
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 13 FEBRUARY 2019
REPORTS TO COUNCIL – GENERAL MANAGER

1. ADMINISTRATION OF SEPTEMBER 2020 ELECTIONS

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

Executive Summary

This report is presented to Council to determine the manner in which the September 2020 election is to be administered.

Report

Under Section 296AA of the Local Government Act 1993, councils must make a decision on how their September 2020 ordinary elections are to be administered by no later than 11 March 2019.

Each council must resolve either

- (i) to enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda or
- (ii) That the council's elections are to be administered by the general manager of the council.

If Council fails to resolve to engage the NSWEC to administer its elections by 11 March 2019, it will be required to administer its own elections. It will also be required to publish a notice of that failure on its website.

Where a council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2020 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of councillors.

If Council resolves to enter into an election arrangement with the NSWEC, the contract with the NSWEC must be finalised no later than 15 months before the next ordinary elections (i.e. 11 June 2019).

A council should only resolve to administer its own elections if it is confident that it has the capacity to do so.

1. ADMINISTRATION OF SEPTEMBER 2020 ELECTIONS (Cont'd)

Financial Implications

Council holds funds in reserves for the administration of elections and provision for likely costs have been made in Council's 2020 budget (\$55,000). Exact costs of the election are unknown until close of nominations – variables include whether the election will be uncontested, whether there will need to be a by-election due to insufficient nominations, whether candidates form groups etc.

Legal and Regulatory Compliance

Sections 296AA, 296(2) and 296(3) of the Local Government Act 1993

Where councils resolve to engage the NSWEC to administer their elections they should use the model resolution as provided by the Office of Local Government.

Risk Management Issues

The Election Manager is the person who is responsible for the administration of the elections and is either the General Manager where a council conducts its own elections or the Electoral Commissioner where the elections are being conducted by the NSWEC.

The Election Manager must be aware of all the relevant legislative provisions and ensure that mechanisms and strategies are in place to achieve full compliance. Failure to do so could call into question the validity of the elections.

Elections are complex undertakings with numerous legal, operational, technical, political and security risks. It is therefore recommended that the NSWEC continue to be contracted to undertake Council's elections.

Internal/External Consultation

General Manager

Attachments

Nil

RECOMMENDATION

That Narromine Shire Council ("the Council") resolves:

1. Pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.

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1. ADMINISTRATION OF SEPTEMBER 2020 ELECTIONS (Cont'd)

3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

2. PUBLIC ACCESS TO COUNCIL INFORMATION POLICY

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture DP – 4.2.8.2 Maintain a framework of relevant policies and procedures

Executive Summary

This report is presented to Council to review the attached Public Access to Council Information Policy.

Report

The Public Access to Council Information Policy describes standards regarding public access to information and assists in the processing of requests for such access.

Council is committed to the following standards:-

- Open and transparent government
- Consideration of the overriding public interest test in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

The policy, adopted by Council on 14 December 2018, has now been reviewed and is attached for consideration and adoption (**See Attachment No. 1**). Amendments have been marked in red for ease of reference and reflect recent legislative changes to the Government Information (Public Access) Regulations.

Financial Implications

Formal Access Applications are not valid unless they are submitted with a \$30 application fee (as per the Government Information (Public Access) Act 2009). Council is able to charge a processing fee of \$30 per hour. The application fee counts as payment towards any processing charge payable by the applicant.

2. PUBLIC ACCESS TO COUNCIL INFORMATION POLICY (Cont'd)

Legal and Regulatory Compliance

Government Information (Public Access) Act 2009
Government Information (Public Access) Regulations 2018
Local Government Act 1993
Privacy and Personal Information Protection Act 1998
Public Interest Disclosures Act 1994
Environmental Planning and Assessment Act 1979
State Records Act 1998
Health Records and Information Privacy Act 2002

Risk Management Issues

A person who makes a formal access application for government information has a legally enforceable right to be provided with access to information in accordance with Part 4 of the Government Information (Public Access) Act 2009, unless there is an overriding public interest against disclosure of information. An access application cannot be made for excluded information.

Internal/External Consultation

There is no requirement to place this policy on public exhibition.

Attachments

- Public Access to Council Information Policy

RECOMMENDATION

That the Public Access to Council Information Policy as attached to the report be adopted.

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3. CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

Executive Summary

This report is presented to Council to adopt the new Model Code of Conduct for Local Councils in NSW and Procedures.

Report

The new 2018 Model Code of Conduct for Local Councils in NSW (the model Code of Conduct) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (Procedures) has now been prescribed under the Local Government (General) Regulation 2005 (**see Attachment No. 2**).

Councils have six months from the date of prescription (14 December 2018 to 14 June 2019) to adopt a Code of Conduct and Procedures based on the new Model Code of Conduct and Procedures. If councils fail to adopt a new code of conduct and procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted Code of Conduct and Procedures that are inconsistent with those contained in the new Model Code etc. (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code etc.).

In adopting a new code of conduct and procedures, Councils may include provisions that are supplementary to those contained in the Model Code etc. Councils may also impose more onerous requirements than the Model Code etc., however they cannot dilute any standards prescribed under the Model Code etc.

Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred. Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that were in force at the time the complaint was made.

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued by the OLG on 5 September 2018 have been removed, however it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so.

3. CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES (Cont'd)

It is suggested that Council retains the provisions governing the use of social media as a supplementary provision (*see Attachment No 3*).

Key Changes to be noted in the 2018 version of the **Model Code of Conduct** include:-

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

Key Changes to be noted in the 2018 version of the **Procedures** include:-

- The General Manager and Mayor (in the case of a complaint about the General Manager) are able to delegate their functions under the Procedures to another member of staff or a person external to Council.
- The definition of a "code of conduct complaint" under the new Procedures has been tightened up to address the potential for misuse of councils' codes of conduct.
- Allegations of breaches of a council's code of conduct must not be made public and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. Where members of the public disclose information about a code of conduct complaint they have made, General Managers can now determine, with the consent of the OLG, that the complainant is to receive no further information about their complaint and any future complaints they make (subject to the requirements of the Government Information (Public Access) Act 2009).

Council's existing panel of conduct reviewers was appointed in 2017, and as such will not need to be reviewed until 2021.

Financial Implications

Council has a budget allocation for code of conduct matters. Total costs and other statistics relating to code of conduct matters have to be reported to Council and the OLG annually.

Legal and Regulatory Compliance

Section 440 of the Local Government Act 1993 prescribes that a council must adopt a code of conduct that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.

3. CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW AND PROCEDURES (Cont'd)

Risk Management Issues

Compliance with legislative requirements.

It is recommended that Council retains the supplementary provision governing the use of social media.

It is the personal responsibility of all Council Officials to ensure that their conduct complies with the ethical and behavioural standards prescribed under the Model Code of Conduct. This applies to both the exercise by Council Officials of their functions as a Council Official and any conduct (including in a private capacity) that is connected with their role as a Council Official.

Internal/External Consultation

There is no requirement to place this policy on public exhibition.

Attachments

- Code of Conduct and Procedures
- Code of Conduct - Supplementary Provision – Use of Social Media

RECOMMENDATION

That the Council adopts the Model Code of Conduct and Procedures as attached to the report and retains the supplementary provision governing the use of social media.

4. COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture DP – 4.2.8.2 – Maintain a framework of relevant policies and procedures.

Executive Summary

This report is presented to Council to advise of new regulations made for induction and professional development for mayors and councillors and to adopt the Councillor Induction and Professional Development Policy.

4. COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY (Cont'd)

Report

New Councillor induction and professional development requirements under the Local Government (General) Regulation 2005 are as follows:-

- The General Manager is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the Mayor within six months of their election.
- The General Manager is to ensure an ongoing professional development program is delivered for the Mayor and each Councillor over the term of the Council for the purposes of assisting them to acquire and maintain the skills necessary to perform their role.
- The content of the ongoing professional development program to be delivered to the Mayor and Councillors is to be determined in consultation with the Mayor and each Councillor and is to have regard to the specific skills required by the Mayor, each individual Councillor and the governing body as a whole to perform their roles.
- Mayors and Councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.
- Councils are to publish the following information in their annual reports:
 - The name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year)
 - The name of the Mayor and each Councillor who participated in any ongoing professional development program during the year.
 - The number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program, and
 - The total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.
- The above requirements do not apply to Joint Organisations

The Office of Local Government has prepared guidelines, issued under Section 23A of the Local Government Act, to assist councils to develop and deliver induction and ongoing professional development activities for their Mayor and Councillors in compliance with the regulations. The Guidelines provide that Council should reinforce its commitment to ongoing professional development for the Mayor and Councillors through developing and adopting a resolution or a charter as a statement of commitment to support ongoing professional development, or alternatively developing and adopting a Councillor Induction and Professional Development Policy.

4. COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY (Cont'd)

Accordingly, a draft policy has been developed using the Model Policy provided in Appendix C of the Guidelines and is attached for consideration (**See Attachment No. 4**).

Council has already taken steps to deliver a Professional Development Program plan in consultation with each individual Councillor, the Mayor, and the General Manager. Councillors will recall receiving a Councillor Training and Development – Needs Analysis Self- Assessment. Based on the feedback received, training was developed and the first session undertaken by Councillors on 24 September 2018. The second session will be undertaken in April 2019.

Financial Implications

Council has provision within its 18/19 budget for Councillor Training.

Legal and Regulatory Compliance

Section 232(1)(g) of the Local Government Act – Councillors have a responsibility “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor”.

Local Government (General) Regulation 2005

OLG – Councillor Induction and Professional Development Guidelines

Risk Management Issues

Compliance with legislative requirements

Mayors and Councillors should be aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act. Council should be providing support to ensure the Mayor and Councillors are able to effectively fulfil their roles.

Internal/External Consultation

There is no requirement to place this policy on public exhibition.

Attachments

- Draft Councillor Induction and Professional Development Policy

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4. COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY (Cont'd)

RECOMMENDATION

That Council:-

1. Note the report
2. Adopt the draft Councillor Induction and Professional Development Policy as attached to the report.

5. CODE OF MEETING PRACTICE

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.1.3 Provide opportunities for community members to participate in Council's decision-making process DP – 4.1.3.1 Review Council's Code of Meeting Practice

Executive Summary

This report is presented to Council to consider and adopt the revised Code of Meeting Practice for public exhibition.

A model Meeting Code has been prescribed under the Local Government (General) Regulation 2005 and the existing meetings provisions of the Regulation have been repealed.

The Model Meeting Code has two elements:-

- Mandatory provisions (indicated in black font)
- Non-mandatory provisions (indicated in red font). These provisions are set as a benchmark based on what the Office of Local Government considers best practice.

Areas marked in blue relate to Joint Organisations and should not be included in Council's adopted Meeting Practice.

Key changes to the Model Meeting Code include:-

- New meetings principles
- Optional rules for pre-meeting Councillor briefings
- Optional rules for public forums
- A new requirement for meetings to be webcast
- New rules limiting the use of mayoral minutes without notice to cases of urgency
- Optional rules allowing multiple items to be adopted in a block
- Optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error
- Optional rules placing time limits on meetings

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5. CODE OF MEETING PRACTICE (Cont'd)

Council's Code of Meeting Practice cannot contain provisions are inconsistent with the mandatory provisions. It can incorporate the non-mandatory provisions and any other supplementary provisions. The Code of Meeting Practice applies to all Council and committee meetings of which all the members are Councillors.

Council has until 14 June 2019 to adopt a new Code of Meeting Practice. If Council fails to do so, any provisions of Council's existing Code of Meeting Practice that are inconsistent with the mandatory provisions in the Model Meeting Code will automatically cease to have any effect. Irrespective of the above, Councils will be required to webcast meetings of the Council (and committees of which all members are Councillors) from 14 December 2019. Webcasting can be met by posting an audio or video recording of the meeting on Council's website.

The Model Code of Meeting Practice is attached (**see Attachment No 5**).

Suggested inclusions for Council's consideration are summarised in the table below:-

Model Code of Meeting Practice Section	Page No	Details
3.2	9	Retain 3.2 rather than 3.1
3.10	10	8 business days
3.12 – 3.13	10	Retain
3.32 – 3.36	13	Retain
4.1 – 4.23	15-16	Retain but specify in Item 4.1 "on items of business on which a decision is to be made and not items to be noted".
4.3	15	Insert 12 pm on the day prior to the date on which the public forum is to be held etc.
4.4	15	2 items of business
4.7	15	4 speakers
4.10	15	2 days
4.12	15	3 minutes
4.15	16	2 minutes
4.17	16	3 minutes
5.14 – 5.15	19	Retain
5.19	21	Supplementary Provision – recording of Council Meeting uploaded on Council's website the following day. Webcast to comprise of an audio recording.
5.22	21	Insert "until confirmation of the minutes at the following Ordinary Meeting".
7.1 – 7.4	25	Retain
8.1	27	Retain 8.1 rather than 8.2
9.10	30	Retain
10.9	33	Retain
11.11	37	Do not retain
13.1 – 13.7	43	Retain
14.11	47	12 pm on the day prior to the meeting at which the matter is to be considered
14.13	47	2 speakers
14.16	47	2 speakers

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5. CODE OF MEETING PRACTICE (Cont'd)

14.17	47	2 minutes
15.14	51	Retain 15.14 rather than 15.15
15.16	52	Retain
17.10	57	Retain with time period to be submitted to GM being no later than 2 days after the meeting
17.12 – 17.20	58	Retain
18.1	61	Retain with meetings to conclude at 9.00 pm
18.2 – 18.3	61	Retain – insert 9.00 pm
18.4 – 18.5	61	Retain
20.24	69	Do not retain

Financial Implications

Council has provision in its 18/19 budget for Council Meetings.
Council also has provision in its 18/19 budget for webcasting meetings. It should be noted that audio webcasting will be less costly to set up than video recording as it does not require the installation of camera recording equipment. In addition the streaming of audio directly to Council's website would require less bandwidth than video.

Legal and Regulatory Compliance

Sections 360 - 361 of the Local Government Act 1993
Local Government (General) Regulations 2005
Model Code of Meeting Practice for Local Councils in NSW

Risk Management Issues

Compliance with legislative requirements

Meeting procedures contribute to good public decision-making and increase Council's transparency and accountability to its community.

Internal/External Consultation

Council is required to give 28 days public notice of a draft code of Meeting Practice, allowing for 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council.

It is anticipated that the draft Code of Meeting Practice and any submissions received will be reported to Council for consideration at its May Council Meeting.

Attachments

- Model Code of Meeting Practice

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5. CODE OF MEETING PRACTICE (Cont'd)

RECOMMENDATION

That Council adopt the draft Model Code of Meeting practice (not including the clauses relating to Joint Organisations and the Notes); together with the inclusions summarised in the report, to be placed on public exhibition for a period of 28 days, allowing 42 days for public submissions to be made.

6. DELIVERY PROGRAM PROGRESS REPORT – 1 JULY 2018 TO 30 DECEMBER 2018

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

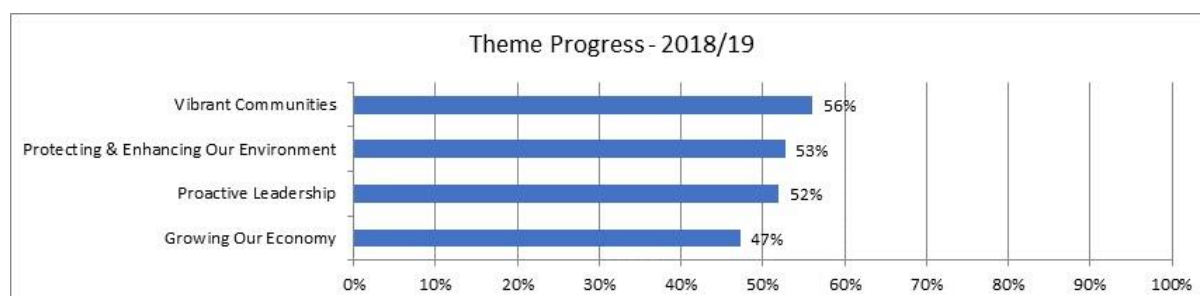
This report provides Council with information on the progress of Council's Delivery Program actions from 1 July 2018 to 30 December 2018. Council has achieved 52 % of its goals for the 2018/2019 financial year.

Report

The General Manager must ensure that progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

The report (**see Attachment No. 6**) presents the progress on Council's achievements in implementing the 2017/2021 Delivery Program and the 2018/2019 Operational Plan to 30 December. Each item in the Delivery Program is referenced to one of the key priorities in the Community Strategic Plan – Vibrant Communities; Growing Our Economy; Protecting and Enhancing Our Environment; Proactive Leadership.

Council's performance against each key priority is reflected in the graph below:-



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**6. DELIVERY PROGRAM PROGRESS REPORT – 1 JULY 2018 TO 30 DECEMBER 2018
(Cont'd)**

Notable achievements for the financial year to 30 December include:-

- Duffy Street Reservoir upgraded - \$1.5M
- Trangie Showground grandstand seating upgraded - \$94,000
- Tomingley Memorial Hall upgraded - \$150,000
- Tom Perry Drive upgraded - \$300,000
- Receipt of Stronger Country Communities Round Two Funding - \$1.5M
- Volunteer thank you functions held in early December in Narromine and Trangie
- Urban branding strategy completed
- Employment Lands Strategy completed
- Business Development Workshops held in Narromine
- Commencement of Food and Garden Organic Waste Service
- Improvements to Narromine and Trangie Aquatic Centres

Financial Implications

Operational Plan and Budget 2018/2019

Legal and Regulatory Compliance

Local Government Act 1993 – Section 404(5)

Risk Management Issues

Compliance with legislative requirements.

Council's Delivery Program must include a method of assessment to determine the effectiveness of each principal activity detailed in the Delivery Program in implementing the strategies and achieving the strategic objectives at which the principal activity is based.

Internal/External Consultation

Council's Delivery Program was placed on public exhibition prior to its adoption by Council.

Attachments

- Delivery Program Progress Report – 1 July 2018 to 30 December 2018

RECOMMENDATION

That the Delivery Program Progress Report from 1 July 2018 to 30 December 2018 be noted.

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7. DISCLOSURES BY DESIGNATED PERSONS' RETURN

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

Executive Summary

This report is presented to Council in accordance with the legislative requirements relating to disclosures of interest for designated persons.

Report

A designated person must make and lodge with the General Manager a return disclosing the designated person's interests within 3 months after becoming a designated person.

Returns lodged with the General Manager must be tabled at the first meeting of the Council after the last day the return is required to be lodged.

Accordingly, the Director Infrastructure and Engineering Services has lodged his first return which is hereby tabled.

Financial Implications

Nil

Legal and Regulatory Compliance

Section 440AAA of the Local Government Act 1993
Model Code of Conduct

Risk Management Issues

Compliance with legislative requirements

Internal/External Consultation

Director Infrastructure and Engineering Services

Attachments

Nil

RECOMMENDATION

That the information be noted.

8. DEVELOPMENT ADJOINING NARROW LANEWAYS – INTERIM POLICY

Author	Executive Manager Health Building and Environmental Services
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.2.2 - Ensure the regulatory compliance with environmental legislation 3.4.3 Develop appropriate development controls that promote excellence in design and sustainability outcomes. DP - 3.3.2.1- Ensure all development approvals consider existing utilities infrastructure in their determination.

Executive Summary

The purpose of this report is to seek a formal resolution of Council to establish a clear interim policy position with regard to the future development of lots with dual frontages to narrow laneways across the Narromine Shire.

Report

Background:

Laneways in the Shire form part of the historic subdivision pattern of many towns and villages. The intent of these laneways were not to be utilised as a primary frontage for dwellings or other residential accommodation.

The laneways were historically designed to allow access to the rear of properties for services such as 'night cart' collection and milk/ice box deliveries, and later, secondary vehicular access. At present, most narrow rear laneways within Narromine are used by residents to gain access to detached garages/outbuildings in their backyards, or for direct rear-yard access for the parking of boats, caravans, and the like.

Narromine Local Environmental Plan 2011:

Local Environmental Plans (LEP's) govern the types of development that are permissible or prohibited in different parts of the town and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed aims of the LEP itself are also to be considered and can be used to guide decision making around the appropriateness of development.

Narromine Development Control Plan 2011:

The DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff.

8. DEVELOPMENT ADJOINING NARROW LANEWAYS – INTERIM POLICY (Cont'd)

Development Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

Concerns & Issues Arising:

Currently, both the LEP and DCP do not explicitly exclude land adjoining laneways from being developed for increased densities. Narrow laneways are not designed to cope with the same level of traffic, nor do they have the same level of infrastructure and services as primary streets.

Issuing determinations of individual development applications along narrow laneways without first establishing a policy position would create the opportunity for potentially inappropriate development along narrow laneways, with the significant potential to create adverse and detrimental impacts on existing infrastructure and neighbourhood amenity.

Approval of any future application without an established policy has the potential to create an undesirable outcome that is likely to lead to an overuse of laneways for the purpose for which they were not originally intended.

Although most of the laneways in Narromine are formed with a gravel surface and light bitumen seal, there is a distinct lack of other formal and essential infrastructure and services along laneways including stormwater drainage, sewer mains, formed kerb and gutter, street lighting, footpaths and waste collection locations.

Additionally, challenges are faced when considering applications that propose the primary frontage to be the laneway. For example, laneways are not designed to handle the same level of traffic as primary streets and are generally not constructed to the same standard. Similarly, narrow lanes can present significant manoeuvring difficulties for vehicles, particularly when turning into garages and driveways at 90 degrees. They are also often physically incapable of being serviced by Council's garbage collection services and by other large service vehicles. Thus, most laneways do not have the same level of necessary infrastructure required to enable the same level of development that is found along existing primary streets.

Increased density along laneways would have significant implications including but not limited to infrastructure, stormwater drainage, sewer access and movement, parking congestion, waste truck access, neighbourhood character, built form, amenity, impact of service delivery to rear premises within the CBD, noise, privacy and surveillance. Due to this significant development potential and associated implications, it is considered pertinent that a policy position is established in relation to development on narrow laneways.

8. DEVELOPMENT ADJOINING NARROW LANEWAYS – INTERIM POLICY (Cont'd)

Financial Implications

Nil

Legal and Regulatory Compliance

Environmental Planning & Assessment Act 1979; Environmental Planning & Assessment Regulations 2000; Local Government Act 1993 – Section 375A

The General Manager is required to keep a register containing, for each planning decision made at the meeting 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. For the purpose of maintaining the register, a division is required to be called.

Risk Management Issues

Council currently does not have a policy position on developments that propose to utilise rear laneways for primary vehicular access and frontage. Narrow laneways across the Shire are typically not designed to cope with the same level of traffic, and do not have the same level of infrastructure and services as primary streets.

Approvals of individual development applications along these laneways without first establishing a policy position would set an undesirable precedent for potentially inappropriate development along narrow laneways, with the strong possibility to create adverse and detrimental impacts on existing infrastructure and neighbourhood amenity.

The immediate and cumulative negative impacts of such developments on infrastructure, services, neighbourhood character and amenity for existing and future residents is considered to be significant.

Internal/External Consultation

Wider community consultation and engagement regarding future laneway development has not been undertaken at this stage and would form part of the comprehensive review of the DCP in accordance with the Environmental Planning & Assessment Regulations 2000.

Attachments

Draft Development Adjoining Narrow Laneways – Interim Policy (**See Attachment No. 7**)

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8. DEVELOPMENT ADJOINING NARROW LANEWAYS – INTERIM POLICY (Cont'd)

A division must be called for this planning matter.

RECOMMENDATION

That Council adopt the Draft Development Adjoining Narrow Lanesways – Interim Policy

9. DEVELOPMENT APPROVALS

Author	Executive Manager Health Building and Environmental Services
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for the months of December 2018 and January 2019.

Report

The approvals for the month of December 2018 and January 2019 bring the total approved Development Applications for the financial year to 53 with a total value of \$4,724,453.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2018/78	Old Backwater Road Narromine	174/755131	Subdivision	\$0.00	22
2018/81	Murgah Street Narromine	25/717446	Aboveground Pool	\$8,000	10
2018/83	Dandaloo Street Narromine	202/624992	Patio	\$7,850	6
2018/84	Warren Road Narromine	1/338734	Playground Equipment	\$16,147	3
2018/85	Dandaloo Street Narromine	51/1068721	Solar Panels	\$55,000	8

**NARROMINE SHIRE COUNCIL
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REPORTS TO COUNCIL – GENERAL MANAGER**

9. DEVELOPMENT APPROVALS (Cont'd)

2018/86	Bowden Fletcher Drive Narromine	911/1200727	Alterations & Additions	\$200,000	2
2018/87	Minore Street Narromine	1A/439516	Aboveground Pool	\$2,500	2
2019/01	Third Avenue Narromine	3/7833/1	Removal of dwelling & garage	\$33,000	1
2019/02	The McGrane Way Narromine	12/731266	Inground Swimming Pool	\$32,500	4
2019/03	Goan Street Trangie	150/820585	Shade Sails	\$25000	13
2019/04	Derribong Street Trangie	1/758993/7	Shade Structure	\$15000	11
2019/07	Derribong Street Trangie	1/758993/7	Bus Shelter	\$18000	3

There are currently 4 applications under assessment

Financial Implications

There have been 53 Development Approvals with a total value of \$4,724,453 for the financial year.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Nil

Internal/External Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

**Jane Redden
General Manager**



POLICY – PUBLIC ACCESS TO COUNCIL INFORMATION

Adopted by Council

1. POLICY OBJECTIVE

The purpose of this Policy is to describe standards regarding public access to information and to assist in the processing of requests for such access.

2. POLICY PRINCIPLES

Council is committed to the following standards regarding public access to documents and information:-

- Open and transparent government
- Consideration of the overriding public interest test in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

3. POLICY SCOPE

This policy applies to all members of the public wishing to access Council information.

4. LEGISLATION AND REFERENCES

Commonwealth Acts and Australian Standards

Copyright Act 1968

NSW Acts, Codes and Practice Notes

Privacy and Personal Information **Protection** Act 1998

Privacy and Personal Information Protection Regulation **2014**

Health Records and Information Privacy Act 2002

Local Government Act 1993

Government Information (Public Access) Act 2009

Government Information (Public Access) Regulation **2018**

Anti-Discrimination Act 1977

State Records Act 1998

Workplace Surveillance Act 2005

Public Interest Disclosures Act 1994

Environmental Planning and Assessment Act 1979

Associated Documentation

Narromine Shire Council Information Guide – Government Information (Public Access) Act 2009

Narromine Shire Council's Privacy Management Plan

5. DEFINITIONS

Government Information – means information contained in a record held by an agency.

Personal information – has the meaning given to that term in PIPPA being:

Personal information is defined to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) Whether the information or opinion is true or not; and
- (b) Whether the information or opinion is recorded in a material form or not.

6. ACCESSING INFORMATION

Council will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (GIPA). There is right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under the Act. Charges for formal applications are in accordance with the GIPA Fees and Charges and include a \$30 application fee.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, the NSW Health Records and Information Privacy Act (HRIPA) 2002, the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the State Records Act 1998.

An individual has the right to access and amend records held by Council which may contain their personal details, matters relating to their business affairs or their health.

If information is held on individuals, request for documents, files or systems should be made under the GIPA Act. The Act provides for consultation with the individuals or relevant third parties prior to the disclosure of information.

7. INFORMATION AVAILABLE

Council publishes specific open access, or mandatory release information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost to Council. If costs are deemed to be unreasonable, Council will make the information available to the applicant in another format such as viewing a hard copy at Council's Administration Office.

Information identified as "Open Access Information" and is available on Council's website is:

- An information guide with information about the Council's structure and functions, and listing the type of information that is publicly available
- A disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public

Section 18 of the GIPA Act and Schedule 1 of the Government Information (Public Access) Regulation 2018 deems that certain documents held must be made publicly available for inspection free of charge. The public is entitled to inspect these

documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at Council's Administration Office during ordinary office hours. Copies can be supplied for reasonable copying charges.

'Open' Informal Access documents are:-

Information About Council

- Council's **current** Information Guide
- Council's policy documents
- Council's disclosure log of access applications
- Council's register of government contracts
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure
- Such other government information as may be prescribed by the regulations as open access information
- Council's Code of Conduct
- Council's Code of Meeting Practice
- Council's Annual Report
- Council's Annual Financial Reports
- Council's Auditor's Reports
- Council's Management Plan
- Council's EEO Management Plan
- Council's Policy For Payment of Expenses and Provision of Facilities to Mayor and Councillors
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the LGA.
- Returns of the Interests of Councillors, Designated Persons and Delegates (this document is available for inspection at Council's offices only, and not on the website, in accordance with the Information Commissioner's guidelines)
- Agendas and Business Papers For Council and Committee Meetings (but not including business papers for matters considered when any part of a meeting is closed to the public)
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- Reports **by the Chief Executive of the Office of Local Government** presented to a meeting of Council in accordance with section 433 of the LGA.
- Council's land register
- Councils' register of investments
- Council's register of delegations
- Council's register of graffiti removal work kept in accordance with Section 13 of the Graffiti Control Act 2008
- Council's register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
- Council's register of voting on planning matters kept in accordance with section 375A of the LGA

Plans and Policies

- Local policies adopted by Council concerning approvals and orders
- Council's plans of management for community land
- Environmental planning instruments, development control plans and contribution plans made under the Environment Planning and Assessment Act 1979 applying to land within Council's area

Development Applications

- Development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents received in relation to a proposed development including the following:-
 - Home warranty insurance documents
 - Construction certificates
 - Occupation certificates
 - Structural certification documents
 - Town planner reports
 - Submissions received on development applications
 - Heritage consultant reports
 - Tree inspection consultant reports
 - Acoustics consultant reports
 - Land contamination consultant reports
- Records of decisions **made after 1 July 2010** on development applications (including decisions made on appeal)
- The above does not apply to information that consists of
 - The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
 - Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret
 - **Development applications made before 1 July 2010 and any associated documents received (whether before, on, or after) that date in relation to the application**

Approvals, Orders and Other Documents

- Applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of building certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory acquisition notices
- Leases and licences for use of public land classified as community land
- Performance improvement orders issued to Council under Part 6 of Chapter 13 of the LGA

8. EXEMPTIONS TO ACCESS

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources. Council will explain to the applicant the reasons for applying any exemption.

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act.

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test. The GIPA Act provides a list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the Public Interest Test:-

- responsible and effective government
- law enforcement and security
- individual rights, judicial processes and natural justice
- business interests of agencies and other persons
- environment, culture, economy and general matters
- secrecy provisions
- exempt documents under the interstate Freedom of Information legislation

In applying the Public Interest Test, Council will not take into account:-

- that disclosure may cause embarrassment to, or a loss of confidence in, the Council
- that the information disclosed might be misinterpreted or misunderstood by any person

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as particulars personal to the applicant.

Under the GIPA Act, **Schedule 1**, there are **16** categories of information for which there is a **conclusive** presumption of an overriding public interest against disclosure:-

- Information subject to overriding secrecy laws
- Information referred to as "Cabinet information"
- Information referred to as "Executive Council information"
- Information that would constitute contempt of court or contravene any order or direction of a person or body having power to receive evidence on oath or infringe the privilege of Parliament
- Information subject to legal professional privilege
- "Excluded information" of an agency
- Documents affecting law enforcement and public safety
- Specific information relating to transport safety
- Specific information relating to adoption
- Specific reports concerning the care and protection of children
- Information contained in the Register of Interests kept by or on behalf of the Premier pursuant to the Code of Conduct for Ministers of the Crown adopted by Cabinet

- Specific information relating to Aboriginal and environmental heritage
- Information about complaints to the Judicial Commission
- Information about authorised transactions under Electricity Network Assets (Authorised Transactions) Act 2015
- Information about authorised transactions under Land and Property Information NSW (Authorised transaction) Act 2016
- Information provided to High Risk Offenders Assessment Committee

Schedule 2 of the GIPA Act also includes the following “excluded information”:-

- Judicial and prosecutorial information
- Complaints handling and investigative information
- Competitive and market sensitive information
- Other information (specific information relating to NSW Trustee and Guardian functions, Department of Education and Training functions, Universities functions, NSW Electoral Commission (complaint handling, auditing, investigative and prosecuting functions) and the Commissioner of Victims Rights functions)

Formal applications for 'excluded information' are invalid under the Act. Council cannot publish and must refuse requests to disclose information in the above categories.

9. ACCESSING INFORMATION AND MAKING AN APPLICATION

The public may obtain access to information as follows:-

- Council's website
- Written request to Council for the information and Council will advise whether the information requested:-
 - is open access, or mandatory release information that is readily available and where and how to get the information
 - should be made available as part of a proactive release of information
 - can be disclosed through an informal release, for example where no third party personal information is involved
 - requires a formal access application, and accompany the required fee and photocopying charges

To make a formal request for access to information under the GIPA Act, the “GIPA Act 2009 Access Application Form” must be completed (**Annexure A**). The Formal Application fee is \$30.00 and processing charges may be applicable. GST does not apply in relation to these charges. Council will acknowledge receipt of formal access applications within five working days. If a fee for photocopying is required, the applicant will be notified under the GIPA Act of the amount payable. Charges will be as per Council's Schedule of Fees and Charges and GST is payable.

10. TIME LIMITS

Council will acknowledge receipt of formal access applications within five working days and further notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time.

Council may extend the time by up to 10 working days where consultation is required with a third party or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable.

If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused' and Council will refund the application fee and the applicant may seek an internal or external review of this refusal. This will not apply if an extension of time has been arranged.

11. PROCESSING CHARGES

Council may impose a processing charge for dealing with an access application at a rate of \$30 per hour for each hour of processing time for the application. The application fee of \$30.00 paid by an applicant counts as payment towards any processing charge payable by the applicant. Access to government information granted in response to an access application may be made conditional on payment of any processing charge imposed for dealing with the application.

Council may give notice to an applicant requiring the applicant to make an advance payment of a processing charge referred to as an "advance deposit". The period within which the application is required to be decided stops running from when the decision to require an advance deposit is made until payment of the advance deposit is received by the agency.

12. RIGHTS OF REVIEW AND APPEAL

Where a member of the public is refused access of a formal application under the GIPA Act, staff will provide details of the reasons for refusal to the applicant in writing. An applicant who has been refused access by Council to information requested under a formal request has three options of review available:-

Internal Review

Application to Council for an internal review. This review will be conducted by someone more senior than the original decision maker and the application will be accompanied by a \$40.00 fee. Applicants have 20 working days from notification that their original application has been refused to ask for an internal review.

Review By The NSW Information Commissioner

If an applicant is not satisfied with the internal review, or does not wish one to be conducted, they can ask for a review by the NSW Information Commissioner. Applicants have 40 working days from notification that their original application has been refused to ask for a review.

Review By The NSW Civil and Administrative Tribunal (NCAT)

If an applicant is not satisfied with the decision of the Information Commissioner or an internal review by Council or if they do not want to take these options they can apply to the NCAT. If the applicant has already had a review by the Information Commissioner they have 20 working days from notification of the decision to make this application. If they have not had a review by the Information Commissioner they have 40 working days from notification of the decision to make this application.

Prepared By	Adopted By Council	Version No	Review Date
Corporate & Community Services Department	19 April 2011 (Res No 2011/170)	1.0	12 months
Corporate & Community Services Department	12 June 2013 (Res No 2013/202)	2.0	24 months
Corporate Community & Regulatory Services Department	14 December 2016 (Res No 2016/381)	3.0	24 months
General Manager's Department		4.0	4 Years

Annexure A

Government Information (Public Access) Act 2009 ACCESS APPLICATION FORM

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact the Executive Manager Corporate Governance on 6889 9999 or visit our website at www.narromine.nsw.gov.au

1. Your details

Surname: **Title:** Mr / Ms / Other

Given names:

Postal address:

Postcode:

Day-time telephone: **Facsimile:**

Email:

Do you have special needs for assistance with this application:

.....
.....

I agree to receive correspondence at the above email address.

2. Proof of identity

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a *certified copy* of any one of the following documents:

Australian driver's licence with photograph, signature and current address

Current Australian passport

Other proof of signature and current address details

3. Government Information

Please describe the information you would like to access in enough detail to allow us to identify it.

Note: If you do not give enough details about the information, the agency may refuse to process your application.

.....

.....

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.....

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.....

Are you seeking personal information? **Yes / No** (circle one)

4. Form of access

How do you wish to access the information?

- Inspect the document(s) A copy of the document(s)
- Access in another way (please specify

5. Application Fee

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

(Note: please do NOT send cash by post)

6. Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in Council's 'disclosure log'. This is published on Council's website.

Do you object to this? **Yes / No** (circle one)

7. Discount in processing charges

You may be asked to pay a charge for processing the application (\$30 / hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

- Financial hardship – please attach supporting documentation (eg a pension or Centrelink card).

AND / OR

Special benefit to the public – please specify why below:

.....
.....

Applicant's signature:

Date:

Please post this form or lodge it at:- 124 Dandaloo Street, Narromine, NSW, 2821

General Information about the GIPA Act is available by calling the Information and Privacy Commission on 1800 472 679 or visit the IPC's website: www.ipc.nsw.gov.au

Office Use Only

Date Application Received

File reference

Model Code of Conduct

for Local Councils
in NSW

2018



MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2018

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

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Part 1: Introduction



This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

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

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

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

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

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

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

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

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

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

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

Part 2: Definitions



In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3:

General Conduct Obligations



General conduct

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

Fairness and equity

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

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

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

- e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

Land use planning, development assessment and other regulatory functions

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

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

Binding caucus votes

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

Obligations in relation to meetings

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

Part 4:

Pecuniary Interests



What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
 - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

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

- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
 - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and

- b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

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

- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for

the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.

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

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



Part 5: Non-Pecuniary Conflicts of Interest



What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as

practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.

- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship

- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

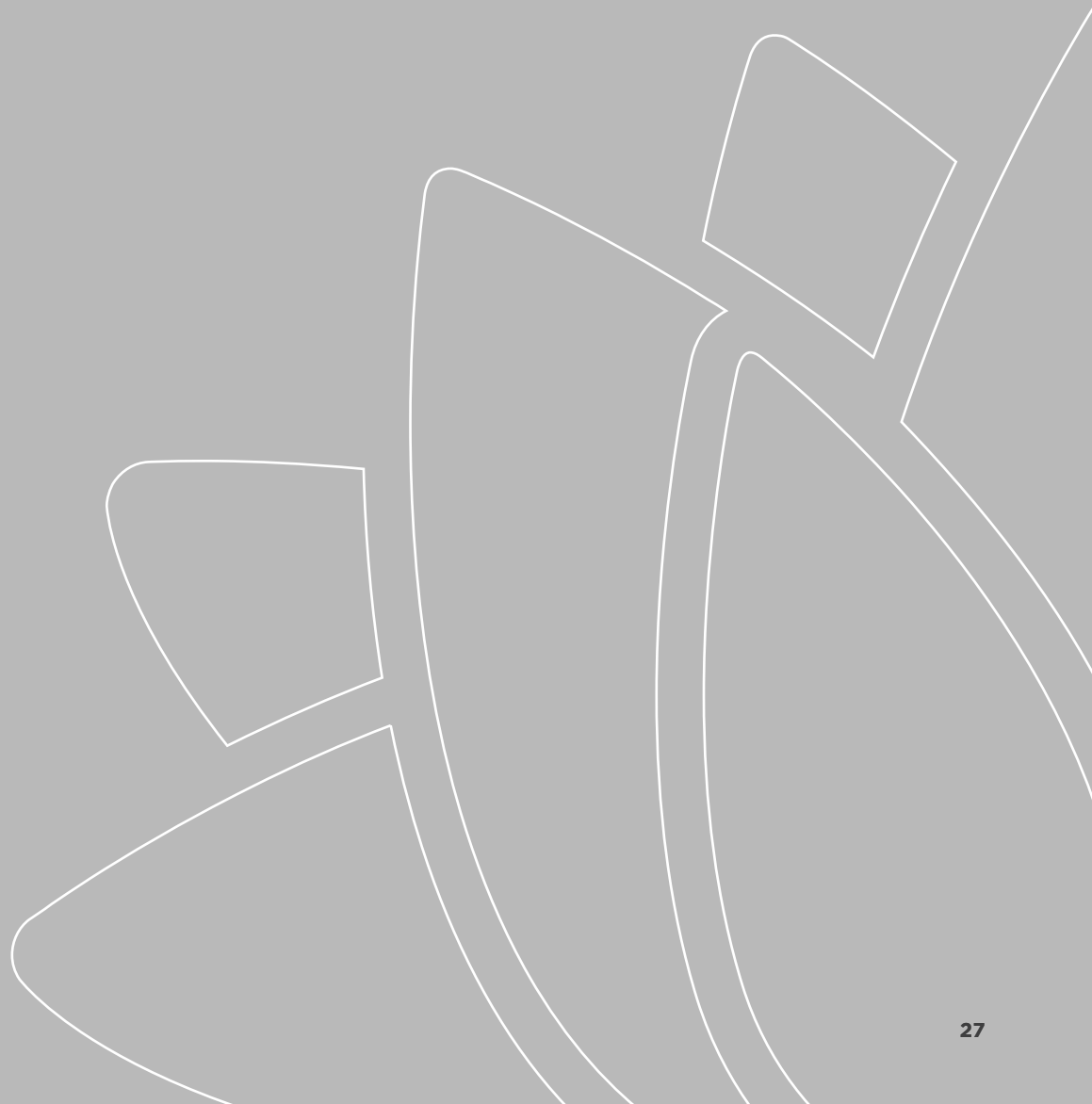
5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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



Part 6:

Personal Benefit



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

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

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

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

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

Part 7: Relationships Between Council Officials



Obligations of councillors and administrators

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

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

Obligations of staff

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

Inappropriate interactions

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



Part 8: Access to Information and Council Resources



Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise

available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

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

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

Personal information

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

Use of council resources

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

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.
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- ## 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.
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- ## Council record keeping
- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

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



Part 9: Maintaining the Integrity of this Code



Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

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



**Schedule 1:
Disclosures of Interest and Other
Matters in Written Returns
Submitted Under Clause 4.21**

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

Interests and positions in corporations

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

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

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

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

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

Positions in trade unions and professional or business associations

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

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

Dispositions of real property

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

Sources of income

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

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

Debts

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

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

Discretionary disclosures

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

**Schedule 2:
Form of Written Return of
Interests Submitted Under
Clause 4.21**



‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information

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

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

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

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

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

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

as at *[return date]*

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

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

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

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

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**G. Positions in trade unions and professional or business associations**

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

Schedule 3:
Form of Special Disclosure of
Pecuniary Interest Submitted
Under Clause 4.37



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

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

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.

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest

Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)

Relationship of identified land to councillor
[Tick or cross one box.]

- The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).
- An associated person of the councillor has an interest in the land.
- An associated company or body of the councillor has an interest in the land.

Matter giving rise to pecuniary interest¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²

[Tick or cross one box]

- The identified land.
- Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

1 Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

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

Proposed change of zone/planning control

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

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

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

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

Councillor's signature

Date

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



Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2018

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

2018

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Part 1:

Introduction



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

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

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

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

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

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

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

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

Part 2:

Definitions



In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
investigator	a conduct reviewer
joint organisation	a joint organisation established under section 4000 of the LGA

LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3:
Administrative
Framework



The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

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

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

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

The appointment of complaints coordinators

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



Part 4:

How May Code of Conduct Complaints be Made?



What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

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

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

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

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

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



Part 5:

How are Code of Conduct Complaints to be Managed?



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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:

- a) is not a code of conduct complaint, or
- b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
- c) is trivial, frivolous, vexatious or not made in good faith, or

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

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

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

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

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
- a) censure

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

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

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

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

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

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

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

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

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

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

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

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

Referral of code of conduct complaints to external agencies

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

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

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

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

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

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

Code of conduct complaints made as public interest disclosures

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these

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

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

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

- 5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

Part 6:
Preliminary Assessment of
Code of Conduct Complaints
About Councillors or the
General Manager by
Conduct Reviewers

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven

breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

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

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

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

Complaints assessment criteria

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

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

Part 7:
**Investigations of Code of
Conduct Complaints About
Councillors or the
General Manager**



What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.
- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
- b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
- c) advise of the process to be followed in investigating the matter, and
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

- 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.

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.

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.
- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
- i) constitutes a breach of the code of conduct, or
- ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
- b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
- c) that the respondent be counselled for their conduct
- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered

Final investigation reports

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

- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
 - h) any previous proven breaches
 - i) whether the breach forms part of an ongoing pattern of behaviour
 - j) the degree of reckless intention or negligence of the respondent
 - k) the extent to which the breach has affected other parties or the council as a whole
 - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
 - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
 - n) whether an educative approach would be more appropriate than a punitive one
 - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
 - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent

- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)),

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

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:

- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.



Part 8:

Oversight and Rights of Review



The Office's powers of review

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

Complaints about conduct reviewers

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

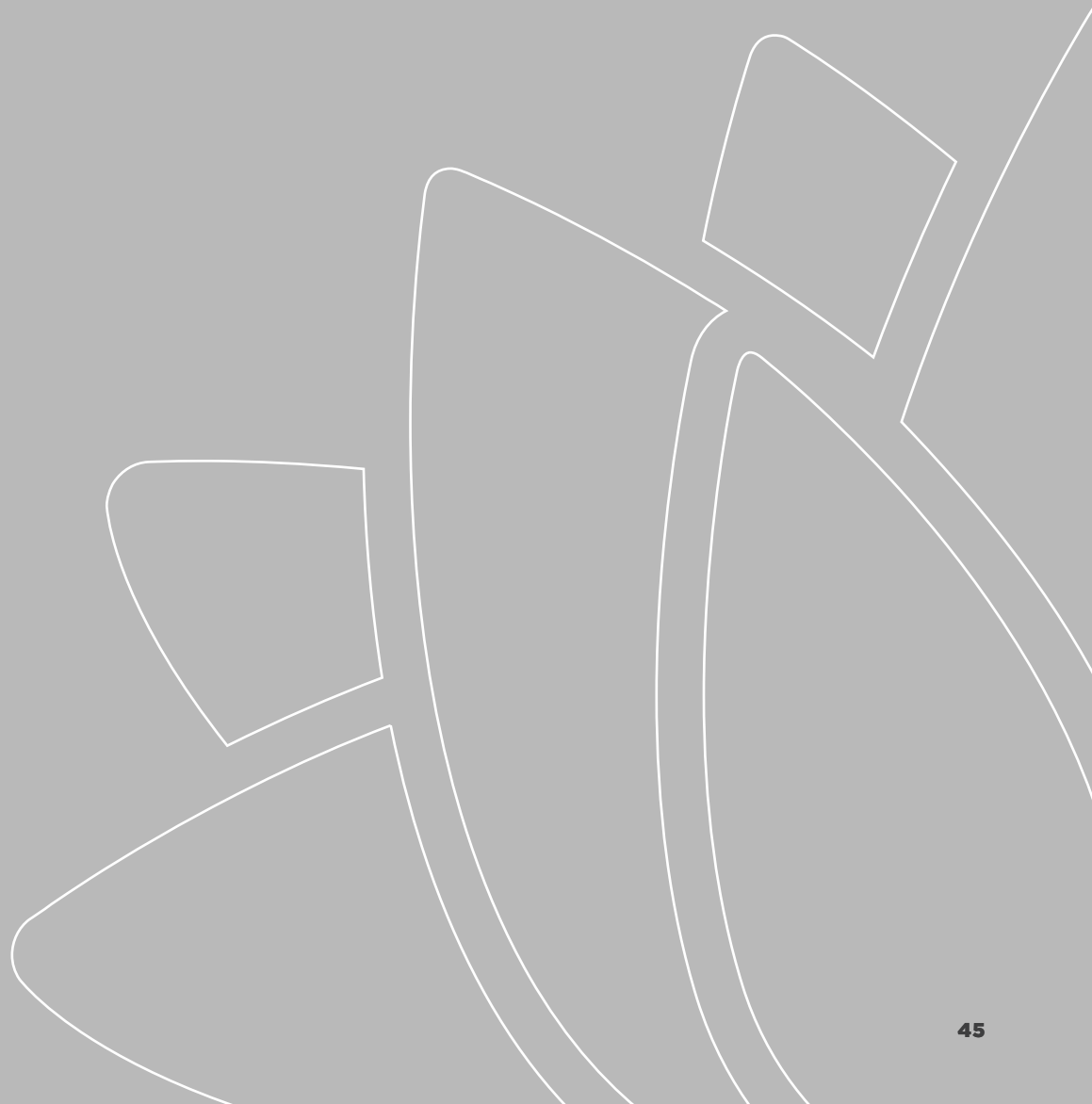
Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or

- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
 - b) the general manager or mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.



Part 9:

Procedural Irregularities



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

Part 10: Practice Directions

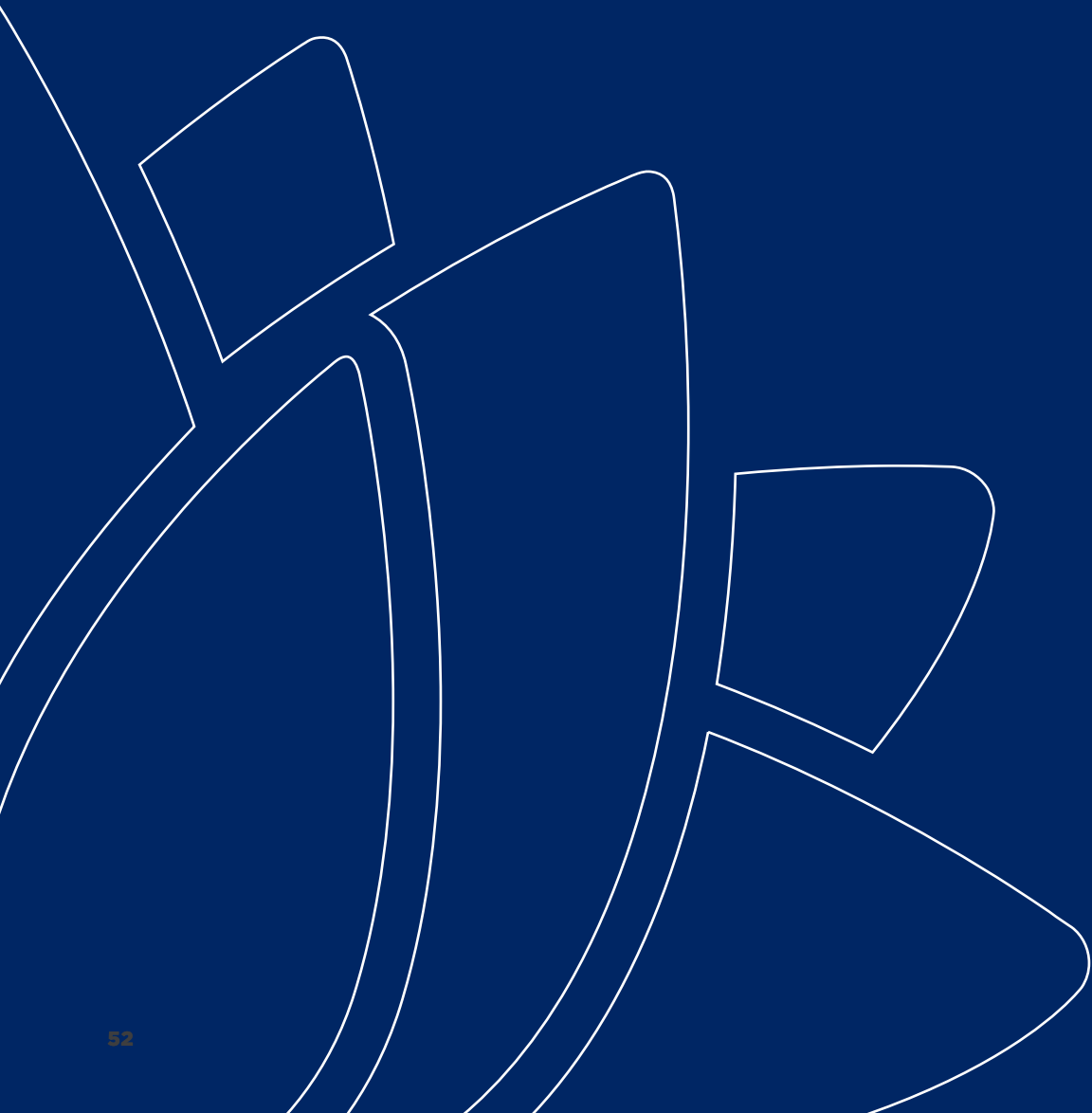


- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's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

Part 11:
**Reporting Statistics on Code
of Conduct Complaints
About Councillors and the
General Manager**

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

Part 12: Confidentiality



- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



CODE OF CONDUCT

SUPPLEMENTARY PROVISION – USE OF SOCIAL MEDIA

- 1.1 You must not use social media to post comments, photos, sound recordings or other information that:
- (a) Compromises your capacity to perform your official duties in an unbiased manner.
 - (b) Has the potential to have a negative impact to your working relationships within the council or external parties
 - (c) Is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - (d) Has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
 - (e) Divulges confidential information
 - (f) Breaches the privacy of other council officials or those that deal with council
 - (g) Contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
 - (h) Could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment



POLICY – COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT

Adopted by Council

Version No	Responsible Department	Prepared By	Date First Created	Review Date	Adopted Date
1.0	General Managers	Executive Manager Corporate Governance		4 years	

1. POLICY OBJECTIVE

The purpose of this policy is to demonstrate Narromine Shire Council's commitment to ensuring that the Mayor and Councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the Local Government Act 1993 ('the Act').

2. POLICY PRINCIPLES

Council is committed to developing an induction and ongoing professional development program for the Mayor and Councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the Mayor and each Councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

3. POLICY SCOPE

This policy applies to all Councillors of Narromine Shire Council, including the Mayor.

4. INDUCTION PROGRAM

Council will develop an induction program for new and returning Councillors as well as a supplementary program for the Mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so. The induction program will cover:

- an orientation to Council facilities and the local government area
- an overview of the key issues and tasks for the new Council including Council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- the legislation, rules, principles and political context under which Councils operate
- the roles and responsibilities of Councillors and the Mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the General Manager and Council staff
- what Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council
- key Council policies and procedures Councillors must comply with including the code of conduct
- the role of Council meetings and how to participate effectively in them
- the support available to the Mayor and Councillors and where they can go to get more information or assistance, and
- information on the process for taking the oath of office and electing the Mayor at the first Council meeting (where applicable).

In the case of the Mayor, the program will also cover:

- how to be an effective leader of the governing body and the Council
- the role of the Chair and how to chair Council meetings
- the Mayor's role in integrated planning and reporting
- the Mayor's role and responsibilities under the code of conduct
- the Mayor's role and responsibilities in relation to the General Manager's employment
- the Mayor's role at regional and other representative bodies, and
- the Mayor's civic and ceremonial role.

The Mayor and Councillors must have a working knowledge and understanding of these areas by the end of the induction program.

The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure Mayors and Councillors:

- identify how they would like to work together as a team and identify a common vision for the governing body
- build relationships with each other based on trust and mutual respect that facilitate collaboration
- contribute to a positive and ethical culture within the governing body
- work towards consensus as members of the governing body for the benefit of the community
- develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- understand what supports or undermines the effective functioning of the governing body
- respect the diversity of skills and experiences of the governing body, and
- communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the Mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

The Mayor and Councillors, including those re-elected to office, must attend all induction sessions.

Council will evaluate the induction program at the end of each Council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

5. ONGOING PROFESSIONAL DEVELOPMENT PROGRAM

An individual ongoing professional development plan will be developed for the Mayor and each Councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role.

Each professional development plan will span the Council's term, and identify professional development activities that the Mayor or Councillor will participate in. Professional development activities will be prioritised according to need and

approved by the General Manager where Council funds are required in accordance with Council's Councillor Payments, Expenses and Facilities policy. The Mayor and Councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience
 - for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others
 - for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the Council, external training providers or industry bodies.

The timing of professional development activities for the Mayor and Councillors will be designed in such a way so as to not overload Councillors with learning activities in the early part of Council's term. The timing will reflect what knowledge and skills Councillors and the Mayor need at various points in Council's term to undertake their roles.

The Mayor and Councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

6. RESPONSIBILITIES

The Mayor and each Councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The Mayor and all Councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the Council.

The Executive Manager Corporate Governance is responsible for planning, scheduling and facilitating induction and professional development activities for the Mayor and Councillors in consultation with the General Manager.

The General Manager has overall responsibility for Council's induction and professional development program.

7. BUDGET

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the Mayor and Councillors. Expenditure will be monitored and reported quarterly.

8. APPROVAL OF TRAINING AND/OR EXPENSES

Professional development activities that require Council funds are to be approved by the General Manager in accordance with Council's Councillor Payment of Expenses and Provision of Facilities to Councillors Policy.

9. EVALUATION

Council will evaluate the professional development program at the end of each Council term to assess whether it was effective in assisting the Mayor and Councillors to develop the capabilities required to fulfil their civic roles.

10. REPORTING

The General Manager of Narromine Shire Council will publically report each year in Council's annual report:

- the name of the Mayor and each individual Councillor that completed Council's induction program (where an induction program has been delivered during the relevant year)
- the name of the Mayor and each Councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the Mayor and Councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the Mayor and Councillors during the relevant year.

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2018

MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW
2018

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1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This 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 this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

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.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, 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".

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

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 following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings]**.
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 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.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

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.

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.

- 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 **[council to specify notice period required]** business days before the meeting is to be 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.

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 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

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

Note: Clause 3.24 reflects section 9(2A) (b) of the Act.

3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

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

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

Agenda and business papers for extraordinary meetings

3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and

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

3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.30 Despite clauses 10.20-10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief 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.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.35 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.
- 3.36 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.

4 Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 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 an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



5 Coming Together

Attendance by councillors at meetings

- 5.1 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.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 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.

- 5.5 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.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 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.

- 5.8 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

- 5.9 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 5.9 reflects section 368(1) of the Act.

5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

5.11 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.12 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.

5.13 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.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the 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.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

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

Note: Clause 5.16 reflects section 10(1) of the Act.

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

5.18 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 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Note: Councils will be required to webcast meetings from [OLG to insert date]. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by [OLG to insert date].

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 5.23 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 5.23 reflects section 376(1) of the Act.

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

Note: Clause 5.24 reflects section 376(2) of the Act.

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

Note: Clause 5.25 reflects section 376(3) of the Act.

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

6 The Chairperson

The chairperson at meetings

- 6.1 The 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 6.1 reflects section 369(1) of the Act.

- 6.2 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 6.2 reflects section 369(2) of the Act.

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

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

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

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any 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.

7 Modes of Address

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

8 Order of Business for Ordinary Council Meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence by councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

8.4 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 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.
- 9.2 Clause 9.1 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 9.9, 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.
- 9.3 Despite clause 9.1, 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.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, 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.
- 9.7 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.
- 9.8 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.
- 9.9 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.

9.10 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

9.11 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

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 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.

9.17 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 documents. 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.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



10 Rules of Debate



Motions to be seconded

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

Notices of motion

10.2 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.

10.3 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.

10.4 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

10.5 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.

10.6 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.

10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8 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

10.9 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

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

10.11 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.

10.12 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.

- 10.13 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.
- 10.14 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.
- 10.15 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.
- 10.16 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

- 10.17 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.
- 10.18 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.

- 10.19 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

- 10.20 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.
- 10.21 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.
- 10.22 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.
- 10.23 Despite clause 10.22, 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.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

- 10.25 Despite clauses 10.20 and 10.21, 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.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 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 10.20.
- 10.28 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.
- 10.29 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.
- 10.30 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.

Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

11 Voting



Voting entitlements of councillors

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

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

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

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

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

11.3 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.

11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

11.5 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

11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.11 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.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

- 11.12 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.
- 11.13 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.
- 11.14 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.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.



12 Committee of the Whole

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.20-10.30 limit the number and duration of speeches.

- 12.3 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.

- 12.4 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.

13 Dealing with Items by Exception



- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, 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.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 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.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 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 13.1 in accordance with the requirements of the council's code of conduct.

14 Closure of Council Meetings to the Public



Grounds on which meetings can be closed to the public

- 14.1 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,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.

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

Note: Clause 14.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (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 14.3 reflects section 10B(1) of the Act.

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(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 14.4 reflects section 10B(2) of the Act.

14.5 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 14.2), 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 14.1.

Note: Clause 14.5 reflects section 10B(3) of the Act.

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 14.6 reflects section 10B(4) of the Act.

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

Note: Clause 14.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

14.8 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 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, 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

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

Note: Clause 14.9 reflects section 10A(4) of the Act.

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 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 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, 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 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 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 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** 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

14.18 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.

14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

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

- (a) the relevant provision of section 10A(2) of the Act,

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

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.



15 Keeping Order at Meetings

Points of order

- 15.1 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.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 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

- 15.4 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.
- 15.5 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.
- 15.6 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.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 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.
- 15.9 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.
- 15.10 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

- 15.11 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 or any regulation in force under the Act 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

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

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 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

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 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.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, 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.

15.17 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 15.12. 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.

15.18 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.

- 15.19 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.
- 15.20 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.
- 15.24 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.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 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.
- 15.22 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.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

16 Conflicts of Interest

- 16.1 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.

17 Decisions of the Council

Council decisions

- 17.1 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 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**
- Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.**
- 17.2 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
- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.
- Note: Clause 17.3 reflects section 372(1) of the Act.**
- 17.4 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 17.4 reflects section 372(2) of the Act.**
- 17.5 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 17.5 reflects section 372(3) of the Act.**
- 17.6 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 17.6 reflects section 372(4) of the Act.**
- 17.7 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 17.7 reflects section 372(5) of the Act.**
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.
- Note: Clause 17.8 reflects section 372(7) of the Act.**
- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 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 **[council to specify the period of time]** after the meeting at which the resolution was adopted.
- 17.11 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 17.11 reflects section 372(6) of the Act.**

17.12 Subject to clause 17.7, 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, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 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.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(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.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



18 Time Limits on Council Meetings



- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, 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.
- 18.4 Clause 18.3 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.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, 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.

19 After the Meeting

Minutes of meetings

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

Note: Clause 19.1 reflects section 375(1) of the Act.

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

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

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

Note: Clause 19.3 reflects section 375(2) of the Act.

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

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

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 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.

- 19.7 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

- 19.8 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 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 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 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 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 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 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

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

Note: Clause 19.12 reflects section 335(b) of the Act.



20 Council Committees

Application of this Part

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

(b) the business proposed to be considered at the meeting.

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

Council committees whose members are all councillors

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

20.3 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.

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

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

Attendance at committee meetings

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

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

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Functions of committees

20.5 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.

Non-members entitled to attend committee meetings

20.10 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:

Notice of committee meetings

20.6 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

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 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.
- 20.12 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.
- 20.13 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.
- 20.14 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

- 20.15 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.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 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

20.19 The provisions of the Act and Part 14 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.

20.20 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.

20.21 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 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

20.22 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

20.23 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:

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

20.24 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.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 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.

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

20.28 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.

20.29 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.

21 Irregularities

- 21.1 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 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council - means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 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 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June





Delivery Program Progress

Half Yearly Report

1 July 2018 – 31 December 2018

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Progress



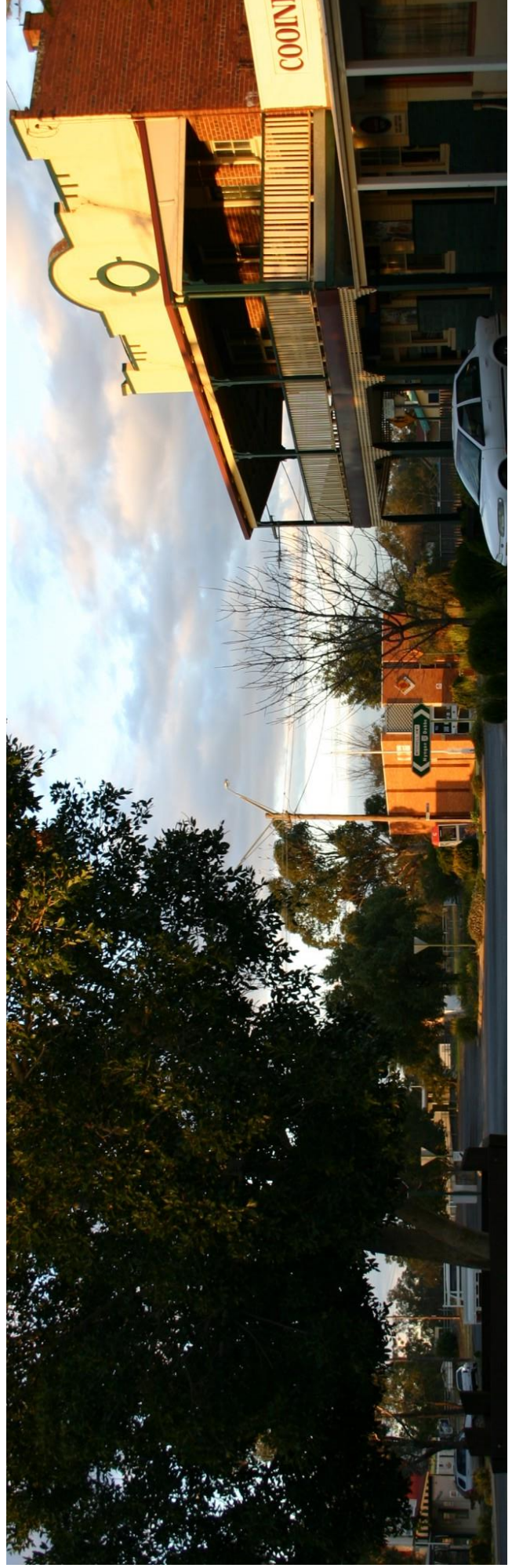
Goals

Vibrant Communities

Our Goal:

We want to create a safe, healthy and connected region that encourages participating and creates a strong sense of pride in our community and each other's well-being.

Financial Snapshot	2017/18	2018/19	2019/20	2020/21
Community & Cultural Services	\$659,280	\$671,637	\$780,607	\$758,862
Recreational Facilities	\$1,548,045	\$1,479,410	\$1,532,906	\$1,580,065

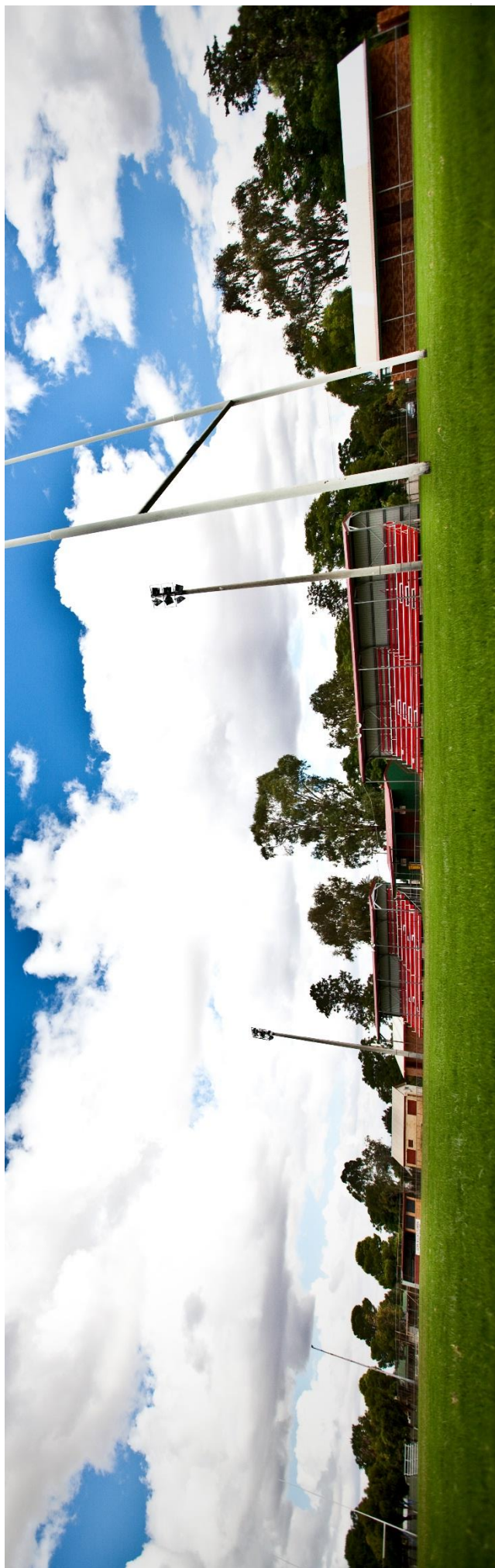


A SAFE, ACTIVE AND HEALTHY COMMUNITY – SP Nos. 16, 23, 27

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.1.1.01	Liaise with Police and other community groups.	Meet Quarterly with police	50%	Quarterly meeting held and community crime forum held November 2018
1.1.1.3	Develop a Crime Minimisation Strategy.	Strategy complete by 31 December 2018	5%	This will be undertaken after finalisation of the Social Plan.
1.1.02.01	Investigate installing CCTV cameras in CBD and appropriate avenues of grant funding.	Installation of CCTV cameras in CBD by 30 September 2018, subject to successful grant funding.	70%	Funding successful. Installation commenced 17.12.2018.
1.1.02.02	Coordinate annual inspection of Council streetlights to ensure adequate operation.	Audit conducted annually.	50%	Program being set and inspections to take place in March 2019.
1.1.03.01	Participate in Interagency Meetings and provide Council assistance where appropriate.	90% attendance at Interagency meetings.	50%	Member of Economic Development team attends when possible. Communication with agencies ongoing.
1.1.04.02	Promote recreational opportunities for all ages through website, social media and other available networks.	Update information on a monthly basis.	50%	Programs developed and will restart at the end of January 2019. Promotion of activities through a variety of platforms.
1.1.04.03	Installation of signage in parks, reserves and relevant facilities.	Prepare program and design signage by 28 February 2018. Install signage by 30 June 2019.	50%	Signs have been purchased and installation is progressing.
1.1.04.04	Develop a plan for provision of cycleway routes.	Plan finalised by 30 June 2018.	100%	Plan finalised and adopted by Council 8 August 2018.
1.1.05.02	Install automatic irrigation at Payten Oval Outer.	Install automatic irrigation by 30 June 2018.	55%	Funded through the Drought Communities program and to be completed by 30 May 2019.
1.1.05.03	Install Bollards on Payten Oval Outer.	Install Bollards by 30 June 2018.	50%	Bollards purchased installation scheduled for end of March 2019.
1.1.05.05	Oversee implementation of the Master Plan.	Implement key deliverables as per the Master Plan.	50%	Concept plan for Cale Oval developed. Concept Plan for Burns Oval in Progress.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.1.06.01	Collaborate with government and other health service providers to ensure high quality health care facilities and services are available to Shire residents.	Meet quarterly with State and Federal Local Members ensuring the provision of Shire health facilities a key agenda item.	50%	Meetings with State and Federal Members held with the provision of health care services on the standard agenda. Proactive and positive relationships maintained with Narramine Shire Family Health Care services.
1.1.07.02	Strengthen relationships with key medical agencies within the Shire.	Meet six monthly with Western NSW LHD Narramine and Trangie health care providers.	50%	Meeting to be scheduled with Health Service Manager incumbent on their return in March.
1.1.08.01	Install mobility chair at Narramine Pool.	Installation complete by 30 September 2017.	55%	Accessibility Chair has been purchased and will be installed at the end of 2018/19 season.
1.1.08.2	Install mobility chair at Trangie Pool.	Installation complete by 30 September, 2018.	55%	Accessibility chair has been purchased and will be installed at the end of 2018/19 season
1.1.08.03	Review operational costs of Narramine and Trangie pools and determine fees and charges annually.	Fees and charges reviewed and adopted by 30 June annually.	20%	New fees and charges will be adopted by Council prior to 30 June 2019.
1.1.08.04	Construct a water park at Narramine Pool.	Preliminary planning complete by 30 June 2018.	55%	Funding has been obtained and construction plans being finalised.
1.1.08.05	Upgrade entrances to Council pools.	Upgrade of Narramine Pool entrance by 30 June 2020.	100%	New gates have been installed.
1.1.09.02	Upgrade to Trangie Sporting Fields (subject to successful grant application).	Works completed by 31 December 2019.	90%	Burns Oval redevelopment works progressing.
1.1.10.01	Support programs for the aged in the community with a healthy lifestyle focus.	Consult with Health Services and advertise programs monthly through Council's website and Facebook page.	70%	Programs have been developed and will commence end of January 2019. Advertising occurs through a variety of mediums.
1.1.10.03	Provide opportunity for reduced gym membership fee on receipt of Seniors Card.	Advertise reduced Seniors' gym membership monthly.	100%	New fees and charges have been adopted by Council providing reduced gym membership for Seniors Card holders. Advertising occurs through a variety of mediums.
1.1.11.01	Upgrade Men's amenities at Narramine Sports Centre.	Upgrade completed by 30 June 2019.	55%	Scope has been done waiting on availability of funding.
1.1.11.02	Upgrade Women's amenities at Narramine Sports Complex.	Upgrade completed by 30 June 2018.	75%	Scope has been done waiting on availability of funding.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.1.11.03	Paint exterior and interior of Narromine Sports Centre	Painting completed by 30 June 2018.	50%	Interior painting completed. Part exterior painting undertaken. Budget allocation for 19/20 to complete exterior painting.
1.1.11.05	Ensure adequate resources are allocated to the Sports Centre to maintain facilities in accordance with community usage.	Review fees and charges annually by 30 June.	20%	Fees will be reviewed and adopted by Council prior to June 2019.
1.1.11.06	Upgrade existing disabled toilet to meet Australian Standards.	Upgrade completed by 30 June 2018.	50%	Waiting on availability of funds.
1.1.12.01	Convene and support bi-annual sports user group workshops in winter and summer.	100% meetings held with sports user groups.	55%	Meetings held in Narromine and Trangie as required.
1.1.12.02	Prepare Leases/Licenses or User Agreements for all Sporting Groups using Council's sporting fields.	Agreements prepared for all user groups.	50%	Agreements prepared as required.



A VIBRANT AND DIVERSE COMMUNITY THAT HAS A STRONG SENSE OF BELONGING AND WELLBEING – SP Nos. 13, 14, 24, 26, 27

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.2.01.01	Ensure facilities meet accessibility standards.	Review facilities annually to determine and address compliance issues.	0%	To be reviewed early 2019.
1.2.02.01	In partnership with the community, continue to facilitate events that celebrate community values including all groups within the community and provide financial and in-kind assistance for community and private events, e.g. Ausfly, Oz-Kosh.	Two major events annually.	50%	Ausfly 2018 completed. Participated in careers day. Assisted with Venetial Carnival. Planning for Australia Day and Pink Pigeon fundraising underway.
1.2.02.02	Prepare Inclusion and Access Guidelines for cultural and community events.	Inclusion and Access Guidelines prepared by December 2018.	100%	Completed in 2017-18.
1.2.03.01	Provide grants through the Donations, Sponsorships and Waiver of Fees & Charges Policy process to community groups, with an emphasis on sports, recreation, arts, cultural, leadership and development activities.	Submissions advertised and received by 30 September, and applicants advised by 30 November each year.	100%	Submissions advertised and received by 31 August, considered by Council with applicants advised by 30 September.
1.2.03.02	Continue to support the Local History Groups in Narromine and Trangie with a financial contribution to assist with their work.	Donation to both Local History Groups in the Annual Budget.	50%	Continue to communicate with Local History Groups. Financial contribution as per Council's 18/19 budget.
1.2.03.04	Give public recognition of volunteer service.	Hold annual volunteers recognition morning tea.	100%	Volunteer thank you functions held in early December in Narromine and Trangie. Press release completed.
1.2.04.01	Distribute information to all new residents and provide information on Council's website.	Review information six monthly.	50%	Information on website continues to be reviewed and updated.
1.2.04.02	Host welcome functions for new residents, community group representatives, business owners and	Advertise and promote welcome function to the broader community annually in March.	50%	Welcome function to be held on the 21st February 2019. Advertising and promotion will be undertaken in due course.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
	local agency representatives to enable new residents to establish contact with others in the community.			
1.2.04.03	Host Citizenship ceremonies upon receipt of relevant information from Department Immigration and Border Control.	Citizenship ceremonies held.	50%	Citizenship ceremonies organised as required. Four (4) candidates to receive Citizenship on Australia Day 2019.
1.2.05.01	Liaise with Local Aboriginal Land Councils to enhance the opportunities for the Indigenous community.	Two meetings per year.	50%	Continue to liaise with Community groups. Meetings established as per MOU.
1.2.05.02	Assist with NAIDOC Week, Reconciliation Day and other events of importance to the Aboriginal community.	Involvement at these events on an annual basis.	50%	Assisted with NAIDOC Day on the 21st of September 2018. Assistance provided for other significant events as requested.
1.2.5.4	Implement Targets in the MOU Action Plan	Meet twice annually to discuss targets in Action Plan. Undertake actions as per priorities set by working group.	50%	Meetings arranged and actions completed as per plan. Discussion being initiated with the Aboriginal Community around delays in progressing the action plan.
1.2.06.01	Develop an urban branding strategy for the towns and villages within the shire.	Urban branding strategy complete by 30 June 2019.	100%	The urban branding strategy brings together Council's marketing plan, branding, communications plan and latest tourism brochure. The tourism brochure has been reviewed and updated.
1.2.07.01	All new applicable applications for development comply with the National Construction Code.	100% compliance with National Construction Code.	50%	Applications are being assessed to ensure compliance with National Construction Code.
1.2.07.03	Conduct a survey of older people to seek ratings and comments on the quality and range of aged services and facilities in the Shire.	Survey of aged services and facilities available within the Shire.	100%	Survey completed.
1.2.07.04	Develop Prospectus for Aged Care Facilities within our Shire.	Prospectus developed by 30 June 2018.	100%	Prospectus not required at this time as Council is in discussion with potential developers.
1.2.08.01	Support youth activities within the Shire.	Partner with other agencies to deliver annual youth week activities.	50%	Council supportive of youth week activities and additional events such as pool inflatable days at the Narramine and Trangie pools.

A COMMUNITY THAT CAN ACCESS A RANGE OF FORMAL AND INFORMAL EDUCATION, INFORMATION AND OTHER SERVICES AND OPPORTUNITIES TO ENHANCE THEIR LIVES - SP No. 15

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.3.01.01	Advocate where possible for the increased provision of educational opportunities for our youth within the shire.	Meet quarterly with State and Federal Local Members ensuring the provision of educational opportunities for youth in our Shire a key agenda item.	50%	Quarterly meetings with State and Federal Members held with education as a standard agenda item, Council provides ongoing financial and administrative support to the Girls Academy program at Narromine High School.
1.3.03.01	Lobby the government to continue to fund child care services in Narromine Shire.	Affordable provision of child care services within the Shire.	50%	Council is supportive of pre-school and child care centres in our shire. Advocacy undertaken as required.
1.3.05.01	Continue to lobby Federal and State Local Members and relevant Ministers for service delivery and presence of TAFE within our Shire.	Meet quarterly with State and Federal Local Members ensuring the delivery of TAFE services within the Shire.	50%	Quarterly meetings held with State and Federal Members with the delivery of TAFE services a standard agenda item.
1.3.06.01	Assist in providing industry specific reports to vocational sector.	Make representations to vocational sector.	50%	Representations provided as requested.
1.3.07.01	Provision of E resources, IT training workshops and advisory services to Libraries.	Free Wi-Fi and microfiche printer facility available for researching. IT training workshops held. Public computers provided.	50%	Work continues along with MRL.

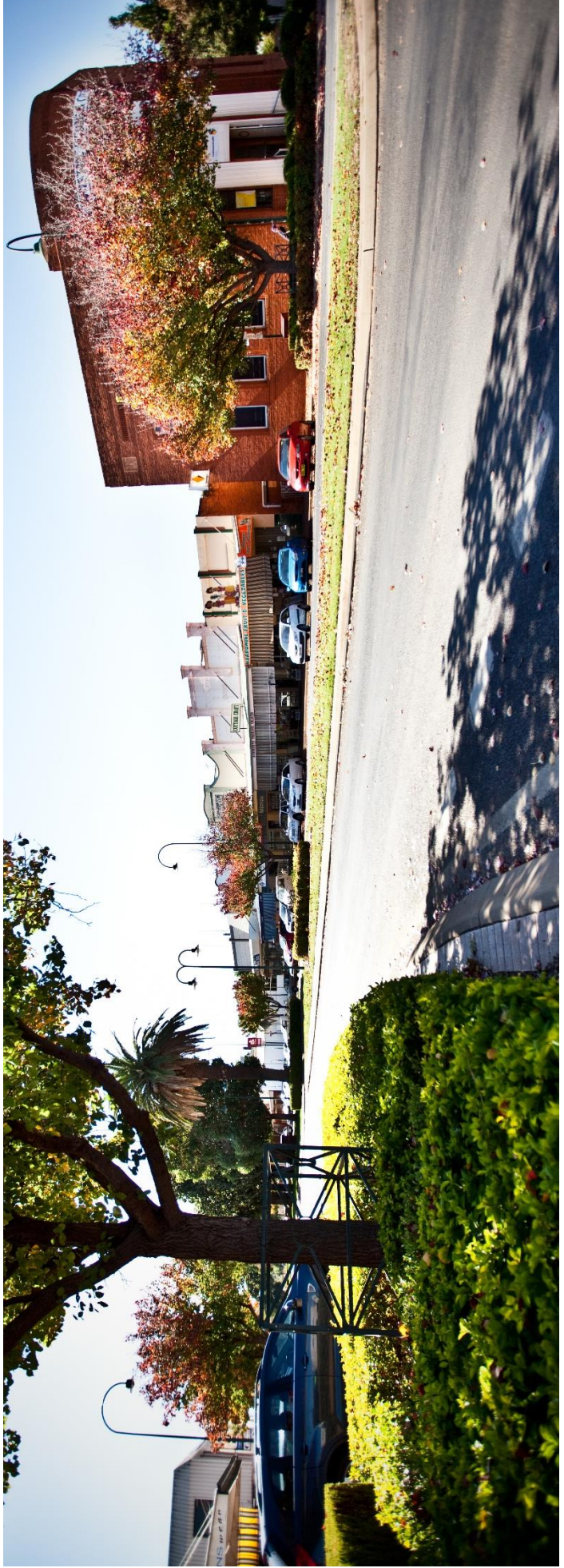
ACCESSIBLE FACILITIES AND SERVICES ARE AVAILABLE FOR PEOPLE WITH LIMITED MOBILITY.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
1.4.01.01	Implement actions identified in Council's Disability Action Improvement Plan (DIAP).	100% DIAP targets met.	0%	To be implemented early 2019.
1.4.01.02	Implement actions identified in Council's Disability Action Improvement Plan (DIAP) in relation to community services.	100% DIAP targets met.	50%	Actions implemented as per Disability Inclusion Action Plan.
1.4.02.01	Identify buildings in the CBD that are not 'mobility friendly' for access in Narromine and Trangie.	Identify buildings to provide access and report to owners for their consideration by December 2018.	50%	Narromine CBD inspections completed December 2018. Trangie CBD inspections completed 11 January 2019.
1.4.02.02	Undertake accessibility audit on all community / Council facilities.	Review facilities annually by 31 March 2018 to determine compliance issues.	0%	To be reviewed early 2019.
1.4.03.01	Work with Government agencies to lobby for community transport access within the Shire and to Dubbo and on a regular basis.	Access to community transport locally and to Dubbo is maintained.	50%	Community transport access ongoing advocacy item for Council.

Growing Our Economy

Our Goal: We have a diverse economy with thriving businesses that offer a range of employment opportunities supported by skill development options.

Financial Snapshot	2017/18	2018/19	2019/20	2020/21
Planning & Development	\$110,950	\$105,321	\$107,958	\$110,655
Economic Development	\$76,737	\$253,363	\$259,731	\$266,279



TO SUSTAIN AND GROW OUR LOCAL POPULATION - SP No. 3

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
2.1.01.01	Prepare and implement an Economic Development Strategy.	Implementation of Action Plan deliverables.	50%	The EDG Committee continues to meet every quarter to discuss priorities and delivery of the strategy deliverables.
2.1.02.01	Establishment of a retailers' network.	Network established and meeting quarterly by July 2018.	50%	Engage with retailers at specific times of the year to update them on marketing initiatives, tourism, new residents night, growing Narramine workshops among others. At this time there is not a demand from retailers for a formal network.
2.1.02.02	Continue association with 'Love the Life we Live' website and marketing campaign through the Economic Development network.	Monitor hits to Narramine component of 'Love the Life we Live' website and referrals.	50%	Works continue with Orana EDO group. Changed focus planned.
2.1.03.01	Develop a Shire wide Marketing Strategy.	Strategy developed by 30 June 2018. Implement the actions from the Strategy.	50%	Strategy completed. Continue to implement actions within the strategy.
2.1.03.02	Continue participation with Greater Western Plains Promotions Group.	Number of campaigns undertaken annually.	50%	Campaigns include brochure and website together with activities therein.
2.1.04.01	Finalise the peer review for the flood levee investigation and flood studies as per recommendations of the Narramine Floodplain Risk Management Study and Plan 2009 and feasibility study.	Peer review recommendations finalised by 30 June 2018.	10%	An additional option (Option H) has been identified and is being considered. Community Consultation report will be provided early 2019.
2.1.04.02	Seek grant funding and determine loan funding requirements for the flood levee construction project.	Obtain grant funding by 30 June 2019.	0%	Additional option (Option H) to be modelled and considered. Modelling to be completed by end February/ March 2019. Engineer's Estimate to be developed for Council's consideration
2.1.05.01	Review Land Use Strategies in line with results of Economic Development Strategy to ensure planned new land releases to stimulate economy.	Review of Land Use Strategies following adoption of the Economic Development Strategy.	100%	Rural Residential and Residential Land Use Strategy completed and endorsed by Department of Planning and Environment and Council.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
2.1.05.02	Develop Employment Lands Strategy.	Strategy completed by 30 June 2018.	100%	Completed in August 2018.
2.1.06.02	Assist community with applications for grant funding by providing statistical data.	Update available information and promote as per communications strategy.	50%	Up to date information provided on the website and as community groups require.

THE ONGOING DEVELOPMENT DIVERSIFICATION AND SUSTAINABILITY OF THE LOCAL BUSINESS AND INDUSTRY BASE - SP No. 4

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
2.2.01.01	Hold a biennial industry event specifically targeting agricultural value add opportunities.	Industry event held.	100%	Assist with Growers workshop. Growing Narromine Workshops held in October.
2.2.02.02	Establish interest of current owners of hangars / buildings at the Aerodrome to ascertain their interest in purchasing the site of their buildings.	Owner interest documented by 30 June 2019.	25%	To be done in conjunction with the development of Aerodrome Industrial precinct.
2.2.03.01	Implement strategies contained in Aerodrome Strategic Master Plan.	Targets are met	0%	To be undertaken early 2019
2.2.03.02	Update / Review Aerodrome Strategic Master Plan	Review of Plan completed and adopted by Council 30 June 2019.	25%	Work has commenced. Due in 4th quarter of financial year.
2.2.03.03	Continue with the hangar light industrial precinct development for aviation related businesses in accordance with the Aerodrome Strategic and Master Plan.	First stage available for sale by 30 June 2018.	55%	Plans being finalised for construction
2.2.04.01	Work with State Government agencies to appropriately identify high value land resources, where Government priorities are identified.	Provide input to new State Legislation within advertised time frames for consultation.	50%	Council continues to work with State government agencies to maximise opportunities for business and industries.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
2.2.04.02	Identify appropriate sites, in accordance with Land Use Strategy, for value added agricultural related industries.	Work with Department of Planning & Environment to produce a broad scale value added sites plan by June 2018.	100%	Employment Lands Strategy Completed
2.2.05.01	Provide improved information services to highlight tourism events and points of interest in the Shire.	Increased online engagement by 10%.	50%	Updates of information on facebook and website as required. Ongoing support of Visitors Centre.
2.2.05.02	In conjunction with other OROC councils undertake joint regional promotions such as through the 'Love the Life we Live' brand.	Annual promotion.	50%	Promotions through Love the Life We Live website. Continue to develop replacement with Orana JO.
2.2.06.01	Develop action plan for expenditure of water and sewer head works charges and Section 94A levies.	Minimum 10% funds expended each financial year in accordance with growth area priorities. Investigate feasibility of Narromine Water Treatment Plant by 30 June 2018.	5%	Consultants have been appointed to investigate Narromine Water Supply, a Development Services Plan and Section 64/94 Contributions Plan. Funding applied for after completion and consideration of above plans.
2.2.07.01	Work with existing tourist operators and community groups to promote Narromine Shire.	Undertake annual promotions.	50%	Work continues with existing stakeholders. Annual promotions include website promotions, social media promotions and brochures.
2.2.08.01	Encourage businesses to work with Council to support a business culture within our shire.	One business forum per year held by Council.	50%	Grow Narromine series workshops held in October 2018. Ongoing improved communications with businesses. Updated business prospectus. Ongoing EDO Group meetings.

TO ENCOURAGE EMPLOYMENT AND SKILLS DEVELOPMENT TO ADDRESS INDUSTRY NEEDS AND GROW THE REGION'S KNOWLEDGE BASE - SP No. 6

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
2.3.01.01	Advocate for the maintenance or increase of educational opportunities and training programs within the Shire.	Meet quarterly with State and Federal Local Members ensuring the provision of educational opportunities and training opportunities in our Shire a key agenda item.	50%	Quarterly meetings with State and Federal Members with educational opportunities and training programs as a key agenda item.
2.3.02.01	Develop a policy on industry incentives for existing and new businesses.	Policy completed by 30 June 2019.	20%	To be progressed in early 2019.
2.3.03.01	Upgrade truck wash facilities in Narromine and Trangie.	Upgrade of Narromine Truck Wash completed by 30 June 2019.	90%	Narromine Truck Wash facility largely completed. Minor works still outstanding.



Protecting & Enhancing our Environment

Our Goal: We value our natural and built environment, our resources for the enjoyment of the community and visitors to our Shire.

Financial Snapshot	2017/18	2018/19	2019/20	2020/21
Public Order & Safety	\$205,134	\$282,262	\$289,316	\$296,546
Environment & Health	\$458,804	\$467,699	\$479,389	\$491,372



MANAGE OUR NATURAL ENVIRONMENTS FOR CURRENT AND FUTURE GENERATIONS - SP No. 22

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.1.01.02	Seek grant funding for the Wetlands redevelopment.	Grant funding finalised by 30 June 2019.	100%	Grant funding application submitted.
3.1.02.01	Maintain involvement with the Macquarie and LLS Weeds Group.	Representation and 90% attendance at Macquarie Regional Weeds Advisory Group meetings.	50%	Active member of both CWRWC & MVWC. Attended CWRWC meetings 21/8 & 29/11, MVWC meetings 25/10 & 7/11.
3.1.02.02	Continue the annual fingerling release into the Macquarie River and into Goan Waterhole in conjunction with Macquarie Cotton Growers.	Funding application lodged each year and fingerlings released into River and Goan Waterhole - January annually.	100%	DPI contacted Council on 19 December 2018 to inform Council that DPI would be releasing 6000 Murray Cod fingerlings at the Narramine boat ramp. Release result of Council's long term (20yr) commitment to the program.
3.1.03.01	Install solar panels on suitable Council buildings.	Installation of solar panels by 30 June 2019.	0%	To be considered as part of an Orana JO initiative.
3.1.04.01	Encourage owners of heritage items to contact Council regarding funding available for maintenance of their buildings and sites from State and Local Government.	Quarterly articles in Council's newsletter.	50%	Funding opportunities advertised in each quarterly newsletter.
3.1.04.02	Contact owners of sites where building is not maintained and negotiate action plan of maintenance.	Annual review undertaken and action plan complete.	50%	Inspections of Narramine heritage buildings currently being undertaken. Contact made with owners of heritage buildings requiring significant maintenance.
3.1.04.03	Manage heritage-related enquiries at Council.	Record number of enquiries taken and advice given.	50%	Heritage enquiries are dealt with as needed. A record is maintained of enquiries received and the advice provided.
3.1.05.01	Undertake commitments within the WAP1520 Weeds Action Plan.	Ensure that 90% of private property inspections are undertaken in accordance with commitments within WAP1520.	50%	Commitments under the WAP1520 Yr4 program are being met.
3.1.06.01	Ensure compliance with relevant building codes and regulations.	Development applications and construction certificates are accompanied by relevant Basix certificates or Part J relevant reports where required.	50%	All applications are being assessed & determined under the relevant legislation.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.1.07.01	Review Narramine Shire Waste Management Strategy.	Update Narramine Shire Waste Management Strategy by 30 June 2018.	20%	Application for funding to develop strategy to be submitted early 2019.
3.1.07.04	Investigate alternative management options for the Narramine Waste Depot.	Determine suitable management options prior to 30 June 2018.	0%	Suitable management options will be determined as part of the strategy.
3.1.07.05	Continue to be a member council of Net Waste, attending regional forums to address waste management issues at a regional level.	90% attendance at NetWaste meetings.	50%	Ongoing participation.

WE ARE A SUSTAINABLE, ENVIRONMENTAL COMMUNITY WITH A GREAT APPRECIATION OF OUR NATURAL ASSETS - SP No. 22

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.2.01.01	Support natural resource initiative of Local Land Services (LLS).	80% attendance Local Government Reference Group meetings.	50%	Active member of both CWRWC & MVWC. Attended CWRWC meetings 21/8 & 29/11, MVWC meetings 25/10 & 7/11.
3.2.01.02	Engage with schools and local community groups to utilise the Narramine Wetlands as a learning resource.	Four school groups per year utilise the Narramine wetlands as a learning resource.	0%	Promotion with schools early 2019.
3.2.01.03	Continue to conduct community education campaigns through Net Waste in accordance with the Waste Education Plan promoting the benefits of recycling and educating the community regarding which items can be recycled.	Carried out by Envirocon annually at each school. At least one community education program conducted annually.	60%	Education Plan commenced 16 January 2019
3.2.01.04	Continue involvement in the Waste Education Plan.	Education by Envirocon at schools in accordance with the Waste Education Plan.	65%	Education Plan commenced 16 January 2019. Advertisement to commence 1 February 2019
3.2.01.05	Promote environmental awareness.	Quarterly newsletter article.	50%	Information provided in Council's quarterly newsletter.
3.2.02.01	Conduct public education campaigns aimed at reducing littering, stray dogs/cats, and promoting the desexing of domestic animals, dog and cat registration, and micro-chipping.	Annual promotion in newsletter.	50%	Promotion through social media and in correspondence via companion animals registration process.
3.2.02.02	Investigate concerns or complaints in relation to overgrown allotments and buildings in a state of disrepair.	90% of complaints to have investigations commenced within 2 working days.	50%	All CRM's in regards to overgrown blocks and dilapidated buildings are being investigated within 2 days and relevant Council staff are actively identifying issues prior to CRM being lodged.
3.2.03.03	Develop a working relationship with identified local environmental groups.	Arrange to meet six monthly.	10%	To be commenced in early 2019.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.2.03.04	Identify any funding sources that can assist both the local environmental groups and/or Council.	Promote relevant grant funding sources throughout the year.	65%	Facebook Post - Fish Friendly Screen Pilot Program (CWLLS)
3.2.04.01	Encourage environmentally sustainable, safe and more economical utilisation of Council's fleet.	Install GPS tracking on larger plant by 30 June 2019.	50%	GPS units have been purchased to be installed 2019.
3.2.04.02	Promote and encourage environmental sustainable practices to local business.	Annual promotional material to local businesses.	50%	Information developed for both Council Website and Social Media site.
3.2.05.01	Promote initiatives using Smart WaterMark.	Promotion materials sent out with rates notice. Participate in summer time television campaign through Smart WaterMark annually.	50%	Billing inserts sent, TV campaign delayed due to dissolving of LMWUA alliance.
3.2.05.02	Maintain membership of Smart WaterMark through the LMWUA.	Renew membership annually.	100%	Membership of the Smart WaterMark through the Orana Water Utilities Alliance.
3.2.05.04	Promote benefits of recycling using NetWaste resources.	Include statistics for recycling in Council's newsletter.	50%	Information provided in newsletter and social media.
3.2.05.05	Promote the benefits of recycling and water conservation.	Publish recycling statistics at least monthly.	50%	Information provided in newsletter and social media.

A COMMUNITY THAT VALUES THE EFFICIENT USE OF UTILITIES, NATURAL RESOURCES AND ENERGY - SP. No. 33

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.3.01.01	Install rain sensors in parks and sporting fields.	Implement actions from the Strategy by 30 June 2019	15%	Actions from strategy to be implemented.
3.3.02.01	Ensure all development approvals consider existing utilities infrastructure in their determination.	100% of approvals have had adequacy of existing utilities determined.	50%	Existing adequacy of facilities are determined as part of the Development Approval process.
3.3.02.02	Utilities performance audited annually through Triple Bottom Line (TBL) reporting.	Report submitted by 15 September. Achieve 100% compliance with TBL reporting.	100%	DOI Water has opened reporting website late in 2018 closure date not until 21/10/2018 Report completed and submitted 19/10/2018.
3.3.03.01	Advocate for reliable and affordable access to internet and communications technology.	Continue to lobby for the increase in the coverage area for mobile technology throughout the Shire.	50%	Council actively working with telcos in the sector to obtain funding for increased mobile coverage.

ENSURE A RANGE OF HOUSING OPTIONS FOR THE COMMUNITY - SP No. 20

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.4.01.01	Work with relevant parties to identify aged care accommodation needs.	Attendance at relevant meetings in an advisory role.	50%	Working with identified potential suppliers of Aged residential care in both Trangie and Narramine.
3.4.02.01	Monitor take-up of all land use zones vacant land. Identify short falls.	Review supply of vacant land six monthly.	50%	Ongoing with updates to the planning residential land register undertaken.
3.4.04.01	Liaise with local real estate agents to ascertain changes in rental demand.	Discuss changes to local demand and supply with local real estate agents.	25%	Council continues to liaise with real estate agents. Further discussions planned.

Attachment No 6



OUR COMMUNITY IS WELL CONNECTED THROUGH OUR CYCLEWAYS, FOOTPATHS AND PUBLIC TRANSPORT SYSTEMS - SP No. 9

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.5.01.01	Liaise with transport providers to ensure that full suite of transport options are available.	Discuss with providers and at local interagency forums.	50%	Monthly attendance at interagency meetings which advocate for continued and increased transport options for residents of the shire.
3.5.02.01	Provide support as required to the Dubbo Regional Council for the expansion of services at the Dubbo Regional Airport.	100% commitment to support Dubbo Regional Council.	50%	Narramine Council continues to provide ongoing support to Dubbo Regional Council for the expansion of services at the Dubbo Regional Airport and more recently support for the Qantas Pilot Academy in Dubbo.
3.5.03.01	Liaise with rail service providers to ensure rail service is maintained.	Discuss potential expansion and service contraction with local providers and stakeholders.	50%	Work being undertaken on commercial opportunities with rail operators, not passenger rail providers. Country rail buses continue to have a daily service from Narramine and Trangie.
3.5.04.01	Survey community biennially to ensure that transport issues of our residents are adequately addressed.	Survey question as part of residential survey.	100%	Survey completed.
3.5.05.01	Upgrade lighting on main runway (subject to CASA advice).	Seek grant funding to upgrade lighting prior to 30 June 2019.	100%	Council not required by CASA to upgrade lighting at this time.
3.5.05.02	Maintain the Narramine Aerodrome facility to meet reasonable user expectations and CASA requirements within the allocated budget.	Complete Obstacle Limitation Surface (OLS) annually by 30 November.	100%	OLS conducted November 2018. Maintenance carried out regularly as required.
3.5.05.03	Undertake inspections on operational areas.	Minimum 52 inspections per year.	55%	Undertake inspections as per schedule.
3.5.05.04	Maintenance of glider grassed runways.	Slashing undertaken minimum 26 times per year.	55%	Maintain grassed runways as required.
3.5.06.01	Ensure priority measures implemented from the PAMP.	Annual inspections of footpaths and cycleways prior to finalising works program. Annual works program identified by inspections and PAMP priorities, and adopted annually.	25%	Inspections undertaken as per schedule. PAMP used as basis of works program and funding application has been completed.

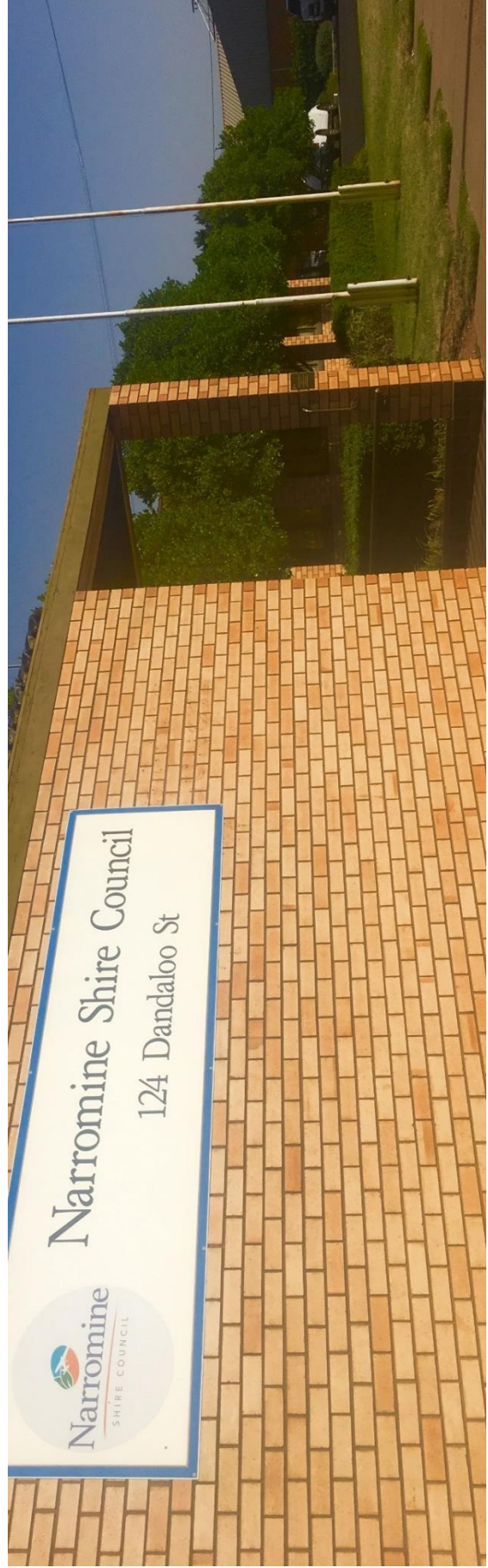
OUR ROAD NETWORK IS SAFE, WELL MAINTAINED AND APPROPRIATELY FUNDED - SP No. 10

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
3.6.01.01.1	Review and implement Council's ten year roads Capital Works Program.	Works Program updated annually and adopted by 30 June.	50%	Works in progress as per program.
3.6.01.01.2	Review and implement Council's ten year roads Capital Works Program.	Ten Year Capital Works Program updated annually and adopted by 30 June.	5%	In progress. To be considered by Council prior to 30 June 2019.
3.6.01.02	Continue to maintain roadside slashing when grass impedes visibility.	Undertake slashing program annually.	90%	Most of program achieved before 30 December 2018.
3.6.01.03	Apply for hazard reduction funding through Rural Fire Fighting Fund.	Apply for funding prior to 31 March annually.	0%	Funding application will be submitted prior to 31 March 2019.
3.6.02.01	Convene Local Traffic Committee meetings.	Convene 6 meetings per year of the Local Traffic Committee.	50%	Local Traffic Committee meetings convened as required.
3.6.03.01	Meet with State and Federal Members and the Roads Minister on rural road funding issues.	Quarterly meeting with State and Federal Members, and annually with Roads Minister.	50%	Quarterly meetings held with State and Federal Members.

Proactive Leadership

Our Goal: We are an open and accountable local government that involves our community in the decision making process, effectively manages our public resources through sound financial management and well informed strategic planning for our Shire's future.

Financial Snapshot	2017/18	2018/19	2019/20	2020/21
Organisational Services	\$-9,607,283	\$-9,649,925	\$-9,888,811	\$-9,955,554
Infrastructure	\$6,149,728	\$5,987,267	\$6,018,900	\$6,045,305
Loans/Financing	\$399,745	\$404,135	\$421,202	\$407,697



PROVISION OF AN ACCOUNTABLE AND TRANSPARENT LEADERSHIP – SP Nos. 30, 31, 32

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.1.01.01	Continue to gather feedback regarding community engagement strategies	Annual review of community engagement strategy to Council by 30 November each year	100%	Report to Council completed in September 2018.
4.1.01.02	Promote the positive aspects of Narramine Shire Council. Provide important information to the community.	Provide updates to the community on Council activities through all means available within the communications strategy.	50%	Extensive communications in the form of media releases and social media campaigns.
4.1.01.03	Prepare council columns and media releases for local media.	Weekly column provided to print media. A minimum of 12 media releases per annum.	50%	Weekly council columns provided to print media and at least 10 media releases published per month, well exceeding target.
4.1.01.04	Information available on Council's website.	Website updated as required.	50%	Updates and press information available on Council's website.
4.1.02.01	Councillors maintain strategic community focus.	Positive media around Council's strategic approach.	50%	Media releases on Council's projects openly linked to the priorities in the Community Strategic Plan.
4.1.03.01	Review Council's Code of Meeting Practice.	Review complete by 31 December 2018.	50%	Model Code of Meeting Practice has now prescribed under the Local Government (General) Regulations 2005. Report to February Council Meeting for consideration.
4.1.03.02	Provide an opportunity for the public to address Council on relevant issues through the Public Forum Policy at Council Meetings.	Advise the public of the availability of the public forum in the column and newsletter at least quarterly.	50%	Public Forum Policy advertised quarterly.
4.1.03.03	Continue to facilitate S355 Advisory Committees.	Annual review of Section 355 Committee Charters and annual appointment of delegates (September).	100%	Report to September 2018 Council Meeting to adopt Charters and appoint delegates to Council's Section 355 Committees and representatives to external Committees
4.1.04.01	Respond to requests for access to public information as per legislative requirements.	100% compliance with GIPA Act 2009. Annual review of Council's Information Guide.	50%	Government Information (Public Access) Applications processed within required time frame. Increase in number of Applications received since commencement of new GIPA Regulations. Council's information guide to be reviewed January 2019.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.1.05.01	Present a positive image of Council to the community.	Provide weekly communications via various means per the communication strategy.	50%	Weekly column provided to the print media and active social media campaigns.

EFFECTIVE COUNCIL ORGANISATIONAL CAPABILITY AND CAPACITY - SP No. 30

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.2.01.01	Encourage and reward innovative practices within Council's workforce.	One innovation introduced per directorate each year.	50%	Agenda item at monthly MANEX meetings to discuss innovation ideas.
4.2.01.02	Foster a culture of continuous improvement.	Cultural change program progressively implemented across the organisation. Organisational values and behaviours developed and implemented.	50%	Cultural change program, incorporating employee awards that are based on recognising employees that espouse Council's values and behaviours.
4.2.02.01	Provide policies, programs and initiatives that support employee work/life balance.	Create, update and implement policies for a flexible workplace on an ongoing basis.	50%	Taking of leave is promoted to increase the balance between work and life. All policies in relation to this area are current and have been reviewed.
4.2.02.02	Provide access to innovative leadership training programs.	Research and identify appropriate leadership training for Managers annually.	50%	Q2 training completed includes continuing university degrees in Engineering and Planning, conferences and mines management.
4.2.02.03	Promote and maintain coaching and mentoring programs across the organisation to support leadership growth.	Programs used to assist staff with leadership growth.	50%	The rural management challenge was attended by the young leaders within our organisation to support their growth and development. Mentor conversations continuing between the MANEX team.
4.2.02.04	Update and implement succession planning to support a high level workforce to meet the ongoing delivery program needs.	Implement succession planning system by December 2018.	50%	Implementation of the Succession planning framework is nearing completion.
4.2.02.05	Implementation of Councillor Training and Professional Development Program.	95% attendance by Councillors at scheduled training events.	50%	Councillor training undertaken in first half of 2018. Further training with LGNSW scheduled for second

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.2.03.01	Integrated Planning and Reporting documents reflect best practice.	Positive feedback from Office of Local Government.	100%	Narramine 2018/19 IP&R documents were peer reviewed at a workshop with other Councils in conjunction with LGNSW with minor recommendations suggested. Draft work on 2019-20 has started.
4.2.04.02	Customer services standards.	Annual satisfaction survey.	75%	Questionnaire developed with survey in place from 26 November to 10 December 2018. Results will be summarised early 2019.
4.2.04.03	Customer Requests responded to within time frames agreed in Customer Service Policy.	100% compliance with Customer Service Policy.	50%	Monthly reporting is in place, achievement is being monitored.
4.2.05.01	Promote future workforce development with options such as traineeships, apprenticeships and cadetships within each department.	Increase the number of apprenticeships over the next 4 years.	50%	New traineeships being investigated in the new Engineering structure and include store person and water and sewer trainee.
4.2.05.02	Develop and implement initiatives to support / promote workforce diversity.	Ensure the Disability Inclusion Action Plan is considered in all workforce activity. Create and implement an Aboriginal Employment Strategy by December 2019.	50%	The Aboriginal Employment Strategy has been finalised and adopted. All recruitment includes assistance for candidates with a disability and of Aboriginal or Torres Strait Islander descent.
4.2.06.01	Councillors to act positively at all times in the public eye.	No negative feedback received.	50%	No instances of negative impact reported.
4.2.07.01	Continue to implement and improve the employee performance assessment system.	All Departments' performance assessments completed by 1 September annually.	100%	Performance assessment completed. Management WHS targets being developed for the 2019/2020 reviews to improve the system
4.2.07.02	Review and implement the Work Health Safety Management System.	WHS Management System in place and functioning by December 2018 and on an ongoing basis.	50%	WHS Management system under constant review and improvements are made to address the performance targets to increase our Audit score.
4.2.07.03	Promote and support continuous improvement activities across council.	Review and document one area of Council operations each year per directorate.	50%	Contract Management to be reviewed early 2019.

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.2.07.04	Develop and implement an Enterprise Risk Management Framework.	Policy, Plan and Strategic Register to be developed by 31 December 2018.	50%	Risk Management Policy adopted by Council at its December 2018 Ordinary Meeting. Draft Risk Management Plan to be forwarded to Internal Audit Committee for consideration in 2019. Strategic Risk Assessment undertaken by Internal Auditor with corresponding 2018/2019 Internal Audit Plan adopted at Inaugural Internal Audit Committee Meeting on 10 December 2018.
4.2.07.05	Establish an Internal Audit and Risk Management Committee in accordance with the OLG's proposed new legislation and based on a resource sharing model.	Committee to meet six monthly and provide report to Council.	50%	First Internal Audit Committee Meeting held 10 December 2018 to adopt 2018/2019 - 2020/2021 Strategic Internal Audit Plan and consider Auditor's Report and Management Letter.
4.2.07.06	Maintain a database of legislative compliance obligations.	Distributed monthly to MANEX for 100% compliance with statutory obligations.	50%	Legislative compliance checklist provided to Manex monthly for consideration of legislative obligations and action
4.2.08.01	Prepare Agenda, Business Papers and Minutes of Council Meetings.	Agenda and Business Papers to be distributed to Councillors 5 days prior to meeting. Minutes to be distributed to Councillors 7 days after meeting.	50%	Meeting Notice, Agenda, and Minutes distributed to Councillors within required time frame.
4.2.08.04	Manage Council's Records System.	No breaches of State Records Act.	50%	No known breaches of the State Records Act. Migration of electronic documents ongoing. Sentencing of Engineering Records ongoing.

A FINANCIALLY SOUND COUNCIL THAT IS RESPONSIBLE AND SUSTAINABLE - SP No. 30

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.3.01.01	Implementation of the Delivery Program and Operational Plan including Budget and Asset Management Plan on an annual basis.	Plans and Budget documentation endorsed by Council by June each year.	30%	Preliminary work on annual budget has begun. Depreciation, Revenue and key expenditure is being updated in Budget and Long Term Financial Plan.
4.3.01.02	Continue to prepare financially sustainable budgets for consideration by Council.	Council prepares annual balanced budget for adoption by Council.	25%	2018 Audit points are being cleared. Preparation work has started.
4.3.01.03	Continue to develop revenue strategies that are equitable and contribute to a financially sustainable future.	Sustainable Statement of Revenue Policy endorsed by Council by 30 June each year.	30%	Statement of Revenue Policy in very early draft. Fees and Charges for 2019-20 have been prepared and are being reviewed by senior management and key staff.
4.3.01.04	Levy and collect rates and charges in accordance with statutory requirements and Council policies.	No known breaches of policy.	50%	Collections are on track with two large overdue debtors being cleared late 2018 following property sales, plus RFS overdue debtor paid.
4.3.01.05	Provide monthly cash balances and detailed quarterly financial reports to Council.	Reports prepared and accepted by Councillors and management.	50%	Council reports are being submitted each month in accordance with requirements.
4.3.01.06	Prepare Council's Annual Financial Accounts in accordance with relevant Acts and Regulations.	Unmodified audit report issued by 31 October each year.	100%	2017/18 Financial statements and external audit completed. Financial statements submitted to OLG on 30 October 2018.
4.3.01.07	Ensure Council has adequate cash flow to meet their needs.	Maintain level of outstanding rates and charges at below 10% at year end.	50%	Council's cash position is reviewed monthly, cash forecasting is in place and reviewed each reinvestment decision.
4.3.01.08	Ensure Council's ongoing financial viability.	Maintain a debt service ratio below 10%.	50%	Council's debt service ratio is well below 10% and no new debt has been arranged year to date.
4.3.01.09	Ensure accounting data is recorded accurately and returns are filed in accordance with legislative requirements.	Positive audit findings. Reduction in issues raised in management letter of medium consequence or higher.	50%	All external deliverables year to date are met.
4.3.02.01		Operational Plan on public exhibition for a period of 28 days.	20%	

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
	Ensure Council's Operational Plan is well publicised with ample opportunity for community input.	Comment invited on a variety of media platforms.		Work has begun on 2019-20 Fees and Charges, draft budget, other key areas of the long term financial plan.
4.3.03.01	Maximise opportunities for utilising grants to supplement and support identified Council priorities and projects.	At least two successful grants received each year for projects within Council priority areas.	50%	Council continues to maximise potential. Successful Growing Local Economies Funding application made. Successful Drought Communities Funding Program application. Successful Stronger Country Communities Funding application.
4.3.03.02	Identify projects suitable for grant applications.	At least five identified projects per year in the operational plan, subject to grant funds.	100%	Projects include pool upgrades, wetlands project, multiple sporting field upgrades, variety of projects within the Drought Communities Program. Continue to identify further projects.
4.3.04.03	Review Asset Management Plans annually.	Asset Management Plans updated annually by 30 June.	50%	Asset Management Plans are reviewed periodically with updates endorsed by Council as required.
4.3.04.04	Update Long Term Financial Plans annually.	100% Long Term Financial Plans updated and adopted by 30 June annually.	0%	To be commenced in 2019.
4.3.04.05	Undertake monthly inspections of Regional Roads.	12 inspections of each Regional Road per year.	50%	Inspections progressing as planned.
4.3.04.06	Undertake annual inspections of Local Roads.	100% Local Roads inspected minimum of once per year.	50%	Inspections are conducted as required.
4.3.04.07	Develop and implement plant and fleet strategy.	Strategy developed by 30 June 2018 and implemented thereafter.	50%	Plant replacement program reviewed and implemented annually.
4.3.05.01	Maintain sustainability ratios as per Fit for the Future Improvement Proposal.	Sustainability ratios calculated and reported to Council six monthly.	50%	Performance ratios including the OLG ratios are monitored quarterly.

SOUND PARTNERSHIPS ARE ENCOURAGED AND FOSTERED - SP No. 32

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
4.4.01.01	Active membership and representation on government, regional and other bodies.	Maintain membership of relevant government, regional and area bodies.	50%	Proactive member of the Orana Joint Organisation, member of Country Mayors Association.
4.4.01.02	Prepare submissions as required.	One submission prepared per year.	50%	Ongoing as required. Submissions made as part of election cycle. Submission re Tomingley Road made.
4.4.01.03	Continue to participate in shared opportunities through OROC.	Utilise internal audit and procurement shared services. Utilise panel tenders for fuels, reseals and bitumen emulsion. Participate in user groups for finance, HR, payroll, risk management and WHS.	50%	Transition of these opportunities to the Joint Organisation model, internal audit set up internally.
4.4.02.01	Represent the community's interests and lobbying topics of significant impact to the Shire.	One submission per quarter.	50%	Submissions prepared to the Regional Infrastructure coordination unit, Local and Federal Members.
4.4.02.02	Prepare submissions and lobby for community interests as required, e.g. funding for rural roads, infrastructure and services.	One submission per quarter.	50%	Submissions prepared as required.
4.4.02.03	Advocate to other tiers of government for a better allocation of funding to support the delivery of services for which other levels of government have primary responsibility.	Meet with State and Regional Local Members, six monthly.	50%	Quarterly meetings held with State and Federal Members.
4.4.03.01	Nurture relationship with key external organisations and individuals.	90% attendance at OROC and GMAC meetings.	50%	100% attendance at Orana Joint Organisation meetings and reformation of GMAC for the Orana and Far West JO's.
4.4.03.02	Maintain partnerships with like-minded councils and other organisations to create stronger and more effective lobby groups.	Maintain active membership and representation on LMWUA, Local Government Procurement, Water Directorate, NetWaste, IPWEA.	50%	Active memberships maintained.
4.4.04.01	Build stronger relationships with State and Federal members, NSW Police,	Meet quarterly with State and Federal Members, NSW Police and Regional Development Australia.	50%	Quarterly meetings with State and Federal Members held, NSW Police and Regional Development

Action Code	Action	Performance Measure	Action Progress	Performance Measure Actual
	Interagency Group, Regional Development: Australia.	Attend monthly Interagency Group meeting.		Australia. Council representatives attend monthly interagency meetings.
4.4.04.02	Develop a Social Plan	Social Plan developed by 30 September 2017.	5%	Liaising with the Local Health District on the development of the social plan.
4.4.04.03	Work with community groups and services to deliver actions in the Social Plan.	Implement actions in Social Plan.	0%	Await completion of the social plan. In the interim continue to work on the Disability Inclusion Action Plan which contains social improvements.
4.4.05.01	Work collaboratively with community groups through greater representation at the Interagency Group.	Increase the representation of community groups within the Interagency Group by 30 June 2018.	50%	Continue to represent Narromine Shire Council at the community Interagency meetings and when talking with Government departments and the Non Government sector.
4.4.05.02	Work collaboratively with the community through greater representation at the Trangie Action Group.	90% attendance by Councillor Representative.	50%	Continue to liaise with Trangie Action Group. Council representatives maintain high level of attendance at meetings.



**DEVELOPMENT ADJOINING NARROW LANEWAYS
INTERIM POLICY**

Version	Created by	Presented to Council	Adopted by Council	Review Date
1.0	General Manager's Department	February 2019	TBA	As required

1. PURPOSE

To fill a policy gap in relation to the development of land adjacent to narrow laneways in the Narromine Shire.

2. STATEMENT

There are currently no specific DCP controls which identify or set parameters for development along narrow laneways across the Narromine Shire in respect to:

- Their use as a primary frontage and access, or
- Specific building design (i.e. presentation to the laneway) or impact mitigation controls.

In the absence of any planning controls that address potential issues arising from increased development in these locations, there may be adverse impacts on the current use and function of narrow laneways, and the overall character and residential amenity of these areas.

The interim policy seeks to ensure that use of laneways by new development does not cause any adverse effects, for example, traffic and amenity impacts. In some cases, this might mean that development to increase the density (i.e. from a single dwelling house to a dual occupancy) of a property will utilise the primary frontage for access, waste collection and other servicing arrangements.

3. PROVISIONS

- a) Laneways are not to be used as primary frontages, except in cases where the laneway is the only legal and practical access.
- b) Development proposals to increase vehicular access and servicing along narrow laneways that have a road reserve width of less than 10m, are not supported. Intensification of lots with rear lane access would need to propose access and servicing from the primary street.
- c) Development proposals to increase vehicular access and servicing along laneways that have a road reserve width of 10m or greater may be supported where Council can be satisfied that:
 - i. The development results in minimal impact on existing residential amenity, and
 - ii. Provision of infrastructure, car parking and waste collection is adequate to facilitate the development.
- d) Where an Area Specific Development Control Plan Chapter exists, it prevails over the interim policy position, to the extent of the inconsistency.
- e) That this policy apply until suitable development controls are in place in the Narromine Development Control Plan (DCP) 2011.

4. IMPLEMENTATION

The policy will apply on an interim basis, until an amendment is made to the Narromine DCP 2011 which introduces development controls relating to development adjoining and/or fronting onto laneways.

In the case of inconsistencies with any Area-Specific Chapter of the DCP, the provisions within the Area-Specific Chapter prevail over the interim policy position, but only to the extent of the inconsistency.

5. REVIEW

The interim policy will be reviewed as needed should circumstances arise to warrant revision.

DRAFT