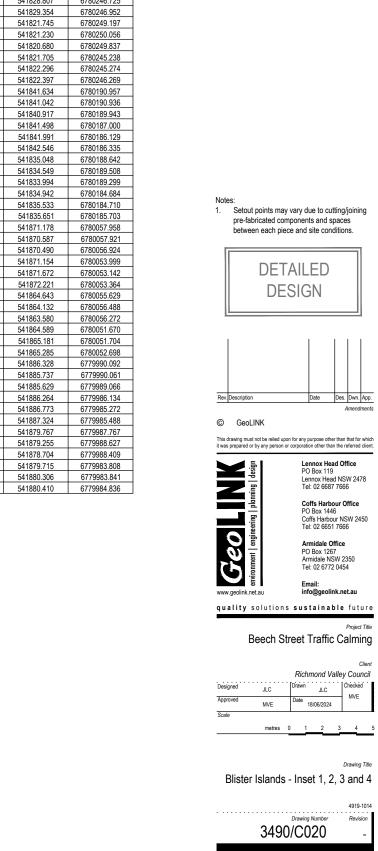


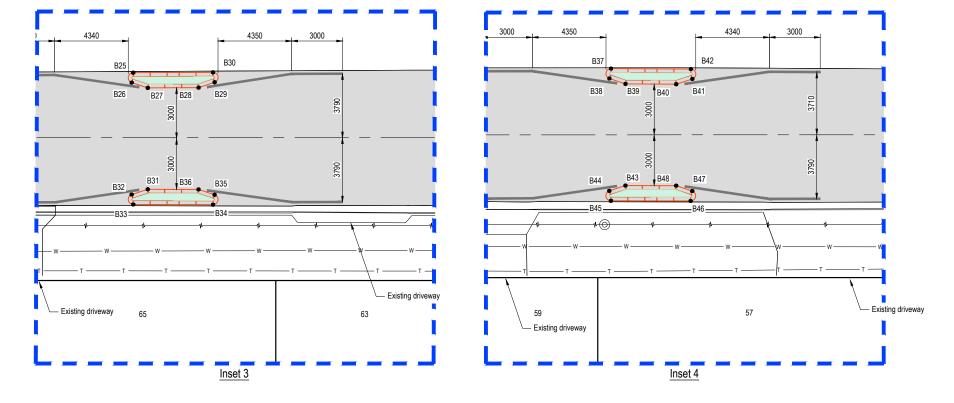


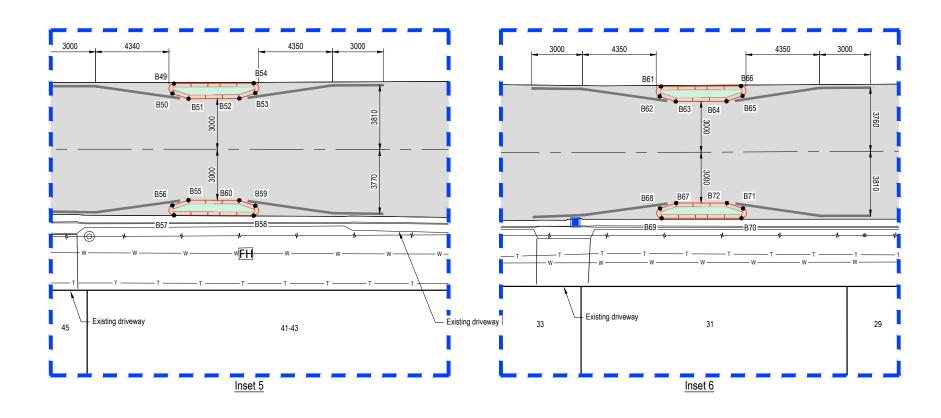


	Dilotei Islanu	001001
Point	Easting (m)	Northing (m)
B1	541828.253	6780251.533
B2	541827.663	6780251.488
B3	541827.578	6780250.491
B4	541828.279	6780247.574
B5	541828.807	6780246.725
B6	541829.354	6780246.952
B7	541821.745	6780249.197
B8	541821.230	6780250.056
B9	541820.680	6780249.837
B10	541821.705	6780245.238
B11	541822.296	6780245.274
B12	541822.397	6780246.269
B13	541841.634	6780190.957
B14	541841.042	6780190.936
B15	541840.917	6780189.943
B16	541841.498	6780187.000
B17	541841.991	6780186.129
B18	541842.546	6780186.335
B19	541835.048	6780188.642
B20	541834.549	6780189.508
B21	541833.994	6780189.299
B22	541834.942	6780184.684
B23	541835.533	6780184.710
B24	541835.651	6780185.703
B25	541871.178	6780057.958
B26	541870.587	6780057.921
B27	541870.490	6780056.924
B28	541871.154	6780053.999
B29	541871.672	6780053.142
B30	541872.221	6780053.364
B31	541864.643	6780055.629
B32	541864.132	6780056.488
B33	541863.580	6780056.272
B34	541864.589	6780051.670
B35	541865.181	6780051.704
B36	541865.285	6780052.698
B37		6779990.092
	541886.328	
B38	541885.737	6779990.061
B39	541885.629	6779989.066
B40	541886.264	6779986.134
B41	541886.773	6779985.272
B42	541887.324	6779985.488
B43	541879.767	6779987.767
B44	541879.255	6779988.627
B45	541878.704	6779988.409
B46	541879.715	6779983.808
B47	541880.306	6779983.841
B48	541880.410	6779984.836

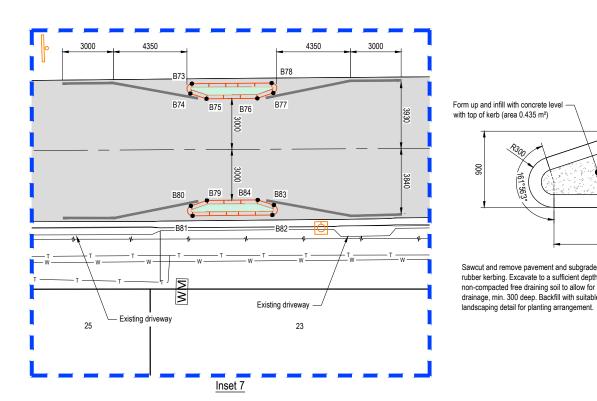
Blister Island Setout

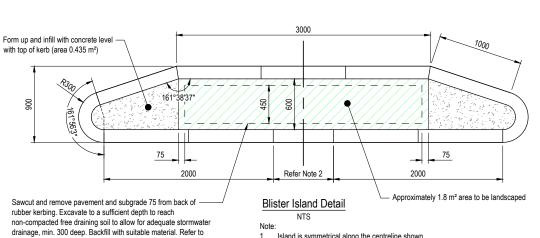






Blister Island Setout						
Point	Easting (m)	Northing (m)				
B49	541922.004	6779828.783				
B50	541921.412	6779828.745				
B51	541921.316	6779827.749				
B52	541921.981	6779824.824				
B53	541922.500	6779823.967				
B54	541923.049	6779824.189				
B55	541915.471	6779826.456				
B56	541914.962	6779827.316				
B57	541914.410	6779827.101				
B58	541915.412	6779822.497				
B59	541916.003	6779822.529				
B60	541916.109	6779823.525				
B61	541974.170	6779676.809				
B62	541973.596	6779676.662				
B63	541973.684	6779675.666				
B64	541974.878	6779672.913				
B65	541975.545	6779672.167				
B66	541976.044	6779672.486				
B67	541968.183	6779673.291				
B68	541967.520	6779674.040				
B69	541967.020	6779673.724				
B70	541968.870	6779669.391				
B71	541969.445	6779669.534				
B72	541969.362	6779670.532				
B73	542000.021	6779617.172				
B74	541999.448	6779617.025				
B75	541999.538	6779616.028				
B76	542000.737	6779613.278				
B77	542001.405	6779612.534				
B78	542001.904	6779612.854				
B79	541994.027	6779613.649				
B80	541993.356	6779614.392				
B81	541992.859	6779614.071				
B82	541994.751	6779609.756				
B83	541995.325	6779609.905				
B84	541995.232	6779610.902				





Island is symmetrical along the centreline shown.

2. Dimension to be determined on site following placement

rubber kerbing, installed to manufacturer's specifications.

of all other kerb pieces.

3. Kerb blister islands to be constructed from recycled

Ensure minimum 50 mm from kerb edge to secure to pre-fabricated kerb to bitumen surface

150

Recycled Rubber Barrier Kerb Profile

NTS

 Setout points may vary due to cutting/joining pre-fabricated components and spaces between each piece and site conditions.





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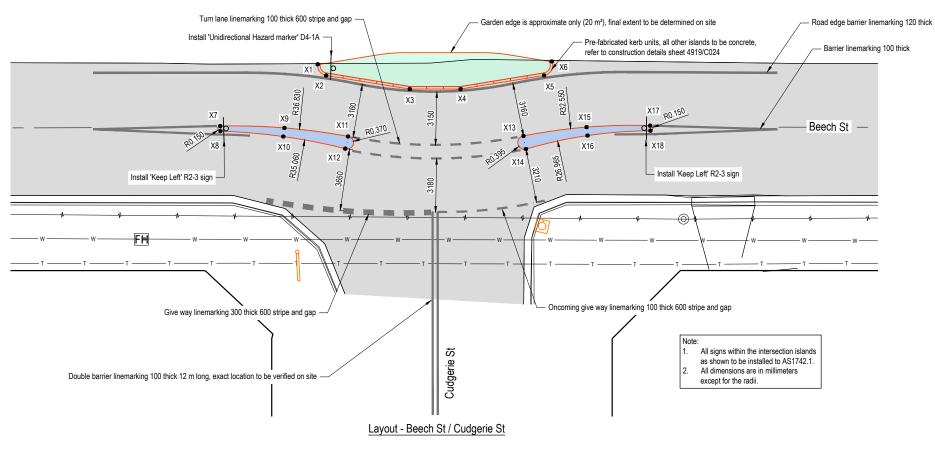
Beech Street Traffic Calming

Richmond Valley Council JLC 18/06/2024

Drawing Title

Blister Islands - Inset 5, 6, 7 and 8 and Island Details

4919-1014 3490/C021



	Intersection S	etout
Point	Easting (m)	Northing (m)
X1	541856.067	6780125.595
X2	541855.527	6780124.964
X3	541855.815	6780119.969
X4	541856.466	6780117.040
X5	541858.322	6780112.397
X6	541859.232	6780112.131
X7	541851.256	6780130.427
X8	541850.965	6780130.351
X9	541851.969	6780126.701
X10	541851.458	6780126.654
X11	541852.295	6780122.921
X12	541851.554	6780122.926
X13	541854.572	6780112.809
X14	541853.848	6780112.499
X15	541855.886	6780109.287
X16	541855.412	6780109.121
X17	541856.786	6780105.638
X18	541856.496	6780105.560

	Intersection S	etout		
Point	Easting (m)	Northing (m)		
Y1	541904.276	6779909.660		
Y2	541903.516	6779908.473		
Y3	541903.795	6779903.481		
Y4	541904.442	6779900.551		
Y5	541906.290	6779895.905		
Y6	541907.483	6779895.148		
Y7	541899.253	6779913.947		
Y8	541898.963	6779913.872		
Y9	541899.938	6779910.228		
Y10	541899.446	6779910.153		
Y11	541900.274	6779906.462		
Y12	541899.491	6779906.402		
Y13	541902.545	6779896.324		
Y14	541901.800	6779896.045		
Y15	541903.764	6779892.773		
Y16	541903.371	6779892.651		
Y17	541904.743	6779889.148		
Y18	541904.453	6779889.071		

- Setout points may vary due to cutting/joining pre-fabricated components, spaces between
- each piece and site conditions.

 Refer to landscaping plans for infill areas of the pre-fabricated islands.





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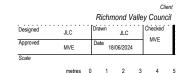
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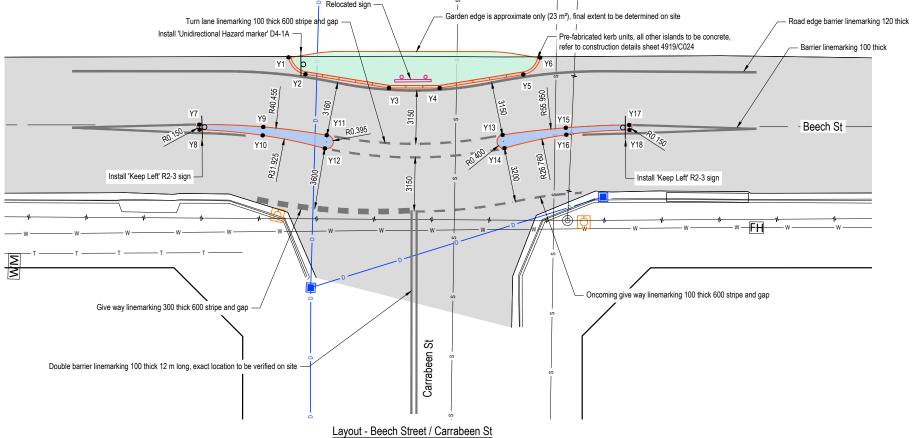
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Beech Street Traffic Calming

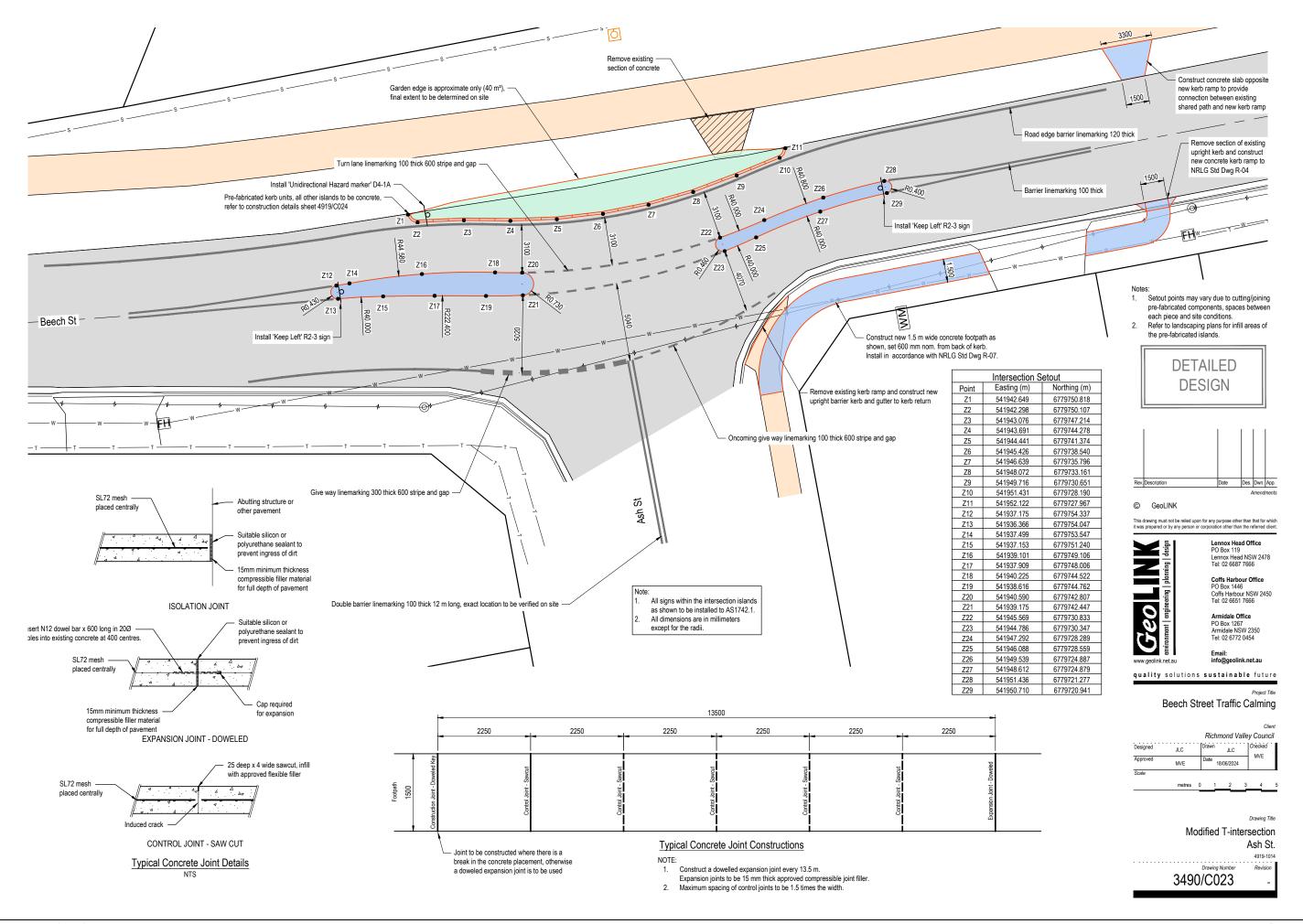


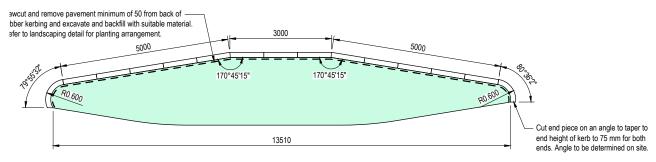
Modified T-intersection Cudgerie St. and Carrabeen St. 4919-1014

3490/C022



Page 29 Item 16.1 - Attachment 1





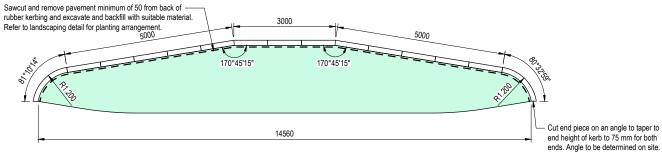
Tree Species Schedule (to comply with AS2303 Tree Stock for Landscape Use) Mature Height **Botanical Name** Common Name **Container Size** (metre) Banksia integrifolia Coast Banksia 5 to 7 3 to 5 100 litre Cupaniopsis anacardioides Tuckeroo 6 to 8 3 to 4 100 litre

Strap Leaf Species							
Botanical Name	Common Name	Planting Rate	Mature Height (metre)	Mature Width (metre)	Container Size		
Dianella Caerulea 'Little Jess'	Paroo Liily	0.6 metre centres	0.4	0.4	140 mm		
Juncus usitatus	Common Rush	0.8 metre centres	0.5	0.5	140 mm		
Lomandra longifolia 'Hystrix'	River Mat Rush	1.0 metre centres	1.0	0.8	140 mm		

Shrubs							
Botanical Name	Common Name	Planting Rate	Mature Height (metre)	Mature Width (metre)	Container Size		
Austromyrtus dulcis	Midgenberry	1.0 metre centres	1.0	1.5	200 mm		
Banksia robur	Swamp Banksia	1.5 metre centres	1.5	1.5	200 mm		

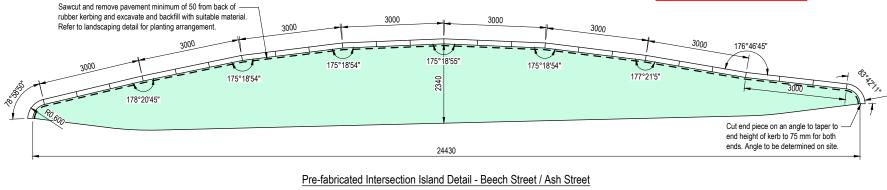
			Ground	cover		
to	Botanical Name	Common Name	Planting Rate	Mature Height (metre)	Mature Width (metre)	Container Size
h te.	Carpobrotus glaucescens	Pig Face	0.8 metre centres	0.2	1.0	140 mm

Pre-fabricated Intersection Island Detail - Beech Street / Cudgerie Street



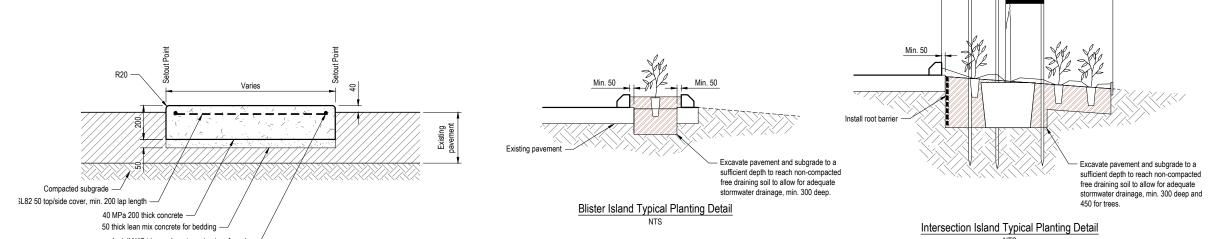
Pre-fabricated Intersection Island Detail - Beech Street / Carrabeen Street

Typical Cross Section - Raised Concrete Median Island



Notes (intersection islands):

- Dimension to be determined on site following placement of all other kerb pieces.
- Kerb blister islands to be constructed from recycled rubber kerbing, installed to manufacturer's specifications.



DETAILED DESIGN



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This drawing must not be relied upon for any purpose other than that for wh it was prepared or by any person or corporation other than the referred clie

Feo I M K

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Armidale Office PO Box 1267 Armidale NSW 2350 Tel: 02 6772 0454

Project Title
Beech Street Traffic Calming

Client
Richmond Valley Council
signed JLC Drawn JLC Checked

Drawing Title

Construction Details

4919-1014

Drawing Number Revision

3490/C024 -

General

- All work is to be carried out in accordance with Richmond Valley Council's (RVC) development specifications to the satisfaction of the principal certifying authority
- These drawings shall be read with full consideration of all the specifications, acts, regulations, standards, codes of practice and guidelines, both specifically referred to herein and implied, and with other such written instructions as may be issued during the course of the contract. The Contractor is responsible for ensuring they, and all site workers as necessary, have access to the relevant specifications, acts. regulations, standards, codes of practice and guidelines and are aware of the requirements and obligations set out therein Any discrepancies shall be referred to the Superintendent before proceeding with the work.
- All materials and workmanship shall be in accordance with the relevant and current Australian Standards, by-laws and ordinances of the relevant building authorities, and local ernment specifications
- All dimensions shown shall be verified by the Contractor on site. The drawings shall not be scaled for dimensions.
- Unless otherwise noted all levels are in metres, and limensions shown in millimetres.
- The Contractor must ensure they are satisfied as to the site conditions and the requirements of the work. No claim whatsoever will be considered as a consequence of the failure of the Contractor to have made a full and comprehensive nvestigation of the site and assessment of the conditions likely to affect the works
- The Contractor shall notify all relevant Local and Public Authorities of any works carried out that may affect those authorities. The Contractor must ensure they are fully aware of the requirements of all relevant authorities such as hold points. testing and analysis, approvals, and inspections of work in progress and meet the requirements of all relevant authorities.
- The contractor shall maintain a full set of the approved Drawings on site throughout the construction period, protect them from damage and make them available whenever required.
- Existing underground facilities may not be shown on the drawings or may be in locations or levels different from those shown on the drawings. The Contractor shall be responsible for ascertaining the exact location of each underground facility prior to undertaking any work that may damage such facility.
- Explosives of any form are NOT permitted on or near this site.
- Plant and equipment stored on site shall be the sole responsibility of the Contractor. A compound for plant and equipment can be established on the property beyond the construction site area subject to the approval of the Superintendent having regard to environmental and operational issues. Upon completion of the works the Contractor shall restore the site compound to a condition acceptable to the Superintendent.
- Unless otherwise stated, all materials, plant, equipment fixtures and other items salvaged from the Site of the works shall be the property of the Principal and shall not be removed from the Site without the prior approval of the Superintendent
- 13. Other contractors may be working on the site during the works period. It shall be the contractor's responsibility to liaise with all contractors and ensure that any interference between adjacent works are kept to a minimum, and that all contractors are informed when works (that may affect other contracts) are proposed to be implemented.
- Vehicular access and all services are to be maintained at all times to adjoining properties affected by construction works.

Safety Requirements

- The Contractor shall ensure that all the relevant requirements of the Work Health and Safety Act - 2011 (WHSA) and Work Health and Safety Regulation - 2011 (WHSR), and those codes of practice, statutory requirements and Australian Standards pertaining to workplace safety, are implemented and maintained throughout the works site and for the entire duration of the works
- The Contractor shall appoint a Representative or Committee as requested in accordance with the WHSA and WHSR, and provide the name(s) address(es) and contact phone number(s) of the Representative or Committee to the Superintendent in writing upon their appointment

Earthworks / Roadworks

- Earthworks includes the following works:
- (a) Sawcut and removal of bitumen and pavement material; General earthworks, which comprises all activities and quality requirements associated with site regrading. excavation, haulage of material and filling to the extent defined in the Drawings;
- Removal and replacement of any unsuitable material from below the work defined for general earthworks;
- (d) Any spoil or borrow activities associated with general earthworks.
- The Contractor shall undertake all inspection and testing necessary to demonstrate that the quality requirements of this specification have been achieved. All earthworks are to be carried out in accordance with NRLG Specification C213. Nature of Earthworks Materials
- The Contractor shall be responsible for any assumptions made in relation to the nature and types of materials encountered in excavation and the bulking and compaction characteristics of the materials incorporated in filling operations.

Protection of Earthworks

- The Contractor's responsibility for care of the Works shall include the protection of earthworks.
- Prior to commencement of earthworks operations, the Contractor shall install and maintain effective erosion and sedimentation control measures to the approval of the superintendent.
- Adequate drainage of all working areas shall be maintained throughout the period of construction to ensure run-off of water without ponding, except where ponding forms part of a planned erosion and sediment control system.
- When rain is likely or when work is not proposed to continue in a working area on the following day, precautions shall be taken to minimise ingress of any excess water into earthworks material
- Should insitu or stockpiled material become over-wet as a result of the Contractor not providing adequate protection of earthworks, the Contractor shall be responsible for replacing and/or drying out the material and for any consequent delays

Acceptance Testing of Works

The Contractor shall arrange for an approved testing authority to undertake the testing of path subgrades pavements and concrete slabs, and shall comply with the testing methods and frequencies specified in NRLG Specification CQC.

Testing Authority

- The authority conducting the test shall submit a copy of the test result(s) and/or report direct to the Superintendent with the original sent to the Contractor.
- The Contractor shall supply full details of the testing requirements in the Contract to the testing authority, prior to commencement of work under the Contract.
- The Contractor shall supply a copy of the Contractor's letter commissioning the testing authority to the Superintendent within seven days of the start of the commission

- The Contractor shall liaise with the testing authority and arrange for all acceptance testing.
- The Contractor shall, unless agreed or stated otherwise in the Specification give one clear working days written notification to the Superintendent before carrying out acceptance testing. Tests and/or samples shall be representative of the work or
- material which is being tested for quality and/or acceptance The Contractor shall arrange for retesting the work when the Superintendent considers that the test and/or samples are
- not representative of the material or work 9. The Contractor shall arrange to carry out testing progressively as the work proceeds
- 10 The locations of all tests in plan and elevation shall be shown on test certificates and test reports and locate tests relative to

Test Results

- 11. The Contractor shall submit copies of the test results and not proceed with the tested portion of the work until the results are accepted by the Superintendent.
- 12. The Contractor shall keep on Site an up-to-date record of test results for inspection by the Superintendent.

Survey Setout

- The Contractor shall at their own expense set out the Works correctly in accordance with the Contract and the drawings and shall provide all instruments and materials necessary for that purpose.
- If at any time during the progress of the work, any error is discovered in the position, level, dimensions or alignment of any part thereof, the Contractor shall immediately notify the Superintendent and shall, unless the Superintendent otherwise directs, rectify the error in accordance with the General Conditions of Contract.
- The Contractor shall preserve and maintain in their true position all State Survey Marks (SSM) and Permanent Marks (PM) whether or not the marks are to be used for the purpose of setting out, checking or measuring the work under the Contract
- Should any SSM or PM be disturbed or obliterated, the Contractor shall immediately notify the Superintendent and shall arrange for a Registered Surveyor to rectify such disturbance or obliteration. Unless the disturbance or obliteration has been caused by the Principal, their employees or agents, the cost of rectification shall be borne by the Contractor. Such notice shall include the requirements of the Local Council for undertaking inspection of the work in progress. The Contractor shall be fully responsible for making themselves aware of Council's requirements in this regard and for making all necessary provisions for such Council inspections.

Local Amenity

Construction Times

- Construction work must not unreasonably interfere with the amenity of the neighbourhood. Hours of work involving construction noise audible on adjoining premises shall be restricted to:
- (a) Monday to Friday, from 7 am to 6 pm:
- Saturday, from 8 am to 1 pm; and
- No construction work to take place on Sundays or Public Holidays.

Construction Noise

- Construction noise is to be limited as follows:
- (a) For construction periods of four (4) weeks and under. the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- (b) For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

Concrete

- All workmanship and materials shall be in accordance with AS 3600 and AS 3610 current editions.
- Concrete quality (unless noted otherwise) strength grade (MPa)

(;	a)	structures to be immersed in water 32
(1	b)	floor & slabs
(c)	core fillings
(d)	otherwise in accordance with NRLG Specification C271.29
nor	mina	al aggregate size (mm)
(a	a)	core fillings

(a) u.n.o. core fillings. . All cement shall be sulphate resistant

- No admixtures shall be used in concrete unless approved in Clear concrete cover to all reinforcement shall be as follows
- unless shown otherwise (mm) ground floor slabs, top cover to mesh . elsewhere
- surfaces in contact with sewerage/groundwater. . . 65 All concrete shall be compacted using mechanical vibrators Construction joints where not shown shall be located to the
- approval of the Superintendent All concrete surfaces are to be cured by an approved method for a total of 7 days
- Reinforcement symbols:
- (a) N denotes grade 500 N deformed bars to AS 1302.
- (b) R denotes grade 250 R hot rolled plain bars to AS 1302 SL denotes grade 500 SL hard drawn wire reinforcing fabric to AS 1304.
- 10. Except as otherwise required, exposed concrete corners and edges shall have 20 mm chamfers

Traffic Management

- Where works occur in public areas, road reserves or private developments it shall be the Contractor's responsibility to ensure the safety of pedestrian and vehicular traffic within the works area.
- The Contractor shall be responsible for preparing and gaining approval of appropriate Traffic Control Plans
- Approved Traffic Management Plans shall be prepared by an accredited traffic consultant is adhered to for the duration of the construction period.

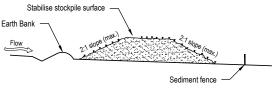
Completion of Works

- Prior to the issue of a Certificate of Practical Completion, all surplus material and rubbish shall be removed and the whole of the site left clean and neat in appearance. Similarly, the whole work area shall be left in a neat and tidy condition at the end of the Defects Liability Period.
- Any road payement or footpath disturbed or destroyed during construction shall be reinstated to a condition at least equal to that existing before commencement of works.

 The Contractor shall ensure that deleterious material
- deposited as a result of the work is removed from roads
- Any damage to external areas of the site as a result of the works shall be reinstated by the Contractor as directed by the
- Any clearing, cleaning or reinstatement by the Contracto shall be carried out at no cost to the Principal.

Maintenance / Defects Liability Period

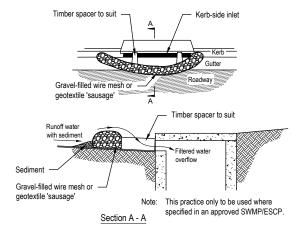
- 1. The Contractor shall maintain the work under the contract for the whole of the defects liability period.
- Maintenance shall include, but not be limited to
- (a) Reinstatement of any subsidence in fills, trenches and excavations;
- (b) Repair of any erosion or other damage caused to any item of the work by the flow or passage of water on, over or through the Site; and
- Reconstruction of any portion or item of the works which has deteriorated or no longer conforms to relevant specifications, the design, or the intent of the



Construction Notes

- Place stockpiles more than 2 (preferably 5) metres from existing vegetation, concentrated water flow, roads and hazard areas.
- Construct on the contour as low, flat, elongated mounds. Where there is sufficient area, topsoil stockpiles shall be less than 2
- Where they are to be in place for more than 10 days, stabilise following the approved ESCP or SWMP to reduce the C-factor to
- Also if stockpile is to remain for in place for more than 10 days. construct earth banks on the upslope side to divert water around stockpiles and sediment fences 1 to 2 metres downslope

Typical Stockpile Elevation



Construction Notes:

- Fabricate a sleeve made from geotextile or wire mesh longer than the length of the inlet pit.
- Fill the sleeve with 25-50 mm gravel.
- Form an elliptical cross-section approx. 150 high x 400 wide
- 4. Place filter at opening of kerb inlet leaving a 100 gap at the top to act as an emergency spillway Maintain the opening with spacer blocks.
- Form a seal with the kerb and prevent sediment bypassing the filter 7. Fit to all kerb inlets at sag point.

Mesh and Gravel Inlet Filter





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This drawing must not be relied upon for any purpose other than that for which it was prepared or by any person or corporation other than the referred client.

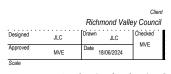


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Lennox Head Office PO Box 119

Armidale Office PO Box 1267 Armidale NSW 2350 Tel: 02 6772 0454

quality solutions sustainable future Beech Street Traffic Calming



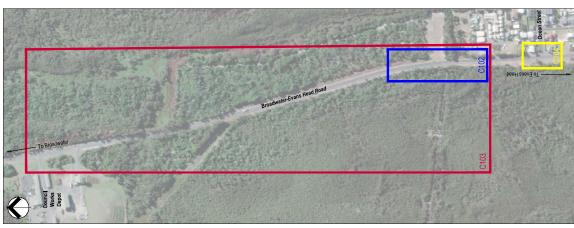
Drawing Title

Construction Notes and ERSED Details 4919-1014

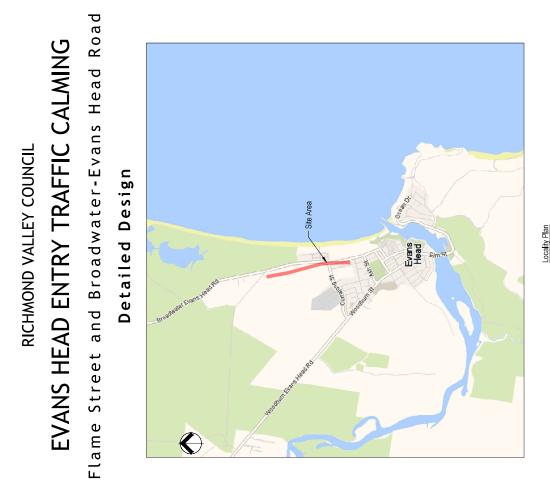
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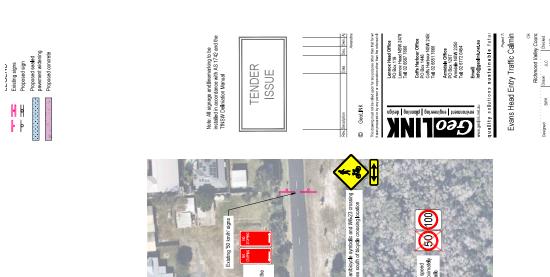
Key Plan

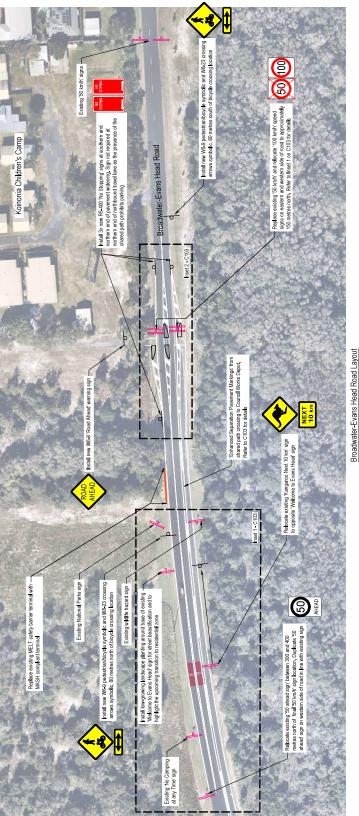


	Drawing Schedule	
Drawing No.	Title	Revision
4919/C101	Cover Sheet	
4919/C102	Broadwater-Evans Head Road Design Layout	
4919/C103	Broadwater-Evans Head Road Insets	•
4919/C104	Broadwater Evans Head Road Separation Pavement Marking	
4919/C105	Ocean Street Intersection Layout and Details	
4919/C106	4919/C106 Construction Notes and ERSED Details	

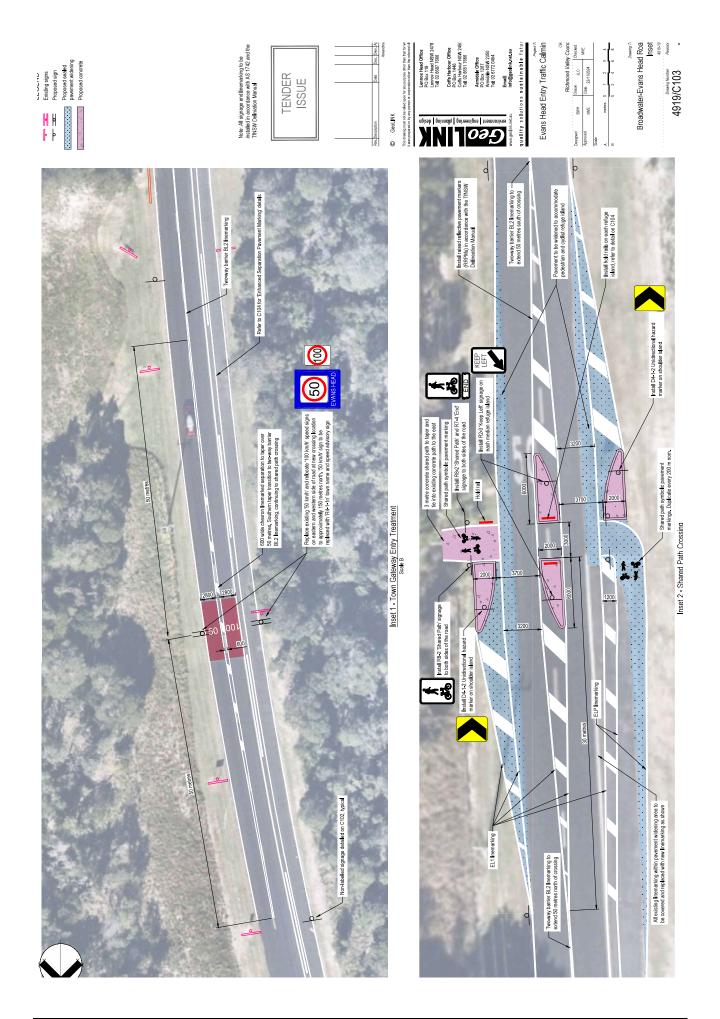
Broadwater-Evans Head Roa
Design Layou
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Drawing Number 4919/C102



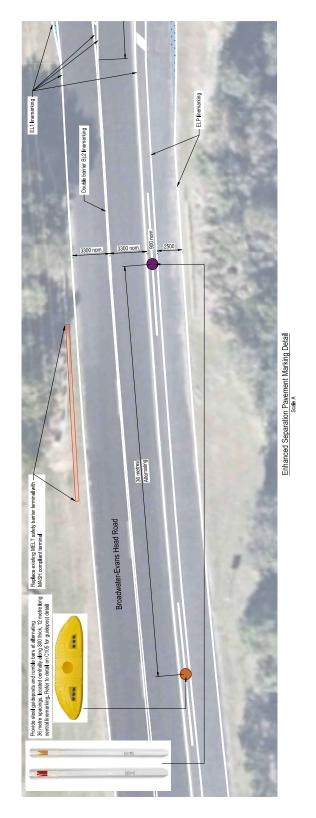




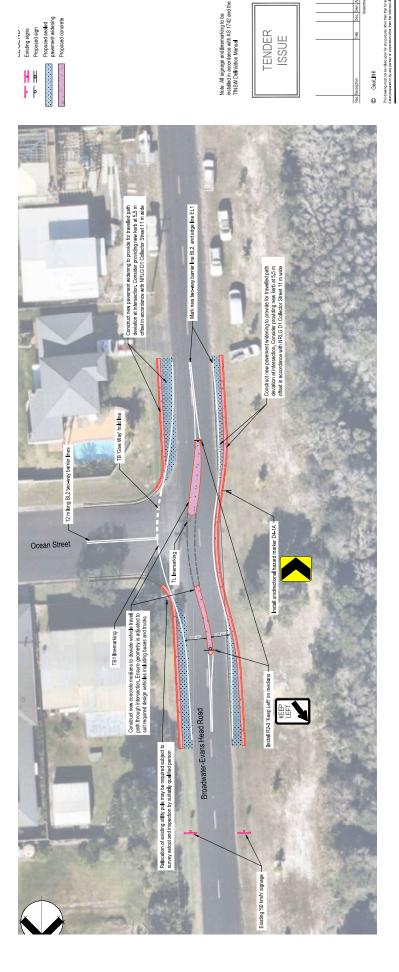


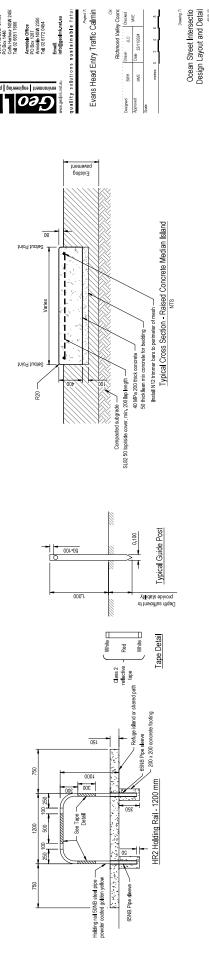


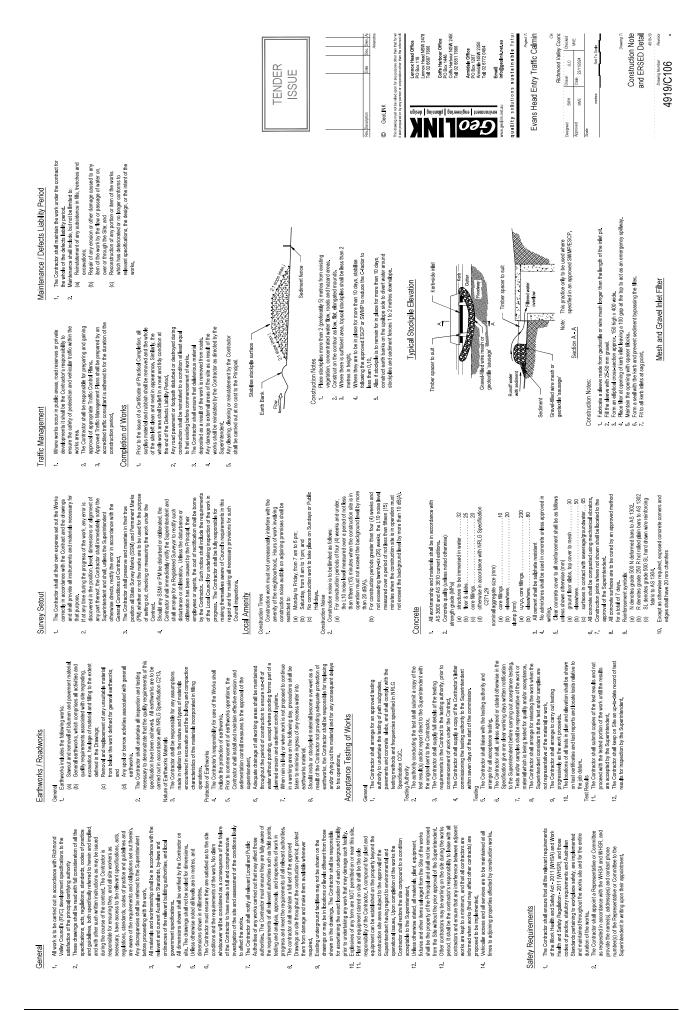




Drawing Number 4919/C105









RICHMOND VALLEY COUNCIL CODE OF MEETING PRACTICE

2025

Adopted
Resolution No.

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1 INTRODUCTION

This Code of Meeting Practice is prescribed under section 360 of the *Local Government Act* 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

The Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

Further information on meeting procedures at Richmond Valley Council can be obtained by contacting Council's Governance Department on (02) 6660 0300.

Notes in the Code of Meeting Practice are explanatory notes only and do not form part of the Code of Meeting Practice. The notes are provided to assist with the understanding of the Code.

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2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

Inclusive: Decisions respect the diverse needs and interests of the local

community.

Principled: Decisions are informed by the principles prescribed under Chapter 3

of the Act.

Trusted: The community has confidence that councillors and staff act ethically

and make decisions in the interests of the whole community.

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

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

Orderly: Councillors, staff and meeting attendees behave in a way that

contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the third Tuesday of each month at 6.00pm at the Council Chambers, with the exception of the June meeting, which will be held on the fourth Tuesday of the month. No meeting will be held in January of each year.
- 3.2 Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

- 3.3A The mayor or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.
- 3.3B For the purposes of Clause 3.3A, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the public of council meetings

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

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

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

Note: Clause 3.7 reflects section 367(1) of the Act.

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

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted by 4.30pm on the Monday of the week prior to the meeting being held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
 - (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

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Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 8.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

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

Statement of ethical obligations

3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

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Availability of the agenda and business papers to the public

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

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

3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

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

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

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

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

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

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 9.20–9.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.

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- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

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4 COMING TOGETHER

Attendance by councillors at meetings

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

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

- 4.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 4.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 4.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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

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

The quorum for a meeting

4.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 4.8 reflects section 368(1) of the Act.

4.9 Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 4.9 reflects section 368(2) of the Act.

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- 4.10 A meeting of the council must be adjourned if a quorum is not present:
 - (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 4.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
 - (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 4.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 4.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 4.14 Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 4.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 4.16 Where the mayor determines under clause 4.15 that a meeting is to be held by audiovisual link, the general manager must:
 - (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 4.17 This code applies to a meeting held by audio-visual link under clause 4.15 in the same way it would if the meeting was held in person.

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Note: Where a council holds a meeting by audio-visual link under clause 4.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 4.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 4.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 4.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 4.19.
- 4.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 4.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 4.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
 - (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 4.24 If the council or committee refuses a councillor's request to attend a meeting by audiovisual link, their link to the meeting is to be terminated.
- 4.25 A decision whether to approve a councillor's request to attend a meeting by audiovisual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 4.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

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- 4.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 4.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 4.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 4.30 reflects section 10(1) of the Act.

- 4.31 Clause 4.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 4.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 4.32 reflects section 10(2) of the Act.

Note: Clauses 14.14 and 14.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. Clause 14.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Clause 14.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Public Access

4.33 The Council Meeting Business Paper will include a section titled 'Public Access'.

The procedure for the conduct of the **Public Access Sessions** will be as follows:

- 1) The Public Access Sessions will be held in conjunction with Ordinary Council Meetings on agenda items only.
- The Public Access Sessions will be conducted at the commencement of the meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager.
- A time limit of five (5) minutes per address will be applied with a maximum of six (6) time slots allocated at any one session. Each time slot shall be for one (1) item on the agenda.

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- 4) Prior appointment for addressing Council must be made through Council's Governance Department with advice as to agenda item. Applications for allocation of access must be made by 4.30pm on the Monday prior to the scheduled meeting with details to be provided to Councillors by midday on the day of the meeting.
- 5) Public access shall only be granted on matters for determination, unless prior approval is granted for matters for information, which shall be approved by the General Manager on a case-by-case basis.
- 6) The General Manager reserves the right to view any proposed presentations to be included in a public access session prior to the meeting. Presentations are to be forwarded to Council for review by 2.00pm on the Tuesday prior to the scheduled meeting. Permission to include a presentation is at the General Manager's discretion.
- 7) The General Manager reserves the right to determine what level of detail shall be included in the Minutes, with regard to public access presentations. The Minutes will acknowledge the speaker and the general nature of the address, however, will not capture the presentation verbatim.
- 8) Council's response to an address (if any) will not necessarily be given at the time of the address. Should an answer not be provided at the Council Meeting, a written response will be forwarded to the person raising the question within seven (7) days of the meeting. A copy of the response is to be provided to Councillors and recorded in the minutes of the following meeting.
- 9) At all times during the address, participants will respect the right of the Chairperson to terminate the session. There is to be no debate on a response provided by Council.
- 10) Addresses are not to be directed to any specific individual.
- 11) Councillors will have the right to question the speaker on the topic outside the presentation time.
- 12) Applications for public access made by individuals, on behalf of an organisation, prior to commencing their address to Council, are to provide proof that they have the organisation's authority to address Council on the organisation's behalf.

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Webcasting of meetings

- 4.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 4.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
 - the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 4.36 The recording of a meeting is to be made publicly available on the council's website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 4.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 4.38 Clauses 4.36 and 4.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
 - Note: Clauses 4.34 4.38 reflect section 236 of the Regulation.
- 4.39 Recordings of meetings may be disposed of in accordance with the *State Records* Act 1998.

Attendance of the general manager and other staff at meetings

- 4.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
 - Note: Clause 4.40 reflects section 376(1) of the Act.
- 4.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
 - Note: Clause 4.41 reflects section 376(2) of the Act.
- 4.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
 - Note: Clause 4.42 reflects section 376(3) of the Act.
- 4.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 4.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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5 THE CHAIRPERSON

The chairperson at meetings

5.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 5.1 reflects section 369(1) of the Act.

5.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 5.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

- 5.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 5.4 The election of a chairperson must be conducted:
 - by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 5.6 For the purposes of clause 5.5, the person conducting the election must:
 - (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 5.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

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6 MODES OF ADDRESS

- 6.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 6.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 6.3 A councillor is to be addressed as 'Councillor [surname]'.
- 6.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

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7 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 7.1 The general order of business for an ordinary meeting of the council shall be:
 - 01 Acknowledgement of Country
 - 02 Prayer
 - 03 Public Access and Question Time
 - O4 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
 - 05 Mayoral Minutes
 - 06 Confirmation of Minutes
 - 07 Matters Arising out of the Minutes
 - 08 Declarations of Interests
 - 09 Petitions
 - 10 Notice of Motion
 - 11 Mayor's Report
 - 12 Delegates' Reports
 - 13 Matters Determined without debate
 - 14 General Manager's Reports
 - 15 Organisational Services Reports
 - 16 Community Service Delivery Reports
 - 17 Projects & Business Development Reports
 - 18 General Business
 - 19 Matters for Information
 - 20 Questions on Notice
 - 21 Questions for Next Meeting (in writing)
 - 22 Matters referred to Closed Council
 - 23 Resolutions of Closed Council
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 12 allows council to deal with items of business by exception.

7.3 Despite clauses 9.20-9.30, only the mover of a motion referred to in clause 7.2 may speak to the motion before it is put.

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8 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

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

Mayoral minutes

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

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

Staff reports

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

Reports of committees of council

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

Delegates' Reports

- 8.14 Reports are to be provided in writing by the Mayor and Delegates (preferably for dispatch with the meeting agenda). The delegates' reports are to relate to attendances the delegates undertake on behalf of Council and should include the following:
 - (a) Date, location and subject matter of attendance
 - (b) Precis/summary of issues discussed/considered
 - (c) Outcomes and/or actions required from attendance.

Late Correspondence

8.15 That the deadline be 4.30pm seven (7) days prior to a scheduled Council Meeting to allow ample time for staff to digest and comment, if appropriate, on the contents of the late correspondence. Items received after that time will only be included on the agenda at the discretion of the General Manager or Mayor.

Questions

- 8.16 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 8.17 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 8.18 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.

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- 8.19 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 8.20 Councillors must put questions directly, succinctly, respectfully and without argument.
- 8.21 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

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9 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

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

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 9.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 9.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

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- 9.23 Despite clause 9.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24 Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.20.
- 9.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 9.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 9.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

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10 VOTING

Voting entitlements of councillors

10.1 Each councillor is entitled to one (1) vote.

Note: Clause 10.1 reflects section 370(1) of the Act.

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

Note: Clause 10.2 reflects section 370(2) of the Act.

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

Voting at council meetings

- 10.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- Voting at a meeting, including voting in an election at a meeting, is to be by opens (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- 10.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment (including the use of the casting vote), being recorded.

Voting on planning decisions

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

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

Note: The requirements of clause 10.8 may be satisfied by maintaining a register of the minutes of each planning decision.

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11 COMMITTEE OF THE WHOLE

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

Note: Clause 11.1 reflects section 373 of the Act.

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

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

- 11.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 11.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

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12 DEALING WITH ITEMS BY EXCEPTION

- The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 7.2.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

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13 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 13.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - matters affecting the security of the council, councillors, council staff or council property.
 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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

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13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
 - (b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by **4.30pm on the Monday prior** to the meeting at which the matter is to be considered.

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- 13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 No more than **six** speakers are to be permitted to make representations under clause 13.9
- 13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the general manager or their delegate is to determine who will make representations to the council.
- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than six speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed **five** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

13.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

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

Note: Clause 13.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

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14 KEEPING ORDER AT MEETINGS

Points of order

- 14.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

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

Acts of disorder

- 14.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

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- insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 14.11 reflects section 182 of the Regulation.

- 14.12 The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a), (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 14.11(d) and (e).

Note: Clause 14.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 14.15 Clause 14.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 14.16 reflects section 233(2) of the Regulation.

- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

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

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

- 14.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 14.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 14.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 14.24 Without limiting clause 14.17, a contravention of clause 14.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.17. Any person who contravenes or attempts to contravene clause 14.23, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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15 CONFLICTS OF INTEREST

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

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16 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 16.1 reflects section 371 of the Act.

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

Rescinding or altering council decisions

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

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

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

Note: Clause 16.4 reflects section 372(2) of the Act.

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

Note: Clause 16.5 reflects section 372(3) of the Act.

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

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

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

Note: Clause 16.7 reflects section 372(5) of the Act.

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

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

- A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 16.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **two working days** after the meeting at which the resolution was adopted.

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- 16.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
 - Note: Clause 16.11 reflects section 372(6) of the Act.
- 16.12 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a notice of motion signed by three councillors is submitted to the chairperson,
 - (b) a motion to have the motion considered at the meeting is passed, and
 - the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.
- 16.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

Recommitting resolutions to correct an error

- 16.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 16.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the councillor is to propose alternative wording for the resolution.
- 16.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.18 A motion moved under clause 16.15 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.
- 16.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.
- 16.20 A motion moved under clause 16.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

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17 TIME LIMITS ON COUNCIL MEETINGS

- 17.1 Meetings of the council and committees of the council are to conclude no later than four hours after commencement of the meeting.
- 17.2 If the business of the meeting is unfinished after four hours from the commencement of the meeting, the council or the committee may, by resolution, extend the time of the meeting.
- 17.3 If the business of the meeting is unfinished after four hours from the commencement of the meeting, and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the general manager must:
 - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

18 AFTER THE MEETING

Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

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19 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

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

Attendance at committee meetings

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

Non-members entitled to attend committee meetings

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

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- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

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

Procedure in committee meetings

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

Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

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Disorder in committee meetings

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

Minutes of council committee meetings

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

20 IRREGULARITES

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

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

the Act	means the Local Government Act 1993			
act of disorder	means an act of disorder as defined in clause 14.11 of this code			
amendment	in relation to an original motion, means a motion moving an amendment to that motion			
audio recorder	any device capable of recording speech			
audio-visual link	means a facility that enables audio and visual communication between persons at different places			
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales			
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.11 of this code			
this code	means the council's adopted code of meeting practice			
committee of the council	means a committee established by the council in accordance with clause 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 11.1			
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW			
day	means calendar day			
division	means a request by two councillors under clause 10.6 of this code requiring the recording of the names of the councillors who voted both for and against a motion			
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 9.18 of this code during debate on the first amendment			
foreshadowed motion	means a motion foreshadowed by a councillor under clause 9.17 of this code during debate on an original motion			
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means			
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act			
performance improvement order	means an order issued under section 438A of the Act			
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting			
the Regulation	means the Local Government (General) Regulation 2021			
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time			
year	means the period beginning 1 July and ending the following 30 June			

Council Policy

Policy Title: Code of Conduct – Councillors & Personnel

Policy Number: 1.01

Focus Area: Lead and advocate for our community

Responsibility: Governance

Meeting Adopted: 2025 [Resolution



OBJECTIVE

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

POLICY

Council has adopted the 'Model Code of Conduct for Local Councils in NSW 2020' and the 'Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020'.

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	February 2019	New policy
2	September 2020	Updated to incorporate amendments to the Code and Regulations
3	November 2022	Review and adoption following local government election.
4		Review and adoption following local government election.

Richmond Valley Council - CPOL 1.01 Code of Conduct - Councillors & Personnel

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Model Code of Conduct

for Local Councils in NSW

2020



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MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW.

2020

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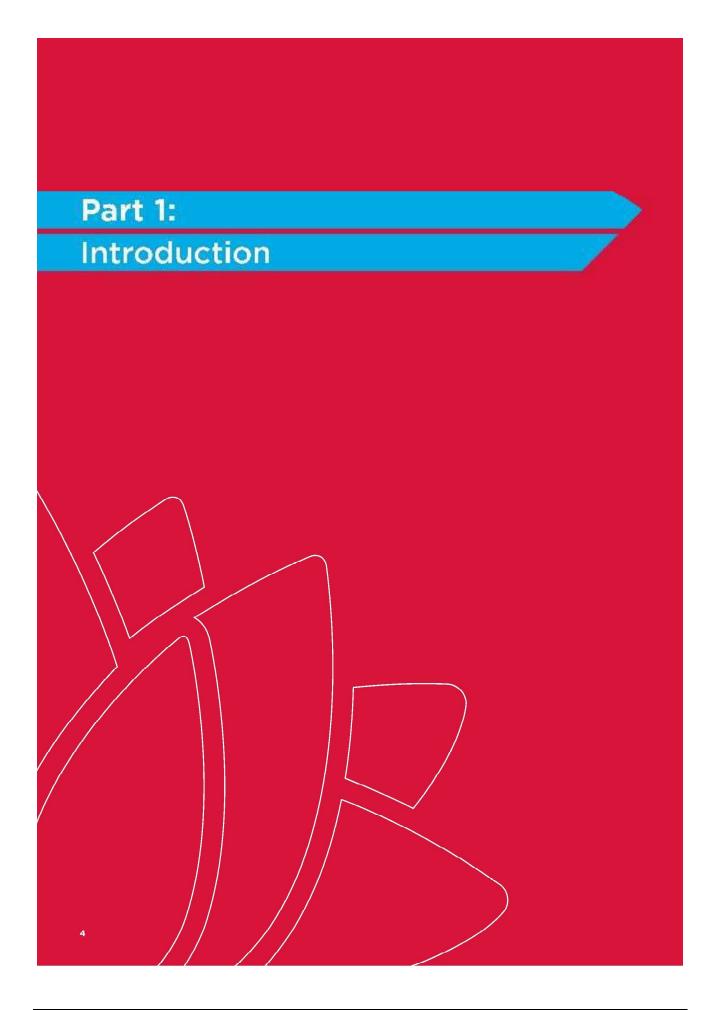
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Introduction

I his Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

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

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

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

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

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

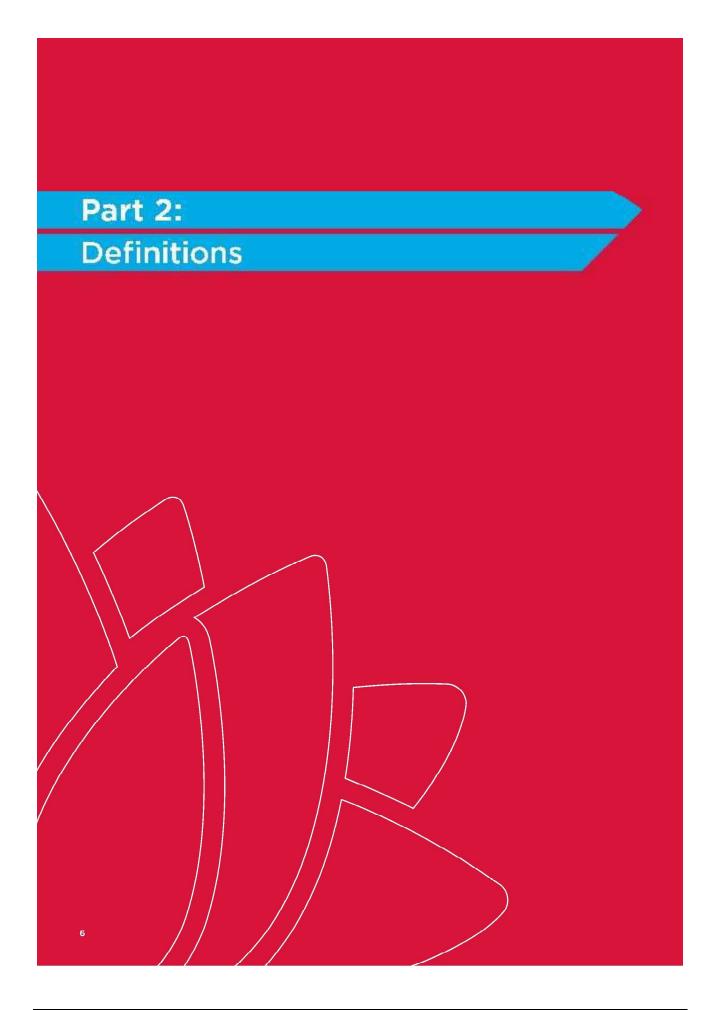
Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the curposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor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

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

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

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

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



Definitions

In this code the following terms have the following meanings:

administrator an administrator of a council appointed under the LGA other than an

administrator appointed under section 66

committee see the definition of "council committee"

complaint a code of conduct complaint made for the purposes of clauses 4.1

and 4.2 of the Procedures.

conduct includes acts and omissions

council includes county councils and joint organisations

council committee a committee established by a council comprising of councillors, staff

or other persons that the council has delegated functions to and the

council's audit, risk and improvement committee

council committee member a person other than a councillor or member of staff of a council who

is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of

the council's audit, risk and improvement committee

council official includes councillors, members of staff of a council, administrators,

council committee members, delegates of council and, for the

purposes of clause 4.16, council advisers

councillor any person elected or appointed to civic office, including the mayor

and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and

chairpersons of joint organisations

delegate of council a person (other than a councillor or member of staff of a council) or

body, and the individual members of that body, to whom a function

of the council is delegated

designated person a person referred to in clause 4.8

election campaign includes council, state and federal election campaigns

environmental planning

instrument

has the same meaning as it has in the Environmental Planning and

Assessment Act 1979

general manager includes the executive officer of a joint organisation

joint organisation a joint organisation established under section 4000 of the LGA

LGA Local Government Act 1993

local planning panel a local planning panel constituted under the *Environmental Planning*

and Assessment Act 1979

mayor includes the chairperson of a county council or a joint organisation

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members of staff includes members of staff of county councils and joint organisations

of a council

the Office Office of Local Government

personal information information or an opinion (including information or an opinion

forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can

reasonably be ascertained from the information or opinion

the Procedures the Procedures for the Administration of the Model Code of Conduct

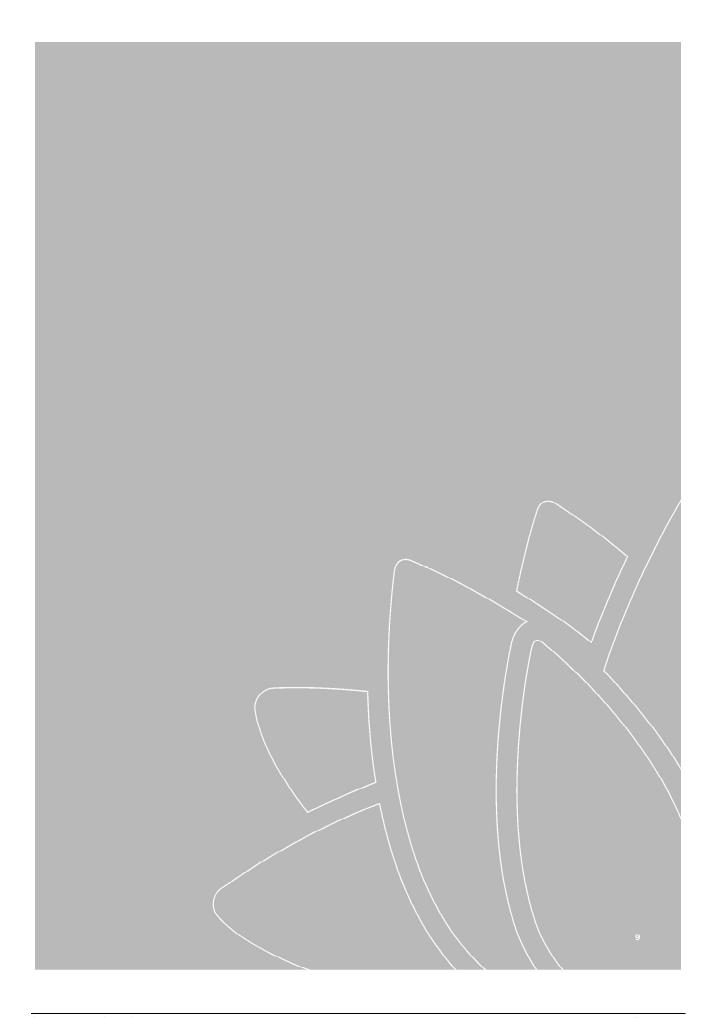
for Local Councils in NSW prescribed under the Regulation

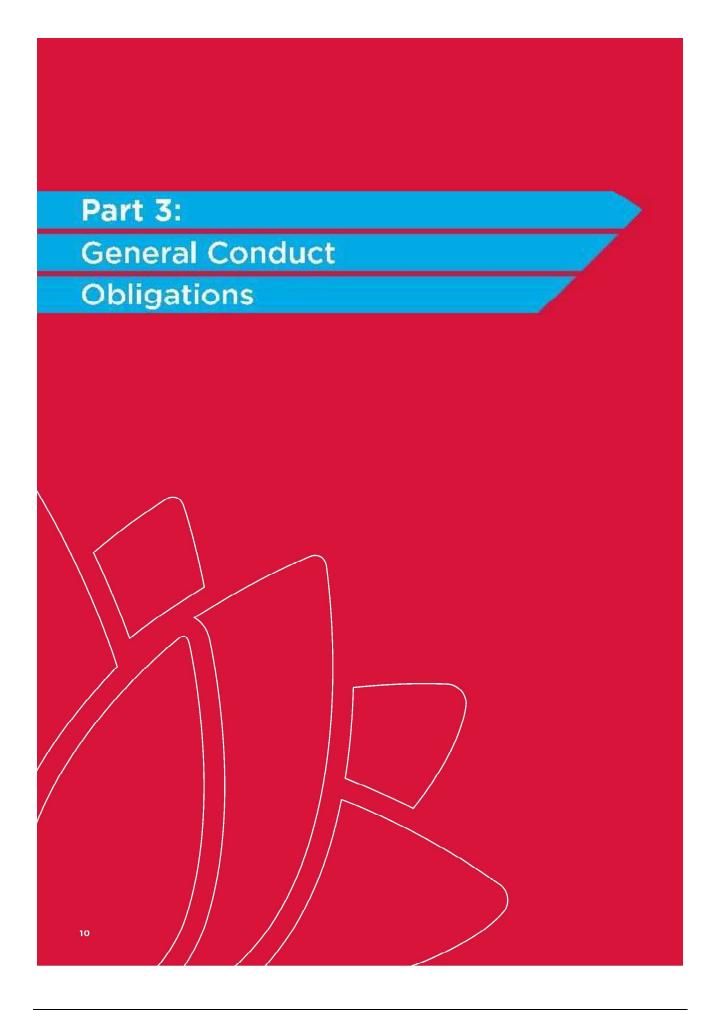
the Regulation the Local Government (General) Regulation 2005

voting representative a voting representative of the board of a joint organisation

wholly advisory a council committee that the council has not delegated any

committee functions to





General Conduct Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

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- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or 'nappropr'sto work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) egitimately exercising a regulatory function
 - g) egitimately implementing a council policy or administrative processes.

Work health and safety

3.12 A Louncil officials, including council ors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- take reasonable care for your own health and safety
- take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

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General Conduct Obligations

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

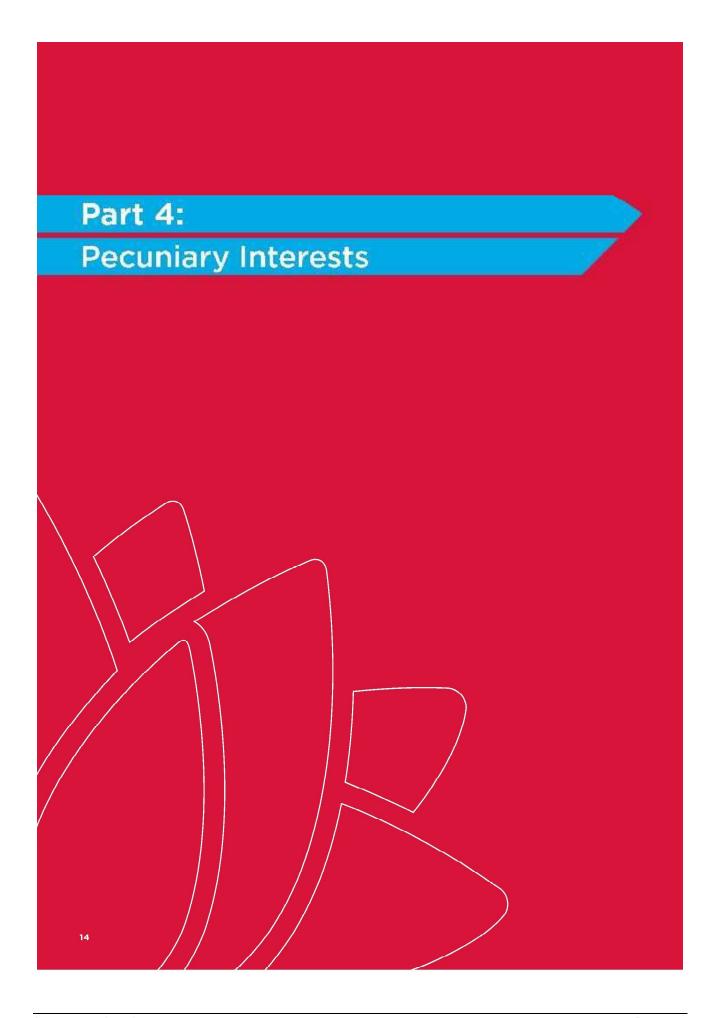
Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

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Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
 - (a) your interest, or
 - (b) the interest of your socuse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
 - (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs(i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c);
 - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
 - (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

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- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a nonprofit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:

- the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
- ii) security for damage to footpaths or roads
- iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (I) an interest relating to an election to the office of mayor arising from the fact that a fee for the following
 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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Pecuniary Interests

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - (a) the general manager
 - (b) other senior staff of the council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
 - (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.

- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

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What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

4.20 A councillor:

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the council or's or designated person's interests as specified in schedule 1 to this code within 3 months after.
 - (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
 - (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

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Pecuniary Interests

- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissiones.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or

- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
 - (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.

Such a notice 's, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sponer), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

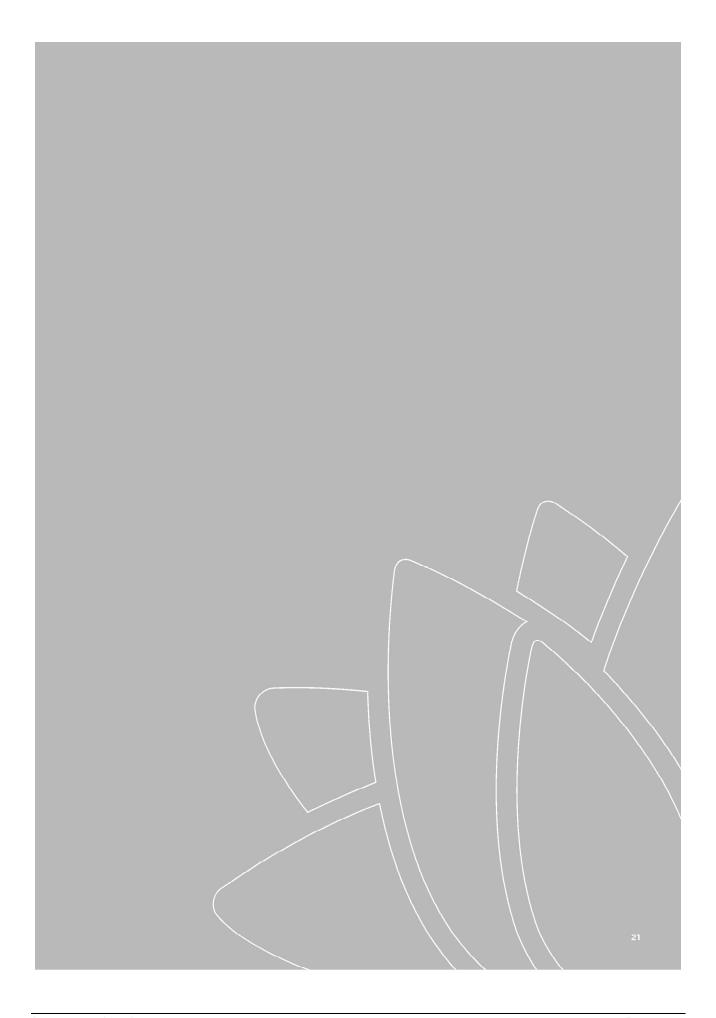
4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

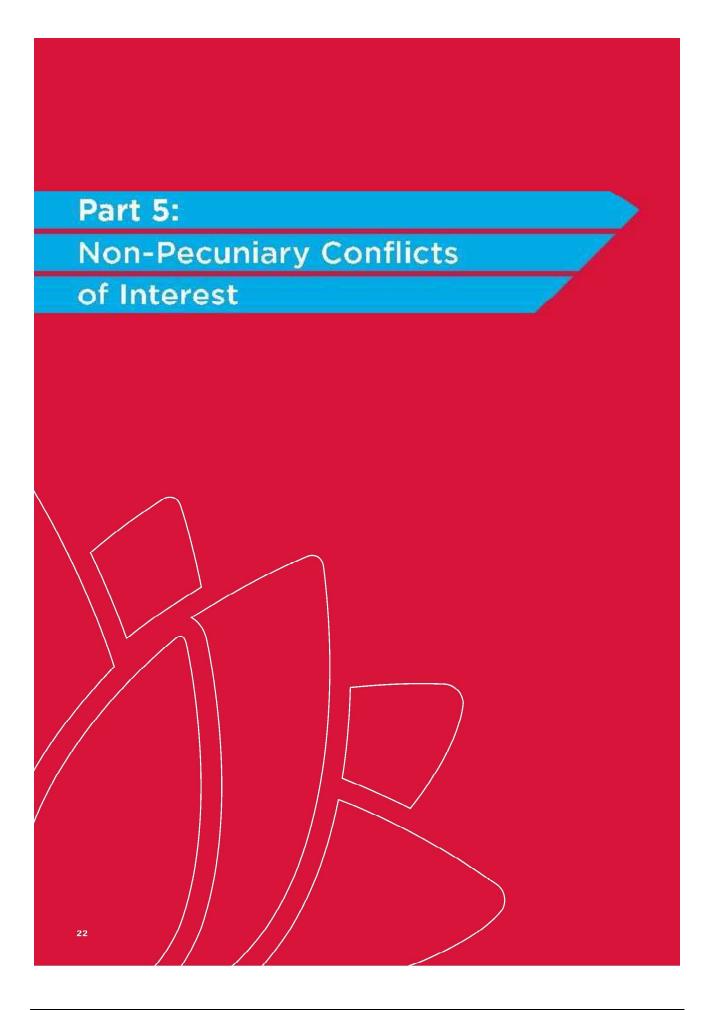
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- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.





Non-Pecuniary Conflicts of Interest

conflict of interest?

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

What is a non-pecuniary Managing non-pecuniary conflicts of interest

- Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

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Model Code of Conduct for Local Councils in NSW

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

- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

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Non-Pecuniary Conflicts of Interest

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Council ors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a counci for and have received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:
 - a) a "reportable political donation" has the same meaning as it has in section
 6 of the Electoral Funding Act 2018
 - b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
 - a) the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

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

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a) conflict with their official duties
 - involve using confidential information or council resources obtained through their work with the council including where private use is permitted

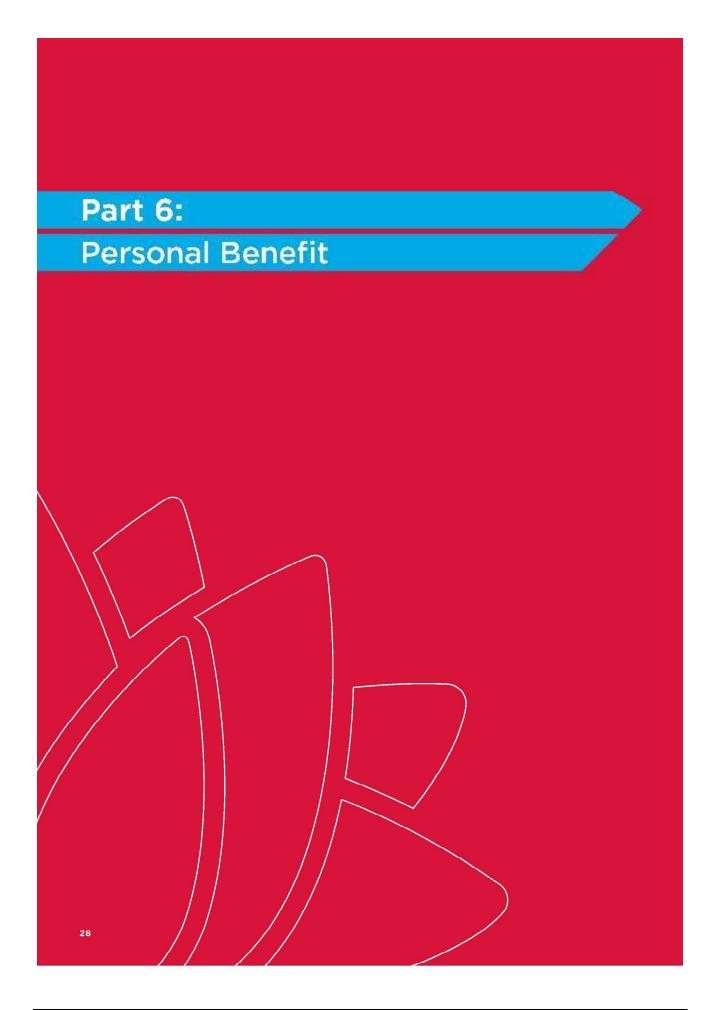
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Non-Pecuniary Conflicts of Interest

- require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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



Personal Benefit

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

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where 't is received by you or someone personally associated with you.

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

- 6.5 You must not:
 - a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

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- 6.5 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the counci, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
 - a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

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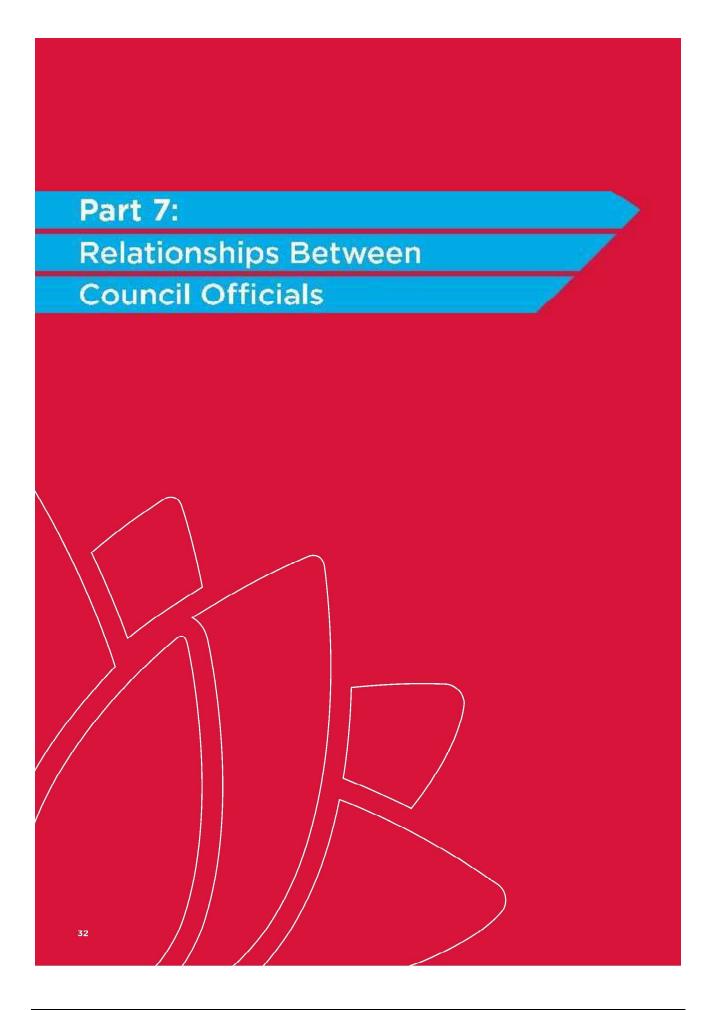
Personal Benefit

"Cash-like gifts"

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

Improper and undue influence

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



Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Fach council is a body politic. The council ors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the coveropment and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
 - a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

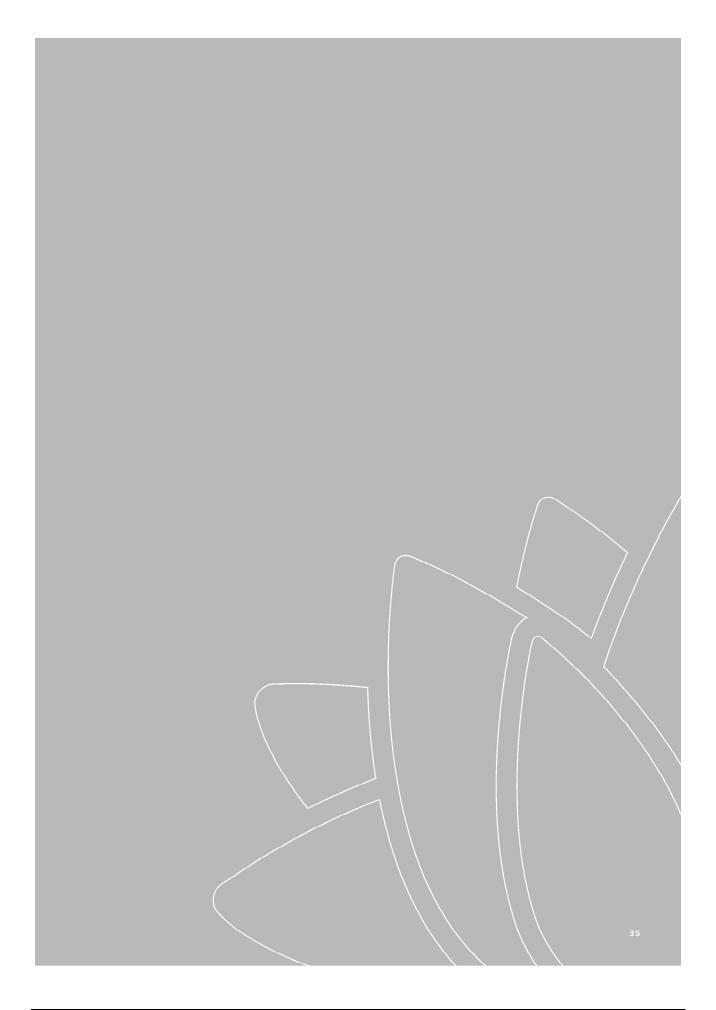
- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that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

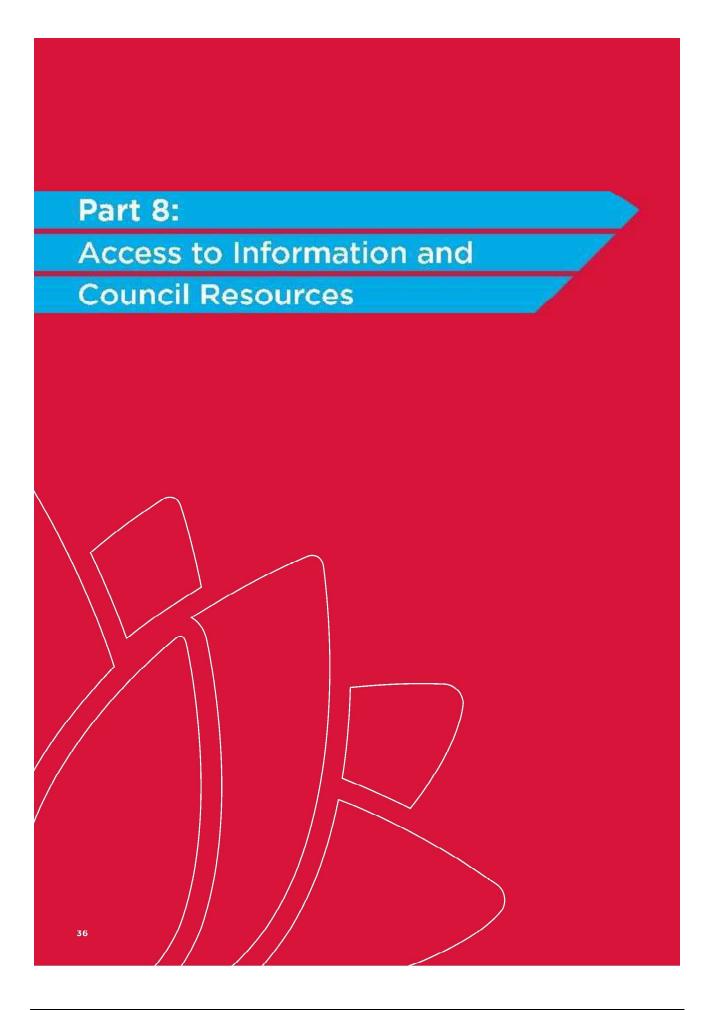
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Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
 - a) councillors and administrators
 approaching staff and staff
 organisations to discuss individual or
 operational staff matters (other than
 matters relating to broader workforce
 policy), grievances, workplace
 investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - councillors and administrators being overbearing or threatening to council staff

- g) council staff being overbearing or threatening to council ors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.





Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The general manager must provide council.ors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their efficial functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, councillors are administrators who are preduced from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.1 In addition to your general obligations relating to the use of council information, you must:
 - c) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
 - a) the Privacy and Personal Information Protection Act 1998
 - b) the Health Records and Information Privacy Act 2002
 - the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

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Access to Information and Council Resources

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
 - a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be screpulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

8,20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

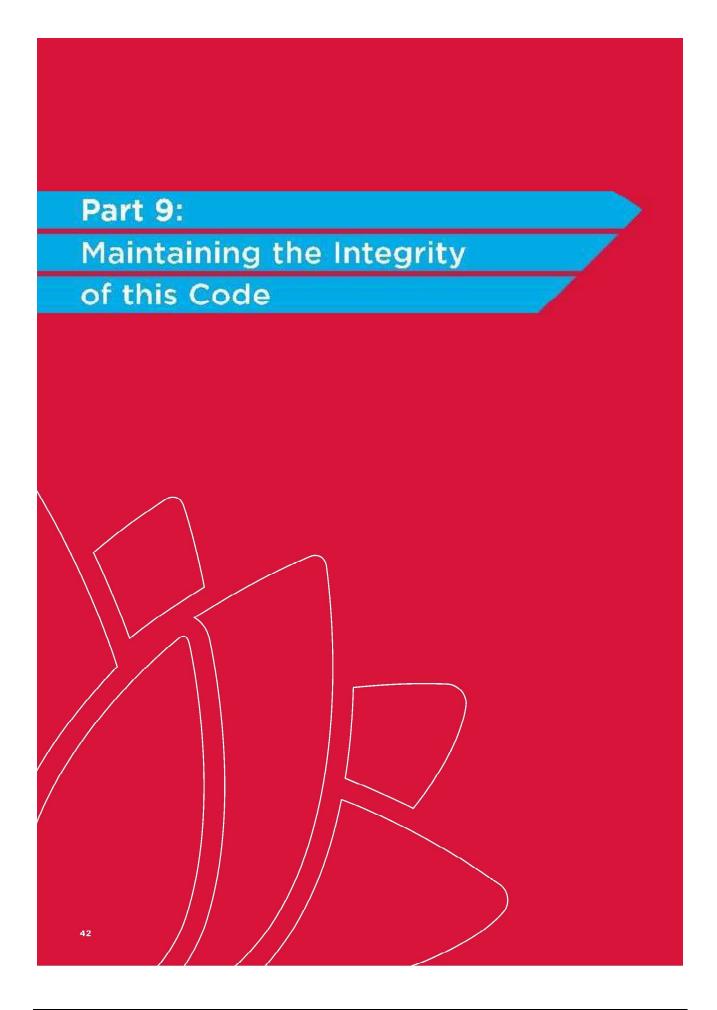
- 8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998*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

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Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.





Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or d'srupt the consideration of a matter under the Procedures
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

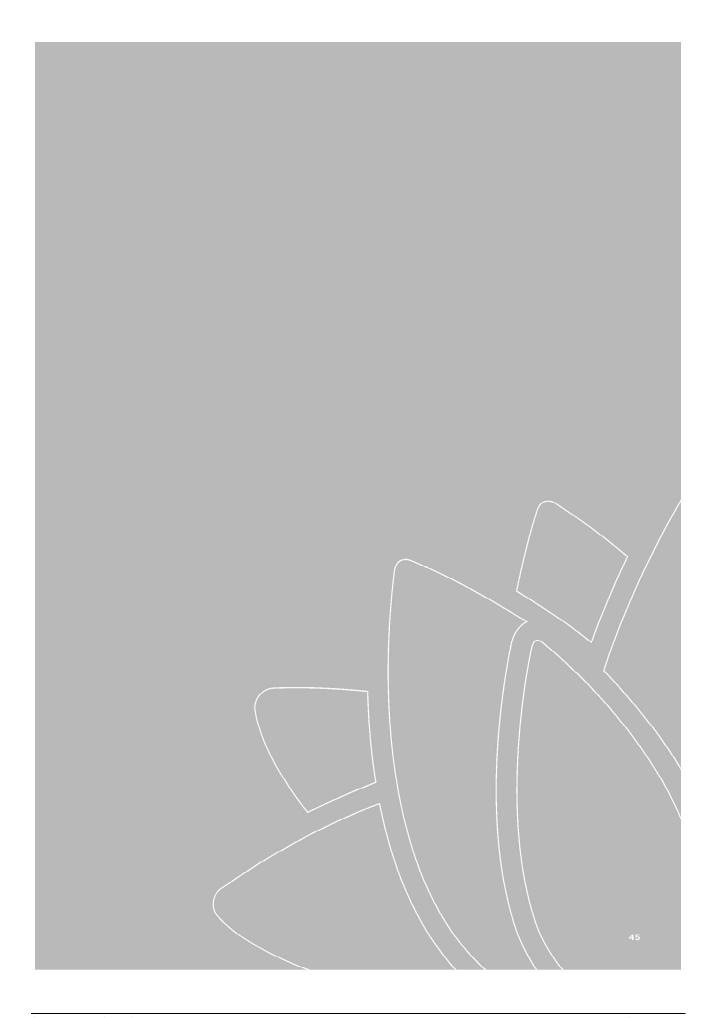
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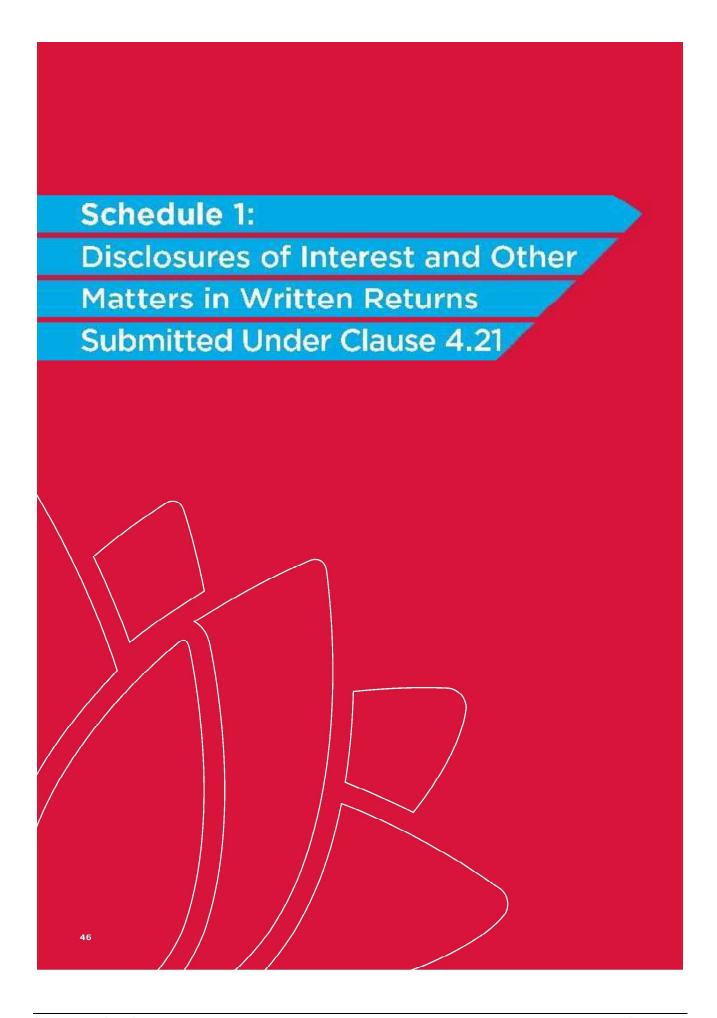
Disclosure of information about the consideration of a matter under the Procedures

- 9.9 A La legations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.





Schedule 1

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

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property includes money.

return date means:

- a) In the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. Interests etc. outside New South Wales:
 A reference in this schedule or in schedule
 2 to a disclosure concerning a corporation
 or other thing includes any reference to
 a disclosure concerning a corporation
 registered, or other thing arising or
 received, outside New South Wales.
- 3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. Gifts, loans etc. from related corporations:
 For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

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Schedule 1

Part 2: Pecuniary interests to be disclosed in returns

Real property

- A person making a return under clause 4,21 of this code must disclose;
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
- 6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
- An Interest In a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
- For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

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

Contributions to travel

- A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and

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

Interests and positions in corporations

- 15. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects
 (if any) of each of the corporations,
 except in the case of a listed company.
- 16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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Schedule 1

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

- 19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

property developer has the same meaning as it has in DIVIS on 7 of Part 3 of the Electoral Funding Act 2018.

Positions in trade unions and professional or business associations

- A person making a return under clause
 4.21 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a council or or designated person.

Dispositions of real property

- 23. A person making a return under clause 4.27 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
- 24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained who ly or partly the use of the property.
- 25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

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Sources of income

- A person making a return under clause.
 4.21 of this code must disclose:
 - each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
- A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person;
 - a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

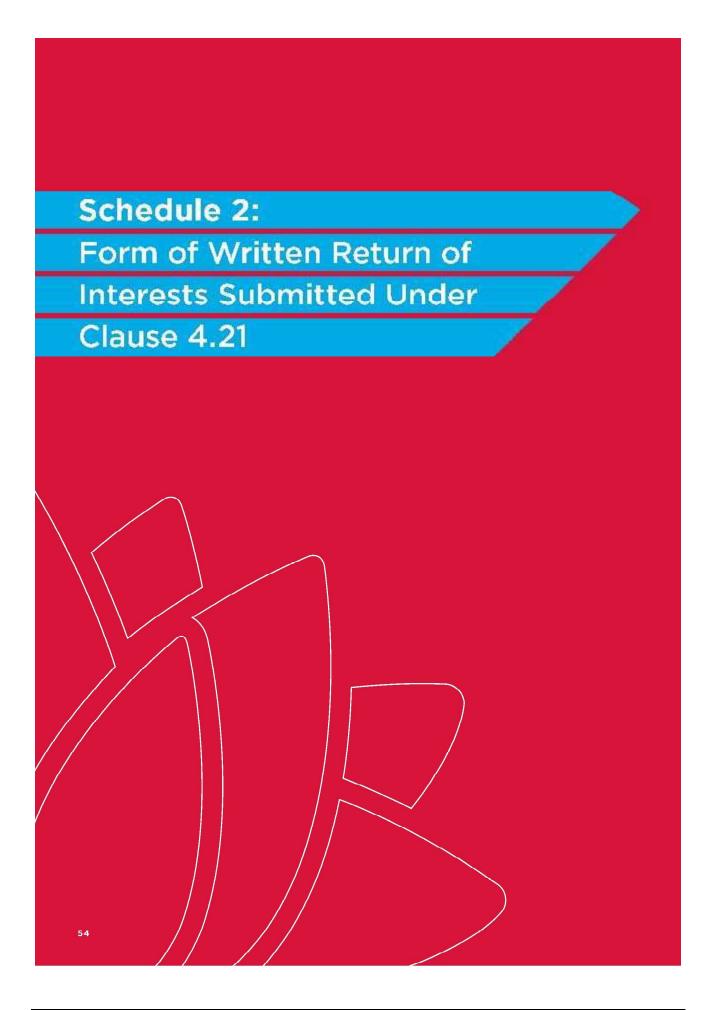
- A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 1.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

Schedule 1

- (*) the debt was one of two or more debts that the person was l'able to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposittaking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

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



Schedule 2

'Disclosures by councillors and designated persons' return

- The pocuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in MSW (the Model Code of Conduct).
- 2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
- 3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
- 4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
- This form must be completed using block letters or typed.

- 6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
- If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

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

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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

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

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

Description of occupation

Name and address of emb over or description of office held (if applicable) Name under which partnership conducted (if abb icable)

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

Sources of income I received from a trust since 30 June

Name and address of sett or

Name and address of trustee

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

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

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

c. Gifts

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

Name and address of donor

Schedule 2

D. Contributions to travel

Name and address of each person who made any financia or other contribution to any travel undertaken undertaken by me at any time since 30 June

Dates on which travel was

Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken.

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June

Nature of interest Description of (if any)

position (if any)

Description of principal objects (if any) of corporation (except in case of listed company)

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

G. Positions in trade unions and professional or business associations

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

Description of poston

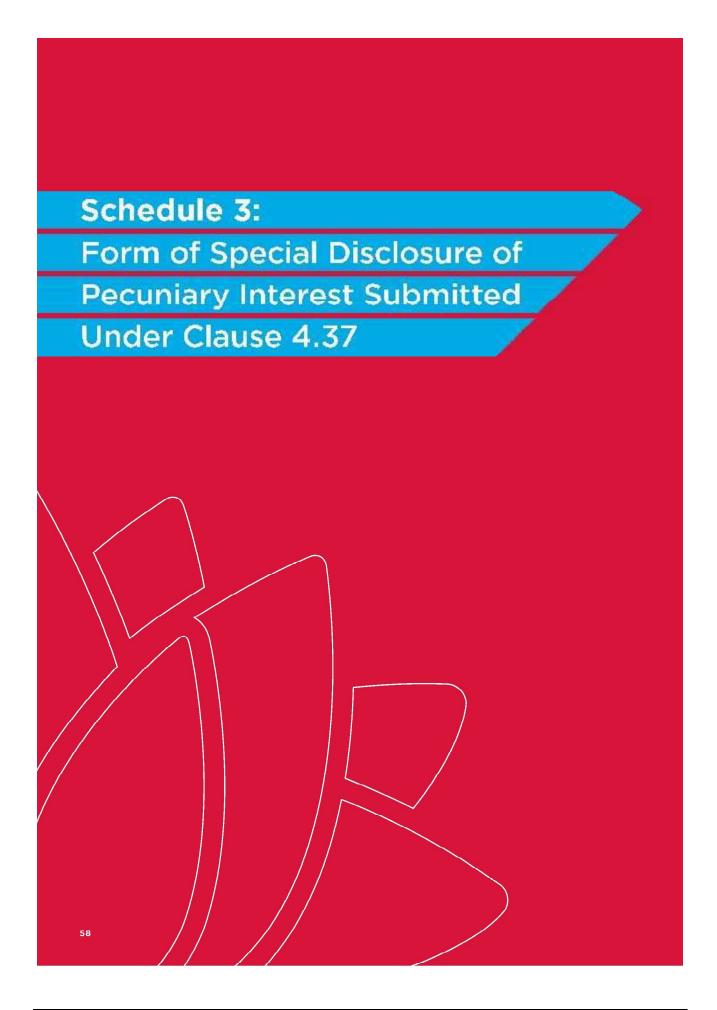
H. Debts

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

I. Dispositions of property

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

J. Discretionary disclosures



Schedule 3

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

Important information

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

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

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your se facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, n'ecc, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [full name of councillor]

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

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20

Pecuniary Interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Re ationship of identified land to councillor	\square The council or has an interest in the land (e.g.
Litick or cross one box j	is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
	$\hfill\square$ An associated person of the councillor has an interest in the land.
	An associated company or body of the councillor has an interest in the lend.
Matter giving rise to pecuniary interest	
Nature of the land that is subject to a change	☐ The identified land
in zone/planning control by the proposed LEP (the subject and) ²	I and that adjoins or is adjacent to or is in proximity to the identified land
[Tick or cross one box]	
Current zone/planning control	
[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

- Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.
- A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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Schedule 3

Proposed change of zone/planning control

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

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

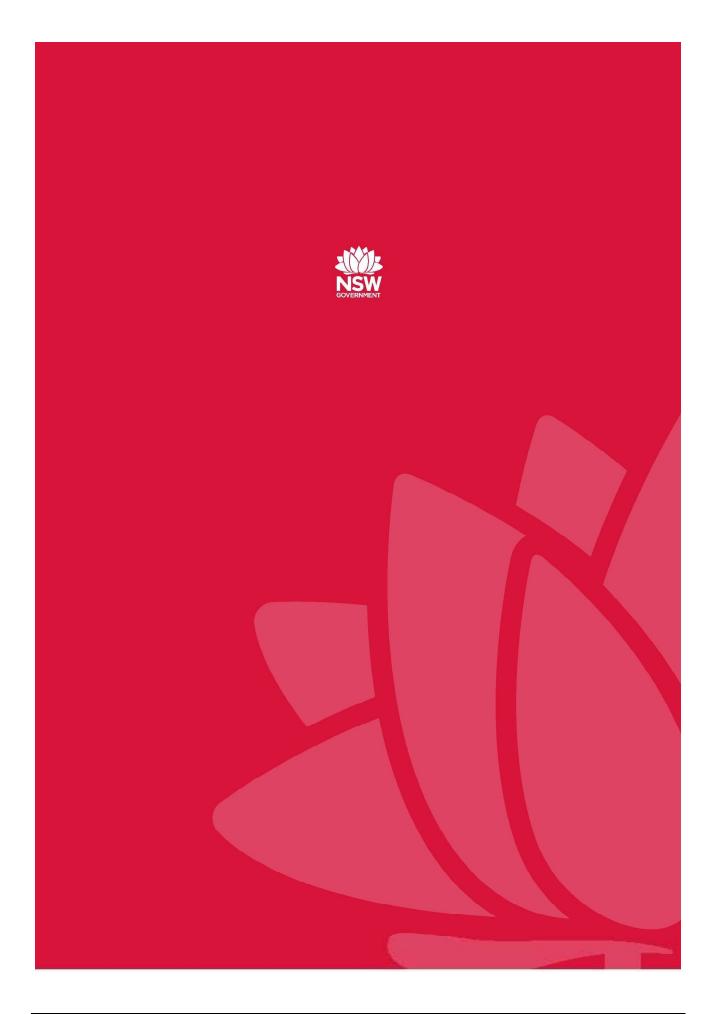
Imsert one of the following: "Appreciable financial gain" or "Appreciable financial loss" [

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

Councillor's signature

Date

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



Procedures for the Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

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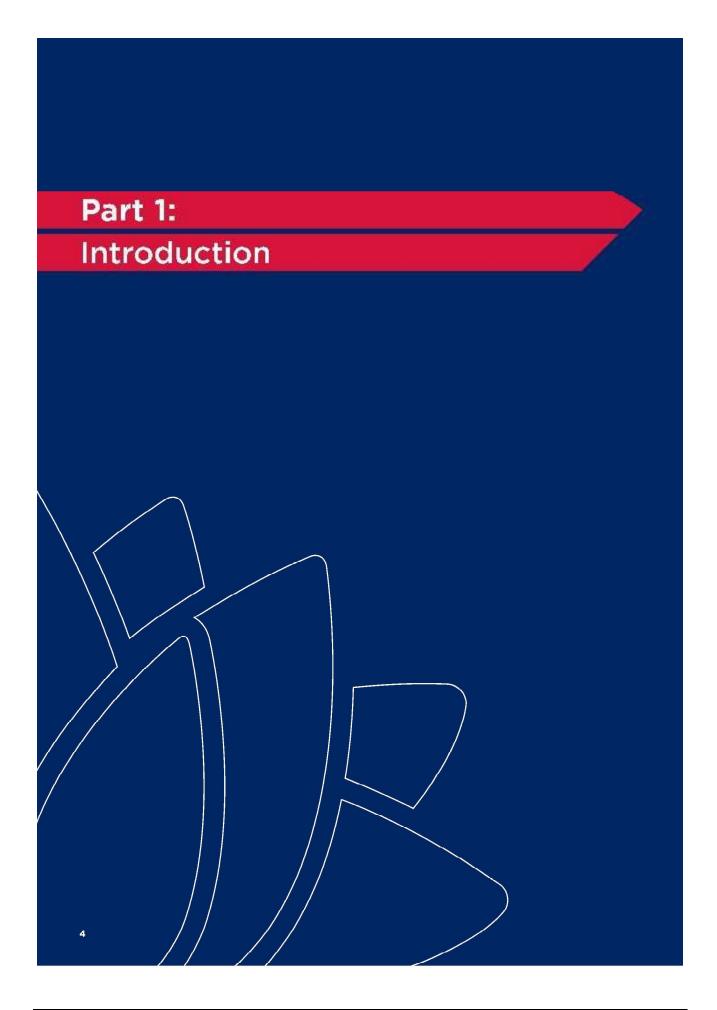
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Introduction

I hese procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act* 1993 ("the LGA") and the *Local Government* (General) Regulation 2005 ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

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

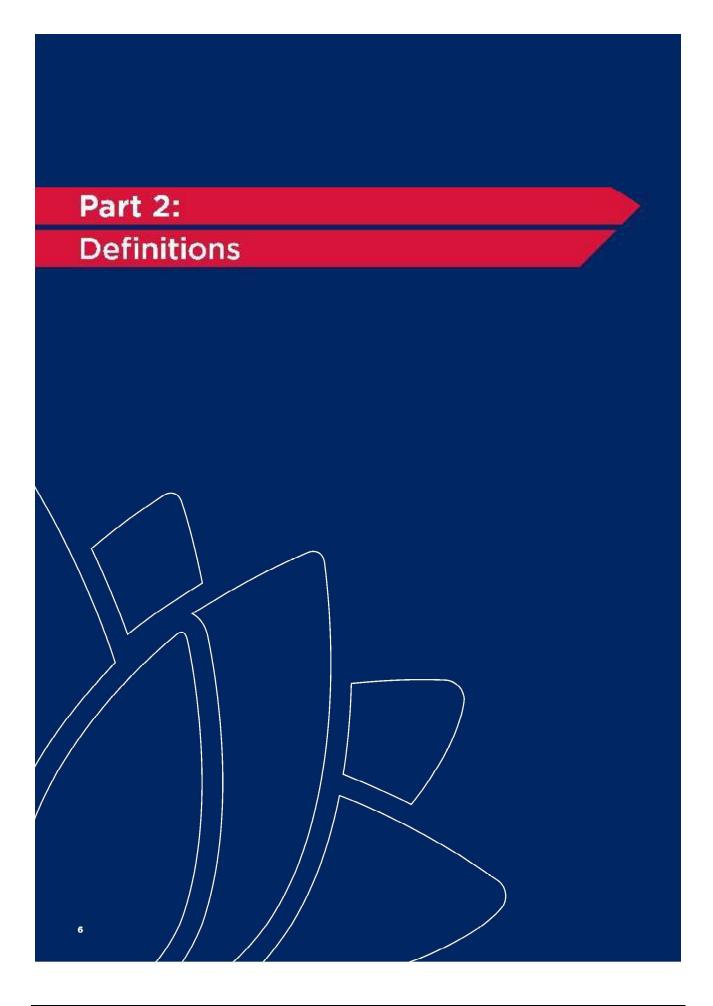
In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

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

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

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



Definitions

In these procedures the following terms have the following meanings:

administrator an administrator of a council appointed under the LGA

other than an administrator appointed under section 66

code of conduct adopted under section 440 of the LGA

code of conduct complaint a complaint that is a code of conduct complaint for the

purposes of clauses 4.1 and 4.2 of these procedures

complainant a person who makes a code of conduct complaint

complainant councillor a councillor who makes a code of conduct complaint

complaints coordinator a person appointed by the general manager under these

procedures as a complaints coordinator

conduct reviewer a person appointed under these procedures to review

allegations of breaches of the code of conduct by

councillors or the general manager

council includes county councils and joint organisations

council committee a committee established by a council comprising of

councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and

improvement committee

council committee member a person other than a councillor or member of staff of a

council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and

improvement committee

councillor any person elected or appointed to civic office, including

the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

council official any councillor, member of staff of council, administrator,

council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct,

council adviser

delegate of council a person (other than a councillor or member of staff of a

council) or body, and the individual members of that body,

to whom a function of the council is delegated

external agency a state government agency such as, but not limited to, the

Office, the ICAC, the NSW Ombudsman or the police

general manager includes the executive officer of a joint organisation

ICAC the Independent Commission Against Corruption

joint organisation a joint organisation established under section 4000

of the LGA

LGA the Local Government Act 1993

mayor includes the chairperson of a county council or

a joint organisation

members of staff of a council includes members of staff of county councils and

joint organisations

the Office the Office of Local Government

investigator a conduct reviewer

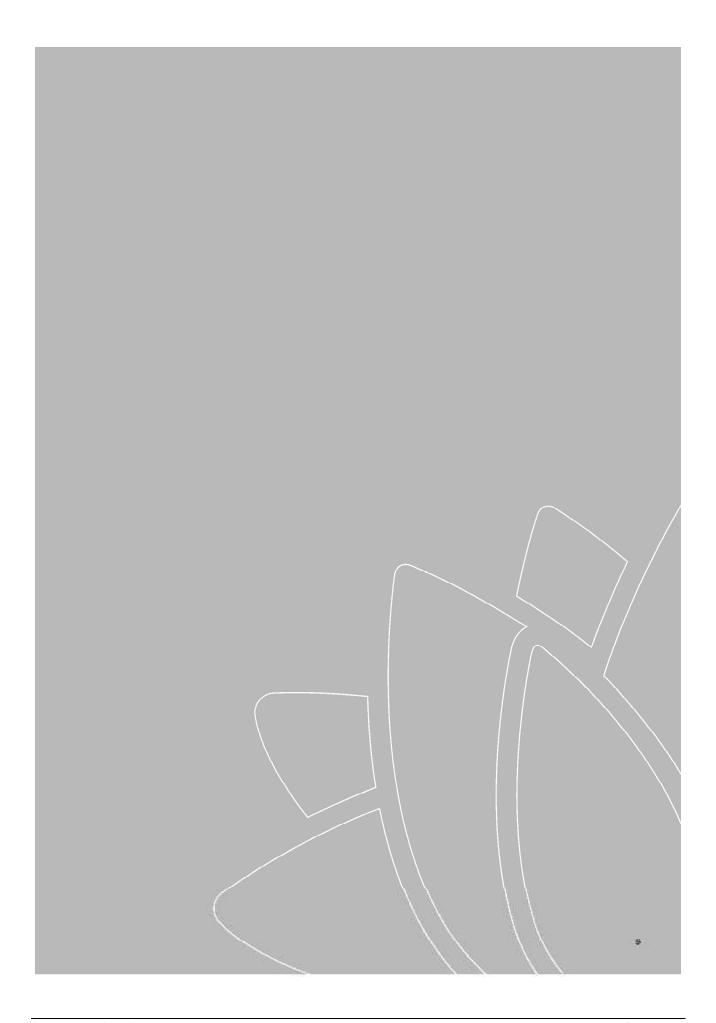
the Regulation the Local Government (General) Regulation 2005

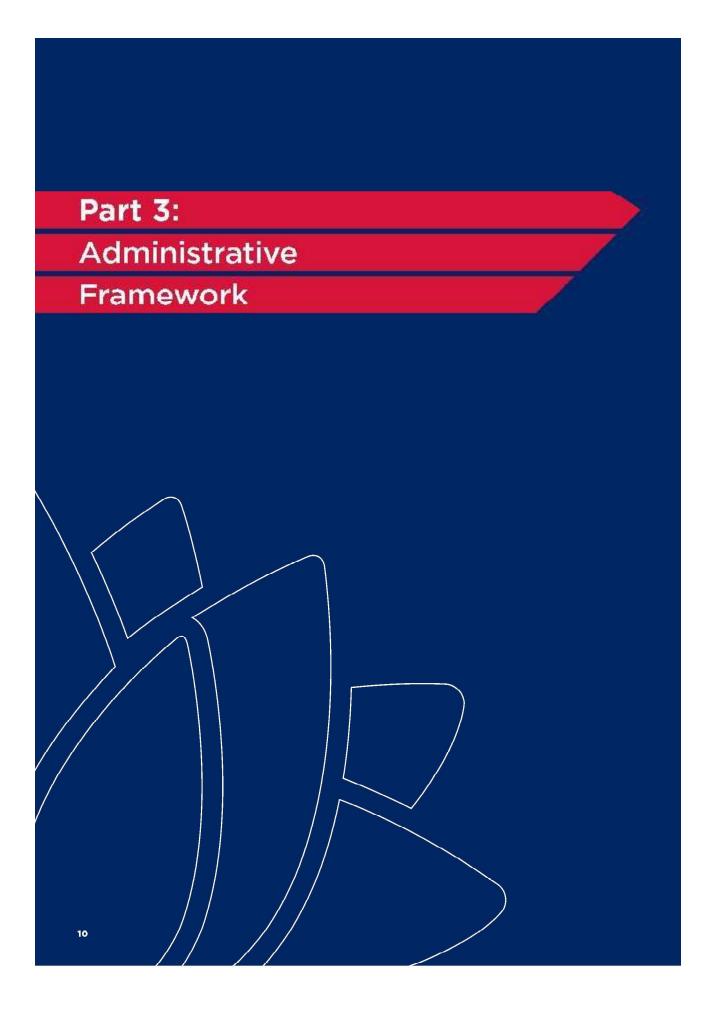
respondent a person whose conduct is the subject of investigation by a

conduct reviewer under these procedures

wholly advisory committee a council committee that the council has not delegated

any functions to





Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a council or,
 or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

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- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

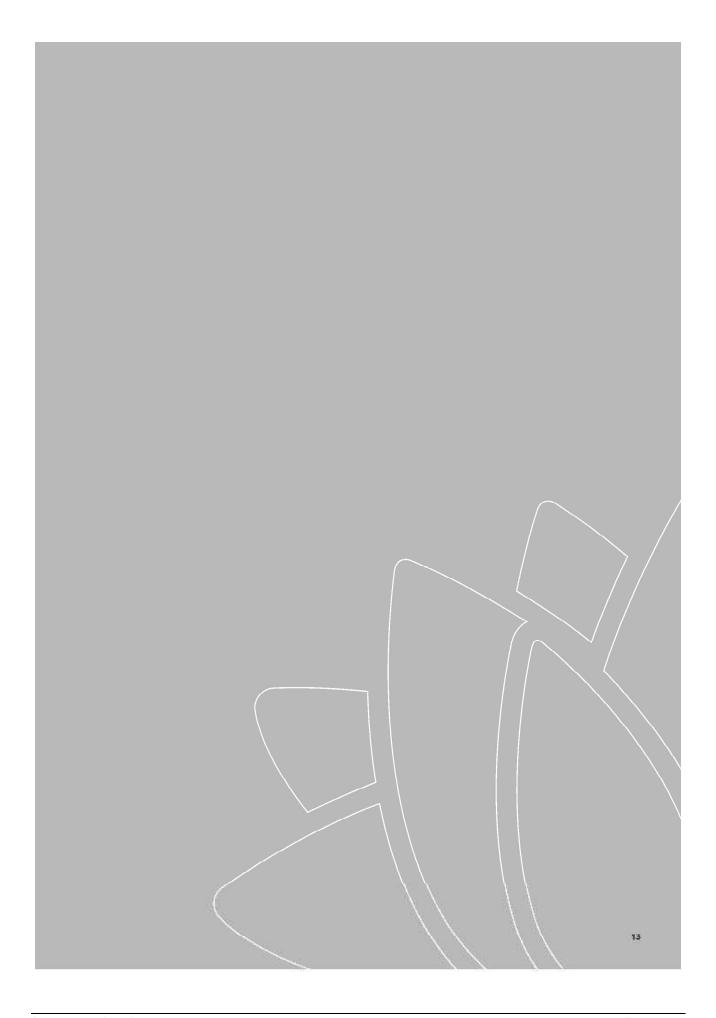
The appointment of an internal ombudsman to a panel of conduct reviewers

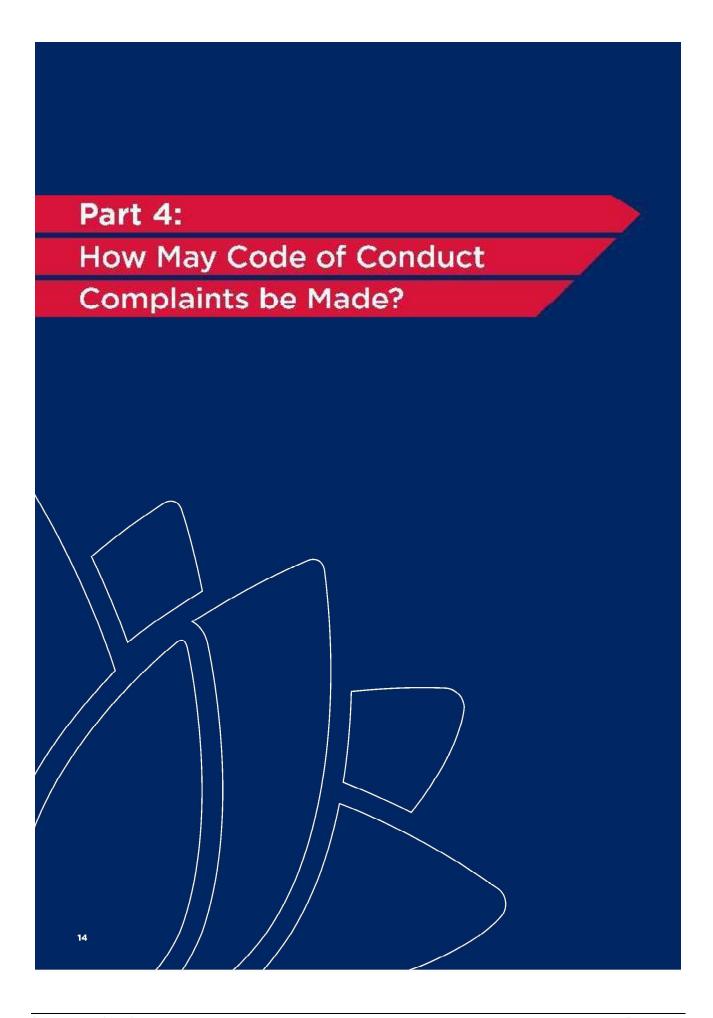
- 3.13 Despite clause 3.6(c), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, out not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

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How May Code Of Conduct Complaints be Made?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

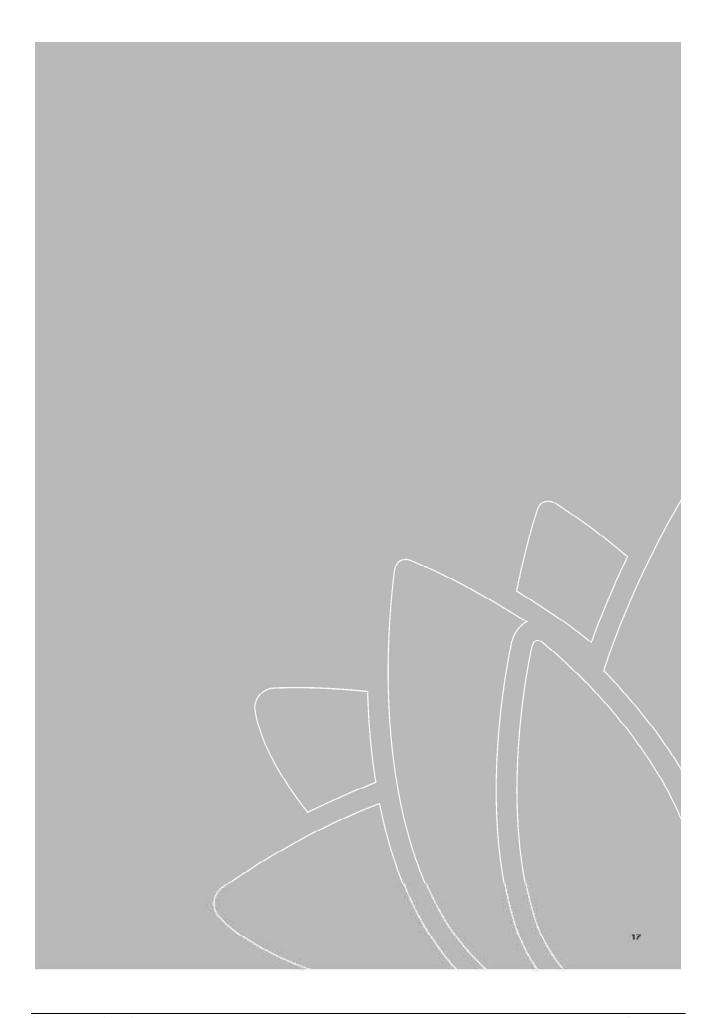
How may a code of conduct complaint about a council official other than the general manager be made?

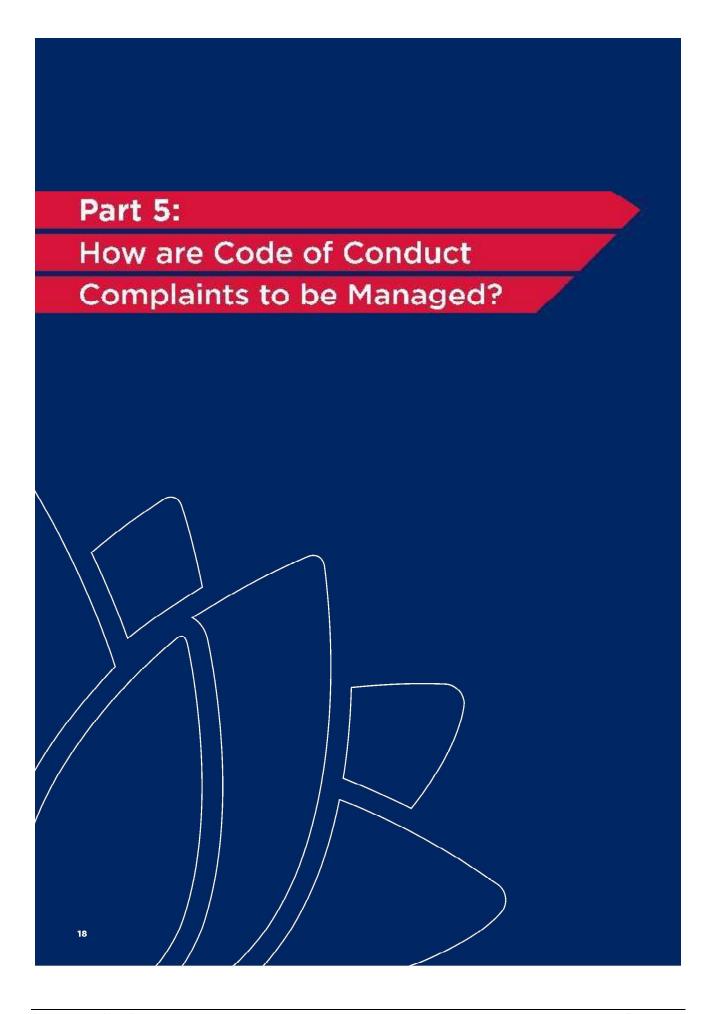
- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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How are Code of Conduct Complaints to be Managed?

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

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
 - a) is not a code of conduct complaint, or
 - subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

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- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, alvo untary applicacy or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law

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How are Code of Conduct Complaints to be Managed?

- d) removing or restricting the person's delegation
- removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a senction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - the person must be given an opportunity to respond to the allegation, and
 - the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

- 5.16 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referre in writing.
- 5.22 The general manage: may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

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- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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How are Code of Conduct Complaints to be Managed?

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
 - a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

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5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - it is essential, having regard to procedure fairness requirements, that the identitying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5,41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not overr'de the provisions of the *Public Interest Disclosures* Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

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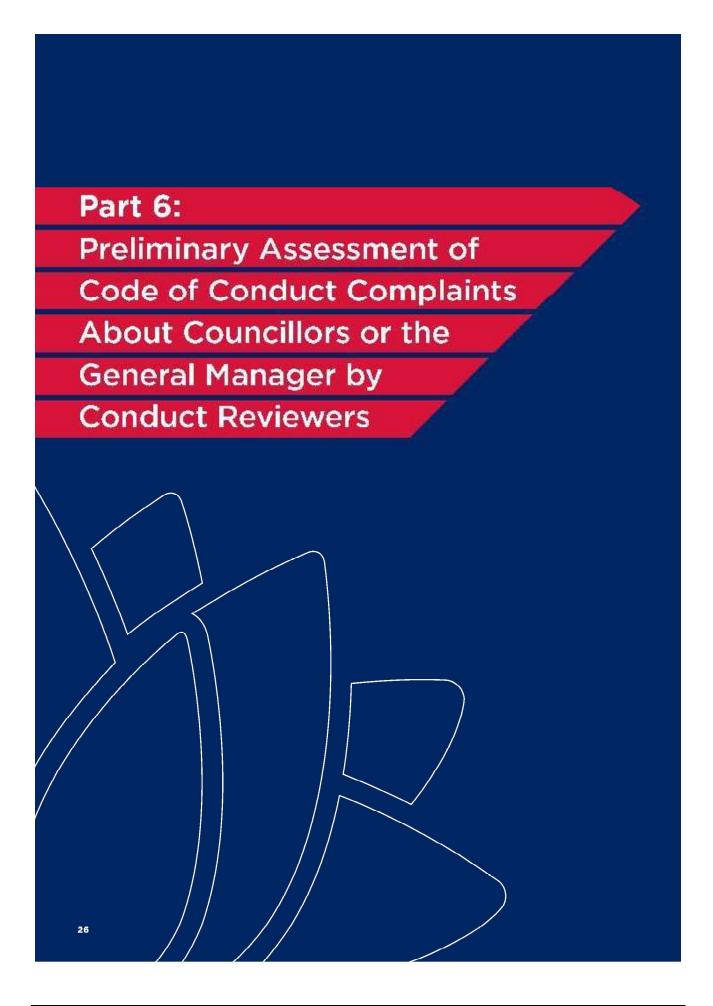
How are Code of Conduct Complaints to be Managed?

5.4/ Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing DLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.



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

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

- 6.4. A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - a reasonable apprehension of blas arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 5.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
 - a) comply with these procedures in their consideration of the matter, or
 - comply with a lawful and reasonable request by the complaints coordinator, or
 - exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- £.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

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

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
- b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
- that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

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Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

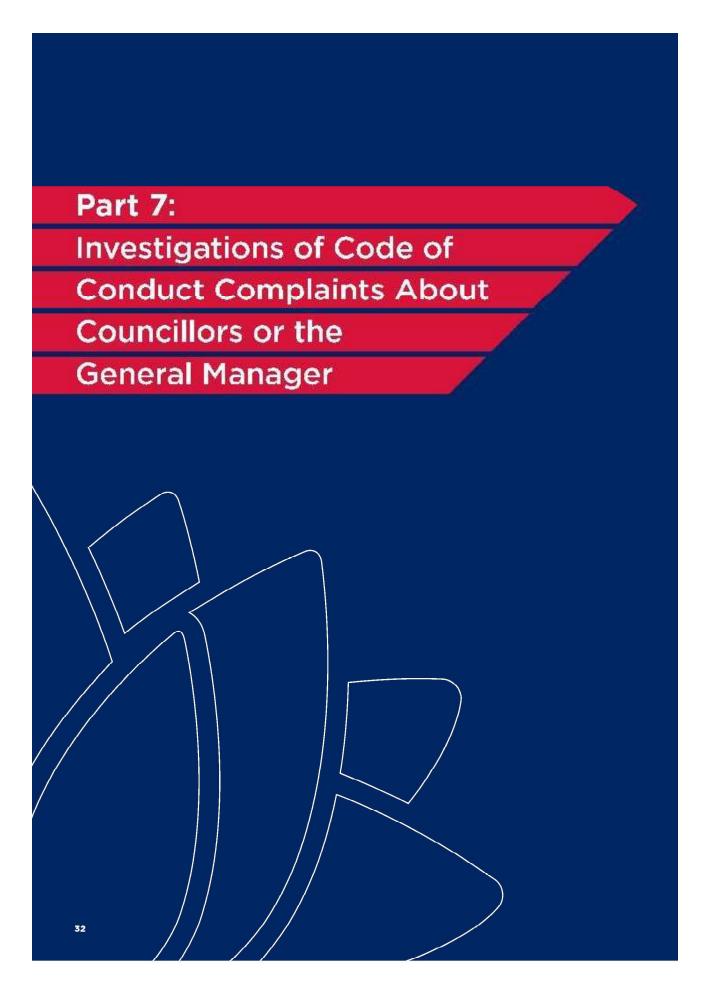
Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a compleint, the conduct reviewer must have regard to the following considerations:
 - a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

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

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.



Investigations of Code of Conduct Complaints About Councillors or the General Manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - advise of the process to be followed in investigating the matter, and

- advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

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- a) advise them of the matter the investigator is investigating, and
- in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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Investigations of Code of Conduct Complaints About Councillors or the General Manager

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counse ling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

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

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an invest gator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

- 7.35 The investigator's final report must:
 - a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
 - a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - i) any recommendations.

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Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.5/ Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
 - a) that the council revise any of its policies, practices or procedures

- b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

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

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44...

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously cons'dered by the investigator.
- 7.52 Prior to imposing a sanction, the counci may by resolution:
 - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

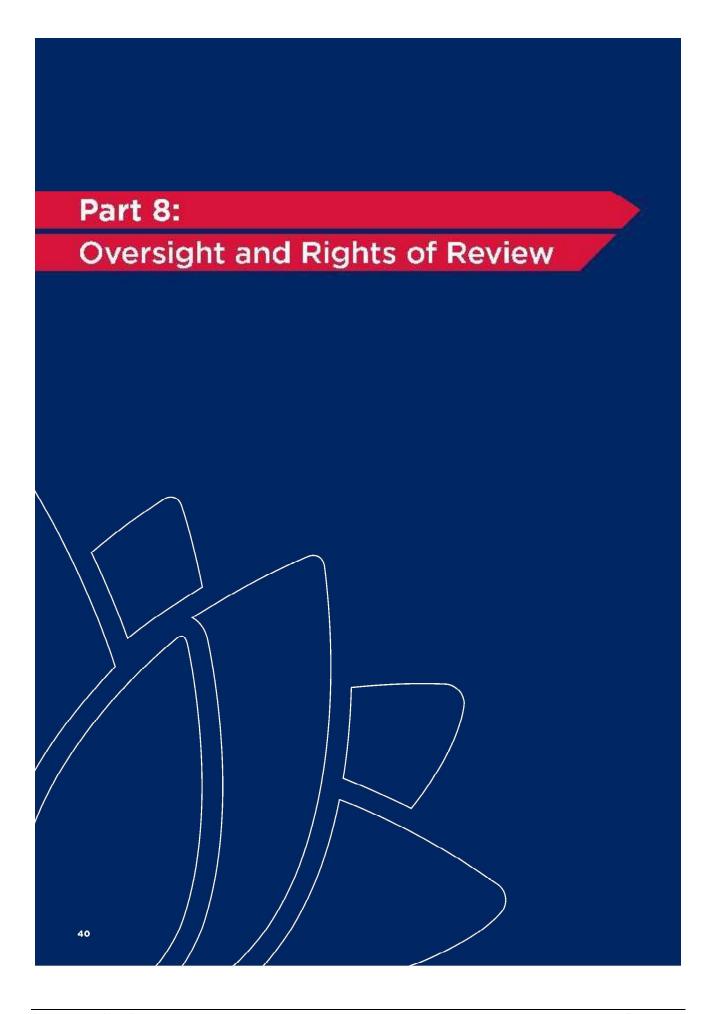
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Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
 - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - that the councillor be formally censured for the breach under section 440G of the LGA, and
 - that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

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Oversight and Rights of Review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7. Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

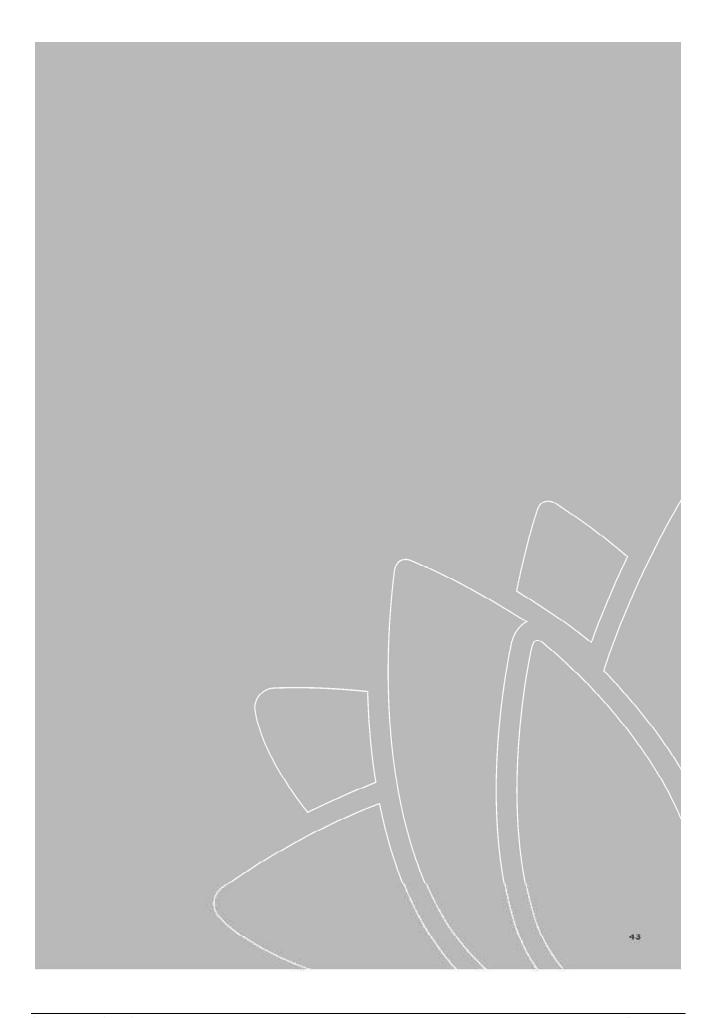
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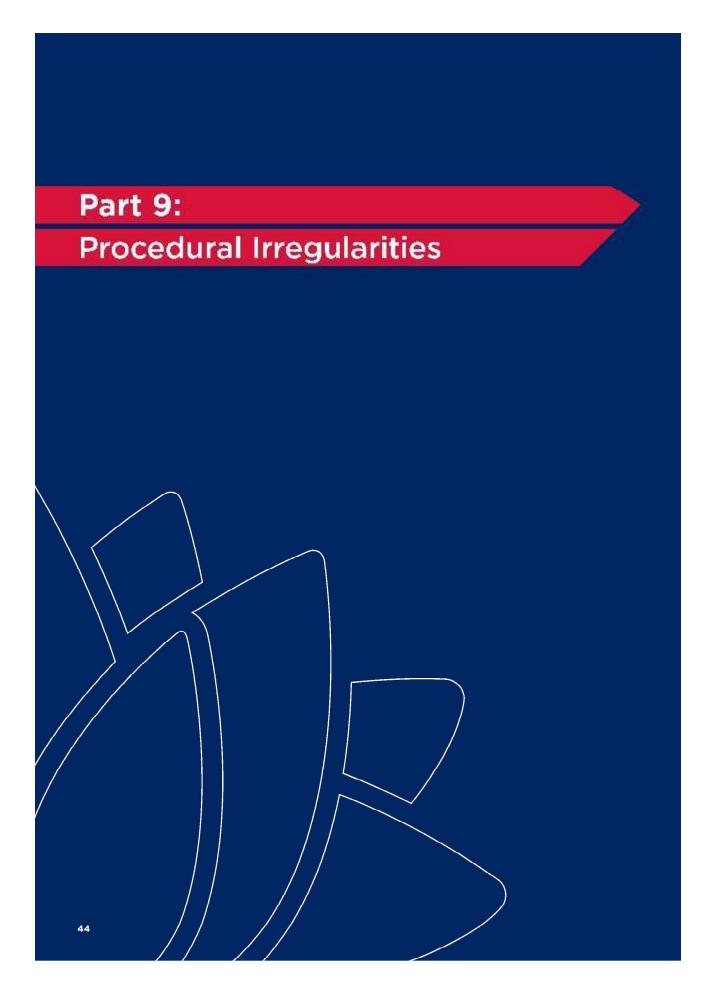
Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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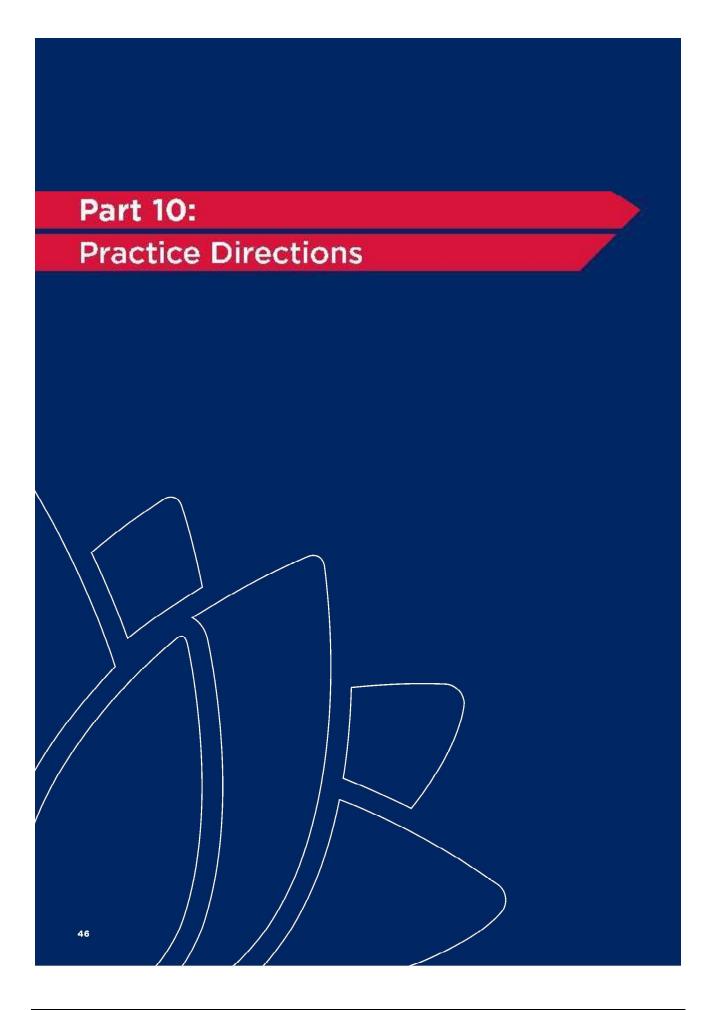




Procedural trregularities

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - reasonable steps are taken to address the consequences of the non-compliance.

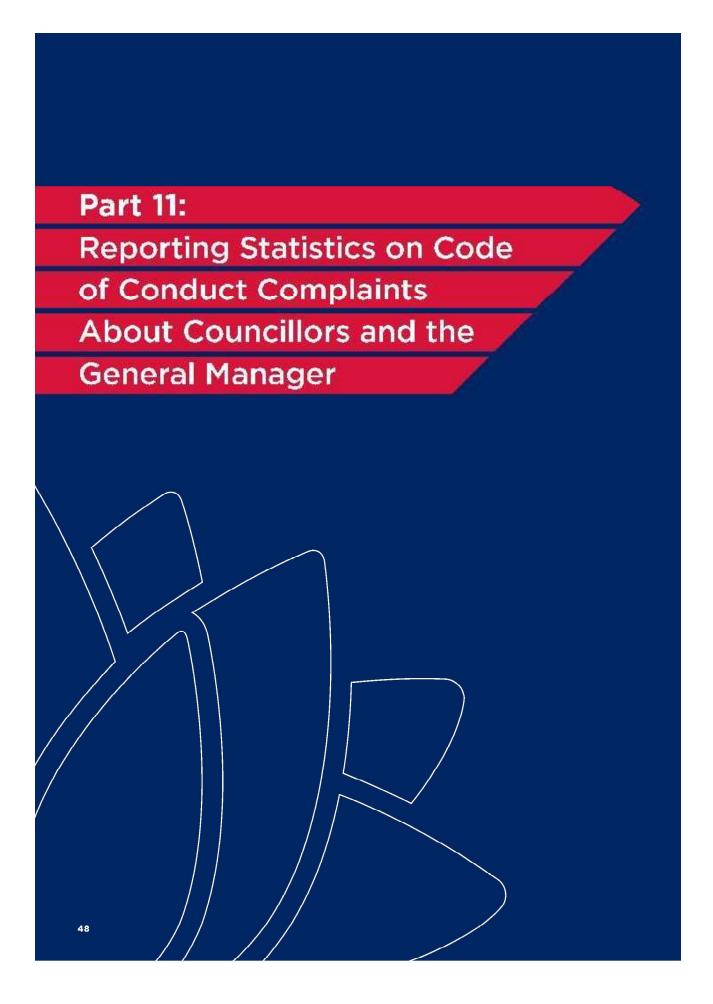
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Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

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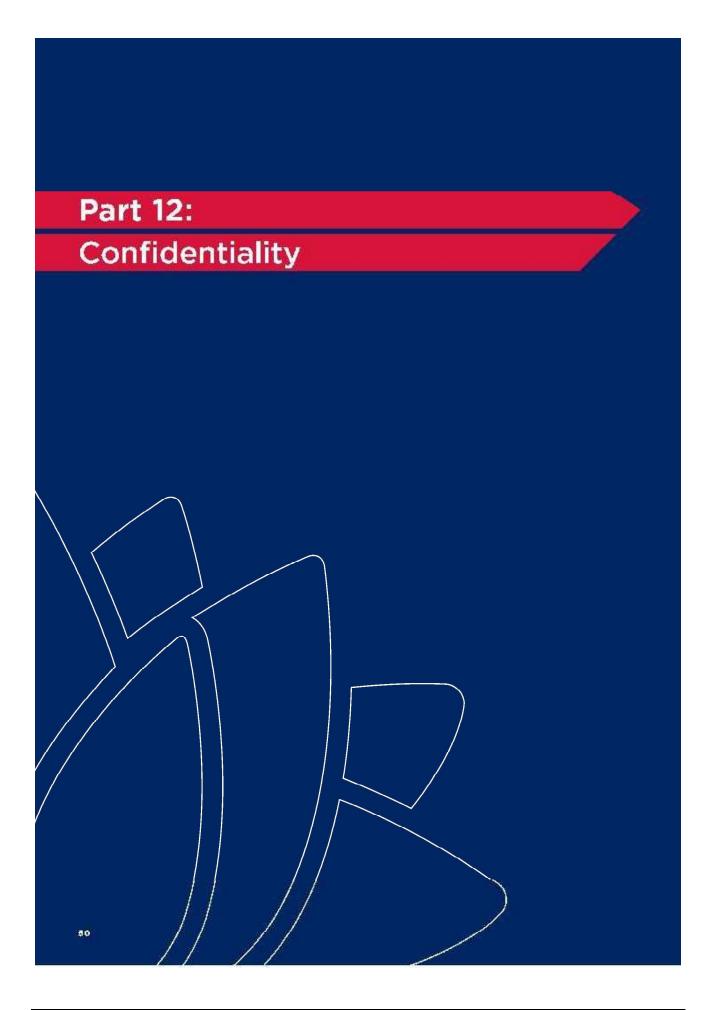


Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

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Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access)*Act 2009 or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

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Council Policy

Policy Title: Councillor Expenses and Facilities Policy

Policy Number: 1.07

Focus Area: Lead and advocate for our community

Responsibility: Governance

Meeting Adopted:



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POLICY OVERVIEW

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2021* (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarized in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$3,000 per councillor \$6,000 for the Mayor	Per year
Overseas travel expenses	To be approved by Council	Per year
Accommodation and meals	As per the Australian Taxation Office tax determination TD2024/003, table 2	Per meal/night
Professional development	\$6,000 per councillor	Per year
Conferences and seminars		Per year
ICT expenses	\$100 per councillor, excluding hardware provided by Council	Per month
Carer expenses	Up to \$3,500 per councillor	Per year
Home office expenses	\$300 per councillor	Per year
Christmas or festive cards	\$100 for the mayor	Per year
Access to facilities in a Councillor common room [where applicable Clause 9.2]	Provided to all councillors	Not relevant
Council vehicle and fuel card [where applicable Clause 10]	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office [where applicable Clause 10]	Provided to the mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors [where applicable Clause 9.4]	Provided to the mayor and councillors	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense and are the responsibility of the Councillor.

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Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time may not be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

PART A - INTRODUCTION

1. Introduction

- 1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Richmond Valley Council.
- 1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3 The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5 Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Objectives

- 2.1 The objectives of this policy are to:
 - Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
 - Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
 - Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
 - Ensure facilities and expenses provided to Councillors meet community expectations;
 - Support a diversity of representation; and
 - Fulfil the Council's statutory responsibilities.

3. Principles

- 3.1 Council commits to the following principles:
 - <u>Proper conduct</u>: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - <u>Reasonable expenses:</u> providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
 - <u>Participation and access:</u> enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
 - Equity: there must be equitable access to expenses and facilities for all Councillors.

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- <u>Appropriate use of resources:</u> providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- <u>Accountability and transparency:</u> clearly stating and reporting on the expenses and facilities provided to Councillors.

4. Private or political benefit

- 4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2 Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 4.3 Such incidental private use does not require a compensatory payment back to Council.
- 4.4 Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit;
 and
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B - EXPENSES

5. General expenses

- 5.1 All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses

General travel arrangements and expenses

- 6.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2 Each Councillor may be reimbursed up to a total of \$3,000 per year, and the Mayor may be reimbursed up to a total of \$6,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls; and

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- for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4 Councillors seeking to be reimbursed for use of a private vehicle must keep records of the date, distance and purpose of travel being claimed. Copies of the relevant record must be provided with the claim.

Overseas travel expenses

- 6.5 In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6 Overseas travel expenses for all Councillors must be approved by resolution at a Council Meeting.
- 6.7 When seeking approval for overseas travel, an application for approval to Council should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties;
 - who is to take part in the travel;
 - duration and itinerary of travel; and
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.8 For interstate and long-distance intrastate journeys, the class of air travel is to be economy class or as determined by the General Manager.
- 6.9 For international travel, the class of air travel is to be economy class or as determined by the General Manager.
- 6.10 Bookings for approved air travel are to be made through the General Manager's office.
- 6.11 For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.
- 6.12 A Councillor who travels in a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award or airfare, whichever is the lower.

Travel expenses not paid by Council

6.13 Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

6.14 In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.

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- 6.15 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the Richmond Valley area. Accommodation is to be at a standard of up to four-star rating.
- 6.16 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.17 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.16.

Refreshments for Council related meetings

- 6.18 Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 6.19 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.20 Council will set aside \$42,000 annually for professional development, conferences and seminars in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to professional development is distributed equitably, and in accordance with Councilors' professional development plans.
- 6.21 In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.22 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.23 Approval for professional development activities is subject to a prior written request to the General Manager outlining the:
 - details of the proposed professional development;
 - relevance to Council priorities and business; and
 - relevance to the exercise of the Councillor's civic duties.
- 6.24 In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

6.25 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.

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- 6.26 In accordance with clause 6.20, Council will set aside \$42,000 annually in its budget to facilitate Councillor attendance at conferences and seminars and professional development. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably, and in accordance with Councilors' professional development plans.
- 6.27 Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
 - relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.28 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.14 6.17.

Information and communications technology (ICT) expenses

- 6.29 Council will provide Councillors with appropriate electronic equipment for communication services. This may include mobile phones, tablets and associated data. All equipment is to be utilised within the guidelines outlined in relevant Council policies and procedures.
- 6.30 Council will reimburse costs for mobile telephone calls equal to fifty percent (50%) of the total cost of the mobile telephone account claimed up to a maximum of \$100.00 per quarter.

Special requirement and carer expenses

- 6.31 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
- 6.32 In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.33 Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$3,500 per annum when provided by a registered provider if a Councillor is required to arrange such while on reasonable Council business.
- 6.34 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.35 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

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Home office

6.36 Council will provide a filing cabinet up to a four-drawer capacity while Councillors are in office.

Accompanying persons

- 6.37 Council will meet the costs of a Councillor's accompanying person in the following circumstances:
 - Cost of registration and official conference dinner at the Local Government NSW Annual Conference. Cost of accommodation and travel are to be met by the Councillor.
 - Payment of expenses at official Council functions that are of a formal or ceremonial nature within the Council's area, for example, Australia Day Awards and Civic Receptions.
 - Payment of expenses for the accompanying person of a Mayor (or Councillor when they
 are representing the Mayor), when they are called upon to attend an official function of
 Council or carry out an official duty while accompanying the Mayor outside Council's area,
 but within the State. This is to be restricted to direct costs associated with the function.

7 Insurance

- 7.1 In accordance with Section 382 of the *Local Government Act*, Council is required to make arrangements for adequate insurance against public liability and professional liability, with Councillors to receive the benefit of insurance cover for:
 - Public liability (for matters arising out of Councillor's performance of their civic duties and/or exercise of their council functions);
 - Professional indemnity (for matters arising out of Councillor's performance of their civic duties and/or exercise of their council functions); and
 - Personal injury while on council business (this cover does not include workers' compensation payments or arrangements).
- 7.2 All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4 Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8 Legal assistance

- 8.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act* provided that the outcome of the legal proceedings is favourable to the Councillor;
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor;
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal

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investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

- 8.2 In the case of a code of conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.
- 8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4 Council will not meet the legal costs:
 - of legal proceedings initiated by a Councillor under any circumstances;
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a nonlitigious remedy for possible defamation;
 - for any costs incurred by Senior Counsel; or
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

PART C - FACILITIES

9 General facilities for Councillors

Facilities

- 9.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
 - corporate clothing, which may be made up of business shirts, corporate tie or scarf and corporate style jacket;
 - personal protective equipment for use during site visits if deemed required by the General Manager;
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor;
 - business cards; and
 - access to telephone, email and photocopy facilities for Council business as required.
- 9.2 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through Council's Personal Assistant to the General Manager and Mayor.
- 9.3 The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

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Administrative support

- 9.4 Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff as arranged by the General Manager.
- 9.5 As per Section 4, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10 Additional facilities for the Mayor

- 10.1 Private use of the Mayoral vehicle from the range of vehicles available to management and senior staff in accordance with Council's Motor Vehicle Lease agreement with a payment equivalent of 25% of the staff contribution, or as approved by the General Manager, together with the use of a fuel card.
- 10.2 A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 10.3 Council will provide the Mayor with a furnished office incorporating a computer, telephone and meeting space. Together with access to a telephone, email and photocopy facilities.
- 10.4 In performing his or her civic duties, the Mayor will be assisted by staff providing administrative and secretarial support, as determined by the General Manager.
- 10.5 Ceremonial clothing including Mayoral robes and/or chain of office will be provided.
- 10.6 As per Section 4, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

11 Superannuation

- 11.1 Under Section 254B *Local Government Act 1993*, a council may make a superannuation contribution payment as a contribution to a superannuation account nominated by a Councillor, starting from the financial year commencing 1 July 2022.
- 11.2 The amount of a superannuation contribution payment is the amount the Council would have been required to contribute under the Commonwealth superannuation legislation as if the Councillor were an employee of Council.
- 11.3 A superannuation contribution payment is payable with, and at the same intervals as the annual fee is payable to the Councillor.
- 11.4 A Council is only permitted to make a superannuation contribution payment if a resolution has been passed at an open meeting of Council.
- 11.5 Council resolved at its Ordinary Meeting held 17 May 2022, to commence payment of superannuation equivalent in amount to superannuation guarantee payments, from 1 July 2022. This was resolved under Resolution 170522/5.

PART D - PROCESSES

12 Approval, payment and reimbursement arrangements

- 12.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 12.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

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- 12.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 12.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

12.5 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

12.6 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

Advance payment

- 12.7 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 12.8 The maximum value of a cash advance is \$150 per day for a conference, seminar or professional development.
- 12.9 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 12.10 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
 - a full reconciliation of all expenses including appropriate receipts and/or tax invoices; and
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 12.11If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 12.12 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 12.13 If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - Council will invoice the Councillor for the expense;
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 12.14If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

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Timeframe for reimbursement

12.15 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time may not be approved.

13 Disputes

- 13.1 If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 13.2 If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.

14 Return or retention of facilities

- 14.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 14.3 The prices for all equipment purchased by Councillors under Clause 14.2 will be recorded in Council's Annual Report.

15 Publication

15.1 This policy will be published on Council's website following adoption by Council meeting resolution.

16 Reporting

16.1 Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.

17 Breaches

- 17.1 Suspected breaches of this policy are to be reported to the General Manager.
- 17.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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PART E - APPENDICES

Appendix I: Definitions

The following definitions apply throughout this policy.

Term	Definition		
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor		
appropriate refreshments	Means food and beverages provided by Council to support Councillors undertaking official business		
Act	Means the Local Government Act 1993 (NSW)		
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy		
Code of Conduct	Means the Code of Conduct adopted by Council		
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor		
General Manager	Means the General Manager of Council and includes their delegate or authorised representative		
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct		
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle		
maximum limit	Means the maximum limit for an expense or facility provided in the text		
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes:		
	meetings of Council and committees of the whole		
	meetings of committees facilitated by Council		
	civic receptions hosted or sponsored by Council		
	 meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council 		
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor		
Regulation	Means the Local Government (General) Regulation 2021 (NSW)		
year	Means the financial year, that is the 12-month period commencing on 1 July each year		

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Appendix II: Related legislation, guidelines and policies

- Code of Conduct (adopted by Richmond Valley Council)
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (2009)
- · Local Government Act 1993, sections 252, 253 and 254
- Local Government (General) Regulation 2021, clauses 217 and 403
- Office of Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities (2009)
- Office of Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better Practice Template (2017).

Appendix III: Legislative provisions

Local Government Act 1993

Section 252 Payment of expenses and provision of facilities

- (1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.
- (2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.
- (3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.
- (4) A council may from time to time amend a policy under this section.
- (5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.

Section 253 Requirements before policy concerning expenses and facilities can be adopted or amended

- (1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
- (2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
- (3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.
- (5) A council must comply with this section when proposing to adopt a policy in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.

Richmond Valley Council - CPOL 1.07 Councillor Expenses & Facilities Policy

Adopted: Page 14 of 17

Section 254 Decision to be made in open meeting

The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

Section 382 Insurance against liability

- (1) A council must make arrangements for its adequate insurance against public liability and professional liability.
- (2) The regulations may make provision with respect to—
 - arrangements for insurance
 - minimum amounts of insurance
 - risk management
 - · claims management
 - the keeping of records concerning insurance
 - other matters concerning insurance.

Richmond Valley Council - CPOL 1.07 Councillor Expenses & Facilities Policy

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Appendix IV: Reporting requirements

Local Government (General) Regulation 2021

<u>Clause 217</u> <u>Additional information for inclusion in annual report</u>

- (1) For the purposes of section 428(4)(b) of the Act, an annual report of a council is to include the following information—
- (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
- (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following—
 - the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
 - (iii) the attendance of councillors at conferences and seminars,
 - (iiia) the provision of induction training for councillors, supplementary induction training for mayors and professional development programs for mayors and other councillors,
 - (iv) other training of mayors and councillors and the provision of skill development for mayors and councillors,
 - interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vii) the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW prepared by the Secretary from time to time,
 - (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

<u>Clause 403</u> Payment of expenses and provision of facilities

- (1) A policy under section 252 of the Act must not include any provision enabling a $\operatorname{council}$ —
- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.
- (2) A policy under the Act, section 252 must provide for the making of payment of expenses associated with carer responsibilities that are adequate or reasonable.

Richmond Valley Council - CPOL 1.07 Councillor Expenses & Facilities Policy

Adopted: Page 16 of 17

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	Date	Reason / Comments
1	15 November 2016	Payment of Expenses and Provision of Facilities to Councillors Policy adopted by Council under Resolution Number 151116/8
2	20 September 2022	Policy renamed to Councillor Expenses and Facilities Policy. The policy has been amended in line with the Office of Local Government suggested template.
3		Review of Policy with amendments incorporating expenses table and identified expenses in line with the <i>Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW October 2009.</i> Minor amendments in numbering and structure to ensure efficient readability of updated incorporations.

Adopted: Page 17 of 17



Concise Investment Report Pack

Richmond Valley Council

1 May 2025 to 31 May 2025



Contents

- 1. Portfolio Valuation As At 31 May 2025
- 2. Portfolio Valuation By Categories As At 31 May 2025
- 3. Investment Revenue Received For 1 May 2025 to 31 May 2025
- 4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2024 2025 YTD
- 5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 May 2025 Relative To 30 April 2025



1. Portfolio Valuation As At 31 May 2025

iii oitiono ii	and the At of May 2020					%		Weighted
		Security	Face Value	Face Value		Total	Running	Running
	Fixed Interest Security	Rating	Original	Current	Market Value	Value	Yield	Yield
At Call Deposit								_
	CBA Business Online Saver Acct RVC At Call	S&P ST A1+	6,700,000.00	6,700,000.00	6,700,000.00	8.60%	3.65%	
	CBA General Fund Bk Acct RVC At Call	S&P ST A1+	1,148,490.20	1,148,490.20	1,148,490.20	1.47%	2.85%	
	CBA Trust Acct RVC At Call	S&P ST A1+	87,050.17	87,050.17	87,050.17	0.11%	2.55%	
	MACQ 940323454 At Call	Moodys A2	8,026,027.38	8,026,027.38	8,026,027.38	10.30%	3.90%	
	NAB Business Cheque Acct RVC At Call	S&P ST A1+	20.00	20.00	20.00	0.00%	0.00%	
			15,961,587.75	15,961,587.75	15,961,587.75	20.49%		0.76%
Floating Rate Note								
	Auswide 1.5 17 Mar 2026 FRN	Moodys Baa2	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	4.38%	
	Auswide 1.6 22 Mar 2027 FRN	Moodys Baa2	1,500,000.00	1,500,000.00	1,500,000.00	1.93%	4.20%	
	CACU 1.7 21 Sep 2026 FRN	S&P BBB-	1,750,000.00	1,750,000.00	1,750,000.00	2.25%	5.23%	
	MACQ 0.48 09 Dec 2025 FRN	Moodys A2	1,000,390.00	1,000,390.00	1,000,390.00	1.28%	4.63%	
	MYS 0.65 16 Jun 2025 FRN	Moodys Baa2	1,500,000.00	1,500,000.00	1,500,000.00	1.93%	4.33%	
			6,750,390.00	6,750,390.00	6,750,390.00	8.67%		0.39%
Fixed Rate Bond								
	NTTC 1.1 15 Dec 2025 - Issued 10 September 2021 - Richmond Council Fixed	Moodys Aa3	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	1.10%	
	JUDO 6.4 26 Sep 2025 Fixed	S&P BBB-	1,500,000.00	1,500,000.00	1,500,000.00	1.93%	6.40%	
	BOQ 4.7 27 Jan 2027 Fixed	S&P BBB+	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	5.60%	
			4,500,000.00	4,500,000.00	4,500,000.00	5.78%		0.25%
Unit Trust								
	NSWTC Long Term Growth Fund UT		3,000,000.00	3,769,230.99	3,769,230.99	4.84%	36.12%	
	NSWTC Medium Term Growth Fund UT		11,005,029.35	13,914,699.54	13,914,699.54	17.86%	18.36%	
			14,005,029.35	17,683,930.53	17,683,930.53	22.70%		5.03%
					•			



Concise investment Report Fack Richmond Valley Council 1 May 2025 to 31 May 2025

1. Portfolio Valuation As At 31 May 2025

Term Deposit

Portfolio Total

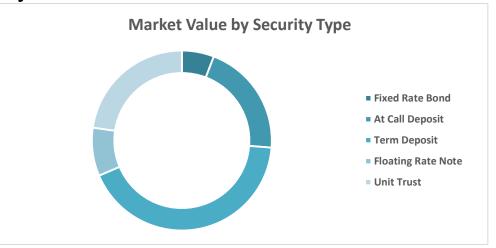
AMP 5.1 23 Jul 2025 182DAY TD	Moodys ST P-2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	5.10%	
AMP 5.05 31 Jul 2025 182DAY TD	Moodys ST P-2	3,000,000.00	3,000,000.00	3,000,000.00	3.85%	5.05%	
AMP 4.45 30 Sep 2025 153DAY TD	Moodys ST P-2	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	4.45%	
AMP 5 30 Oct 2025 273DAY TD	Moodys ST P-2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	5.00%	
AMP 4.45 24 Nov 2025 180DAY TD	Moodys ST P-2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.45%	
BBA 4.75 03 Sep 2025 182DAY TD	S&P ST A2	4,000,000.00	4,000,000.00	4,000,000.00	5.14%	4.75%	
BOQ 4.8 30 Sep 2025 183DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.80%	
BOQ 4.45 06 Nov 2025 183DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.45%	
CCU 5.15 05 Jun 2025 182DAY TD	Moodys ST P-3	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	5.15%	
DEF 4.8 03 Oct 2025 182DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.80%	
ING 5.31 04 Jun 2025 365DAY TD	S&P ST A1	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	5.31%	
ING 5.17 21 Nov 2025 365DAY TD	S&P ST A1	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	5.17%	
MYS 4.55 07 Aug 2025 92DAY TD	Moodys ST P-2	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	4.55%	
NAB 4.65 10 Jul 2025 91DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.65%	
NAB 4.5 07 Aug 2025 92DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.50%	
RABO 4.5 30 Oct 2025 182DAY TD	S&P ST A1	1,000,000.00	1,000,000.00	1,000,000.00	1.28%	4.50%	
RCU 4.8 10 Sep 2025 182DAY TD	Unrated ST UR	2,000,000.00	2,000,000.00	2,000,000.00	2.57%	4.80%	
		33,000,000.00	33,000,000.00	33,000,000.00	42.36%		2.03%
		74,217,007.10	77,895,908.28	77,895,908.28	100.00%		8.47%



Concise investment Report Pack Richmond Valley Council 1 May 2025 to 31 May 2025

2. Portfolio Valuation By Categories As At 31 May 2025

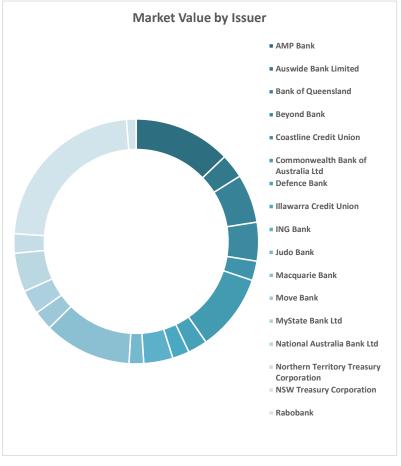
		% Lotal
Security Type	Market Value	Value
Fixed Rate Bond	4,500,000.00	5.78%
At Call Deposit	15,961,587.75	20.49%
Term Deposit	33,000,000.00	42.36%
Floating Rate Note	6,750,390.00	8.67%
Unit Trust	17,683,930.53	22.70%
Portfolio Total	77,895,908.28	100.00%





2. Portfolio Valuation By Categories As At 31 May 2025

Issuer	Market Value	% Total Value
AMP Bank	10,000,000.00	12.84%
Auswide Bank Limited	2,500,000.00	3.21%
Bank of Queensland	5,000,000.00	6.42%
Beyond Bank	4,000,000.00	5.14%
Coastline Credit Union	2,000,000.00	2.57%
Commonwealth Bank of Australia Ltd	7,935,540.37	10.19%
Defence Bank	2,000,000.00	2.57%
Illawarra Credit Union	1,750,000.00	2.25%
ING Bank	3,000,000.00	3.85%
Judo Bank	1,500,000.00	1.93%
Macquarie Bank	9,026,417.38	11.59%
Move Bank	2,000,000.00	2.57%
MyState Bank Ltd	2,500,000.00	3.21%
National Australia Bank Ltd	4,000,020.00	5.14%
Northern Territory Treasury Corporation	2,000,000.00	2.57%
NSW Treasury Corporation	17,683,930.53	22.70%
Rabobank	1,000,000.00	1.28%
Portfolio Total	77,895,908.28	100.00%



Item 17.5 - Attachment 1



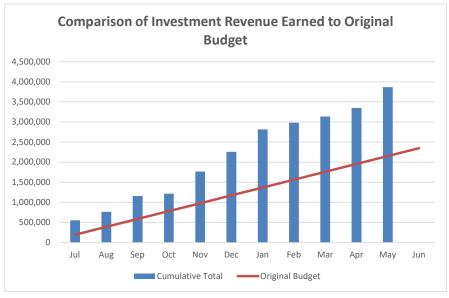
Concise investment Report Pack Richmond Valley Council 1 May 2025 to 31 May 2025

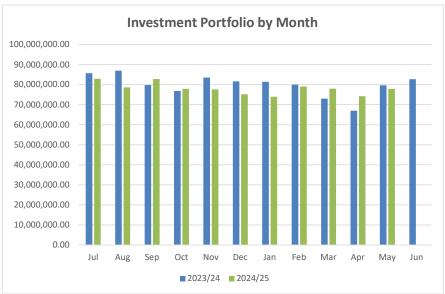
3. Investment Revenue Received For 1 May 2025 to 31 May 2025

Security	Issuer	Settlement	ettlement Face Value (Basis of Consideration		Income Type
Security	issuei	Date	Interest Calculation)	Notional	income Type
BOQ 5 07 May 2025 181DAY TD	Bank of Queensland	7 May 2025	2,000,000.00	49,589.04	Security Coupon Interest
NAB 5.05 07 May 2025 181DAY TD	National Australia Bank Ltd	7 May 2025	2,000,000.00	50,084.93	Security Coupon Interest
BOQ 5.15 28 May 2025 181DAY TD	Bank of Queensland	28 May 2025	2,000,000.00	51,076.71	Security Coupon Interest
Other	Macquarie Bank Ltd	31 May 2025		26,027.38	Bank Interest
Other	Commonwealth Bank	31 May 2025		21,350.99	Bank Interest
Other	Commonwealth Bank	31 May 2025		2,584.84	Bank Interest
Other	Commonwealth Bank	31 May 2025		200.45	Bank Interest
				200,914.34	
Medium Term Growth Fund	NSW Treasury Corporation			210,333.75	Fair Value Gain/(Loss)
Long Term Growth Fund	NSW Treasury Corporation			110,123.44	Fair Value Gain/(Loss)
				320,457.19	
					_
TOTAL				521,371.53	<u> </u>



4. Comparison of Investment Revenue Earned to Original Budget and Investment Portfolio by Month 2024 - 2025 YTD







Concise investment Report Pack Richmond Valley Council 1 May 2025 to 31 May 2025

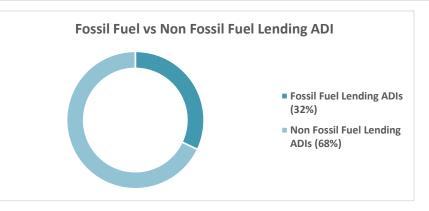
5. Environmentally Sustainable Investment Performance Report for the Period Ending 31 May 2025 Relative To 31 March 2025.

Portfolio Summary by Fossil Fuel Lending ADIs				
ADI Lending Status	% Total	Current Period	% Total	Prior Period
Fossil Fuel Lending ADIs				
AMP Bank	0.0%	0.00	10.8%	8,000,000.00
Bank of Queensland	1.3%	1,000,000.00	1.3%	1,000,000.00
Commonwealth Bank of Australia Ltd	10.2%	7,935,540.37	8.8%	6,553,049.46
ING Bank Australia Limited	3.9%	3,000,000.00	4.0%	3,000,000.00
Macquarie Bank	11.6%	9,026,417.38	12.2%	9,031,756.35
National Australia Bank Ltd	5.1%	4,000,020.00	5.4%	4,000,020.00
	32.0%	24,961,977.75	42.6%	31,584,825.81
Non Fossil Fuel Lending ADIs				
Auswide Bank Limited	3.2%	2,500,000.00	3.4%	2,500,000.00
AMP Bank	12.8%	10,000,000.00	0.0%	0.00
Bank of Queensland	5.1%	4,000,000.00	8.1%	6,000,000.00
Beyond Bank	5.1%	4,000,000.00	5.4%	4,000,000.00
Coastline Credit Union	2.6%	2,000,000.00	2.7%	2,000,000.00
Defence Bank	2.6%	2,000,000.00	2.7%	2,000,000.00
Illawarra Credit Union	2.2%	1,750,000.00	2.4%	1,750,000.00
Judo Bank	1.9%	1,500,000.00	2.0%	1,500,000.00
Move Bank	2.6%	2,000,000.00	2.7%	2,000,000.00
MyState Bank Ltd	3.2%	2,500,000.00	2.0%	1,500,000.00
Northern Territory Treasury Corporation	2.6%	2,000,000.00	2.7%	2,000,000.00
NSW Treasury Corporation	22.7%	17,683,930.53	23.4%	17,363,473.34
Rabobank	1.3%	1,000,000.00	0.0%	0.00
	68.0%	52,933,930.53	57.4%	42,613,473.34
Total Portfolio		77.895.908.28	- /-	74.198.299.15



The above percentages are relative to the portfolio total and may be affected by rounding. A fossil fuel lending ADI appearing in the non-fossil fuel related table will indicate that the portfolio contains a "green bond" issued by that ADI.

Note: AMP has been reclassified during May to a non-fossil fuel lending ADI



Item 17.5 - Attachment 1



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Item 17.5 - Attachment 1



MINUTES

Audit, Risk & Improvement Committee
Meeting
28 May 2025

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING MINUTES

28 MAY 2025

ORDER OF BUSINESS

1	WELC	OME	3
2	APOL	.OGIES	3
3	DECL	ARATION OF INTERESTS	3
4	CONF	FIRMATION OF MINUTES	3
	4.1	Minutes of the Audit, Risk & Improvement Committee Meeting held on 26 February 2025	3
	4.2	Business Arising	3
5	MATT	ERS FOR CONSIDERATION	3
	5.1	Update on the Progress of the Internal and External Audit Actions as at 31 March 2025	3
	5.2	Status of the Financial Audit for the year ended 30 June 2025 and Interim Management Letter	4
	5.3	Progress report - Financial Management GAP	4
	5.4	Policy and Procedure Review Briefing Report	4
	5.5	Penetration Test Update	4
	5.6	STP Project Update	4
	5.7	Status of the Internal Audit Plan	5
6	GENE	RAL BUSINESS	5
	6.1	Integrated Planning & Reporting and CRIP Project Update	5
	6.2	Re-Appointment Of Committee Members and Nomination of a Non-Voting Councillor Member	5
	6.3	Organisational Functional Structure Update	6
	6.4	Quarterly Budget Review Statement for the Quarter Ended 31 March 2025	6
	6.5	Other General Business	6

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING MINUTES

28 MAY 2025

MINUTES OF RICHMOND VALLEY COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO ON WEDNESDAY, 28 MAY 2025 AT 4PM

PRESENT: Chairperson Ron Gillard, Member Jay Jo, Member Emma Fountain, Councillor

Member Cr John Walker

IN ATTENDANCE: Ryan Gaiter (Director Organisational Services), Jenna Hazelwood (Chief of

Staff), Ben Zeller (Director Infrastructure Services and Projects), Hayley Martin (Manager Finance), Scott Walters (Manager Information & Technology Services), David Timms (Manager Water Sewer & Projects), Jan-Michael Perez (NSW Audit Office), Joan Uyanguren (NSW Audit Office), Adam Kim

(Grant Thornton), Latoya Cooper (Executive Assistant)

1 WELCOME

The Chair welcomed attendees in person and online, introducing Cr Walker as the non-voting Councillor Member to the Committee.

2 APOLOGIES

Vaughan Macdonald (General Manager)

3 DECLARATION OF INTERESTS

Nil.

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD ON 26 FEBRUARY 2025

RECOMMENDATION IA280525/1

That the Minutes of the Audit, Risk & Improvement Committee Meeting, held on 26 February 2025, be taken as read and confirmed as a true record of proceedings.

CARRIED

4.2 BUSINESS ARISING

Nil.

5 MATTERS FOR CONSIDERATION

5.1 UPDATE ON THE PROGRESS OF THE INTERNAL AND EXTERNAL AUDIT ACTIONS AS AT 31 MARCH 2025

RECOMMENDATION IA280525/2

That the Committee receives and notes the Progress of the Internal and External Audit Action Items report and the Meeting Actions update.

CARRIED

Page 3

28 MAY 2025

5.2 STATUS OF THE FINANCIAL AUDIT FOR THE YEAR ENDED 30 JUNE 2025 AND INTERIM MANAGEMENT LETTER

RECOMMENDATION IA280525/3

That the Committee receive and note the status of the financial audit for the year ended 30 June 2025 and interim management letter.

CARRIED

5.3 PROGRESS REPORT - FINANCIAL MANAGEMENT GAP

RECOMMENDATION IA280525/4

That the Committee notes the update provided in relation to the gap analysis presented to the November 2023 meeting.

CARRIED

5.4 POLICY AND PROCEDURE REVIEW BRIEFING REPORT

RECOMMENDATION IA280525/5

That the Committee receives and notes the policy and procedure review briefing report and supports Council in establishing a staged review and updating of reviewable policies and procedures.

CARRIED

5.5 PENETRATION TEST UPDATE

RECOMMENDATION IA280525/6

That the Committee receives and notes the update on Cyber Security Penetration Test Update.

CARRIED

At 5:03pm, Scott Walters left the meeting.

At 5:08pm, Adam Kim (Grant Thornton) joined the meeting.

5.6 STP PROJECT UPDATE

RECOMMENDATION IA280525/7

That the Committee:

- 1. Notes the progress on planning and design work for the new Casino Sewage Treatment Plant and:
- 2. Requests a recent copy of the STP project risk register to be provided out of session.

CARRIED

Page 4

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING MINUTES

28 MAY 2025

At 5:20pm, Cr John Walker, Jan-Michael Perez, and Joan Uyanguren left the meeting.

AGENDA AMENDMENT

The Committee agreed to amend the agenda to allow the Status of the Internal Audit Plan to be provided by Adam Kim (Grant Thornton) as foreshadowed by the Chair at agenda item #5.1.

5.7 STATUS OF THE INTERNAL AUDIT PLAN

RECOMMENDATION IA280525/8

That the Committee notes the verbal update provided by Adam Kim (Grant Thornton) on the Status of the Internal Audit Plan.

CARRIED

At 5:28pm, Adam Kim left the meeting.

At 5:40pm, Ben Zeller and David Timms left the meeting.

6 GENERAL BUSINESS

6.1 INTEGRATED PLANNING & REPORTING AND CRIP PROJECT UPDATE

RECOMMENDATION IA280525/9

That the Committee notes:

- Completion of the Community Strategic Plan review and development of the draft 2025-29 Delivery Program and draft 2025-26 Operational plan, and
- 2. Ongoing delivery of the Continuous Risk Improvement Project.

CARRIED

6.2 RE-APPOINTMENT OF COMMITTEE MEMBERS AND NOMINATION OF A NON-VOTING COUNCILLOR MEMBER

RECOMMENDATION IA280525/10

That the Committee:

- 1. Notes the re-appointment of Committee members and the nomination of a non-voting Councillor member,
- 2. Endorses the updated Terms of Reference, and
- Requests the Chair to prepare a revised Internal Audit Charter that is compliant with the new global internal audit standards, and to provide it to Members out-of-session for review and committee endorsement.

CARRIED

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28 MAY 2025

6.3 ORGANISATIONAL FUNCTIONAL STRUCTURE UPDATE

RECOMMENDATION IA280525/11

That the Committee receive and note the Organisational Functional Structure Update report.

CARRIED

6.4 QUARTERLY BUDGET REVIEW STATEMENT FOR THE QUARTER ENDED 31 MARCH 2025

RECOMMENDATION IA280525/12

That the Committee receives and notes the information in the Quarterly Budget Review Statement for the guarter ended 31 March.

CARRIED

6.5 OTHER GENERAL BUSINESS

Member Jay Jo acknowledged the recent media attention for the Somerville Solar Farm and questioned as to whether Council had considered the risks and opportunities.

It was explained that the development was not approved by Council due to it being deemed 'State Significant', though Council was consulted with and provided input for consideration through the NSW Department of Planning assessment process. As such, it was agreed that any potential risk associated with the determination by the NSW Department of Planning will ultimately remain with them.

No further items of other General Business were raised.

The Meeting closed at 6:19pm

Next meeting - 27 August 2025 - 4pm Microsoft Teams .

CHAIRPERSON

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MINUTES

Local Traffic Committee Meeting 3 June 2025

LOCAL TRAFFIC COMMITTEE MEETING MINUTES

3 JUNE 2025

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES

3 JUNE 2025

MINUTES OF RICHMOND VALLEY COUNCIL LOCAL TRAFFIC COMMITTEE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 3 JUNE 2025 AT 2:00 PM

PRESENT: Chair Cr Robert Hayes, Member for Clarence Richie Williamson MP (by proxy

Sarah Kratz), Daniel Nugent - NSW Police, Renai Williams - Transport for

NSW

IN ATTENDANCE: Ben Zeller (Director Infrastructure Services and Projects), Kim Anderson

(Manager Asset Systems & Planning), Graeme Robertson (Coordinator Asset Management), Charlene Reeves (Executive Assistant Infrastructure Services

& Projects)

1 WELCOME

Cr Hayes welcomed everyone to the meeting and Cr Hayes deferred to Kim Anderson takeover and chair the meeting.

2 APOLOGIES

Vaughan Macdonald (General Manager) Richmond Valley Council.

3 DECLARATION OF INTERESTS

Nil.

4 MATTERS FOR CONSIDERATION

4.1 BRUXNER HIGHWAY ROUNDABOUT AND EXTENSION OF CASSINO DRIVE INDUSTRIAL PRECINCT

RECOMMENDATION

That the Committee

- Receives and notes the Bruxner Highway Roundabout and Extension of Cassino Drive Industrial Precinct report.
- Consider endorsement for Councils' efforts in seeking Government and Transport for NSW support to invest in Naughtons Gap and Spring Grove Roads.

Unanimously supported.

4.2 SHARED PATHWAY ON WOOBURN TO EVANS HEAD ROAD (MR153)

RECOMMENDATION

That the Local Traffic Committee:

- 1. Receives and notes the Shared Pathway on Woodburn to Evans Head Road (MR153) report.
- Consider the Shared Pathway on Woodburn to Evans Head Road (MR153) project as a priority project for the Richmond Valley.
- 3. Consider endorsement for Councils continued efforts in seeking grant funding to ensure the

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LOCAL TRAFFIC COMMITTEE MEETING MINUTES

3 JUNE 2025

full completion of the 'linking the villages' project.

Unanimously supported.

4.3 COOPERS LAGOON CORNER, TATHAM - ROAD REALIGNMENT

RECOMMENDATION

That the Committee:

- Receives and notes the Coopers Lagoon Corner Road Realignment report.
- 2. Consider the Coopers Lagoon Corner, Tatham Road Realignment project as a priority for the Richmond Valley.
- 3. Consider endorsement for Councils continued efforts in seeking grant funding to realign Coopers Lagoon Corner at Tatham.

Unanimously supported.

4.4 RICHMOND TERRACE, CORAKI

RECOMMENDATION

That the Committee:

- 1. Receives and notes the Richmond Terrace, Coraki report.
- Consider Richmond Terrace Reconstruction project as a priority project for the Richmond Valley.
- Consider endorsement for Councils continued efforts in seeking grant funding to stabilise and reconstruct Richmond Terrace Coraki.

Unanimously supported.

4.5 FLAME STREET AND BEECH STREET TRAFFIC CALMING

RECOMMENDATION

That the Local Traffic Committee:

- 1. Receives and notes the Flame Street Beech Street Traffic Calming report.
- 2. Consider the Traffic Calming on Flame and Beech Streets project as a priority project for the Richmond Valley.
- Consider endorsement for Councils continued efforts in seeking grant funding to ensure the completion of the Flame Street and Beech Street Traffic Calming project.

Notes: Kim Anderson to advise the LTC whether local bus companies were consulted with and the companies provided feedback regarding the turning circles.

Unanimously supported.

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3 JUNE 2025

4.6 DYRAABA STREET CASINO - HEAVY VEHICLE PARKING

RECOMMENDATION

That the Committee receives and notes the Dyraaba Street Casino – Heavy Vehicle Parking report and provides feedback.

Notes:

The LTC noted of the possibility to install regulatory signage for heaving vehicle parking on one side of the road only. Consultation will need to occur with business owners who will be affected and also to consider and explore options to purchase the ARTC parcel of land adjoining the railway to formalise off street parking.

Unanimously supported.

4.7 UPDATE ON OUTSTANDING ACTION ITEMS FROM PREVIOUS MEETING

RECOMMENDATION

That the Committee received and notes the Actions from Previous Meetings report.

Notes:

Meeting on 25/04/2024 Item 2.3.4.6 – This will be a prolonged project and Council will need to engage a specialist to consultant with more residents than just along the identified streets as there will be a knock on effect for the whole township of Casino.

Meeting on 25/04/2024 Item 9 – The EV Station is being installed; if it has not already been completed and this project was dependent on the construction of Illawong Lane. An update will be provided to a future LTC meeting.

Meeting on 25/04/2024 Item 11 - Staff have spoken with numerous trucking companies to have discussions with their employees and subcontractors to advise that the trucks can go past the restricted boundaries if their destination is solely within that restricted area, and that is the only acceptable reason for trucks to be travelling through the restricted areas.

Meeting on 03/12/2024 Item 5.2 – This item is completed as the bridge is closed while work occurs on the there is no traffic through the site.

Unanimously supported.

5 GENERAL BUSINESS

5.1 EXTENSION OF 50KM/H SPEED ZONE PAST CASINO SHOWGROUNDS

RECOMMENDATION

Transport for NSW advised the potential reduction of the speed limit at the front of Casino Showgrounds is being revisited due to the unusually high number of times staff temporarily change the speed limits at the Showgrounds and TfNSW are in the process of reviewing the extension of the 50km/h zone to past the Ellangowan Road intersection.

	Unanimously supported.
The Meeting closed at 2:43pm.	
	CHAIRPERSON
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