

COUNCIL MEETING AGENDA

Date	Wednesday, 17 April 2019
Venue	Rous County Council Administration Office, Level 4, 218-232 Molesworth Street, Lismore
Lunch	12.30pm
Meeting	1.00pm

AGENDA

1. Opening of the meeting

2. Acknowledgement of Country

Council would like to show its respect and acknowledge the Traditional Custodians of the Land, of Elders past and present on which this meeting takes place.

3. Public Access

4. Apologies and Leave of Absence

5. Confirmation of minutes of previous meeting

i). Ordinary Council meeting 20 February 2019 1-5

6. Disclosure of Interest

7. General Manager reports

i). Development of a Coastal Management Program for the Richmond River 6-9

ii). Nightcap Water Treatment Plant raw water pump station pump supply 10-19

8. Group Manager Corporate and Commercial reports

i). Draft Delivery program / Operational plan and 2019/20 Budget 20-105

ii). Quarterly Budget Review Statement for the quarter ending 31 March 2019 106-124

iii). Retail water customer account assistance 125-126

9. Group Manager People and Performance reports

i). Draft Code of Conduct and Code of Conduct Procedures 127-212

ii). Draft Code of Meeting Practice 213-301

10. Policies

i). Investments (revised) 302-312

11. Information reports

i). Investments – March 2019 313-319
 ii). Water production and usage – February 2019 and March 2019 320-328
 iii). Reports/actions pending 329-330
 iv). RAP Advisory Group: meeting update 331-332
 v). Audit, Risk and Improvement Committee: Minutes and Strategy 333-349

12. Matters of urgency

13. Questions on Notice

14. Close of business



Phillip Rudd
General Manager

ROUS COUNTY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

20 February 2019

1. OPENING OF THE MEETING

Meeting commenced at 1.00pm.

In attendance:

Councillors

Keith Williams (Chair), Sharon Cadwallader, Basil Cameron, Darlene Cook, Vanessa Ekins (Deputy Chair), Sandra Humphrys, Robert Mustow.

Staff

Phillip Rudd (General Manager), Guy Bezrouchko (Group Manager Corporate and Commercial), Helen McNeil (Group Manager People and Performance), Andrew Logan (Group Manager Operations), Kris Greensill (Information and Communications Technology Manager from 1.00pm-2.10pm); Natalie Woodhead-Tiernan (Finance Manager from 1.00pm-1.30pm), Ben Wilson (Risk and Compliance Coordinator from 1.40pm-2.05pm), Noeline Smith (minute taker).

2. ACKNOWLEDGEMENT OF COUNTRY

Council showed its respect and acknowledged the Traditional Custodians of the Land, of Elders past and present, on which this meeting took place.

3. PUBLIC ACCESS

Nil.

4. APOLOGIES AND LEAVE OF ABSENCE

RESOLVED [1/19] (Cadwallader/Mustow) that a Leave of Absence be granted to Cr Simon Richardson from 20 February 2019 until 3 May 2019.

5. CONFIRMATION OF MINUTES

i). Ordinary Council meeting 19 December 2018 (File 182/13)

RESOLVED [2/19] (Cadwallader/Ekins) that the minutes of the meeting held 19 December 2018 be confirmed as presented; subject to alteration of resolution 120/18 to clarify that voting against the recommendation by Crs Mustow and Humphrys only applied to point 2. of the resolution.

6. DISCLOSURE OF INTEREST

General Manager declared a pecuniary, non-significant interest in relation to Item 7. i)
Chair's Minute: Annual performance review: General Manager.

7. CHAIR'S MINUTE

It was agreed to amend the order of business so that the Chair's Minute: *Annual performance review: General Manager*, could be dealt with in the Confidential Matters section of the agenda (Item 13).

8. GENERAL MANAGER REPORTS

i). Termination of the current Electronic Document Records Management System (EDRMS) Project (File 414.2/18)

RESOLVED [3/19] (Cadwallader/Humphrys) that Council:

1. Receive this report.
2. Note the decision of Council's Leadership Team to terminate the current project to develop a 'custom' EDRMS and instead implement a commercial 'off the shelf' EDRMS.
3. Note that this matter was identified in the November 2018 Audit, Risk and Improvement Committee meeting as part of discussion in relation to outstanding internal audit actions (Tendering and Contract Management) and future updates will be provided through reporting on the "Status of Risk Register Actions Report".

9. GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

i). Quarterly Budget Review Statement for quarter ending 31 December 2018

RESOLVED [4/19] (Cadwallader/Cameron) that Council:

1. Note the result presented in the Quarterly Budget Review Statement of 31 December 2018 and authorise the variations to the amounts from those previously estimated.
2. Express its concern to the Office of Environment and Heritage (OEH) regarding the change to the approval process with the Voluntary House Raising Program, particularly in relation to community members affected by the 2017 flood event. In addition, that this letter be forwarded to sitting members and forthcoming local State election candidates, seeking their support.

10. GROUP MANAGER OPERATIONS REPORTS

i). Letting of Contract 2550.1: Water Management Database supply and implementation (File 2550.1/18)

RESOLVED [5/19] (Ekins/Mustow) that:

1. Contract 2550.1 for the Supply and Implementation of a Water Management Database software solution be let to SRA Information Technology Pty Ltd, for the amount of \$196,830 (excluding GST).
2. An additional amount of \$177,000 (inclusive of a \$37,800 contingency) be allocated to the project from savings in the 2018/19 budget.

ii). **Drinking water quality: annual report card (File 150.8/18)**

Recommendation that Council:

1. Note and receive the report.
2. Revoke resolution 64/10 point 3.
3. Resolve to receive an annual public report card on overall drinking water quality results, including fluoride, commencing for the 2018/19 reporting year.
4. Resolve to continue to utilise a specification for fluoridation chemicals which incorporates the requirement for all fluoridation chemicals to comply with current industry standards including the ADWG (Australian Drinking Water Guidelines) maximum permissible contamination levels.
5. Resolve to continue to require independent testing of fluoridation chemicals by a NATA certified laboratory, before delivery.

Amendment (Ekins/Cameron) that Council:

1. Note and receive the report.
2. Revoke resolution 64/10.
3. Resolve to receive an annual public report card on overall drinking water quality results, including fluoride, commencing for the 2018/19 reporting year.
4. Resolve to continue to utilise a specification for fluoridation chemicals which incorporates the requirement for all fluoridation chemicals to comply with current industry standards including the ADWG (Australian Drinking Water Guidelines) maximum permissible contamination levels.
5. Resolve to continue to require independent testing of fluoridation chemicals by a NATA certified laboratory, before delivery.
6. A fluoride performance report incorporating chemical suppliers testing data and dosing plant performance be provided to Council on a quarterly basis.

The AMENDMENT on being put to the meeting became the MOTION and was carried.

RESOLVED [6/19] (Ekins/Cameron) that Council:

1. Note and receive the report.
2. Revoke resolution 64/10.
3. Resolve to receive an annual public report card on overall drinking water quality results, including fluoride, commencing for the 2018/19 reporting year.
4. Resolve to continue to utilise a specification for fluoridation chemicals which incorporates the requirement for all fluoridation chemicals to comply with current industry standards including the ADWG (Australian Drinking Water Guidelines) maximum permissible contamination levels.
5. Resolve to continue to require independent testing of fluoridation chemicals by a NATA certified laboratory, before delivery.
6. A fluoride performance report incorporating chemical suppliers testing data and dosing plant performance be provided to Council on a quarterly basis.

11. POLICIES

i). Work Health and Safety policy (revised) (File 172)

RESOLVED [7/19] (Cadwallader/Cameron) that Council:

1. Revoke the policies titled 'Work Health and Safety' dated 22 February 2016 for Richmond River County Council and Far North Coast County Council, and dated 20 April 2016 for Rous County Council, and any policies revived as a result of that revocation.
2. Adopt the proposed policy titled 'Work Health and Safety' as attached to the report.

12. INFORMATION REPORTS

i). Investments – January 2019 (File 59/12)

RESOLVED [8/19] (Humphrys/Cook) that Council receive and note the investments for January 2019.

ii). Water production and usage – December 2018 and January 2019 (File 5/12)

RESOLVED [9/19] (Cadwallader/Humphrys) that Council receive and note the report.

iii). Reports/actions pending (File 1181/12)

RESOLVED [10/19] (Cook/Cadwallader) that Council receive and note the report.

iv). Delivery program progress update: 1 July to 31 December 2018 (File 2092/10)

RESOLVED [11/19] (Cadwallader/Mustow) that Council receive and note the report and attachment.

13. CONFIDENTIAL MATTERS

MOVE INTO CLOSED COUNCIL

RESOLVED [12/19] (Cameron/Humphrys) that Council move into Closed Council to consider the following matters and the meeting be closed to members of the public and press based on the grounds detailed below:

1. Report	Development Servicing Plan for Bulk Water Supply 2016 – request for deferred payment arrangement
Grounds for closure	Section 10A(2)(a) personal matters concerning particular individuals (other than councillors).
Public interest	Public discussion would not be in the public interest due to disclosure of commercial information.

2. Report	Annual performance review: General Manager
Grounds for closure	Section 10A(2)(a) personal matters concerning particular individuals (other than councillors).
Public interest	Public discussion would not be in the public interest due to disclosure of personal information.

RESUME TO OPEN COUNCIL

RESOLVED [15/9] (Cameron/Humphrys) that the meeting resume to Open Council.

i). Development Servicing Plan for Bulk Water Supply 2016 – request for deferred payment arrangement (File 2524)

RESOLVED [13/19] (Mustow/Cadwallader) that Council:

1. Receive and note the report;
2. Approve the proposal for deferred payment arrangements as set out in the report;
3. Receive a subsequent report on policy options for deferred payment arrangements having regard to the Development Servicing Plan for Bulk Water Supply and the policy positions of the constituent councils; and
4. Reject any further consideration of similar requests until point 3. is complete and a policy position is determined.

ii). Annual performance review: General Manager (File 2628PF)

RESOLVED [14/9] (Cr Williams) that Council note the Performance Review Panel's rating of the General Manager at the annual performance review to 31 December 2018.

14. MATTERS OF URGENCY

Nil.

15. QUESTIONS ON NOTICE

Nil.

16. CLOSE OF BUSINESS

There being no further business the meeting closed at 3.00pm.

Development of a Coastal Management Program for the Richmond River

(1181/18)

Business activity priority	Strategy and planning
Goal 2	Align strategic direction to core functions and sustainability

Recommendation

That Council:

1. Proceed to commence development of a Coastal Management Program (CMP) for the Richmond River estuary in 2019/20 through the conduct of a Stage 1 Scoping Study.
2. Endorse the proposed project management and coordination role to be played by RCC in partnership with our constituent councils.

Background

The Richmond River estuary is situated within three local government areas: Ballina Shire Council, (BSC); Lismore City Council, (LCC); and Richmond Valley Council, (RVC). Rous County Council (RCC) is responsible for flood mitigation activities and related natural resource management issues on behalf of these local councils within this zone.

The Coastal Zone Management Plan for the Richmond River Estuary ('the CZMP') provides a ten-year strategic plan for the implementation of actions to address identified estuary issues. The CZMP was developed from the recommendations and outcomes reported in the Richmond River Estuary Management Study and the scientific knowledge gained from previous studies. The CZMP was certified by the Minister for Environment and Heritage in December 2011 and gazetted in February 2012 under the *Coastal Protection Act 1979*.

Since then, a new coastal management framework has been established in NSW comprising the following:

- *Coastal Management Act 2016*
- *State Environmental Planning Policy (Coastal Management) 2018*
- NSW Coastal Management Manual ('the manual')
- NSW Coastal Council
- Coastal and Estuary Grants Program.

Under the new framework, local councils will prepare Coastal Management Programs (CMPs) that set the long-term strategy for the coordinated management of the coast, consistent with the objectives of the *Coastal Management Act 2016*.

The new framework effectively places a 'sunset clause' on the existing CZMP for the Richmond River estuary.

1. Status of the Coastal Zone Management Plan

Schedule 3 (Part 2)(4) of the *Coastal Management Act 2016* enables a certified CZMP to retain its "in force" status until 31 December 2021. After this date, it will cease to be certified.

This means that whilst planning work is underway for a new CMP for the Richmond River estuary, on-ground implementation can continue in accordance with the existing gazetted CZMP.

2. Development of a Coastal Management Program for the Richmond River

The Office of Environment and Heritage (OEH) has advised that if RCC wishes to retain a certified plan for the management of the Richmond River estuary into the future, then a certified Coastal Management Program (CMP) will need to be in place by December 2021 (when the current CZMP expires). To achieve this, OEH has recommended that RCC commences development of a CMP for the Richmond River as soon as possible.

OEH has advised that matching funding assistance for development of a CMP may be available through the OEH Coastal and Estuary Grants program via the 'Planning Stream'. The Planning Stream is open until 30 June 2019.

A CMP is prepared in five stages:

- Stage 1: Identify the scope of a CMP
- Stage 2: Determine risks, vulnerabilities and opportunities
- Stage 3: Identify and evaluate options
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report.

Development of a CMP for the Richmond River catchment will benefit from the extensive work that has already been undertaken as part of the CZMP process.

The scoping study is the first stage in the process of preparing a CMP, and is outlined below.

The scoping study will assist councils to:

- identify the community and stakeholders and prepare an engagement strategy
- determine the context of coastal management in the local area
- establish the purpose, vision and objectives of a coastal management program
- determine the key coastal management issues and the spatial extent of management areas
- review current coastal management arrangements
- establish roles, responsibilities and governance arrangements
- identify knowledge gaps and information needs
- determine where action is required through a first-pass risk assessment
- prepare a preliminary business case
- determine whether a planning proposal will be prepared to amend the coastal management area maps and the Local Environmental Plan
- develop a forward program for subsequent stages of the coastal management program, including a fast-tracking pathway

3. Proposed way forward

It is proposed that RCC plan to commence development of a CMP for the Richmond River estuary by undertaking a Scoping Study in 2019/20. To achieve this aim, RCC needs to work collectively with constituent councils. This would be undertaken on the following basis:

- RCC would continue to coordinate regular meetings of the CZMP Implementation Committee and continue to coordinate on-ground actions under the CZMP within our area of responsibility.
- This committee also be the forum for overseeing preparation of the CMP.
- RCC would conduct all project management responsibilities including preparation of specifications, preparing grant applications, engaging and managing consultants, managing project budgets and ensuring appropriate consultation with all stakeholders.

Notwithstanding the need to progress with the Scoping Study and CMP preparation process, constituent council representatives to the CZMP Implementation Committee have also indicated that implementation of on-ground CZMP actions remains a priority and should continue concurrently with CMP preparation. This will be possible with the proposed approach.

In order to provide for an integrated whole-of-catchment process, should Council endorse the recommendation in this report, RCC will write to both Byron Shire Council and Kyogle Shire Council to ensure that those stakeholders are fully involved in CMP preparation. On this basis, a whole-of-catchment approach can be adopted for the development of a CMP for the Richmond River.

Governance

Finance

RCCs Long Term Financial Plan for the Flood Mitigation service delivery function includes an annual allocation for CZMP implementation actions. This allocation is \$75,000 for 2019/20 and indexed across the forward estimates. This excludes staffing costs involved in CZMP actions which are funded through other budget allocations.

It is estimated that a Scoping Study for the Richmond River CMP will cost approximately \$100,000. It is considered that we would have a strong case for obtaining support through the Coastal and Estuary Grants Program of 50% funding, meaning that together we need a budget of \$50,000 for 2019/20. A funding application shall be prepared if the Recommendation is supported.

Therefore, over the next 2-3 years RCC proposes to allocate a portion of the \$75,000 annual allocation to planning (CMP preparation) and a portion to CZMP implementation.

For 2019/20, RCC proposes to allocate:

- \$20,000 to CMP planning (Scoping Study)
- \$55,000 to CZMP implementation.

RCC has requested that the Constituent Councils contribute an additional \$10,000 in 2019/20 to allow this Scoping Study to occur. This will provide funding of \$50,000 (i.e. \$20,000 from RCC and \$10,000 from each constituent council associated with the flood mitigation service delivery function) to be allocated to CMP preparation (which will hopefully be matched by the OEH Coastal and Estuary Grants Program).

It should be noted that if RCC does not receive a commitment from each constituent council to contribute \$10,000 in 2019/20, then RCC could potentially allocate the full \$50,000 from the CZMP budget (subject to General Manager approval) – however this would have the effect of reducing the available funds for any on-ground works/investigations on CZMP matters during this planning phase.

Costs associated with the subsequent stages of CMP preparation will be identified as part of the Scoping Study.

Environment

The proposed way forward would mean that \$55,000 would remain available for on-ground action in 2019/20, ensuring that this additional planning phase will not prevent continued implementation of CZMP actions. It is important to note that the region's Councils have been unable to secure adequate grant funding for some key elements of the CZMP, namely, riparian restoration under the Coastal and Estuary grant funding. It is understood that once a Richmond River certified CMP is in

place, the Coastal and Estuary grants program will be more readily available for the implementation of such ongoing works.

Legal

Staff agree with the view of OEH that in order to meet the legislated timeframes, that steps should be taken promptly to commence the process of developing a CMP for the Richmond River catchment. Preliminary consultation with representatives of the constituent councils to the CZMP Implementation Committee also indicates support for this position.

The Service Level Agreements in place with constituent councils require RCC to “Collaborate with constituent councils and/or government agencies to complete relevant Coastal Zone Management Plan priorities”. In line with this, it is proposed that RCC lead the preparation of the CMP in partnership with constituent councils with the direct input and oversight of the constituent council representatives to the CZMP Implementation Committee. Regard should be given to the CMP as and when the Service Level Agreements are due to be reviewed.

Consultation

RCC has written to constituent councils for the flood mitigation service delivery area (BSC, LCC and RVC) to verify:

1. *Whether the constituents are agreeable to the proposed commencement of CMP preparation in 2019/20?*
2. *Whether the constituents are in agreement that RCC staff provide this project management and coordination role in partnership with the constituent councils?*
3. *Whether the constituents are agreeable to the provision of a specific \$10,000 contribution towards commencement of the CMP preparation in 2019/20?*

Conclusion

The new coastal management framework effectively places a ‘sunset clause’ on the existing CZMP for the Richmond River estuary, meaning that it will cease to be certified after 31 December 2021. In order to retain a certified plan for the management of the Richmond River estuary into the future, and the associated grant funding opportunities, it is proposed to take steps to commence development of a CMP for the Richmond River as soon as possible. This report outlines how this is proposed to occur.

Phillip Rudd
General Manager

Nightcap Water Treatment Plant raw water pump station pump supply

(251.17)

Business activity priority	Strategy and planning
Goal 2	Align strategic direction to core functions and sustainability

Recommendation

That the contract for the supply and delivery of four vertical turbine pumps be awarded to Sterling Pumps Pty Ltd for a lump sum price of \$497,777 including GST, subject to satisfactory financial assessment.

Background

The raw water pump station is located at Nightcap Water Treatment Plant (NWTP) and transfers water from Rocky Creek Dam into the inlet works of the treatment plant. The existing four pumps and switchboard were installed when the treatment plant was first constructed in 1992.

The pumps have been routinely overhauled however they have now reached the end of their useful life. At the time the last pump was overhauled it was noted that it was becoming uneconomical to continue to repair and that replacement should be considered. Further, the pumps have been incurring intermittent electrical faults which are difficult to diagnose and impact on operations of the plant.

To improve the efficiency of the pump station and increase the flexibility of plant operations, it is proposed to upgrade the raw water pump station to include Variable Speed Drives (VSDs) which will enable the pumps to deliver a wider range of flows into the NWTP, than is currently possible. This will deliver benefits in high demand scenarios and will alleviate internal treatment process issues relating to flow rates.

The total project budget for the NWTP raw water pump station upgrade is \$1,434,400 including GST spread across 2018/19 and 2019/20. The budget for the supply of the pumps is \$550,000 including GST. The remaining budget allocation is still required for the installation of the pumps.

The procurement methodology for this project involves a contract for the supply and delivery of four vertical turbine pumps with the civil and electrical works to be procured in a subsequent contract.

Tender

Tenders to supply and deliver four vertical turbine pumps (NSW Public Works Contract No. 10021101) were called using the open tendering method. The scope of works in the tender is to supply and deliver four new vertical turbine pumps that can efficiently supply the raw water flow requirements of the treatment plant under varying demand and dam level scenarios, with the following:

- mounting plates
- discharge columns
- 415V, 50Hz motors suitable for VSD controls
- associated spare parts
- operating manuals, commissioning support and warranties

As this contract is for the supply of goods and services from specialist suppliers not based locally, Council's local content policy was not applied.

Tenders were called on 5 February 2019 using the eTender website and closed on 28 February 2019. At the close of tender, three tenders had been received.

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ¹	Total Score ²	Recommended Tender Amount ³
Sterling Pumps Pty Ltd	57 108 899 305	\$497,777	\$497,777	100.00	\$497,777
J.A.C Pump Services	89 115 873 964	\$529,212	\$527,212	83.11	
Xylem Water Solutions Australia Limited	28 000 832 922	\$619,613	\$637,613	84.93	

Notes:

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures (anomalies) in the tender.
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw qualifications and departures.

An evaluation of the tenders received was based on the following criteria:

- Price
- Proposed testing and delivery methodology
- Demonstrated recent experience in undertaking supply of similar pumps in Australia
- Demonstrated long term service and support in Australia
- Demonstrated availability of spare parts in Australia
- Demonstrated longevity and reliability of pumps in Australia

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 60:40.

The Tender Evaluation Report is attached.

The tender result is favourable to Rous County Council in providing increased contingency capacity for the project.

Council's pre-tender estimate for supply of the four pumps but excluding spares, documentation and commissioning was \$385,000 including GST for a base model pump with lower grade materials such as epoxy coated cast iron. Through the specification process, it was identified that higher grade materials, such as stainless steel, would significantly reduce future maintenance costs associated with repainting, estimated to be a saving of approximately \$125,000 over the life of the pumps. Further the availability of the pump will be improved as time required for service and overhaul will be reduced.

Sterling Pumps Pty Ltd provided an alternative tender for lower grade materials of \$342,440 including GST which is consistent with the pretender estimate.

Governance

Finance

Funding for the NWTP raw water pump station upgrade has been split over two years. An allocation of \$644,000 is currently available in 2018/19, to fund the initial stages of the project and the purchase of four vertical turbine pumps. A further \$600,000 has been allocated in the 2019/20 budget, to allow completion of the project.

As this is a replacement of existing pumps, there is no expected increase on ongoing operating or maintenance costs. The expected life of the pumps is 25 years. The report recommendation is within the allocated budget amount and is supported.

Legal

The tender process was project managed by NSW Public Works as an open tender. NSW Public Works advises that the tender process was undertaken in accordance with the requirements of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. Staff involved in the tender process agree with that advice.

Conclusion

Tenders were called for the supply of four vertical turbine pumps for NWTP that can efficiently supply the raw water flow requirements of the treatment plant under varying demand and dam level scenarios.

Three tenders were received.

The recommended tender was submitted by Sterling Pumps Pty Ltd. The adjusted price from that organisation is \$497,777 including GST.

Phillip Rudd
General Manager

Attachment: Tender Evaluation Report

Tender Recommendation for Local Government:

Construction Works WITH scoring and weighting of non-price criteria

CONTRACT DETAILS	
CONTRACT NAME:	Nightcap Water Treatment Plant Raw Water Pump Station Pump Supply
RFT/CONTRACT NO. :	RFT-10021101
CONTRACT DESCRIPTION:	Supply of 4 new vertical turbine pumps with mounting plates, discharge columns, 415V, 50Hz motors suitable for Variable Speed Drive controls and associated spare parts, documentation, commissioning support and warranties
TIME FOR COMPLETION:	22 Weeks;
PROJECT MANAGING OFFICE:	North Coast Region
PROCUREMENT SYSTEM:	
Tender Method: (Reg 166)	Open
Commercial Conditions:	General Conditions of Contract and Annexure AS/NZS 4911:2003
Payment Method:	Lump Sum
Cost adjustment:	Not Applicable
PRE-TENDER ESTIMATE (incl. GST):	\$350,000 at 27/01/19
CLIENT AGENCY:	Rous County Council
PRINCIPAL IN THE CONTRACT:	Rous County Council
Recommending Officer / Contact No:	Adam Dowling / 02 6626 5615
RPC/Procurement Adviser / Contact No:	Phil King / 02 6626 5601

DETAILS OF THE WORK

Rous County Council sought tenders for replace the existing pumps with 4 new vertical turbine pumps, and to upgrade the pump station at Night Cap WTP to modern standards.

The works include supply of 4 new vertical turbine pumps with mounting plates, discharge columns, 415V, 50Hz motors suitable for Variable Speed Drive controls and associated spare parts, documentation, commissioning support and warranties.

TENDERS RECEIVED

Tenders were called on 05/02/2019 and closed at 9:30 am on 28/02/2019. Three tenders were received as follows:

Tenderer	A.B.N.	Tender Amount	Assessed Tender Amount ₁	Total Score ²	Recommended Tender Amount ₃
Sterling Pumps Pty Ltd	57 108 899 305	\$497,777.00	\$497,777.00	100.00	\$497,777.00
J.A.C Pump Services	89 115 873 964	\$529,212.00	\$527,212.00	83.11	
Xylem Water Solutions Australia Limited	28 000 832 922	\$619,613.00	\$637,613.00	84.93	

Notes:

1. The 'Assessed Tender Amount' is the Tender Amount plus (or minus) the Assessed Values of qualifications and departures (anomalies) in the tender.
2. The 'Total Score' includes the scores for price and non-price criteria.
3. The 'Recommended Tender Amount' is the Tender Amount plus (or minus) adjustments offered by the Preferred Tenderer to withdraw qualifications and departures.

EXAMINATION OF TENDERS

1. PRE-EVALUATION ACTIONS

The tendering process was required to comply with the *Local Government (General) Regulation 2005* (the *Regulation*).

Council called tenders using the open tendering method, in accordance with clause 167 of the *Regulation*.

The evaluation method included weighted price and non-price criteria with a price:non-price ratio of 60:40.

A Tender Evaluation Plan consistent with the *Regulation* and the Conditions of Tendering in the RFT documents was prepared and endorsed by the Tender Evaluation Committee prior to close of tenders.

Two addenda were issued during the tender period. These included answering some questions about the Technical Specification and the clarifying the VSD's requirements (VSD requirements are outside the scope of works).

The pre-tender estimate was not revised as there was no changes in the scope of works.

2. INITIAL EVALUATION

All tenders included the completed schedules required to be submitted with the tender, however some information was missing in some of the schedules.

- J.A.C. Pump Services submitted Schedule 1 – Tender Form without the price. However, the price was listed in Schedule 2 - Schedule of Prices – Lump Sum. J.A.C. Pump Services was requested to resubmit the Schedule 1 with the price filled in. They did so for the same value that was initially provided in Schedule 2.
- In Schedule 9 - Schedule of WHS Management Information: Part A, Sterling Pumps Pty Ltd didn't provide evidence of their WHS Management System and both J.A.C. Pump Services and Sterling Pumps Pty Ltd did not complete the Evidence of Satisfactory WHS Management section. Sterling Pumps Pty Ltd was requested to resubmit this Schedule along with the evidence and did so. J.A.C. Pump Services wasn't requested to resubmit the Schedule as it wasn't the Preferred Tenderer.
- J.A.C. Pump Services didn't complete the Motor Efficiency and Total Power Pump + Motor (kW) columns in Schedules 6 & 7. This information was considered minor and not required to complete the initial evaluation.

Except for the omissions dealt with above and the qualifications and departures dealt with in Evaluation of Price, all tenders met the requirements of the RFT documents.

All tenders acknowledged the Addendum No 1 and 2 that were issued.

3. EVALUATION OF NON-PRICE CRITERIA

The information submitted by the tenderers was evaluated against the specified non-price criteria, in accordance with the Tender Evaluation Plan. Following Table shows a high-level summary of non-price criteria used for the evaluation of this RFT:

Non-Price Criterion	Weighting
Proposed Testing and Delivery Methodology and Program	20%
Demonstrated Recent Experience in Undertaking Supply of similar Pumps in Australia	5%
Demonstrated Long Term Service and Support in Australia	5%
Demonstrated availability of spare parts in Australia	5%
Demonstrated longevity and reliability of pumps in Australian	5%
Total non-price weighting	40%

A summary of the scores agreed for the non-price criteria, signed by all members of the Tender Evaluation Committee, is at **Appendix A**.

The non-price scores were weighted, totaled and normalized as shown in the spreadsheet at **Appendix B**. The total non-price scores are summarised below.

Tenderer	Total normalized non-price score	Rank
Sterling Pumps Pty Ltd	40	1
J.A.C Pump Services	26	3
Xylem Water Solutions Australia Limited	38.67	2

4. EVALUATION OF PRICE

4.1 Examination of Tendered Rates

The Sums tendered in the Schedule of Prices - Lump Sum were compared with the pretender estimate. The comparison highlighted that all tender responses were higher than the original pretender estimate.

The pretender estimate was reviewed and was found to have underestimated some components of the works as follows:

- The pretender estimate was based on a Budget Only Price of \$85,000 (excl. GST) per pump from Xylem Water Solutions Australia Limited. The budget price was based on a 20" single stage Goulds Water Tech vertical turbine, pump - coated cast iron bowl c/w bronze impeller, 10.5mt x 16" flanged column / shaft, cert performance testing, 150kW WEG W22 415v IP66 motor and standard coated steel column (ASTM A53). This equates to \$374,000 (incl. GST) so it is assumed that GST was omitted from the pretender estimate of \$350,000 (incl. GST).
- Schedule 4 – Schedule of Technical Data (Pump and Motor Materials) gave the Tenderers two material options to choose from on a number of components.

- Pump Body and Bowl – Bronze or stainless steel
- Impellor – Bronze or stainless steel
- Elbow – Steel (epoxy lined) or stainless steel
- Motor Housing – Cast Iron or Fabricated Steel
- Base Plate – Cast Iron or Fabricated Steel

The pretender estimate was based on lower grade materials while the Tenderers offered the higher grade materials. Sterling Pumps Pty Ltd provided an alternative tender for lower grade materials of \$342,440 which is consistent with the pretender estimate. However, Rous's preference was to accept the higher grade materials.

- The Tender also included the supply of 12 months spares for maintenance and critical replacement and attendance on-site to assist in commissioning of the installed pumps and certification on pumps meeting their specified performance guarantees which were not included in the pretender estimate.

Based on the above considerations of GST, materials of construction and additional scope, the Tenders received are considered consistent with the actual market conditions.

Refer to **Appendix C –Basis of Pretender Estimate**

4.2 Assessment of Qualifications and Departures

All tenders contained qualifications and departures (anomalies) and did not fully meet the requirements in the RFT Documents. Clause 178 of the *Regulation* requires Council to accept the most advantageous tender. In order to identify which tender was 'most advantageous' for the specified work, the values of the qualifications and departures were assessed and added to the original Tender Amounts. See the Qualifications and Departures Tables at **Appendix D**.

4.3 Determination of loadings and other assessments

No loadings were applicable to any of the tenders

4.4 Normalised Price Scores

The tenders were compared on the basis of the Assessed Tender Amounts, calculated by adding the assessed values of qualifications and departures to the original Tender Amounts.

The Assessed Tender Amounts were used to calculate the weighted and normalised price scores using the method set out in the Tender Evaluation Plan, which is incorporated into the spreadsheet at **Appendix B**. The price scores are summarised below.

Tenderer	Weighted price score	Ranking
Sterling Pumps Pty Ltd	60.0	1
J.A.C Pump Services	57.11	2
Xylem Water Solutions Australia Limited	46.26	3

5. SELECTION OF THE MOST ADVANTAGEOUS TENDER

Total scores were obtained for each of the tenders by adding the normalised total non-price score and weighted price score, as shown in the spreadsheet at **Appendix B**. The total scores are summarised below.

Tenderer	Total normalized non-price score	Weighted price score	Total score	Ranking
Sterling Pumps Pty Ltd	40.00	60.00	100.00	1
J.A.C Pump Services	26.00	57.11	83.11	3
Xylem Water Solutions Australia Limited	38.67	46.26	84.93	2

The tenderer with the highest total score was Sterling Pumps Pty Ltd. Sterling Pumps Pty Ltd's Assessed Tender Amount was lower than that of J.A.C Pump Services and Xylem Water Solutions Australia Limited, and the tender from Sterling Pumps Pty Ltd was therefore identified as the most advantageous. The Tender Amount of Sterling Pumps Pty Ltd is reasonable.

The Recommended Tender Amount is **\$497,777.00**.

6. COMMENTARY ON THE TENDERER'S CAPABILITY

Referee reports indicate satisfactory past performance by Sterling Pumps Pty Ltd on recent contracts. The Tender Evaluation Committee contacted the referees and obtained additional information that supported the reports provided with the tender (refer to **Appendix F**).

A financial assessment is currently underway and Sterling Pumps Pty Ltd will need to be assessed as 'Acceptable' prior to award.

Sterling Pumps Pty Ltd has demonstrated satisfactory Work Health and Safety management and satisfactory environmental management on previous projects. This is recorded in the completed *Checklist for Reviewing Tenderer's WHS Management Performance*.

The Tender Evaluation Committee considers Sterling Pumps Pty Ltd capable of completing the contract satisfactorily.

7. MISCELLANEOUS

The tender evaluation process followed the agreed Tender Evaluation Plan.

The tender evaluation process complied with the *Local Government (General) Regulation 2005*.

The tender of Sterling Pumps Pty Ltd offers best value for money.

Rous County Council has confirmed that sufficient funds are available to cover the Recommended Tender Amount and a contingency allowance adequate for variations and other assessed risks.

There are no Principal Supplied Materials.


The Tender Evaluation Checklist has been completed.

8. RECOMMENDATION**9. RECOMMENDATION**

It is recommended that:

1. the tender submitted by Sterling Pumps Pty Ltd, in the Recommended Tender Amount of **\$497,777.00**, be accepted for Contract No. RFT-10021101- Nightcap Water Treatment Plant Raw Water Pump Station Pump Supply subject to a satisfactory Financial Assessment.

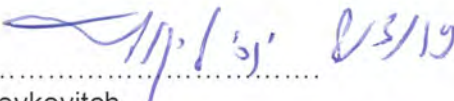
1) Recommending Officer

 8/3/19

 Adam Dowling
 Project Manager, North Coast Region (Public Works Advisory)

2) Reviewing Officer

The tender evaluation process requirements identified in the Tender Evaluation Review Checklist at Attachment 1 have been satisfied, and the Checklist has been signed.

 8/3/19

 Yossi Levkovitch
 Project Manager, North Coast Region (Public Works Advisory)

3) Tender Recommendation Approval

APPROVED to recommend to the client

 8/3/19

 Phil King
 Regional Projects Coordinator and Procurement Adviser (Public Works Advisory)

Draft Delivery program / Operational plan and 2019/20 Budget

(2333.1/19)

Business activity priority

Strategy and planning

Goal 2

Align strategic direction to core functions and sustainability

Recommendation

That Council:

1. Approve the draft Delivery program / Operational plan and 'Revenue' policy attached to this report, for public exhibition. Adjustments approved at this meeting as part of the March Quarterly Financial Review report will be included in the exhibited document as appropriate.
2. At its June 2019 meeting:
 - a) Receive for information public submissions (if any) lodged during the public consultation process and information about how the submissions have been considered.
 - b) Receive for adoption the final draft Delivery program / Operational plan.

Draft Budget

This section of the report is presented with the following structure:

- Financial information on the organisation as one combined entity.
- Financial information in respect to each Fund: Flood Mitigation, Weed Biosecurity, Retail Water, Richmond Water Laboratories, Commercial Properties, Bulk Water and Fleet.

It is noted that the Long Term Financial Plan (LTFP) presented in this report does not include budget adjustments presented to Council as part of the March quarterly financial review (see separate report). Those adjustments approved by Council will be included in the LTFP prior to advertising.

The report presents financial information in a consistent format for each of the Funds and the whole organisation. Detailed information is provided on each Fund in terms of assumptions on which the Budget is based, breakdown of the main streams of income/expense/capital works and selected ratios.

The transfers to and from reserve represent the net cash movement for the Fund. The transfer to or from reserve is used to balance the cash movement to zero. This results in the cash surplus or loss being retained within the Fund.

Long Term Financial Plan Caveat

The Future Water Strategy is currently being implemented, through the on-ground investigation of groundwater resources. This will expand in 2019/20 to include indirect potable reuse of treated wastewater.

Future steps in the Strategy's implementation include consideration of desalination and a new dam.

Since approximately 2014 and the completion of the Future Water Strategy, groundwater has been considered the most likely solution. Consequently, financial modelling, including the LTFP, has been premised on the groundwater strategy as satisfying the region's growing water demands until approximately 2040.

The LTFP assumes that all groundwater sites will be viable and that groundwater will be the sole solution to provide a new water source. Based on the available information at the time, this has been a reasonable position to adopt, particularly in light of the uncertainty associated with the other options.

The LTFP includes estimates of significant capital expenditure to construct and operate several new groundwater extraction plants (approx. \$39 million in 2023-2025). To finance these costs, the LTFP also includes external borrowings and increases to the contributions required from constituent councils.

Based on recent investigations, it is likely that some of the groundwater sites may be viable while others will not. This means that groundwater can, at best, be only part of the solution and that over the long-term, additional water sources will be required. Further, the anticipated costs to construct the groundwater sites will be much more expensive than previously estimated.

This information places significant doubt on the current strategy to rely solely on groundwater and the underlying assumptions in the LTFP.

However, from the perspective of the LTFP, there is currently no better option than to continue with the assumption that groundwater will be the sole solution to the new water source.

The current model prepares the region for significant change even though it is becoming apparent that the assumptions in the current LTFP, in respect to the new water source, are not correct.

At this stage it is envisaged that testing of the groundwater sites nominated in the Future Water Strategy will be completed by the end of July 2019.

The LTFP will be updated as new information becomes available.

The whole organisation

The table below details the forecast Operating Performance of the organisation together with capital movements and estimated cash reserve.

Table 1: Whole organisation estimated Operating Performance

Description	2019 Estimate \$	2020 Estimate \$	2021 Estimate \$	2022 Estimate \$	2023 Estimate \$	2024 Estimate \$	2025 Estimate \$	2026 Estimate \$	2027 Estimate \$	2028 Estimate \$
Op Income	24,609,300	23,818,000	24,914,700	26,443,300	27,949,300	29,726,800	31,275,800	32,712,400	33,408,100	34,320,500
Op Expense	27,148,200	25,985,900	25,554,000	25,842,000	26,228,300	29,082,700	30,440,000	31,489,900	31,979,200	32,567,400
Operating Result	(2,538,900)	(2,167,900)	(639,300)	601,300	1,721,000	644,100	835,800	1,222,500	1,428,900	1,753,100
Eliminate Depn	6,668,700	6,833,800	6,979,900	7,127,000	7,396,200	7,666,400	7,938,800	8,047,200	8,157,700	8,269,300
Cash result	4,129,800	4,665,900	6,340,600	7,728,300	9,117,200	8,310,500	8,774,600	9,269,700	9,586,600	10,022,400
Capital Income	4,922,600	6,770,100	3,610,000	3,641,000	16,550,000	16,474,000	14,864,000	4,241,000	4,020,000	4,100,000
Loan capital	2,390,700	2,548,300	2,718,500	2,901,700	3,096,900	3,585,500	3,920,900	4,198,000	3,606,000	967,000
Capital Expense	14,482,400	14,427,800	12,213,100	14,250,400	19,714,400	17,299,600	18,092,600	14,315,200	9,646,100	6,973,900
Transfer to Res	0	316,300	18,300	108,900	3,073,900	3,980,000	3,951,700	436,100	444,700	6,227,100
Trans from Res	7,820,700	5,856,400	4,999,300	5,891,700	218,000	80,600	2,326,600	5,438,600	90,200	45,600
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Estimated Res										
\$	28,463,100	22,923,000	17,942,000	12,159,200	15,015,100	18,914,500	20,539,600	15,537,100	15,891,600	22,073,100

Overall the outlook is positive and sustainable over the medium term. The forecast operating result gradually improves to 2023 prior to new loans being taken up in 2024. The improved operating performance in the early years of the model is largely attributable to temporary staff completing short terms contracts and the increased income generated from above CPI increases to Bulk Water Supply contributions.

It will also be noted that in 2019, flood mitigation includes abnormal expenditure on carry forward works in the order of \$1.4 million.

Flood Mitigation

Flood Mitigation Budget comments

This section provides some basic information on the larger financial elements relating to the Fund. Unless otherwise stated, the estimates refer to the 2020 year.

- Operating Income
 - contribution income amounts to approximately 75% of the total at \$742,000
 - maintenance grant of \$84,000 has not been increased by the State government since it was first provided in the 1980s
 - funds received from Lismore in repayment of loans, insurance and maintenance associated with the Levee.

- Operating Expense
 - wages are estimated at approximately \$474,000
 - loan repayments of \$57,600 for the Lismore Levee are completed in 2020
 - majority of expense relates to maintenance and replacement of infrastructure.

- Capital Expense
 - average annual spend over the life of the model of \$240,000 exclusive of Lismore Levee
 - detailed works included in the enclosed attachment.

- Assets/Liabilities
 - infrastructure assets valued at some \$120 million
 - no net debt and no new borrowings are envisaged.

Flood Mitigation has responsibility for maintaining an extensive network of infrastructure including floodgates, drains and levees. Staffing includes 4.5 full time equivalent staff plus two staff on one and two-year terms.

It is important to note that the Lismore Levee is a large part of the asset base and while the asset resides in the Rous asset register, Lismore City Council is responsible for construction, maintenance and replacement of the Levee. Therefore, it is important to consider the operating result for the Fund exclusive of depreciation associated with the Lismore Levee as it tends to distort the outcome when included.

Council contributions

Table 2 shows the projected price path of Flood Mitigation contributions. Note that this excludes contributions in respect of 'Drainage' (ex-Drainage Union Councils). Further, the estimated percentage increase includes cost of living indexation.

Table 2: Estimated price path for constituent council flood mitigation contributions

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Percentage Increase	2.70	2.50	12	12	12	12	10	5	2.50

The next two years propose cost of living increases only. Based on current information the proposed price adjustments in later years (commencing 2022) need to be quite large on a percentage basis. The intent is to improve the forecast operating result because alternatively it is estimated that the Fund will run at a loss and gradually eliminate existing cash reserves.

The following table shows the forecast contributions by the constituent councils in a dollar form and the maximum dollar increase per council contribution is \$36,900 in 2025. Over the life of the model, the contribution almost doubles.

So far, the condition assessment of the asset base has been positive with assets in a better state than anticipated. If the positive results continue, this may translate to a reduction to forecast capital expense and this would enable a decrease to the forecast contribution increases shown below.

Table 3: Forecast dollar increase to Council Flood Mitigation contributions

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Percentage increase	2.70%	2.50%	12%	12%	12%	12%	10%	5%	2.50%
Dollar contribution	\$	\$	\$	\$	\$	\$	\$	\$	\$
Total Flood contribution	641,400	657,400	736,300	824,700	923,700	1,034,500	1,138,000	1,194,900	1,224,800
Total contribution increase	18,000	16,000	78,900	88,400	99,000	110,800	103,500	56,900	29,900
Contribution per Council	213,800	219,100	245,400	274,900	307,900	344,800	379,300	398,300	408,300
Increase per Council	6,000	5,300	26,300	29,500	33,000	36,900	34,500	19,000	10,000

The tables below show the council contributions in the current year compared to the proposed 2019/20 contribution. The proposed increase from 2019 to 2020 is in line with rate pegging at 2.7% for both Flood Mitigation and Drainage.

Table 4: Proposed Flood Mitigation council contributions

	2018/19 \$	2019/20 \$	Increase \$
Ballina Shire Council	208,200	213,800	5,600
Lismore City Council	208,200	213,800	5,600
Richmond Valley Council	208,200	213,800	5,600
Total	624,600	641,400	16,800

Table 5: Proposed drainage council contributions

	2018/19 \$	2019/20 \$	Increase \$
Ballina Shire Council	37,200	38,200	1,000
Lismore City Council	37,200	38,200	1,000
Richmond Valley Council	3,600	3,700	100
Total	78,000	80,100	2,100

Flood Mitigation Operating Performance

The Fund has reasonable reserves however it is faced with recurrent operating losses. The table below shows the estimated operating performance of Flood Mitigation for ten years including the current year. The table also shows capital movements, reserve transfers and the estimated cash reserve balance at year's end.

Table 5: Flood Mitigation estimated Operating Performance

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Income	2,281,300	1,053,000	905,800	992,900	1,083,600	1,192,400	1,314,300	1,434,200	1,510,900	1,561,300
Operating Expense	3,757,500	2,103,200	1,787,000	1,830,700	1,875,300	1,920,900	2,002,800	2,015,800	2,065,000	2,115,700
Operating Result	(1,476,200)	(1,050,200)	(881,200)	(837,800)	(791,700)	(728,500)	(688,500)	(581,600)	(554,100)	(554,400)
Eliminate Depn	810,100	822,300	834,600	847,100	859,800	872,700	885,800	899,100	912,600	926,300
Cash result	(666,100)	(227,900)	(46,600)	9,300	68,100	144,200	197,300	317,500	358,500	371,900
Capital Income	60,000	20,000	40,000	0	150,000	0	0	300,000	0	0
Capital Expense	214,300	207,800	236,700	160,600	358,600	198,600	171,600	474,600	180,700	186,800
Transfer to Res	0	0	0	0	0	0	25,700	142,900	177,800	185,100
Transfer from Res	820,400	415,700	243,300	151,300	140,500	54,400	0	0	0	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	1,564,300	1,148,600	905,300	754,000	613,500	559,100	584,800	727,700	905,500	1,090,600

The forecast 2019 operating loss is higher than later years. This is because the current year includes approximately \$1.4 million of carry over projects funded from Reserves.

The forecast is for the Fund to record recurrent operating losses, however as previously discussed, the figures include the Lismore Levee for which Lismore City Council has certain responsibilities.

Levee depreciation is in the order of \$430,000 and if this amount is deducted from the operating result the forecast will improve, however, it remains that a loss is predicted. i.e. in 2028 for example the estimated loss would be \$124,400 not \$554,400. The outlook is improved but despite some quite significant price increases over the years leading to 2027, a loss is still predicted.

The forecast is that the cash reserve will be reduced as reserves are required to finance recurrent losses. As stated previously, pending further asset information the current financial model is interim and subject to change. The aim of this model was to improve the operating result while still maintaining positive cash reserves.

Weed Biosecurity

Weed Biosecurity Budget comments

This report provides some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - contribution income amounts to 60% of the total at \$787,000
 - grant income is forecast at just over \$500,000.
- Operating Expense
 - activities are organised into agreed elements of the Weed Action Program (WAP) and 72% of total expense is allocated via the WAP.
 - other expense includes administration, insurance and training.
- Capital Expense
 - average annual spend over the life of the model is \$18,000.
 - detailed works included in the enclosed attachment.
- Assets/Liabilities
 - total assets valued at approx. \$300,000 primarily property and buildings.
 - no debt outstanding and no borrowings are envisaged.

Weed Biosecurity has minimal assets to manage and as such, recurrent income and expense form the primary financial elements of this Fund. There are 8.8 full time equivalent staff which excludes administrative and management assistance.

Council contributions

Table 6 shows the projected price path for Council contributions which are in line with rate peg or cost of living increases.

Table 6: Estimated price path for constituent council contributions

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Percentage Increase	2.7	2.5	3	3	3	3	3	3	3

The projected price path indicates that the Fund is operating comfortably, and little intervention is required in the way of price adjustments. There are of course many assumptions embedded within this forecast, but based on current information, cost of living adjustments is a reasonable position to adopt.

The following table shows the council contributions in the current year compared to the proposed 2019/20 contribution. The proposed increase from 2019 to 2020 is in line with rate pegging at 2.7% and the Service Level Agreements in place with Kyogle and Tweed Shire Councils.

Table 7: Proposed Weed Biosecurity council contributions

	2018/19 \$	2019/20 \$	Increase \$
Ballina Shire Council	109,600	112,600	3,000
Lismore City Council	144,100	148,000	3,900
Richmond Valley Council	119,200	122,400	3,200
Byron Shire Council	109,600	112,600	3,000
Total contributions	482,500	495,600	13,100
Kyogle Shire Council	120,300	123,500	3,200
Tweed Shire Council	165,000	169,500	4,500
Total fees	285,300	293,000	7,700
Total	767,800	788,600	20,800

Note: Kyogle and Tweed are on a Service Level Agreement.

Weed Biosecurity Operating Performance

The Fund has reasonable reserves and is forecast to record recurrent operating surpluses over the medium term, therefore, based on current information the outlook is positive.

Table 8: Weed Biosecurity estimated Operating Performance

Description	2019 Estimate \$	2020 Estimate \$	2021 Estimate \$	2022 Estimate \$	2023 Estimate \$	2024 Estimate \$	2025 Estimate \$	2026 Estimate \$	2027 Estimate \$	2028 Estimate \$
Operating Income	1,367,000	1,352,900	1,383,500	1,413,300	1,453,400	1,500,600	1,543,900	1,588,500	1,634,500	1,681,000
Operating Expense	1,443,900	1,391,000	1,437,300	1,396,100	1,435,600	1,475,900	1,517,200	1,559,700	1,603,800	1,648,900
Operating Result	(76,900)	(38,100)	(53,800)	17,200	17,800	24,700	26,700	28,800	30,700	32,100
Eliminate Depn	20,100	20,400	20,700	21,000	21,300	21,600	21,900	22,200	22,500	22,800
Cash result	(56,800)	(17,700)	(33,100)	38,200	39,100	46,300	48,600	51,000	53,200	54,900
Capital Income	0	0	0	0	0	0	0	0	0	0
Capital Expense	20,000	20,000	0	10,000	43,000	0	21,000	0	22,000	44,000
Transfer to Res	0	0	0	28,200	0	46,300	27,600	51,000	31,200	10,900
Transfer from Res	76,800	37,700	33,100	0	3,900	0	0	0	0	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	1,297,400	1,259,700	1,226,600	1,254,800	1,250,900	1,297,200	1,324,800	1,375,800	1,407,000	1,417,900

An operating loss is forecast in the first three years of the model. In 2019 there are additional expenses relating to works carried forward from previous years. In 2020 and 2021 the Fund is impacted by the cost of one additional staff member who is on a two-year contract. The remaining years forecast a modest surplus.

It is interesting to note that the fund is very finely balanced, and the addition of a staff member shifts the result from a surplus to a loss.

Cash reserves remain strong throughout the life of the model and there is scope for some project work that could be funded from reserve.

Retail Water

Retail Water Budget comments

The aim of this section of the report is to provide some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - the primary income source is from a facility and usage charge levied on approximately 2,000 customers. The facility charge is estimated to derive \$380,000 and usage income \$1.84 million
 - water sales from filling stations is predicted to be \$359,000. The 2020 estimate is conservative in comparison to the current year which is elevated due to ongoing highway roadworks and the dry weather experienced in 2018/19.
- Operating Expense
 - the largest expense for the fund is the purchase of Bulk Water which amounts to approx. \$1.5 million or 60% of total expense
 - other expense includes administration, insurance, and maintenance of infrastructure.
- Capital Expense
 - average annual spend over the life of the model is in the order of \$258,000 with most of the works predicted in the first few years of the model.
- Assets/Liabilities
 - total noncurrent assets are valued at approx. \$9.3 million
 - no debt outstanding and no borrowings are envisaged.

Price of water

Rous endeavours to provide water to customers at a competitive price that is relative to other suppliers in the region, while looking to ensure that the Fund operates independently. To this end, retail water prices have been increased beyond cost of living rises over recent years. The table below shows the historical per annum price increase for the variable water charge.

Table 9: Historical price increase to Rous County Council retail customers

Year	2013	2014	2015	2016	2017	2018	2019
Percentage Increase	13.3	14.7	2.7	2.7	5	5	5

On average, prices have been increasing in excess of cost of living rises over the last seven years to improve the sustainability of the Fund. The outlook is for a continuation of 5% price increases, with the exception of 2.7% in 2020 which provides a year of respite to customers who have had to absorb significant increases for some time.

Table 10: Estimated price path for charges to retail customers

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Percentage Increase	2.7	5	5	5	5	5	5	5	5

There are two main issues driving future price increases. Firstly, it is anticipated that the cost of the Bulk Water supply will increase by 7% and 6% for a number of years (See Bulk Water section of this report). Retail Water Fund purchases the water off Bulk Water Fund and approximately 60% of all Retail Fund expenses are attributable to the cost of purchasing water.

Secondly, the amount of overheads charged to Retail Fund for administrative and management support is being reviewed. Current modelling indicates that the overheads charge will need to increase for a number of years to achieve an equitable distribution of costs.

The table below compares the Rous Retail Water charges to other councils in the region. The Rous charge is the cheapest, however it should be remembered that the level of service provided to Rous customers is less, due to supply network design, than that provided by the constituent councils to their customers.

Table 11: Comparison of regional council prices for retail water supply

Comparison of regional pricing	2018/19		
	Fixed fee (\$ p.a.)	Usage charge (\$ per kL)	Typical bill (\$ p.a.)*
Richmond Valley	153.00	2.33 & 3.55 over 200kl	1,311
Ballina	204.00	2.23 & 3.35 over 350kl	1,135
Rous	164.25	2.37	1,100
Byron	182.00	2.51 & 3.77 over 450 kl	1,173
Lismore	274.56	3.74	1,751
<i>Regional Median</i>			<i>1,173</i>

*Typical bill based on 395kl

Retail Water Operating Performance

The forecast is for a recurrent operating surplus and a gradual increase in reserves. It is important for this Fund to have strong reserves so that it can manage budget variations and maintain, for the size of the Fund, an extensive asset base.

Table 12: Retail Water estimated Operating Performance

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Income	2,454,400	2,640,100	2,755,700	2,886,800	3,021,700	3,186,700	3,335,000	3,492,100	3,656,800	3,829,900
Operating Expense	2,255,700	2,485,400	2,635,000	2,794,400	2,945,900	3,104,900	3,252,600	3,406,300	3,502,600	3,601,700
Operating Result	198,700	154,700	120,700	92,400	75,800	81,800	82,400	85,800	154,200	228,200
Eliminate Depn	133,400	135,400	137,400	139,500	141,600	143,700	145,900	148,100	150,300	152,600
Cash result	332,100	290,100	258,100	231,900	217,400	225,500	228,300	233,900	304,500	380,800
Capital Income	0	0	0	0	0	0	0	0	0	0
Capital Expense	350,000	672,900	243,500	151,200	248,900	251,700	160,500	164,400	167,300	172,300
Transfer to Res	0	0	14,600	80,700	0	0	67,800	69,500	137,200	208,500
Transfer from Res	17,900	382,800	0	0	31,500	26,200	0	0	0	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	589,000	206,200	220,800	301,500	270,000	243,800	311,600	381,100	518,300	726,800

A modest surplus is predicted although given how variable the income can be for this Fund it is a continual fine-tuning process in terms of modelling.

Capital expense is reasonably consistent although the first two years anticipate some backlog works to be carried out. It will also be noted that capital expense consistently exceeds annual depreciation. As the asset information improves the modelling will improve which may affect the projected price path.

Cash reserves are less than ideal, although the balance is forecast to increase in the later years because the price path for bulk water returns to a CPI adjustment. A transfer of cash from another Fund may be required depending on future budget shocks.

Richmond Water Laboratories (RWL)

RWL Budget comments

The aim of this section of the report is to provide some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - essentially all income is derived from fees for service. The largest customer is Bulk Water Fund who account for around 40% of turnover
 - income is estimated to be \$800,000.

- Operating Expense
 - salaries and wages are estimated at \$477,000 which is 60% of operating expense
 - Materials and contracts are the next biggest expense at \$165,000
 - Licences and NATA accreditation are forecast to be \$22,000

- Capital Expense
 - average annual spend over the life of the model of \$40,000 which is for equipment renewal. There has been very little expense on equipment renewal over recent years so 2020 and 2021 predict large outlays.

- Assets/Liabilities
 - total non-current assets valued at approx. \$300,000 which relates to equipment
 - no debt outstanding and no borrowings are envisaged.

One of the primary purpose of Richmond Water Laboratories (RWL) is to provide testing services to Bulk Water Fund. Other services are provided on a commercial basis to Councils, non-government organisations and individuals. RWL has 5 full-time equivalent staff and the intent is to operate on a stand-alone basis.

Pricing strategy

RWL operates in a very competitive environment where customer service and price are very important to maintaining clients.

Prices are monitored regularly, and the price path is subject to market forces. From a planning perspective it has been assumed that prices will approximate cost of living increases.

Operating Performance

The Fund is forecast to operate quite close to break even and a small positive or negative influence will produce a surplus or loss outcome. However, cash reserves gradually decline as spending on capital gradually consumes available cash.

Table 13: RWL estimated Operating Performance

Description	2019 Estimate \$	2020 Estimate \$	2021 Estimate \$	2022 Estimate \$	2023 Estimate \$	2024 Estimate \$	2025 Estimate \$	2026 Estimate \$	2027 Estimate \$	2028 Estimate \$
Operating Income	783,800	799,700	816,900	841,400	865,900	892,300	918,800	946,000	974,500	1,001,800
Operating Expense	767,000	799,000	822,000	846,900	872,400	898,800	925,900	953,700	982,500	1,012,000
Operating Result	16,800	700	(5,100)	(5,500)	(6,500)	(6,500)	(7,100)	(7,700)	(8,000)	(10,200)
Eliminate Depn	12,500	12,700	12,900	13,100	13,300	13,500	13,700	13,900	14,100	14,300
Cash result	29,300	13,400	7,800	7,600	6,800	7,000	6,600	6,200	6,100	4,100
Capital Income	0	0	0	0	0	0	0	0	0	0
Capital Expense	30,000	149,400	109,500	24,900	48,900	900	48,000	9,400	13,300	2,300
Transfer to Res	0	0	0	0	0	6,100	0	0	0	1,800
Transfer from Res	700	136,000	101,700	17,300	42,100	0	41,400	3,200	7,200	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	345,600	209,600	107,900	90,600	48,500	54,600	13,200	10,000	2,800	4,600

A review of administration overheads has identified that RWL should be paying a greater share than is currently being applied. The plan is to gradually increase the overheads distributed to RWL however given the slim operating margins this will be a very gradual process.

A strategic review of Lab operations is currently in progress and the outcomes of this review may change the current LTFP forecasts.

Commercial properties

Commercial properties Budget comments

The aim of this section of the report is to provide some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - rental income is estimated at \$235,000 which is 100% of forecast operating income. One rental property in Carrington Street is currently vacant and it is assumed that it will be tenanted half way through the year.

- Operating Expense
 - forecast expense for rental properties is \$170,000 which excludes depreciation and overheads
 - staff, administration and depreciation expenses amount to approximately \$100,000
 - operating expense associated with Perradenya is anticipated to be \$60,000.

- Capital Income
 - sales income from Stage 5b at Perradenya is expected to be \$2.3 million, received in 2019. Stage 6 income is anticipated in 2020 at \$3.2 million.

- Capital Expense
 - estimated cost to develop stage 5b is \$1.4 million in 2019, noting that some costs were incurred in relation to this stage in 2018
 - Capital Works in 2020 includes \$2.4 million for stage 6 and \$515,000 for a cycleway.

- Assets/Liabilities
 - the fund has non-current assets valued at \$5.4 million which includes inventory, properties and buildings
 - no debt is outstanding however internal borrowings are forecast in 2021,2024-8.

Commercial properties include three different sections:

1. Commercial properties in the Lismore CBD. Two properties are owned and leased by Rous and one of these properties has two lease spaces. The properties are held to provide a commercial rate of return.

Rous is the master lessee of the Administration Office in Molesworth Street. There are two sub leases of that space.
2. Thirteen rural properties with a combined area of some 220 hectares purchased for the Dunoon Dam. Leases include both residential houses and agistments. The strategy is to hold these properties until the Future Water Strategy is determined.

3. Perradenya Estate is being progressively subdivided and sold as residential allotments.

Dedicated staff time is limited to less than one full-time equivalent staff member.

Commercial properties pricing strategy

In respect to property owned by Rous, both the commercial and rural leases are managed by licenced agents who act on Rous' behalf. Lease arrangements look to provide the best commercial advantage to Council.

The sub leases of the Administration Office are managed by Council staff who negotiate arrangements with tenants.

Perradenya Estate is marketed by local agents. The most recent release of 15 lots (Stage 5b) was sold off the plan inspiring confidence to pursue the release of stage 6 in 2020.

Commercial properties operating performance

The Fund is forecast to make recurrent operating losses. Rural properties and Perradenya operating expenses contribute to the loss. The forecast improves, although remains a loss, as the Perradenya operating costs decline as the lots are gradually sold.

Exclusive of rural properties and Perradenya operating expenses, commercial properties are a marginal exercise that struggle to achieve a surplus once depreciation, staff time and administration is brought to account.

Table 14: Commercial properties estimated Operating Performance

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$	Estimate \$
Operating Income	241,600	269,100	289,200	264,500	267,800	320,300	316,700	292,700	301,400	310,400
Operating Expense	326,300	332,400	343,000	354,300	376,800	378,900	392,400	337,700	346,300	367,800
Operating Result	(84,700)	(63,300)	(53,800)	(89,800)	(109,000)	(58,600)	(75,700)	(45,000)	(44,900)	(57,400)
Eliminate Depn	62,500	38,400	39,000	39,000	39,600	39,600	40,200	40,200	40,800	40,800
Cash result	(22,200)	(24,900)	(14,800)	(50,800)	(69,400)	(19,000)	(35,500)	(4,800)	(4,100)	(16,600)
Capital Income	2,299,600	3,250,100	0	0	1,686,000	1,686,000	0	0	0	0
Capital Expense	2,295,000	2,908,900	98,300	2,529,000	102,700	104,400	2,128,000	28,000	28,000	29,000
Transfer to Res	0	316,300	0	0	1,513,900	1,562,600	0	0	0	0
Transfer from Res	17,600	0	113,100	2,579,800	0	0	2,163,500	32,800	32,100	45,600
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	1,191,000	1,507,300	1,394,200	(1,185,600)	328,300	1,890,900	(272,600)	(305,400)	(337,500)	(383,100)

Perradenya Estate has capital expense associated with construction costs and capital income from the land sales. Over the life of the model, three separate releases are proposed with a total of 55 lots to be sold. The model anticipates capital expense in 2025 of \$2.1 million to construct a reclamation plant. The estimated cost of this plant is difficult to predict, and it is this expense that pushes the reserve into a negative position.

On the positive side there remains three large integrated lots that are not accounted for in the model. Profit, or some part thereof, from these lots may be required to create the 'Village Green' that is also part of the concept plan, however it may be that the sale of these lots may return the cash reserve to the black.

Bulk Water

Caveat on Long Term Financial Plan

Please refer to the discussion at the start of this report titled 'Caveat on the Long-term Financial Plan'. While this caveat is relevant to the organisation as a whole it is specifically relevant to the Bulk Water Fund.

Bulk Water Budget comments

The aim of this section of the report is to provide some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - the primary income source is contributions from constituent Councils with income forecast at \$17 million
 - interest income from funds invested is estimated to return \$480,000. Income from this source will fluctuate as reserves are used to support capital works.
- Operating Expense
 - dams and treatment expense are forecast to exceed \$5 million
 - interest on borrowings will be \$1.5 million
 - depreciation is estimated at \$5.2 million.
- Capital Income
 - section 64 income is Council's second largest income stream. In 2019 income is trending to exceed \$5 million. In 2018 we received \$5 million, 2017 \$3.1 million, 2016 \$5.5 million. The forecast for 2020 has been elevated to \$3.5 million which remains conservative however has served to reduce forecast contribution rates
 - in the years 2023-25 external borrowings are taken up at \$11 million each year.
- Capital Expense
 - forecast capital expenditure over the next 10 years amounts to \$121 million major projects include:
 - \$39 million for the groundwater source.
 - \$21 million St Helena 300
 - \$8.2 million St Helena 375
 - \$3 million Nightcap Tunnel
 - \$1.7 million Nightcap chemical storage
 - \$6 million Nightcap site services
- Assets/Liabilities
 - the fund has non-current assets valued at approximately \$355 million.
 - debt currently stands at approximately \$26 million.
 - new loans are forecast to be taken up to \$33 million commencing in 2023.

Council contributions

Four constituent councils pay contributions to the Bulk Water Fund based on the previous year's consumption. One of the key issues for the constituent councils is having sufficient time to include accurate forecasts for the cost of Bulk Water in their Integrated Planning and Reporting frameworks.

The calculation to determine the annual contribution is based on water consumption for the twelve months ending in February. This allows constituent councils to be advised of their exact annual contribution in early March each year. This time frame has been chosen to coincide with each Council's annual budget cycle.

The table below shows the forecast percentage increase to contributions to 2028.

Table 15: Estimated % increase to constituent councils contributions for Bulk Water

Year	2020	2021	2022	2023	2024	2025	2026	2027	2028
Percentage Increase	4	7	7	6	6	5	5	2	2

The forecast is that greater than cost of living increases will be required for several years. The main issue driving the increase is the cost to provide a new water source. The current LTFFP is based on spending \$39 million on groundwater and clearly if or when this strategy changes the current modelling will be obsolete.

It is considered that given the magnitude of the capital works program over the next decade the proposed price increases are reasonable. It suggests that the Fund is starting from a position of strength, which is supported by the fact that there is approximately \$23 million in reserves on hand that have been accumulated in advance for capital works.

It is also relevant to point out that the contribution increases for constituent councils has been confined to the rate peg increase since 2012/13.

The following table shows the constituent council contributions in the current year and the proposed contributions in 2019/20.

Table 16: Proposed Bulk Water council and Retail Water contributions

	2018/19 \$	2019/20 \$	Movement %	Movement \$
Ballina Shire Council	5,943,700	6,108,700	2.78	165,000
Lismore City Council	5,124,100	5,402,400	5.43	278,300
Richmond Valley	1,032,100	1,176,400	13.98	144,300
Byron Shire Council	4,383,900	4,343,100	(0.93)	(40,800)
Retail Water	1,334,000	1,499,900	12.44	165,900
Total	17,817,800	18,530,500	4	712,700

The above table identifies that while the total increase to income is 4%, there is considerable variance between the entities on a percentage basis. This is attributable to the gross water consumed in each local government area compared to each other and indeed compared to what their relativities were in the previous year. Byron Shire for instance, consumed over 100,000 kilolitres less than the previous year.

Bulk Water Operating Performance

In general terms the Fund is forecast to, typically, make recurrent operating surpluses that gradually improve to 2023. The improved operating result is assisted by the recurrent increases to contributions of 7% followed by 6%. In 2024 it has been assumed that operational expenses associated with the new water source will commence (estimated at \$1.5 million) and also this is the first year of predicted new loan repayments, again associated with borrowings for the new water source.

Table 17: Bulk Water estimated Operating Performance

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Op Income	17,386,900	17,580,900	18,638,600	19,900,400	21,106,800	22,469,400	23,681,500	24,789,800	25,152,900	25,753,900
Op Expense	18,443,400	18,766,200	18,422,400	18,515,600	18,621,700	21,171,300	22,219,900	23,090,500	23,355,900	23,701,500
Operating Result	(1,056,500)	(1,185,300)	216,200	1,384,800	2,485,100	1,298,100	1,461,600	1,699,300	1,797,000	2,052,400
Eliminate Depn	5,210,500	5,378,700	5,503,000	5,628,500	5,875,200	6,123,200	6,372,400	6,457,900	6,544,600	6,632,600
Cash result	4,154,000	4,193,400	5,719,200	7,013,300	8,360,300	7,421,300	7,834,000	8,157,200	8,341,600	8,685,000
Capital Income	2,563,000	3,500,000	3,570,000	3,641,000	14,714,000	14,788,000	14,864,000	3,941,000	4,020,000	4,100,000
Loan capital	2,390,700	2,548,300	2,718,500	2,901,700	3,096,900	3,585,500	3,920,900	4,198,000	3,606,000	967,000
Capital Expense	11,179,400	9,890,200	11,078,800	10,886,700	18,641,000	16,286,600	14,946,500	13,302,800	8,806,500	6,018,500
Transfer to Res	0	0	0	0	1,336,400	2,337,200	3,830,600	0	0	5,799,500
Trans from Res	6,853,100	4,745,100	4,508,100	3,134,100	0	0	0	5,402,600	50,900	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

Estimated Res \$	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
		22,093,000	17,347,900	12,839,800	9,705,700	11,042,100	13,379,300	17,209,900	11,807,300	11,756,400

The operational losses forecast in 2019 and 2020 are partially attributable to carry forward works specific to 2019 and the Fund coping with the cost of new staff, estimated to be over \$1 million in 2020. The above CPI increases to contributions start to impact from 2021 where a small surplus is forecast. In some cases, the estimates have favoured a conservative position, so it may be that the actual result will be a slight improvement. This is evidenced, although in an exaggerated sense, by the fact that the March review includes an adjustment to increase section 64 income to \$5 million (Note the discussion at the start of this report advising that March review changes have yet to be included in the LTFP). This will result in a significant reduction to the 2019 transfer from reserve.

The cash reserve tends to graduate down as funds are applied to Capital Works but the minimum balance hovers around \$10 million. It may be that as it gets closer to the time of proposed external borrowings the estimated loans may be revised down with a greater draw down on reserves.

The anticipated expense on St Helena over the next few years (\$21 million) contributes to the decreasing reserve forecast. Capital income jumps in the 2023-2025 period due to external borrowings to match capital expenditure on the new water source. The new water source and the associated financial implications play a significant role in the financial model.

Fleet Fund

Fleet Fund Budget comments

The aim of this section of the report is to provide some basic information on the larger financial elements relating to the Fund. Unless otherwise stated the estimates refer to the 2020 year.

- Operating Income
 - interest on funds invested and staff contributions for private use of vehicles account for total operating income, forecast at \$122,000
 - note that plant hire income is viewed as a negative expense.
- Operating Expense
 - total operational expense is expected to be around \$608,000 plus \$400,000 for depreciation. This is essentially offset by internal plant hire income.
- Capital Expense
 - average annual spend over the life of the model is in the order of \$450,000 which is the net cost of vehicle turnovers. i.e. includes trade value. The role of the Fleet Fund is to provide all other Funds with fit-for purpose fleet at an economical rental. The Fund manages vehicles, boats, trailers and heavy plant. There are approximately 100 items within the Fleet.

General Operations

The intent is for the Fleet Fund to operate on a stand-alone basis. All expenses relating to management of the fleet are costed to Fleet Fund including fuel, maintenance, registration, insurance and capital purchases.

Vehicle types and length of service are varied to identify the best approach for Council to minimise the net holding cost. That cost is annualised and recovered from the Fund that uses the item based on hire rates.

The hire rate is designed to generate sufficient internal revenue to keep the Fleet well maintained and replaced prior to a loss in service potential. The hire rate does not include any provision for fleet expansion.

Fleet Fund Operating Performance

The forecast is for a recurrent operating surplus and a gradual increase in reserves.

Table 18: Fleet Fund estimated Operating Performance

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Income	94,300	122,300	125,000	144,000	150,100	165,100	165,600	169,100	177,100	182,200
Operating Expense	154,400	108,700	107,300	104,000	100,600	132,000	129,200	126,200	123,100	119,800
Operating Result	(60,100)	13,600	17,700	40,000	49,500	33,100	36,400	42,900	54,000	62,400
Eliminate Depn	419,600	425,900	432,300	438,800	445,400	452,100	458,900	465,800	472,800	479,900
Cash result	359,500	439,500	450,000	478,800	494,900	485,200	495,300	508,700	526,800	542,300
Capital Income	0	0	0	0	0	0	0	0	0	0
Capital Expense	393,700	578,600	446,300	488,000	271,300	457,400	617,000	336,000	428,300	521,000
Transfer to Res	0	0	3,700	0	223,600	27,800	0	172,700	98,500	21,300
Transfer from Res	34,200	139,100	0	9,200	0	0	121,700	0	0	0
Cash Movement	0	0	0	0	0	0	0	0	0	0

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Estimated Res \$	1,382,800	1,243,700	1,247,400	1,238,200	1,461,800	1,489,600	1,367,900	1,540,600	1,639,100	1,660,400

Plant hire income is treated as a negative expense, so operating expenses are essentially cancelled out by internal hire income. It is important the Fund does not make a significant profit or loss. Either outcome indicates that the other Funds are being over or under charged and the hire rates are not right.

The modest surplus that is predicted is acceptable. The reserve will increase but roughly in accord with the cost of money over time.

Governance

The *Local Government Act 1993* requires that Council have an annual Operational plan adopted before the beginning of each financial year. The Operational plan is a sub-plan of the Delivery program and includes Council's 'Revenue' policy and proposed Fees and Charges for the relevant financial year it covers.

The proposed Operational plan, the subject of this report, sets out the actions that will be taken in the 2019/20 financial year to achieve the strategies in Year 3 (Y3) of the Delivery program within the 2017/21 Business activity strategic plan (adopted by Council on 21 June 2017; [50/17]).

Consultation

If approved, the draft Delivery program / Operational plan (incorporating the 2019/20 Budget Estimates and 'Revenue' policy) will be publicly exhibited for at least 28 days and public submissions invited. Advice regarding any public submissions received will be reported to the June Council meeting.

Conclusion

The proposed Budget is based on Council's commitment to deliver at agreed levels of service.

In partnership with our constituent councils and other stakeholders, Rous County Council can confidently proceed to provide the region with an expected standard of quality and service for Flood Mitigation, Weed Biosecurity and Water Supply (Bulk and Retail).

The proposed Delivery program/Operational plan has been prepared having regard to the 2019/20 budget and reflects what is contained therein.

Guy Bezrouchko
Group Manager Corporate and Commercial

Attachment:

1. Draft Delivery Program/Operational Plan (incorporating the 2019/20 Budget, Estimates)



Integrated planning and reporting framework

2017/2021

- Business activity strategic plan
- Resourcing strategy
- Delivery program | Operational plan



Acknowledgement of country

We recognise the traditional owners of the land
and pay tribute to elders past and present.

Version	Purpose and description	Date adopted by Council	Resolution no.
2.0	Endorsed at Council meeting 17 May 2017 for public consultation	17 May 2017	43/17
2.0	Adoption of final Framework	21 June 2017	50/17

Version	Purpose and description	Date adopted by Council	Resolution no.
3.0	Draft Delivery Program/Operational Plan (incl. Revenue Policy and Budget) endorsed at Council meeting 16 May 2018 for public consultation	16 May 2018	35/18
3.1	Adoption of final Plan	20 June 2018	44/18

Version	Purpose and description	Date adopted by Council	Resolution no.
4.0	Draft Delivery Program/Operational Plan (incl. Revenue Policy and Budget) endorsed at Council meeting (TBC) for public consultation	DRAFT	DRAFT
4.1	Adoption of final Plan	DRAFT	DRAFT

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Who we are

Rous County Council is a county council constituted under the Local Government Act 1993. Our governing body has eight members (consisting of two representatives from each of Ballina, Byron, Lismore City and Richmond Valley Councils) each of whom are appointed for four years.

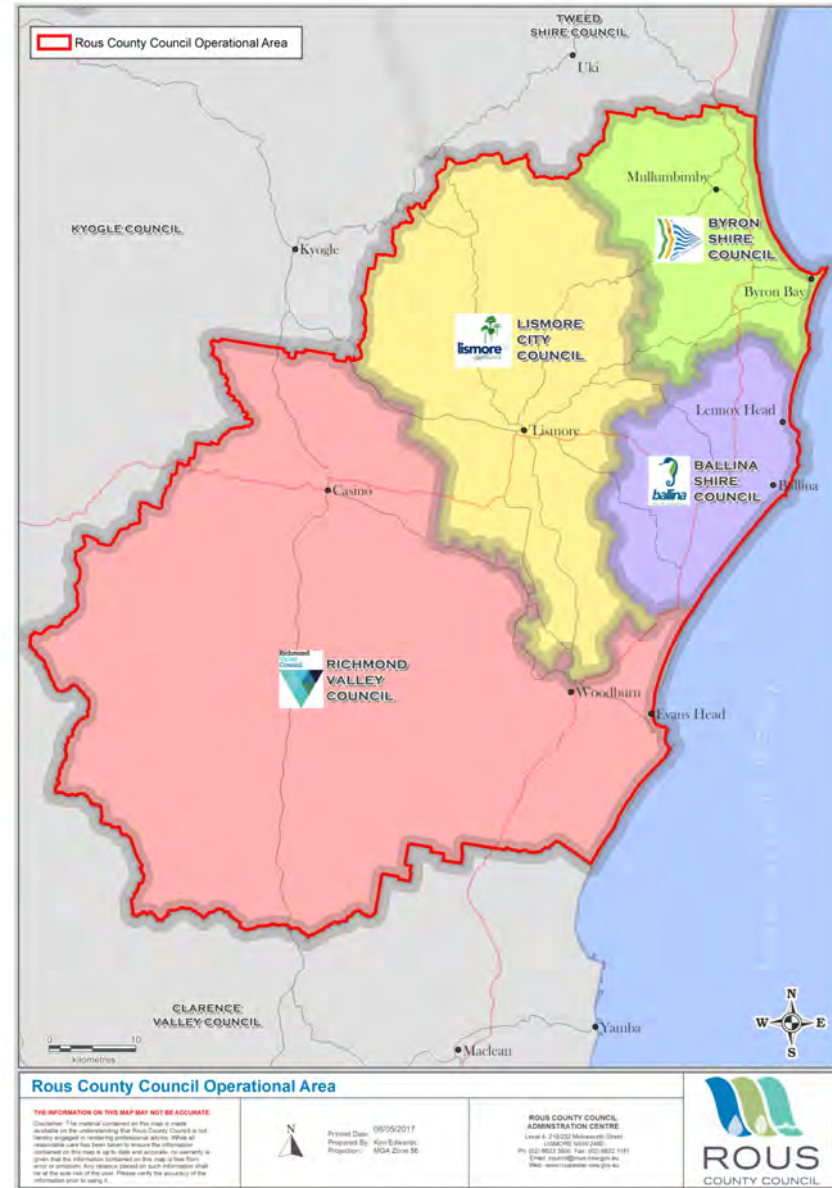
The governing body usually meets at the Rous Administration Centre on the third Wednesday of each month at 1.30pm (except January and July).

Public attendance at meetings is welcome with 'public access' a standing item on the meeting agenda. A person may address council about any matter included in the business paper for the meeting.

Business papers (excluding confidential content) are available online at: www.rous.nsw.gov.au or in hard copy from our office at Level 4, 218/232 Molesworth Street, Lismore NSW 2480, Monday to Friday between 8.30am and 4.30pm.

We also have a number of committees that inform and support the decision making of the governing body: Audit Risk and Improvement Committee, Reconciliation Action Plan Advisory Group. The membership of these groups is often a combination of governing body members and independent community members.

Our footprint



What we do

Supply water in bulk



We are the regional water supply authority providing water in bulk to the local government areas of Lismore (excluding Nimbin), Ballina (excluding Wardell), Byron (excluding Mullumbimby) and Richmond Valley (excluding land to the west of Coraki). A population of around 100,000 is serviced by this water supply system with the actual area of operations being approximately 3,000km².

The regional supply network includes around 43,000 connections within the reticulation areas of the local government areas that it services and nearly 2,000 retail connections to our trunk main system. Reticulation of the water within the urban centres is the responsibility of our member Councils.

The principal source of our supply network is Rocky Creek Dam, situated 25km north of Lismore near the village of Dunoon. The dam has a storage capacity of 14,000ML.

Other available sources under our control include Emigrant Creek Dam, Convery's Lane and Lumley Park bores in the Alstonville area, as well as bores in the Richmond Valley area.

Our water infrastructure is valued in excess of \$250M. This includes the physical trunk main and pipeline system as well as reservoirs, Rocky Creek Dam, Emigrant Creek Dam, Wilsons River Source, two water treatment plants (Emigrant Creek and Habbie Habib Nightcap) and a range of public access and recreation areas in and around Rocky Creek Dam and Emigrant Creek Dam.

We implement a multi-barrier approach to water quality management – this means that at each stage of the water collection, storage and delivery process we actively manage water quality. Catchment protection is a key barrier in drinking water quality protection - minimising contamination before it reaches the water treatment plant is considered a vital step for reducing drinking water-related health risks. We work with a wide range of catchment partners to improve the quality of water flowing from the catchments areas into our streams and water sources. Our Water and Rainforest Reserve at Rocky Creek Dam is a popular destination that showcases the benefits of long-term commitment to catchment protection and Big Scrub restoration.

Exercise powers and duties in relation to weed biosecurity



Our goals are to:

- **Exclude** new noxious weeds (prevent them establishing in our region).
- **Eradicate or contain** any new noxious weeds found in our region (eliminate them or stop their spread).
- **Effectively manage** the impacts of widespread invasive noxious weeds species.
- **Build capacity** in our region to help the community, industry and government commit to long-term management of invasive noxious weeds.

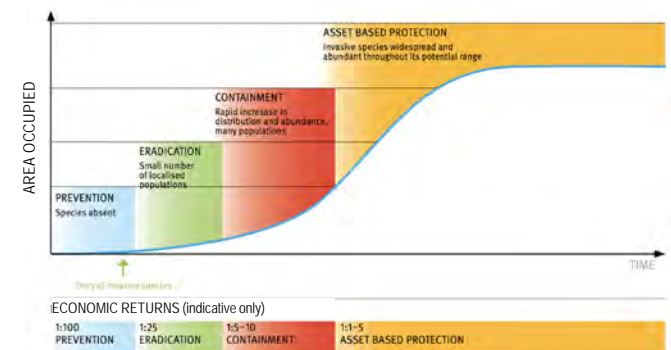
To achieve this we focus on:

- Identification and management of high-risk weed species and how they spread into and within our region.
- Improving our capacity to find new weeds early.
- Ensuring we have the resources and procedures to take rapid strategic control measures against new weeds in our region.
- Directing our resources to where benefits will be the greatest.
- Increasing community commitment and involvement in proactive weed management.

We also deliver weed biosecurity services under a service level agreement arrangement to the councils of Kyogle and Tweed Shire.

Prioritising biosecurity investments

Generalised invasion curve showing actions appropriate to each stage



*Invasion Curve sourced from Biosecurity Victoria, Department of Primary Industries, Victoria

Prevent and mitigate menace to the safety of life or property from floods and natural resource management issues arising therefrom

Our service delivery relates to flood mitigation in the rural environment (not urban areas). Our natural resource management function relates only to the environmental consequence resulting from the operation of this infrastructure on the broad environment.

We are responsible for the construction, replacement and routine maintenance of various flood mitigation infrastructure. This includes floodgates and some rural drains and canals. In addition, we also have a key role in relation to an urban levee designed to protect the central business district of Lismore against a 1 in 10 year flood.

The Lismore levee is a flood mitigation system comprising a 2km concrete flood levee bank. While we own the levee, Lismore City Council is responsible for its maintenance and operation. It is supported by an auxiliary flood mitigation system consisting of: the South Lismore levee which is 5.5km in length and designed to protect the area of South Lismore against a 1 in 10 year flood; a pop-up deflector wall; Browns Creek pump station; and doorway floodgates for some local flood affected businesses. The levee was constructed in 2002 by the former Richmond River County Council at the request of Lismore City Council, with funding provided by Lismore, the Commonwealth and State governments.

We also have a strong interest in activities such as hydrological research, flood surveying and modelling. This enables us to better understand flood behaviours and the impact of flooding on the catchment and floodplain.

As a flood mitigation authority we also partner with our member councils to coordinate the preparation and submission of grant funding applications for agreed regional projects.





1

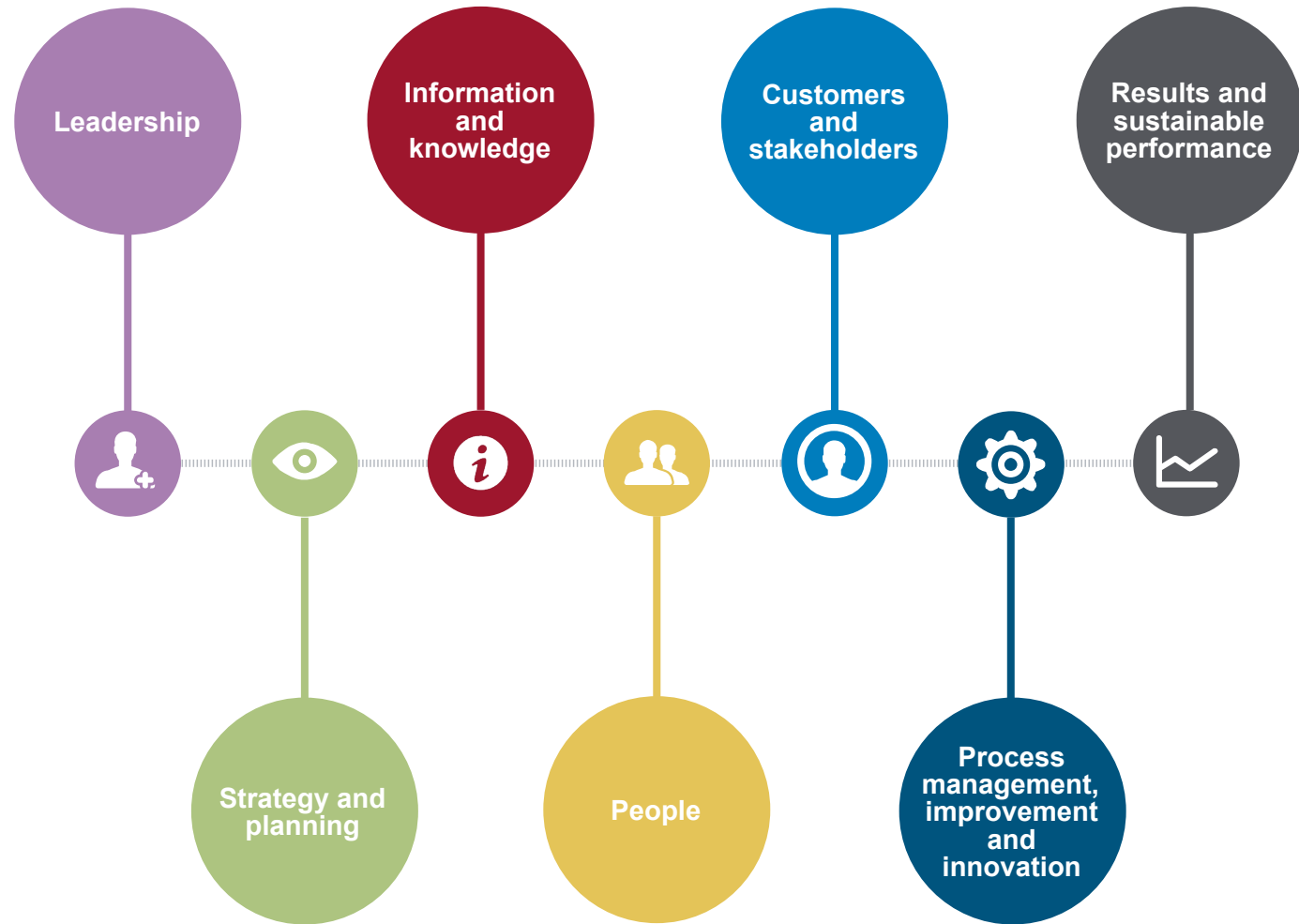
Business activity strategic plan

What does Integrated Planning and Reporting mean?

VISION
Thrive and evolve as a valued regional service provider.

MISSION
Partner with our constituent councils to provide quality services that support a sustainable and productive region.

VALUES
Safety
Teamwork
Accountability
Respect



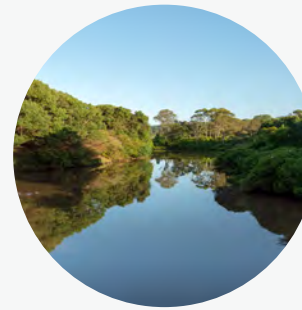
Integrated Planning and Reporting priorities

	Leadership	Strategy and planning	Information and knowledge	People	Customers and Stakeholders	Process management, improvement and innovation	Results and sustainable performance
Quadruple bottom line							
Goals	1. Values based leadership and culture.	2. Align strategic direction to core functions and sustainability.	3. Create value through applying knowledge.	4. Organisational capability through our people.	5. Proactive management of relationships with member councils and key stakeholders.	6. Continuous improvement through process management and innovative thinking.	7. Sustainable performance.
Achievement looks like	1.1 Leaders are visible at all levels of the organisation and are supported to effectively lead and drive performance.	2.1 Being responsive to the impact of population growth on core functions. 2.2 Strategic partnerships/relationships supportive of our mission and vision. 2.3 Business activity contributes to local and regional growth and optimal environmental outcomes. 2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	3.1 We will better utilise the knowledge and expertise of our people and the knowledge embedded in our organisational systems to inform decision-making and enhance transparency, business continuity and resilience.	4.1 A high performing team enriched through diversity. 4.2 A workplace where safety and wellbeing come first.	5.1 Mutual understanding of needs, priorities, expectations, functions, operations, service standards, span of control and influence.	6.1 Recognising and being open to opportunities for improvement through innovation.	7.1 We are recognised as a valued regional service provider and reliable cost effective deliverer of our core functions and operations. 7.2 Levels of service align with agreed priorities, financial and asset capability and long-term financial plans.
Resources required							
Success looks like	<ul style="list-style-type: none"> Improved leadership and management skills. Leaders supported to lead. that are proud, confident and visible at all levels of the organisation. A strong culture that aligns with our Values. 	<ul style="list-style-type: none"> Leadership strategy aligned to Vision, Mission and Values. Informed decision making. Strong relationships between Council and Traditional Custodians and Aboriginal and Torres Strait Islander peoples. Strategy that converts into action. 	<ul style="list-style-type: none"> Getting the most out of our technology and systems. Systems that create efficiencies, consolidate data and enable us to share knowledge easily. Having adequate resources to meet our committed service standards and levels. Rewarding and recognising success and high performer. 	<ul style="list-style-type: none"> Being proud of each other and our great workplace People that are trained and competent to carry out work safely and skilfully. Everyone knowing that 'Safety first' is how we do business; no exceptions - ever - zero harm. Achieving targets on time and on budget. Visibility of team performance (activity v. outcome). Gaining knowledge and learning from experience. 	<ul style="list-style-type: none"> Proactively engaging member councils and key stakeholders. Strong, solution focussed and respect based relationships. Being easy to do business with. Member councils and stakeholders regularly providing honest and timely performance feedback. Feedback is used to achieve continuous improvement. Member councils understanding and accepting the basis for calculating financial contributions. 	<ul style="list-style-type: none"> Process dependencies and interdependencies identified. Innovative thinking in how we do business. A workforce adequate in number and capability to meet agreed levels of service. A sustainable talent pipeline that reflects future business needs. Informed and detailed plans. Innovation and continuous improvement is 'business as usual'. Process management achieves positive and sustained results. 	<ul style="list-style-type: none"> Being a valued regional service provider. Providing quality services that support a sustainable and productive region. A pricing structure reflects sustainable financial management. Services delivered at agreed standards and levels. Performance and results communicated across our organisation and used for learning and continuous improvement.

Challenges faced in Integrated Planning and Reporting

Leadership	<ul style="list-style-type: none"> • Accepting and adjusting to change • Prioritising leadership development • Understanding: <ul style="list-style-type: none"> - the role of leaders in our organisation and the reasons why decisions are made - the difference between leaders and managers - that leadership decisions are not always popular or easy
Strategy and planning	<ul style="list-style-type: none"> • External factors beyond our control • Community expectations and understanding • Regional growth and climate change impacts • Being realistic about our capacity to deliver projects • Engagement with private landholders to achieve catchment and natural resource management outcomes • Consistent and proactive delivery of reconciliation actions
Information and knowledge	<ul style="list-style-type: none"> • Understanding where opportunities exist and where to invest our efforts for the best return • Knowing when it will be most beneficial to buy in expertise to supplement existing knowledge or capacity to deliver projects • Developing an effective reward and recognition program • Identifying where unique skill sets and technical competencies exist and building business continuity in those areas
People	<ul style="list-style-type: none"> • Combining the functions of three entities • Everyone knowing what they are required to do and are held to account for their performance • Aligning our efforts with our strategic objectives and operational activities • Managing morale in a constantly changing and dynamic environment • Building our brand as an employer of choice
Customers and stakeholders	<ul style="list-style-type: none"> • Maintaining effective communications • Rapidly adapting to change within current resource capacity • Prioritising member council and key stakeholder relationships • Managing different perspectives and expectations
Process management, improvement and innovation	<ul style="list-style-type: none"> • Understanding the capability of our technology and systems • Responding to the speed of change and understanding its impacts • Identifying the best-fit solution • Learning from each other and our experiences • Understanding the processes between Branches and handover points
Results and sustainable performance	<ul style="list-style-type: none"> • Maintaining adequate operational capacity • Building and maintaining the commitment of our partners in the delivery of our activities • Maximising the deployment of existing human resources to achieve optimum productivity • Rapidly responding to changing regulatory requirements • Recognising where our optimum efficiencies are achieved based on cost v. benefit • Maintaining focus on core functions and activities of our county

54 Integrated Planning and Reporting in practice



Planning for the future

...knowing our purpose and goals and how each person in our workforce contributes to achieving them...

...it is the roadmap to achieving our Vision and Mission...

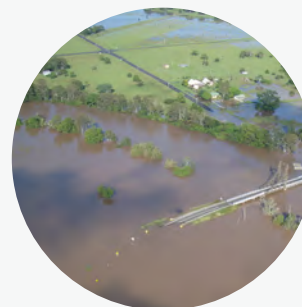
...it sets out what we will do in the long, medium and short term, how we will do it and how we will measure our performance...

Translating the strategy into action

...the high level strategy is unpacked into specific actions through the Delivery program | Operational plan...

...our strategic priorities are supported by a series of goals or objectives and actions...

...each action is aligned with and designed to contribute to the achievement of a strategic priority...



Accountability for doing what we say we will

...one of our corporate Values that features heavily in our Integrated Planning and Reporting framework...

...reporting at least 6 monthly to our governing body reveals whether we are on track or not in delivering against our Delivery program and Operational plan...

...if we are on track we need to recognise and celebrate that. If we are not, we need to be honest about that, understand why and do something about it...

Elements of Integrated Planning and Reporting

1 Business activity strategic plan

Description:

- Main business activity priorities
- Strategic objectives and strategies for achieving those objectives
- Informed by other key strategies (e.g. Disability Inclusion Action Plan and Reconciliation Action Plan)
- Endorsed by Council
- Covers a period of 10+ years

Review: Every 4 years



2 Resourcing strategy

Description:

Long term financial plan

- Modelled on a 30 year timeframe; includes projected income and expenditure, balance sheet and cash flow statement; planning assumptions used to develop the Plan; sensitivity analysis; financial modelling; methods of monitoring financial performance

Workforce management plan

- Modelled on a min. 4 year timeframe; includes human resourcing requirements for the Delivery program

Asset management strategy and plan

- Modelled on a 20 year timeframe; includes an Asset management policy; Strategy (identifies assets that are critical to Council operations and outline the risk management strategies for these assets; includes specific actions required to improve Council's asset management capability and projected resource requirements and timeframes); Plan (encompasses all the assets under Council's control; identifies asset service standards; contains long term projections of asset maintenance, rehabilitation and replacement costs)

Review:
 Reviewed in detail every 4 years in conjunction with the Business activity strategic plan
 Updated annually when developing the Operational plan



3 Delivery program + Operational plan

Delivery program portion description:


- Activities to be undertaken to implement the Business Activity Strategic Plan
- Adopted by Council
- Covers a period of 4 years

Review: Every 4 years

Operational plan portion description:

- Sub-plan of Delivery program
- Adopted by Council
- Covers a period of 1 year

Review: Annual



Delivering Integrated Planning and Reporting

Integrated Planning and Reporting is a legal requirement under the Local Government Act 1993.



Planning

The individual elements consist of a long term business plan (Business activity strategic plan), a 4 year Delivery program, a 1 year Operational plan and a Resourcing strategy. The Resourcing strategy consists of a 30 year long term financial plan, 4 year Workforce management plan and a 20 year Asset management strategy and plan.

Reporting

We publicly report on our achievements and performance in the following ways:

	To whom	When and about what
Annual report	Council Community	<ul style="list-style-type: none"> Once a year. Our achievements in implementing the Delivery program. It includes information about the effectiveness of the principal activities undertaken in achieving the objectives in the Business activity strategic plan.
State of the Environment report	Council Community	<ul style="list-style-type: none"> Once every 4 years (by 30 November in the year in which an ordinary election is held). A health report on the state of the environment in the local government area relevant to the objectives for the environment established in the Business activity strategic plan. Our next State of the Environment report will be delivered in 2020 as a co-ordinated regional initiative with councils across the north and mid-north coast.
Progress report on Delivery program	Council	<ul style="list-style-type: none"> At least every six months. Includes our performance in delivering services under Service Level Agreements in place with member councils.
Quarterly Budget Review Statement	Council	<ul style="list-style-type: none"> Quarterly. A financial health report containing information about financial position in order to enable informed decision making and to ensure that we are on track to meet our objectives, targets and outcomes as set out in the Operational plan. The Code of Accounting Practice and Financial Reporting prescribes the minimum requirements that must be reported.

Informing our framework

Social justice principles

The NSW Government's social justice strategy consists of four elements: equity, access, participation and rights. Our business activity strategic plan has been developed having regard for these principles through:

- Targeted consultation and engagement activities focussing on diversity and inclusion (for example, Workforce management plan, Reconciliation action plan, Disability inclusion action plan)
- Literature review of relevant strategies and plans.

Lessons learned

How did we perform under the previous Integrated Planning and Reporting framework? Did we achieve what we set out to? If not, why? What worked? What could we do better next time?

What is happening now and what we anticipate for the future

An important element of any strategic planning activity is to consider the current and future operating context. What is happening now and what is expected to happen in the future from a political, economic, social and technological perspective.

Some significant changes have occurred leading up to the development of this framework including the dissolution of Far North Coast County Council and Richmond River County Council. With the operations and functions of those counties transferred to Rous County Council, the timing of the development of this framework offers a unique opportunity to relaunch our reformed organisation.

Other matters informing our Integrated Planning and Reporting framework include: stakeholder interests and concerns; changes

arising from the Local Government Amendment (Planning and Governance) Act 2016; the potential future formation of joint organisations of councils; the opportunities to explore and progress regional partnerships and initiatives; Future Water Strategy and supply and demand indicators; compliance with the Best-Practice Management of Water Supply and Sewerage Guidelines (August 2007) and the Australian Drinking Water Guidelines.

Australian Business Excellence framework operating model

The Australian Business Excellence framework is an internationally recognised integrated leadership and management system. It is a performance improvement model based on continuous improvement at all levels with a particular leadership focus on sustainable performance. The framework applies concepts from international best practice leadership models that are applicable to private and public sector organisations. We have used the framework as the foundation of our Integrated Planning and Reporting framework.



Our member council's top priorities as evidenced in their community strategic plans

Ballina

Priorities

- Marina infrastructure
- Health of the Richmond River
- Affordable housing

Priorities that connect us

- Health of the waterways and the Richmond River

Byron

Priorities

- Corporate strategy and integrating Disability inclusion action plan into Integrated Planning and Reporting, streamlining planning with every day functions and service provision, focussing on strong financial sustainability, leveraging of opportunities as they arise.
- Community services improvements, focussing on affordable housing and community infrastructure maintenance through community development services and investment in key community asset and infrastructure.

Priorities that connect us

- Water usage
- Threat to natural environment posed by noxious weeds

Lismore

Priorities

- Affordable housing
- Public transport

Priorities that connect us

- Growth in terms of demand/ supply of water and location (flood free)
- Wilsons River water quality
- Noxious weeds

Richmond Valley

Priorities

- Local employment
- Good roads, parks and open spaces
- Economic development
- Communication and advocacy

Priorities that connect us

- Flood mitigation
- Bushland
- Waterways
- Noxious weeds



Regional, State and Federal strategy

- Australia's First Open Government National Action Plan 2016-18
- Australian Signals Directorate: Strategies to Mitigate Cyber Security Incidents
- Australian Work Health and Safety Strategy 2012–2022
- Biosecurity Strategy 2013-2021
- Far North Coast Regional Strategy 2006-31
- Industry and Investment Corporate plan 2015-2019
- National Local Government Workforce Strategy 2013-2020
- Northern Rivers Invasive Plants Action Strategy 2009-2013 (still current)
- Northern Rivers Regional Plan vision to 2020
- NSW 2021 A Plan to make NSW number one
- NSW Economic Development Framework
- NSW Invasive Species plan 2008-2015 (still current)
- NSW Local Government Workforce Strategy 2016-2020

Consultation

A workshop with council's governing body was held on 15 March 2017 which was an invaluable opportunity to engage with councillors regarding the future direction of the county.

Consultation also occurred with member councils as part of the development of individual service level agreements.

In addition, a public consultation process was undertaken which enabled all interested community members to have input into the Integrated Planning and Reporting framework.

What we stand for

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Mission: Partner with our constituent councils to provide quality services that support a sustainable and productive region.

Vision: Thrive and evolve as a valued regional service provider.



'Be vigilant and active in identifying risk'

Angela Crimmins
HR Office



'Not just looking out for yourself you are also looking out for the group to provide a quality service'

Rhys Oates
Dams and Treatment Operator



'Respect is a lot of things; respect is listening; respect is caring and respect is acting. If you have respect you get trust'

David Morgan
Construction Labourer



'Doing what I say I am going to do makes me a better employee and more respected'

Kylie Van Der Kolk
Bush Regeneration and Weed Control Supervisor



2

Resourcing strategy

- Long term financial plan
- Workforce management plan
- Asset management strategy and plan

Long term financial plan



Workforce management plan



Asset management strategy and plan





3

Delivery program | Operational plan



LEADERSHIP

Our goal	1. Values based leadership and culture.					
What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
1.1 Leaders are visible at all levels of the organisation and are supported to effectively lead and drive performance.	1.1.1 Enhance management and leadership skills.	Y1	Y2	Y3	Y4	PP
1.2 Leaders are responsible for their actions and proactive in building an accountability culture.	1.2.1 Leaders held to account for their performance.			Y3	Y4	PP

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget (\$)	Links to*	Lead
1.1.1.1 Implement leadership program for the Leadership Team.	Improvement in leadership and management skills (assessed before, during and after undertaking the program).	\$	WFMP	GM
1.1.1.2 Develop leadership program for all supervisors.	Identify minimum people and business management competencies for supervisors and devise a recurrent learning and development program including metrics.	\$	WFMP	HSM
	Mandatory people and business management module/s for new supervisors incorporated into the induction and probation process.	\$	WFMP	HSM
1.1.1.3 Leader in Me (LiMe) cohort lead and coordinate activities to ensure currency of signs and symbols.	Legacy branding (signs and symbols) updated/replaced/ disposed (i.e. logos, pre-merger Council names Rous Water, Far North Coast Weeds, Richmond River County Council).	\$	WFMP	GMCC
1.1.1.4 Leader in Me (LiMe) cohort undertaking activities to drive and support culture transformation.	LiMe participants coordinate the review of the corporate 'above and below the line' behaviours so they are tailored, meaningful and relevant for each team and working environment.	\$	WFMP	GM

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget (\$)	Links to*	Lead
	Buddy system in place between LiMe graduates and new cohort.	◆	WFMP	GM
	LiMe graduates and new cohort coordinate and lead All Staff meetings.	\$	WFMP	GM
	LiMe graduates and new cohort develop, lead and coordinate a peer recognition initiative (e.g. for end of year all staff function).	◆	WFMP	GM
	LiMe cohort proactively delivering by various methods, regular communications with the workforce about program activities.	◆	WFMP	GM
	Assess effectiveness of the LiMe program to determine continuation of the program.	◆	WFMP	GM
1.1.1.5 Performance planning and management processes include discussion of individual staff member alignment with Council values.	Individual mission, vision and values discussion held with all staff members at least 6-monthly.	◆	WFMP	HSM
	Record of discussion made by the supervisor and reported to manager upon completion.	◆	WFMP	HSM
1.1.1.6 Lead and coordinate the formation of an information sharing network pilot for county councils.	County council-specific network established for practitioners across the areas of governance, risk management, human services and work health and safety.	◆	BAU	GM
1.1.1.7 Participation in the Joint Organisation of Councils as an associate member.	Rous County Council interests represented in relation to matters related to or associated with core activities.	◆	BAU	GM
	General Manager performing the role of representative on the Natural Resources Management sub-committee and reporting back to the General Manager's group on the sub-committee's operations.	◆	BAU	GM
1.2.1.1 Establish a multi-purpose forum for supervisors to connect with each other and operate as a team.	High-performing supervisor level leadership team where members hold each other accountable, monitor performance metrics and work as a team to resolve problems.	◆	WFMP	GM

Key contributors/lead agencies:

Stakeholder
Workers

Regulator
Office of Local Government

Interest group
Union organisations

*Refer to page 46 for acronym key.

STRATEGY AND PLANNING

Our goal		2. Align strategic direction to core functions and sustainability.				
What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
2.1 Being responsive to the impact of population growth on our core functions.	2.1.1 Develop new Operational Plan (having regard to the actions outlined in the Delivery Program).	Y1	Y2	Y3	Y4	PP
	2.1.2 Develop new Integrated Planning and Reporting framework.				Y4	PP
	2.1.3 Continue with key action 2 of the Future Water Strategy (groundwater).	Y1	Y2	Y3		PD
	2.1.4 Subject to non-viability of key action 2, complete key action 3 of the Future Water Strategy (re-use).			Y3	Y4	PD
	2.1.5 Determine a position regarding the Future Water Strategy (following completion of key actions).			Y3	Y4	PD
2.2 Strategic partnerships/relationships supportive of our mission and vision.	2.2.1 Partner with stakeholders to facilitate implementation of the Coastal Zone Management Plan for the Richmond River catchment.	Y1	Y2	Y3	Y4	PD
	2.2.2 Partner with stakeholders for the ongoing development of Flood Management Plans for the Richmond River catchment.	Y1	Y2			PD
2.3 Business activity contributes to local and regional growth and optimal environmental outcomes.	2.3.1 Implement Reconciliation Action Plan.	Y1	Y2	Y3	Y4	CC
	2.3.2 Develop new Reconciliation Action Plan (informed by the Reconciliation Action Plan Advisory Group) that is endorsed by Reconciliation Australia.		Y2		Y4	CC
	2.3.3 Develop a strategy to reduce greenhouse gas emissions.	Y1				PD
	2.3.4 Implement greenhouse gas abatement strategy.		Y2	Y3	Y4	PD
	2.3.5 Implement enhanced Demand Management Plan.	Y1	Y2	Y3	Y4	PD
	2.3.6 Review effectiveness of energy efficiency measures (Administration Building).		Y2			CC
	2.3.7 Review options pre-release Stage 7 of the Perradenya Estate, related to satisfaction of conditions (water reclamation and integrated allotments).				Y4	CC

*Refer to page 46 for acronym key.



What achieving our goal will look like

How we will achieve our goal

Delivery

2017/18

2018/19

2019/20

2020/21

Group*

2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.

2.4.1 Review Capital Works Plan (major review).	Y1			Y4	PD
2.4.2 Implement Capital Works Plan.	Y1	Y2	Y3	Y4	PD
2.4.3 Implement Disability Inclusion Action Plan.	Y1	Y2	Y3	Y4	PD
2.4.4 Review Disability Inclusion Action Plan.				Y4	PP
2.4.5 Review the Drinking Water Management System.	Y1				PD
2.4.6 Complete operational readiness actions as identified in the Drought Management Plan	Y1	Y2	Y3		PD
2.4.7 Assess physical security review audit results and develop implementation plan.	Y1	Y2	Y3	Y4	CC
2.4.8 Implement physical security review improvements.	Y1	Y2	Y3	Y4	PD
2.4.9 Establish and embed a consistent and integrated approach to workforce planning.	Y1	Y2	Y3	Y4	PP
2.4.10 Implementation of advanced asset management planning.	Y1	Y2	Y3	Y4	PD
2.4.11 Develop IT Strategic Plan.	Y1			Y4	CC
2.4.12 Staged implementation of IT Strategic Plan.		Y2	Y3	Y4	CC
2.4.13 Staged implementation of Catchment Management activities.	Y1	Y2	Y3	Y4	PD
2.4.14 Implement Rous County Council activities as outlined in the Coastal Zone Management Plan for the Richmond River catchment.	Y1	Y2	Y3	Y4	PD
2.4.15 Develop a corporate properties management plan (proposed Dunoon Dam, operational and commercial properties).		Y2	Y3		CC
2.4.16 Service level agreement negotiation for exercise of 2 year option (Tweed Shire Council).		Y2			OP
2.4.17 Service level agreements revised and new agreements in place (constituent councils).			Y3	Y4	OP
2.4.18 Develop Richmond Water Laboratories strategic business options paper.		Y2			CC
2.4.19 Develop Catchment Management Plans for all council water sources (excluding groundwater).				Y4	PD
2.4.20 Review the Drought Management Plan.				Y4	PD
2.4.21 Service level agreement revised and new agreement in place (Kyogle Council).				Y4	OP
2.4.22 Develop new Audit Risk and Improvement Committee internal audit strategy.		Y2			PP
2.4.23 Develop Strategic Plan for targeted flood mitigation research and grants	Y1		Y3		PD
2.4.24 Implement a targeted weed eradication and control plan.		Y2	Y3	Y4	OP

What we will do in Y3: 2019/20

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Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.1.1.1 Develop Operational Plan for 2019/20.	Operational Plan adopted by 30 June 2020.	\$	AMP; LTFP; WFMP	GMPP
2.1.3.1 Undertake detailed investigation to assess the suitability of increased use of groundwater as a new water source.	Complete detailed assessment on the remaining 3 shortlisted ground water investigation areas for suitability as a new groundwater source.	\$	FWS	PM
	Provide a report to Council on the outcome of the groundwater sources investigation as a future water strategy option.	\$	FWS	PM
2.1.4.1 Preliminary investigations of key action 3 (re-use).	Seek formal advice from regulators to confirm position on indirect potable re-use and approval process to assess risk to human health and environment.	◆	FWS	PM
	Assess feasibility and develop concepts for indirect potable reuse at Emigrant Creek Dam from the Ballina and Lennox Head Wastewater Treatment plants to provide an alternative water source.	\$	FWS	PM
	Assess feasibility and develop concepts for indirect potable reuse at Emigrant Creek Dam from Alstonville and Bangalow Wastewater Treatment plants to provide an alternative water source.	\$	FWS	PM
	Assess feasibility and develop concepts for indirect potable reuse for Lismore Wastewater Treatment plants to provide indirect potable reuse at the Wilsons River water source.	\$	FWS	PM
	Twice yearly status updates to Council including recommendations on funding and timing for next steps on indirect potable re-use.	◆	FWS	PM
2.1.5.1 Update on progress of the Future Water Strategy.	Develop and implement a plan for community re-engagement and communication.	\$	FWS	PM
2.2.1.1 Progress implementation of the Coastal Zone Management Plan for the Richmond River catchment through the Coastal Zone Management Plan Implementation Committee.	Facilitate meetings of the Coastal Zone Management Plan Implementation Committee.	\$	CZMP	NRMPC
2.3.1.1 Implement Reconciliation Action Plan.	Actions for 2019/20 completed.	\$	RAP	GMCC

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.3.1.2 Complete the Reconciliation Action Plan Impact Measurement Report.	Report to Reconciliation Australia annually on performance against key Reconciliation Action Plan targets to track and measure the broader impact of the Reconciliation Action Plan program.	\$	RAP	GMCC
2.3.4.1 Implement Greenhouse Gas Abatement Strategy.	Install solar PV at Nighcap Water Treatment Plant.	\$	GGAS	DM
	Provide a status report to Council on the progress of implementation of the Greenhouse Gas Abatement Strategy.	◆	GGAS	DM
2.3.5.1 Enhanced Demand Management Plan actions.	Provide an end of year performance report to Council on the progress of the implementation of the Regional Demand Management Plan..	\$	DMP	WSO
	Support the preparation and implementation of Water Loss Management Plans for each constituent council	\$	DMP	WSO
	Implement the Rous County Council Water Loss Management Plan.	\$	DMP	WSO
	Actively promote the Sustainable Water Partnership Program to targeted customers.	\$	DMP	WSO
	Implement 3 water saving projects identified in the water saving plans.	\$	DMP	WSO
	Complete the Regional Smart Metering study and endeavour to secure regional agreement on the overall approach.	\$	DMP	WSO
	Develop procedures for implementation of recycled water rebates and reporting requirements.	\$	DMP	WSO
	Partner with constituent councils in the development of regional demand management promotional material.	\$	DMP	WSO
	Achieve 65 rainwater residential tank rebates per annum.	\$	DMP	WSO
	Continue to implement promotional material and provide training programs for constituent council staff, plumbers and tank suppliers with respect to the rainwater residential rebate program.	\$	DMP	WSO
Continue to implement and undertake engagement activities for the 160 Litre Challenge.	\$	DMP	WSO	

**Refer to page 46 for acronym key.*



Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.4.2.1 Implement Capital Works Plan.	Quarterly Budget Review Statement report to Council includes financial reporting information for the Capital Works Plan..	◆	LTFP	FM
	Project Management Framework monthly reports completed on time (within 10 days of the end of the calendar month).	◆	BAU	GM
	80% of Capital Works Plan delivered.	◆	CWP	DM
	Key project delivered: Segment 1 - St Helena 600 pipeline.	\$	CWP	DM
	Key project delivered: Stage 1 - Broadwater pipeline.	\$	CWP	DM
	Key project delivered: Nightcap raw water pump upgrade.	\$	CWP	DM
	Key project delivered: Elevated steel pipeline corrosion remediation.	\$	CWP	DM
	Key project delivered: Nightcap Water Treatment Plant Ozone Dosing System Improvements.	\$	CWP	DTEM
	Key project delivered: Nightcap Water Treatment Plant Chemical Storage Area final design documentation completed	\$	CWP	APE
	Key project delivered: Identified lower river flood levees an heavy maintenance items completed.	\$	CWP	DM
2.4.2.1 Review staff induction process to include access awareness.	All new staff inducted in Council's Disability Inclusion Action Plan, and how it relates to them and the community.	◆	DIAP	HSM
2.4.3.2 Staff training in access awareness.	Develop training for implementation in Y4.	◆	DIAP	HSM
2.4.3.3 Promote Council's Disability Inclusion Action Plan in the local community.	Disability Inclusion Action Plan promoted on Council's website.	◆	DIAP	CEC
2.4.3.4 Promote Council services and events that are inclusive/accessible.	Services and events promoted on Council's website.	◆	DIAP	CEC
2.4.3.5 Review event management documents/practices.	Event management documents/practices current and include accessibility content.	◆	DIAP	CEC



*Refer to page 46 for acronym key.

Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.4.6.1 Complete Rous' operational readiness actions as identified in the Drought Management Plan	Seek agreement for constituent councils to use standardised communication materials prepared by Rous County Council when applying restrictions to their own local water supplies.	◆	DMP	SPE
	Support the preparation and implementation of the Regional Drought Management Plan for each constituent council's local water supply scheme.	\$	DMP	SPE
	Finalise drought management plan templates, guidelines and resources for non-residential customers.	\$	DMP	SPE
2.4.7.1 Review security audit report and develop implementation plan.	Status of outstanding actions and priorities determined.	◆	AMS	PPC
2.4.8.2 Install enterprise keying system in high risks sites in conjunction with planned works.	Achieved.	\$	AMS	PPC
2.4.9.1 Workforce planning sessions with Leadership Team (for forecasting, assessment, challenge and review, monitoring and succession planning).	Two workforce planning sessions per annum (including review of succession plan and business critical roles).	◆	WFMP	HSM
	Biannual workforce report to Leadership Team.	◆	WFMP	HSM
2.4.10.1 Develop a workflow/procedure for reporting on asset management activities and reporting metrics to assess improvements in asset management.	Workflow developed	◆	AMP	APE
2.4.10.2 Develop a position paper recommending the appropriate natural resource management initiatives for water supply assets for consultation with constituent councils.	Constituent councils consulted on position paper for natural resource management initiatives for water supply assets.	◆	AMP	APE
2.4.10.3 Identify Rous County Council's core flood mitigation responsibilities and redundant flood management assets.	Strategic triple bottom line review of flood mitigation assets completed.	◆	AMP	SPE
2.4.10.4 Develop a business plan recommending the appropriate natural resource management initiatives for flood mitigation assets	Constituent councils consulted on business plan for natural resource management initiatives for flood mitigation assets	◆	AMP	NRMPC
2.4.10.5 Undertake revaluation of flood mitigation assets	Revaluation completed and updated in asset register.	◆	AMP	FM
2.4.10.6 Develop process for assessment of condition of flood mitigation assets considering remaining useful life, criticality and desired function.	Process documented prior to revaluation of flood mitigation assets.	◆	AMP	APE
	Inspect all assets and record information in asset management system.	◆	AMP	APE

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.4.10.7 Verify GIS mapping and stored data for all flood mitigation assets.	Asset data reviewed and updated.	◆	AMP	APE
2.4.10.8 Develop revised levels of service and maintenance requirements in consultation with constituent councils based on a review of asset ownership and responsibilities, risk management, asset condition, maintenance, inspection and natural resource management requirements.	Draft of revised service levels and maintenance requirements prepared in advance of future changes to Service Level Agreements.	◆	AMP	GMO
2.4.10.9 Determine renewal requirements for flood mitigation assets.	Review and update Capital Works Plan for flood mitigation assets, following preparation of documented process for asset assessment (to be completed following 2.4.10.6).	◆	AMP	APE
2.4.10.10 Develop a flood mitigation services funding model for consultation with constituent councils.	Develop a funding model based on operational requirements following the completion of the strategic review and consult with constituent councils.	◆	AMP	FM
2.4.10.11 Determine the long term financial plan associated with the Lismore Levee.	Position determined in respect to responsibility for ownership (including operation and maintenance) and funding.	◆	AMP	GM
	Memorandum of Understanding between Rous and Lismore City Council revised to reflect agreed position	◆	AMP	GM
2.4.12.1 Deliver ICT Business Plan 2019-21.	Progress report to the Leadership Team on implementation of plan.	◆	BAU	ICTM
2.4.13.1 Council owned areas of buffer zones/catchment lands are managed to meet identified objectives for water quality management purposes through ongoing maintenance effort.	Work progresses on Council owned buffer zone lands in line with the Maintenance Management Plan, as evidenced by end of year status report.	\$	BRMMP	WBBRM
2.4.13.2 River Reach Plan - Implement Year 3 works identified in riparian zone restoration partnerships with property owners in Emigrant Creek catchment.	Implement Year 3 maintenance of weed control/planting zones on 6 properties and conduct bed and bank stabilisation at 1 high priority site within the subject reach of Emigrant Creek catchment.	\$	DWMS	NRMPC
2.4.14.1 Develop floodgate management plans/protocols for Rous County Council's critical infrastructure sites as identified in the Rous County Council service level agreements (CZMP 4b).	Complete 40 active floodgate management plans (out of total of 62).	◆	CZMP	FEO
2.4.14.2 Rehabilitate very high/high priority riparian restoration sites (CZMP 6a).	Implement riparian improvement works on 1 ha.	\$	CZMP	NRMPC
2.4.14.3 Partner with constituent councils to develop educational collateral in relation to wastewater/onsite sewerage management and practices (CZMP 10b).	Rollout of educational collateral subject to successful funding application.	Grant funded	CZMP	NRMPC
2.4.14.4 Proceed to commence development of a Coastal Management Program (CMP) for the Richmond River estuary.	Stage 1: Scoping study completed.	\$	CZMP	NRMPC

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
2.4.15.1 Lead review on strategic and management plans for operational and commercial properties.	Strategic and management plans endorsed by Council.	\$	LTFP	GMCC
2.4.15.2 Conduct a preliminary 12 month triple bottom line assessment of Rocky Creek Dam, Emigrant Creek Water Walk, Whian Whian Falls.	Complete a preliminary financial, environmental and social assessment of the value of Rocky Creek Dam, Emigrant Creek Water Walk, Whian Whian Falls.	\$	AMP	CEC
	Review preliminary assessment and determine a position on progressing a detailed economic impact assessment in Y4.	◆	AMP	CEC
2.4.17.1 Service level agreements revised and new agreements in place (consituent councils).	Kick-off meetings held with Constituent Councils to discuss broad scope.	◆	BAU	GM
	Draft agreements presented to each council.	◆	BAU	GM
2.4.23.1 Develop a program of works with research partners.	Complete the Lismore Flood Risk Management Study.	\$	BAU	SPE
	Commence the Lismore Flood Risk Management Plan.	\$	BAU	SPE
2.4.23.2 Support the constituent councils by developing a flood intelligence portal/warehouse	Seek grant and other funding opportunities to support a regional flood intelligence portal/warehouse	\$ and Grant funding req.	BAU	SPE
2.4.23.3 Assess the vulnerability and tolerability of Council infrastructure to the effects of climate change.	Seek funding through the NSW Office of Environment and Heritage to undertake a resilience and adaptation study for Council's infrastructure.	\$ and Grant funding req.	BAU	SPE
2.4.23.4 Develop a program of works with research partners targeting flood mitigation	Agreed program of works for 2020/21 and commencement of priority projects.	\$	BAU	SPE
2.4.23.5 Support the revision of the Richmond Valley Council Flood Risk Management Plan (Casino and Mid-Richmond floodplain)	Contribute to a data gap analysis and compilation for the purpose of updating the Flood Risk Management Study.	\$	BAU	SPE
2.4.24.1 Implement a targeted weed eradication and control plan.	Develop a localised (Rous area) weed control plan for reprioritisation of effort to achieve greatest return on investment in line with Regional and State priorities.	◆	Regional priorities	WBBRM

*Refer to page 46 for acronym key.



Key contributors/lead agencies:

Stakeholder

Aboriginal groups
 Community
 Disability service providers
 Landholders and the floodplain communit
 Member councils
 Roads and Maritime Services
 Workers

Interest group

Australian Government, Department of
 Communications and the Arts
 Chamber of Commerce
 Computer Emergency Response Team Australia
 CZMP Implementation Committee
 NSW Department of Industry - Lands
 Northern Rivers Regional Organisation of Councils
 Tourism operators
 Universities and research institutions

Regulator

Australian Government, Department of Defence Australian Signals Directorate
 Australian Government, Department of the Environment and Energy
 Independent Commission Against Corruption
 Lismore City Council
 NSW Audit Office
 NSW Department of Primary Industries
 NSW Health
 NSW National Parks and Wildlife Service
 NSW Office of Environment and Heritag
 NSW Office of ater
 NSW Ombudsman
 Office of Local Governmen
 Office of the Information Commissione
 Office of the Privacy Commissione



INFORMATION AND KNOWLEDGE

Our goal 3. Create value through applying knowledge.

What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
3.1 We will better utilise the knowledge and expertise of our people and the knowledge embedded in our organisational systems to inform decision-making and enhance transparency, business continuity and resilience.	3.1.1 Optimise current information management systems and processes.	Y1	Y2	Y3	Y4	CC / PP / OP/PD
	3.1.2 Review and update the Emergency Response Plans.	Y1	Y2	Y3	Y4	OP
	3.1.3 Minimise risks and optimise efficiencies	Y1	Y2	Y3	Y4	CC / PP / OP/PD
	3.1.4 Maximise the full potential of our workforce.	Y1	Y2	Y3	Y4	PP
	3.1.5 Encourage transparency and an effective risk culture across Council.		Y2	Y3	Y4	PP
	3.1.6 Continually review Council’s policies and procedures for suitability and currency.		Y2	Y3	Y4	PP
	3.1.7 Develop and implement a compliance and enforcement framework.		Y2	Y3	Y4	PP

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget \$	Links to*	Lead
3.1.1.1 Review field data capture software and hardware to ensure ongoing currency.	Project to review current situation, recommend hardware and software solutions, and implementation is completed by 1 July 2020.	\$	ITSP	GMO
3.1.2.1 Review the Emergency Response Plans and supporting appendices to ensure currency.	Achieved.	◆	ERP	GMO

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
3.1.2.2 Partial field exercise	Exercise completed.	\$	ERP	GMO
3.1.3.1 Use business analysis techniques to map key end to end processes/workflows (linked to merger transition plan).	Customer service business processes mapped.	\$	WFMP	GM
	Business efficiencies identified and implemented	\$	WFMP	GM
3.1.3.2 Complete review and, if necessary, redraft of Risk Management policy.	Risk Management policy reviewed and updated to reflect Council's risk appetite.	◆	BAU	RISC
3.1.3.3 Perform security focused external review of a key Information Technology system.	Review result reported to Leadership Team (including actions arising).	\$	BAU	ITM
3.1.3.4 Review and update internal communications framework.	Organisational performance results accessible to all staff and discussed at group/team meetings.	◆	WFMP	CEC
3.1.3.5 Investigate the use of technology to reduce operational risks.	Feasibility and needs analysis into the use of body camera technology to reduce risks of physical and verbal assaults against field staff.	◆	BAU / WHSMS	RISC
3.1.3.6 Investigate the expanded use of existing technology to reduce operational risks.	Feasibility study into the use of Unmanned Aerial Vehicles (currently used for property and biosecurity works) for high/very high risk activities.	◆	BAU / WHSMS	RISC
3.1.4.1 Identify and provide opportunities for employees to temporarily transfer to other positions in the organisation.	Arrangements for employees to relieve in temporarily vacant positions (including pending the permanent filling of a position, staff absences of >4 weeks and project-based work) are considered prior to a decision to externally recruit or a decision not to backfill	◆	BAU	HSM
3.1.5.1 Embed Governance Framework document into existing organisational systems.	Governance Framework (including supporting commentary) publicly available via the website and staff via the Rous Wiki.	◆	BAU	RISC
	Governance induction updated to include an explanation of the Governance framework, and material developed for staff communications/ training.	◆	BAU	GO
3.1.5.2 Subject to sign-off by the Leadership Team following the initial trial of work health and safety mobile technology solution (Vault), expand the rollout to include existing features/functionality to assist with documenting operational risks.	Auditable evidence of the use of Vault.	◆	WHSMS	WHSO
	Staff trained and competent to use Vault.	◆	WHSMS	WHSO

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
3.1.6.1 Ongoing review of policies and procedures for suitability and currency.	Quarterly progress report on renewal status of policies and procedures to Leadership Team.	◆	BAU	RISC
3.1.7.1 Facilitate implementation of Compliance and Enforcement Framework and development of procedural documentation.	Provide assistance throughout the implementation phase by facilitating the development of Standard Operating Procedures and relevant supporting documentation.	◆	BAU	GO

**Refer to page 46 for acronym key.*

Key contributors/lead agencies:

Stakeholder

Community
Workers

Regulator

SafeWork NSW

Interest group

Emergency Services
Insurers
Member councils
Safe Work Australia



 PEOPLE

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Our goal	4. Organisational capability through our people.					
What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
4.1 A high performing team enriched through diversity.	4.1.1 Measure and improve employee engagement.	Y1	Y2	Y3	Y4	PP
	4.1.2 Invest in employee skill development.	Y1	Y2	Y3	Y4	PP
	4.1.3 Build and attract a diverse workforce.	Y1	Y2			PP
4.2 A workplace where safety and wellbeing come first	4.2.1 Implement the Work Health and Safety Management System.	Y1	Y2	Y3	Y4	PP
	4.2.2 External implementation audit of Work Health and Safety Management System.		Y2			PP
	4.2.3 Review and update Work Health and Safety Management System.			Y3	Y4	PP

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget \$	Links to*	Lead
4.1.1.1 Conduct employee 'pulse' surveys.	Improvements in employee engagement from initial survey results (measured using pulse survey).	\$	WFMP	HSM
	Monthly employee communications using a variety of channels.	◆	WFMP	HSM
4.1.2.1 Identify and provide opportunities for employees to acquire a wider skill set.	Performance review process incorporates employee skills development through informal professional development and training opportunities.	◆	BAU	HSM
4.2.1.1 WHS management reporting.	Officers (Leadership Team) informed of WHS performance and accountable for continuous improvement in workplace safety.	◆	WHSMS	RISC
4.2.1.2 Employee participation in in-house WHS training activities and national safe work month (October).	Program of safety, health and well being related awareness raising activities undertaken.	\$	WHSMS	RISC
	All allocated SafetyHub training completed.	\$	WHSMS	RISC
	More than 50% of workforce actively participate in a national safe work month activity.	\$	WHSMS	RISC

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
4.2.3.1 Progress action plan following WHS internal audit.	Actions prioritised and progress against implementation reported to the Audit, Risk and Improvement Committee.	◆	BAU / WHSMS	RISC

**Refer to page 46 for acronym key.*

Key contributors/lead agencies:

Stakeholder

Community
Workers and their families

Regulator

Insurance and Care NSW
Office of Local Government
SafeWork NSW
State Insurance Regulatory Authority

Interest group

Insurers
Safe Work Australia
Union organisations





CUSTOMERS AND STAKEHOLDERS

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Our goal	5. Proactive management of relationships with member councils and key stakeholders.					
What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
5.1 Mutual understanding of needs, priorities, expectations, functions, operations, service standards, span of control and influence	5.1.1 Document processes for effectively managing customer and other stakeholder relationships.	Y1		Y3	Y4	PP
	5.1.2 Participation in Performance Audits undertaken by the NSW Audit Office	Y1	Y2	Y3	Y4	CC
5.1 Mutual understanding of need	5.2.1 Business process and service standards that complement Council's Employee Value Proposition.	Y1	Y2	Y3	Y4	PP

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget \$	Links to*	Lead
5.1.1.1 Implement Communication and Engagement Strategy.	Actions for 2019/20 completed.	\$	CESP	CEC
5.1.2.1 Participation in NSW Audit Office performance audit reviews.	Achieved.	◆	CSP	FM
5.1.2.2 Self-assessment audit of fraud control.	Fraud controls assessed against the Audit Office's Fraud Control Improvement Kit.	◆	CSP	FM

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
5.2.1.1 Establish service standards for key business processes to optimise attraction and retention.	Vacancies are filled within 90 business days of approval to recruit.	◆	WFMP	HSM
	Less than or equal to 5% turnover for new employees within first 18 months post probation	◆	WFMP	HSM
	Recruitment and selection activities promote and comply with Equal Employment Opportunity principles.	◆	WFMP	HSM
	As measured through employee pulse surveys, at least 90% of new employees are satisfied with the induction process	◆	WFMP	HSM

**Refer to page 46 for acronym key.*

Key contributors/lead agencies:

Stakeholder

- Community
- Landholders and the floodplain community
- Member councils
- Retail customers
- Service level agreement customers

Regulator

- NSW Audit Office
- Office of Local Government

Interest group

- Northern Rivers Regional Organisation of Councils





PROCESS MANAGEMENT, IMPROVEMENT AND INNOVATION

Our goal	6. Continuous improvement through process management and innovative thinking.
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What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
6.1 Recognising and being open to opportunities for improvement through innovation.	6.1.1 Implement an end-to-end agenda and minute technology solution.				Y4	GM
	6.1.2 Staged digitisation of paper records.		Y2	Y3	Y4	CC
	6.1.3 Review the relevancy of tests, limits and matrices in reference to customer service level agreements (Richmond Water Laboratories).	Y1	Y2		Y4	CC
	6.1.4 Determine appropriate NATA accreditation (Richmond Water Laboratories).	Y1	Y2		Y4	CC
	6.1.5 Develop a new competency framework.			Y3	Y4	PP
	6.1.6 Review procurement process and systems.			Y3		CC
	6.1.7 Develop business case for any proposed non-core business activity to inform decision on whether to proceed with the activity/project.	Y1	Y2	Y3	Y4	CC / PP / OP / PD
	6.1.8 Create a performance culture linked to turnaround times for key business processes.	Y1	Y2	Y3		CC / PP / OP / PD
	6.1.9 Optimise efficiencies in people management processes		Y2	Y3	Y4	CC / PP
	6.1.10 Audit administration of the Development Servicing Plan for Bulk Water Supply.		Y2			CC

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget \$	Links to*	Lead
6.1.2.1 Staged digitisation of paper records.	Plan for digitisation of paper records developed and costed.	◆	BAU	ICTM
6.1.5.1 Reevaluation of all positions and development of new position descriptions.	50% completed.	\$	WFMP	HSM
	Position determined in relation to universal competencies and capability framework in position descriptions.	\$	WFMP	HSM

*Refer to page 46 for acronym key.



Activity	How we will measure our performance	Budget \$	Links to*	Lead
6.1.6.1 Review 'Procurement' and 'Tenders' policies and procedures.	Relevant policies and procedures reviewed and updated.	\$	BAU	PPC
	Enhanced opportunities for engaging disability employment providers.	◆	DIAP	PPC
	Enhanced opportunities for engaging indigenous employment providers.	◆	RAP	PPC
6.1.7.1 Project gateway process implemented.	All projects captured in the Project Management Framework assessed through a Prioritisation Framework.	◆	BAU	GM
6.1.8.1 Review and document Customer Service processes.	Commence implementation of endorsed recommendations from the Customer Service review.	\$	BAU	CC
6.1.8.2 Review and redefine People and Performance Group business processes.	Streamline internal business processes and reduce red tape across functional areas (Human Services/Risk and Compliance/Communications and Engagement).	◆	BAU	GMPP
6.1.9.1 Scope business needs for Human Resources Information Management System (end-to-end technology solution) to reduce risk and optimise efficiencies	Specification to inform selection process for technology solution completed and timing of future implementation determined.	\$	WFMP	HSM

*Refer to page 46 for acronym key.

Key contributors/lead agencies:

Stakeholder

Community
Member councils
Members of the governing body
Retail water customers
Workers

Regulator

National Association of Testing Authorities

Interest group

Aboriginal groups
Chamber of Commerce
Disability service providers
Union organisations



RESULTS AND SUSTAINABLE PERFORMANCE

Our goal	7. Sustainable performance.					
What achieving our goal will look like	How we will achieve our goal	Delivery				Group*
		2017/18	2018/19	2019/20	2020/21	
7.1 We are recognised as a valued regional service provider and reliable cost effective deliverer of our core functions and operations.	7.1.1 Deliver functions and operations according to service level agreements in place.	Y1	Y2	Y3	Y4	OP
	7.1.2 Achieve or exceed financial budget forecast in net profit (Richmond Water Laboratories).	Y1	Y2	Y3	Y4	CC
	7.1.3 Deliver services according to service contracts in place (Richmond Water Laboratories).	Y1	Y2	Y3	Y4	CC
	7.1.4 Release Stage 5 (release 2) of the Perradenya Estate (construction and sale).	Y1	Y2			CC
	7.1.5 Release Stage 6 of the Perradenya Estate.			Y3	Y4	CC
7.2 Levels of service align with agreed priorities, financial and asset capability and long-term financial plans	7.2.1 Water quality monitoring.	Y1	Y2	Y3	Y4	OP
	7.2.3 Monitor and report on actions to mitigate risk of environmental harm from activities (environmental action list).	Y1	Y2	Y3	Y4	PD
	7.2.4 Review water charges having regard to relevant best practice industry guidelines for non-metropolitan water utilities.		Y2		Y4	CC

What we will do in Y3: 2019/20

Activity	How we will measure our performance	Budget \$	Links to*	Lead
7.1.1.1 Performance report issued to Service Level Agreement parties in relation to delivery of services subject to the agreement.	Copy of performance report issued with Delivery Program report.	◆	DP	GMO
7.1.1.2 Performance report issued to Councillors in relation to delivery of services subject to Service Level Agreements as part of communications with General Managers.	Copy of performance report issued with Delivery Program report.	◆	DP	GMO

*Refer to page 46 for acronym key.

Activity	How we will measure our performance	Budget \$	Links to*	Lead
7.1.1.3 Identified buffer zone areas which are privately owned or on school land reach 'maintenance standard', and are handed back to their owners.	Work has been carried out to bring affected land to the required standard and buffer zone areas are handed back to landowners for ongoing management.	\$	BRMMP	NRMPC
7.1.2.1 Achieve or exceed adopted financial budget forecast in net profit (Richmond Water Laboratories).	Achieved.	◆	LTFP	RWLM
7.1.3.1 Deliver services according to service contracts in place (Richmond Water Laboratories).	Achieved.	◆	RWLSP	RWLM
7.1.5.1 Continue to progress design, cost and construction of Perradenya cycle path in negotiation with Lismore City Council.	Construction budget, timetable and way forward considered by Council.	\$	BASP	GMCC
7.1.5.2 Complete all development and construction requirements for the marketing of Perradenya Release 6.	Land title registration achieved for individual lots.	\$	BASP	GMCC
7.2.1.1 Water quality monitoring report card for Drinking water supply monitoring programs.	Report card produced and provided to NSW Health.	◆	DWMS	GMO
7.2.3.1 Report on progress of actions to mitigate risk of environmental harm from activities (environmental action list).	Provide an update report to Council until actions on the action list are closed out.	◆	BAU	APE

*Refer to page 46 for acronym key.

Key contributors/lead agencies:

Stakeholder

Community
 Developers
 Local government service level agreement parties
 Member councils
 NSW Land and Property Information
 NSW North Coast Weeds Advisory Committee

Regulator

Australian Government, Department of the Environment and Energy
 Lismore City Council
 Local Land Services
 NSW Audit Office
 NSW Department of Primary Industries
 NSW Health
 NSW Office of Environment and Heritage
 NSW Office of Water
 Office of Local Government

Interest group

Financial institutions
 Queensland government
 Reserve Bank of Australia
 Special medical groups (hospitals, nursing homes, etc.)
 The Water Directorate

Delivery program 2017/18-2020/21 Operational plan 2019/20

Acronym key:

◆	Activity involves staff time and consumable type costs funded through existing operating/recurrent allocations.
\$	Activity has a budget allocation.
AMS	Asset management strategy and plan
BAU	Business as usual
BASP	Business activity strategic plan
BRMMP	Bush Regeneration Maintenance Management Plan
CC	Corporate and Commercial Group
CESP	Communications and Engagement Strategic Plan
CSP	Client service plan
CZMP	Coastal zone management plan
DIAP	Disability inclusion action plan
DMP	Demand management plan
DWMS	Drinking water management system
ERP	Emergency response plan
FMRSP	Flood mitigation and research strategic plan
FWS	Future water strategy
GGAS	Greenhouse gas abatement strategy
ITSP	IT strategic plan
LTFP	Long term financial plan
OP	Operations Branch
PD	Planning and Delivery Branch
PP	People and Performance Group
RAP	Reconciliation action plan
RWLSP	Richmond Water Laboratories strategic plan
SLA	Service level agreements (member council and other councils)
WFMP	Workforce management plan

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Statement of Revenue Policy – 2019/20

This Policy details the basis for the determination of member council contributions and other relevant revenue streams that inform Council’s financial plans. It is designed to ensure funding is available to maintain agreed levels of service and to provide adequate financial capacity for planned capital works and therefore sustainability of services for the region.

This Policy forms part of Council’s long term financial plan, which requires a balance of funds from existing operations, established restricted cash assets, and new sources of revenue including loan funds for those assets required due to growth.

Income

Bulk water

Bulk water sales revenue from member councils and direct retail customers, is calculated on the gross dollar yield required to fund bulk water supply activities. For 2019/20, the gross dollar yield is \$18,530,500 which is an increase of \$712,700 (4.0%) on the previous year.

Supply Area	Proportional Weighting	2019/20 \$
Lismore City Council	29.15%	5,402,400
Byron Shire Council	23.44%	4,343,100
Richmond Valley Council	6.35%	1,176,400
Ballina Shire Council	32.97%	6,108,700
Rous County Council Direct Retail	8.09%	1,499,900
	100.00%	18,530,500

Member councils’ contribution of required revenue is calculated based on prior year consumption.

In 2019/20 the notional price per kilolitre of water charged to member councils and Council’s Retail Water Fund is \$1.66 per kilolitre.

Retail customers

In accordance with Independent Pricing and Regulatory Tribunal (IPART) and NSW State Government's 'Best Practice Management of Water and Sewage Guidelines', Council applies the principle of two-part tariff with quarterly meter reading and billing.

For 2019/20, the price per kilolitre will increase by 2.7% in line with the long term financial plan to \$2.43 per kilolitre. Fixed fee facility charges will also increase by 2.7%.

Development servicing plan

Section 64 of the *Local Government Act 1993* allows Council to levy developers with a contribution charge to provide a source of funds devoted to the augmentation program resulting from increased demand.

The Development Servicing Plan for Bulk Water Supply 2016 was adopted by Council at its June 2016 meeting, effective 1 July 2016. The plan is in accordance with the 'best practice' guidelines as issued by the NSW Office of Water.

For 2019/20, in accordance with the plan, the charge increases by \$145 (1.7%) to \$8,733 per Equivalent Tenement.

Weed biosecurity

Council levies assessments on member Councils based on the following formula, which was adopted in 1994 and confirmed by review in 2003 and 2004. The formula is on the basis of 50% Part A and 50% Part B:

Part A: area % + length of roads % + number of rural holdings % + population %.

Part B: number of property inspections % + weed control costs %.

Since July 2013 the contribution weighting has been fixed with the contribution amount increased annually by the rate peg percentage which is determined annually by IPART.

Effective 1 July 2016 services for Kyogle and Tweed Councils are now provided under a service level agreement. Their fee is based on the same contribution calculation.

For 2019/20, contributions will increase by rate pegging, which is 2.7%. Amounts listed are exclusive of GST.

Service Area	2019/20 \$
Ballina Shire Council	112,600
Byron Shire Council	112,600
Lismore City Council	148,000
Richmond Valley Council	122,400
<i>Kyogle Council*</i>	123,500
<i>Tweed Shire Council*</i>	169,500
	788,600

**Service level agreement.*

Council regularly attracts government funding for weed biosecurity. Council considers grant-funding matching requirements on a case by case basis.

Flood mitigation

Council levies assessments on member Councils based on an even portion of gross revenue.

For 2019/20, contributions will increase by the rate peg, which is 2.7%. Amounts listed below are exclusive of GST.

Service Area - flood mitigatio	2019/20 \$
Ballina Shire Council	213,800
Lismore City Council	213,800
Richmond Valley Council	213,800
	641,400

Ex-drainage union

Council levies assessments on member Councils for works undertaken on ex- drainage union assets, based on the existing contribution amounts, increased annually by the rate peg percentage which is determined annually by IPART.

For 2019/20, contributions will increase by the rate peg, which is 2.7%. Amounts listed below are exclusive of GST.

Service Area - Ex-drainage union	2019/20 \$
Ballina Shire Council	38,200
Lismore City Council	38,200
Richmond Valley Council	3,700
	80,100

Council regularly attracts government funding for flood and estuary related projects. Council considers grant funding matching requirements on a case by case basis.

Write offs – rates, charges and debts to Council

The amount above which rates, charges and debts to Council may be written off only by resolution of the Council is fixed at \$1,000.00 (ex-GST). Council delegates to the General Manager the power to write off rates, charges and debts equal to or below this threshold.

Expenditure

Council’s estimated income and expenditure is contained in the attached Appendix titled *Financial Estimates*.

Borrowings

Council conducts its operations with an approved overdraft limit of \$100,000 provided by the Commonwealth Bank of Australia. This facility is designed to cover short-term liquidity gaps.

Council does not propose to borrow loan funds in the 2019/20 period.

Fees and charges 2019/20

Factors considered in determining fees and charges include: the cost of providing the service or goods; legislative requirements; market conditions and prices; and whether there is a community service obligation.

Code	Description	
L	Regulatory	A statutory charge set by the government.
Z	Zero Cost Recovery	Priced at 'no cost'; met entirely from general-purpose income.
P	Partial Cost Recovery	Priced to make a considerable (between 50% and 75%) contribution towards the operating costs, both direct and indirect, of providing the good/service. The remainder of the costs are met from general-purpose income.
F	Full Cost Recovery	Priced to make a significant (between 75% and 100%) contribution towards the operating costs, both direct and indirect, of providing the good/service. The remainder of the costs are met from general-purpose income.
M	Market	Priced in accordance with the prevailing market.

Goods and Services Tax (GST)

The following schedule of fees and charges has been prepared using the most current GST information. The impact of GST on Fees and charges is subject to change by legislation. Fees and charges are shown with GST included where appropriate at the time of writing.

- T = Deemed to be taxable and fees/charges include GST
- N = Deemed to be non-taxable and fees/charges exclude GST
- E = Deemed to be exempt as the fee/charge is not a consideration

Code	Description	GST	2018/19 (\$)	2019/20 (\$)
Property information				
L	Property information certificate (section 603 <i>Local Government Act 1993</i>)		80.00	80.00 **
F	Property information certificate (section 603 <i>Local Government Act 1993</i>) URGENCY fee ** # ** Subject to confirmation that service is available # This fee is in addition to applicable certificate fe	E	80.00	80.00 **
P	Cancellation/min. processing fee (section 603 <i>Local Government Act 1993</i>)		39.00	40.00
Photocopying and printing				
F	Photocopying A4 (black)	E	1.35 per page	1.40 per page
	Photocopying A3 (black)		1.40 per page	1.45 per page
	Photocopying A4 (colour)		1.45 per page	1.50 per page
	Photocopying A3 (colour)		1.50 per page	1.55 per page
Dishonoured payments or direct debits				
F	The dishonour fee charged by financial institutions for dishonoured payments or direct debits may be passed on to the customer where payments have been rejected from the nominated financial institutio	N	As charged	As charged
Credit card surcharge				
P	Council is charged a fee based on a percentage of the payment amount by the credit card provider when a payment is made by credit card. Council will raise a surcharge against the credit card user at point of sale to recover costs incurred by Council.	N	As charged	As charged
Conduct money				
F	Subpoena to produce	E	Price on application	Price on application
	Subpoena to attend to give evidence* *Generally, the cost of salary and any additional expenses associated with attendance.		Price on application	Price on application

** To be updated when gazetted by the Office of Local Government.

Government Information (Public Access) Fees and charges						
		Application fee	Other charges	Fee refund	Charge reduction	Fee and charge waiver, reduction or refund
Open access information		No	Photocopying charges as per Fees and charges schedule.	N/A	N/A	By written application to the General Manager, and based on the circumstances of the case.
Proactive release		No	Photocopying charges as per Fees and charges schedule.	N/A	N/A	
Informal release (on request)		No	NO	N/A	N/A	
Formal access application	Personal information	\$30.00	First 20hrs free then \$30.00/hr thereafter (ss. 64(1) and 67).	Application not dealt with in time (s. 63(1)). Application invalid (s. 52(5)).	50% discount on processing charges where: <ul style="list-style-type: none"> Applicant can demonstrate financial hardship (by producing evidence that they hold a Pensioner Concession card, are a full-time student, or a non-profit organisation (including a person applying for or on behalf of a non-profit organisation))(s.65 and clause 9 of Regulation). The information applied for is of special benefit to the public generally (s.66). 	Full waiver of charges will apply where the information is publicly released before or within 3 working days after being given to the applicant.
	Other information	\$30.00 (incl. first hour of processing) (ss. 41 and 64(3)).	\$30.00/hr (s.64(1)).			
Review	Internal review	\$40.00 unless a review of a deemed refusal in which case there is no charge (section 85).	NO	If review not decided within specified period (section 86).	N/A	

Legislation references in this table are to the *Government Information (Public Access) Act 2009* and *Government Information (Public Access) Regulation 2009*.

Note: No fee is payable for an external review by the Information Commissioner. Information regarding the applicable fees for review by the NSW Civil and Administrative Tribunal can be obtained by visiting the Tribunal’s website at: <http://www.ncat.nsw.gov.au/> or contacting the Tribunal directly on 1300 006 228.

General purpose revenues

Code	Description	GST	2018/19 (\$)	2019/20 (\$)
F	Rous retail consumers are levied with a per kilolitre charge (section 399 <i>Local Government Act 1993</i>)	N	2.37	2.43
	Annual facility charge 20mm water meter connection (section 501 <i>Local Government Act 1993</i>)		164.25	168.36
	Annual facility charge 25mm water meter connection (section 501 <i>Local Government Act 1993</i>)		255.50	259.86
	Annual facility charge 32mm water meter connection (section 501 <i>Local Government Act 1993</i>)		419.75	428.22
	Annual facility charge 40mm water meter connection (section 501 <i>Local Government Act 1993</i>)		657.00	673.44
	Annual facility charge 50mm water meter connection (section 501 <i>Local Government Act 1993</i>)		1,025.65	1,050.42
	Annual facility charge 65mm water meter connection (section 501 <i>Local Government Act 1993</i>)		1,733.75	1,775.10
	Annual facility charge 80mm water meter connection (section 501 <i>Local Government Act 1993</i>)		2,628.00	2,693.76
	Annual facility charge 100mm water meter connection (section 501 <i>Local Government Act 1993</i>)		4,106.25	4,209.00
L	Interest on overdue water charges (section 566(3) <i>Local Government Act 1993</i>) <i>Note: The maximum rate of interest payable on overdue rates and charges determined by the Minister for Local Government will be charged</i>		7.5%	7.5% **
F	Restrictor devices – fee to disconnect any restriction device, which may have been installed due to non-payment of account	E	295.00	305.00
L	Pensioner rebate (section 575 <i>Local Government Act 1993</i>)		Refer to 'Description'	
Z	Dialysis machine concession of 200 kilolitres per annum without consumption charges (section 502 <i>Local Government Act 1993</i>)	N	Refer to 'Description'	
	Recognised community organisations charged equivalent of 50% of the facility charge applicable to occupied properties for premises eligible for a rebate of general rates through their respective constituent councils but with all consumption being charged at the standard rate (section 610A <i>Local Government Act 1993</i>)		Refer to 'Description'	

** To be updated when gazetted by the Office of Local Government.

Operations

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Consumer services				
Code	Description	GST	2018/19 (\$)	2019/20 (\$)
F	Outstanding Notices certificate (section 735 <i>Local Government Act 1993</i>)	E	46.00	48.00
	Outstanding Notices certificate (section 735A <i>Local Government Act 1993</i>) URGENCY fee ** # ** Subject to confirmation that service is available # This fee is in addition to applicable certificate fe		46.00	48.00
	Backflow device re-registration non-compliance fee (Notice to Comply within 30 days)		98.00	103.00
	Testing of water meter	N	374.00	382.00
	Special meter reading	E	80.00	82.00
	Special meter reading – URGENCY fee**# ** Subject to confirmation that service is available # This fee is in addition to applicable certificate fe		80.00	82.00
	Consumer connection fee for a standard 20mm service (section 608 <i>Local Government Act 1993</i>)		1,178.00	1,185.00
	Consumer activation fee for a standard 20mm service where water meter already connected (section 608 <i>Local Government Act 1993</i>)	N	252.00	260.00
	Consumer activation fee for a standard 20mm service where water meter connection also required (section 608 <i>Local Government Act 1993</i>)		422.00	430.00
	Consumer connection fee equal to the estimated actual cost + 10% to provide other than a standard 20mm service (section 608 <i>Local Government Act 1993</i>)		Price on application	Price on application
	Disconnection fee (section 608 <i>Local Government Act 1993</i>)		137.00	142.00
Reconnection fee (section 608 <i>Local Government Act 1993</i>)	Price on application		Price on application	

Water filling station				
Code	Description	GST	2018/19 (\$)	2019/20 (\$)
P	Annual permit fee charged to bulk water carrier for potable water (section 501 <i>Local Government Act 1993</i>). Fee may be pro-rata from approval date. with min. 3 month increments (Non-refundable)	E	615.00	631.00
	Annual permit fee charged to bulk water carrier for non- potable water (section 501 <i>Local Government Act 1993</i>) Fee may be pro-rata from approval date. with min. 3 month increments (Non-refundable)		615.00	631.00
	Price of water per kilolitre (section 610A <i>Local Government Act 1993</i>)	N	5.60	5.75
F	Filling station access key	E	N/A	78.00

Temporary water supply				
Code	Description	GST	2018/19 (\$)	2019/20 (\$)
P	Special Approved Connections – retail consumers with a temporary connection or, non-payment of capital headworks fee(s), are levied with a per kilolitre charge (section 399 <i>Local Government Act 1993</i>)	N	4.54	4.66

Contract works				
Code	Description	GST	2018/19 (%)	2019/20 (%)
F	Administration charge % – where the GST exclusive value of the construction work undertaken on behalf of other parties or as part of a mains extension which requires a financial contribution by other parties is \$20,000 or less	T	15	15
	Administration charge % – where the GST exclusive value of the construction work undertaken on behalf of other parties or as part of a mains extension which requires a financial contribution by other parties exceeds \$20,000.		10	10

Development servicing charges				
Code	Description	GST	2018/19 (\$ per e.t.)	2019/20 (\$ per e.t.)
P	Bulk Developer charge	E	8,588.00	8,733.00

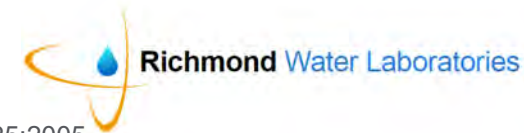
Water service capital connection fees				
Code	Description	GST	2018/19 (\$ per e.t.)	2019/20 (\$ per e.t.)
P	Bulk Headworks connection fee	E	8,588.00	8,733.00

Note: Water Service Capital Connection fees will be reduced by any applicable contribution paid in relation to supply of water through a development approval process.
e.t means equivalent tenement.

Permissible activities on operational land				
Code	Description	GST	2018/19 (\$)	2019/20 (\$)
F	Permit processing fee. Charged in addition to a temporary permit fee (*)	E	165.00	172.00
	Ecotourism – temporary permit fee*		249.00	258.00
	Seed collection – temporary permit fee*		142.00	147.00
	Personal fitness training – temporary permit fee		93.00	97.00
L	Commercial filming and photography fees will be charged in accordance with the Local Government Filming Protocol under the <i>Local Government Act 1993</i>		Price on application	Price on application
F	Wedding ceremony booking fee	T	170.00	176.00

Recovery of fees under the <i>Biosecurity Act 2015</i>				
Code	Description	GST	2018/19 (\$)	2019/20 (\$)
F	Recovery of fees charged, or costs or expenses incurred, in connection with the exercise of functions by an authorised officer (see section 373 of <i>Biosecurity Act 2015</i>).	E	COST	COST

Fees and charges 2019/20 | Richmond Water Laboratories



Richmond Water Laboratories (RWL) is a NATA accredited laboratory and conducts its tests in accordance with AS ISO/IEC 17025:2005. For details of the scope of Richmond Water Laboratories accreditation, please refer to the NATA website: www.nata.com.au

Suites	2019/20 incl.GST
Faecal Contamination: E.coli	\$48.00
Tank Water Quality: pH, eC, TDS, Fe, Pb, Zn, Cu, Ca, HCO ₃ , LSI, Mg, Hardness	\$77.50
Bore Water Quality: pH, eC, TDS, Hardness, Alkalinity, NO ₃ , Turbidity, Al, As, Ca, Cd, Cr, Cu, Fe, Mg, Mn, Ni, Zn	\$151.00
Nursery Irrigation Quality: pH, eC, Cl ⁻ , HCO ₃ ⁻ , Al, Fe, B, Mn, Cu, Na, Zn, Ca, Mg, hardness, NH ₃ N, turbidity, SAR	\$154.50
Annual Private Water Supply Quality: pH, TDS, hardness, turbidity, Sb, As, Cd, Ca, Cr, Cu, F ⁻ , Pb, Ni, NO ₃ , NO ₂ , Mg, Mn, SO ₄	\$181.00

Note: Richmond Water Laboratories reserves the right to offer discounts for routine analysis dependant on the range and volume of samples.

Following are tests and limits of reporting provided by RWL. For further details please contact RWL on (02) 6623 3888; waterlab@waterlab.com.au; or www.waterlab.com.au.

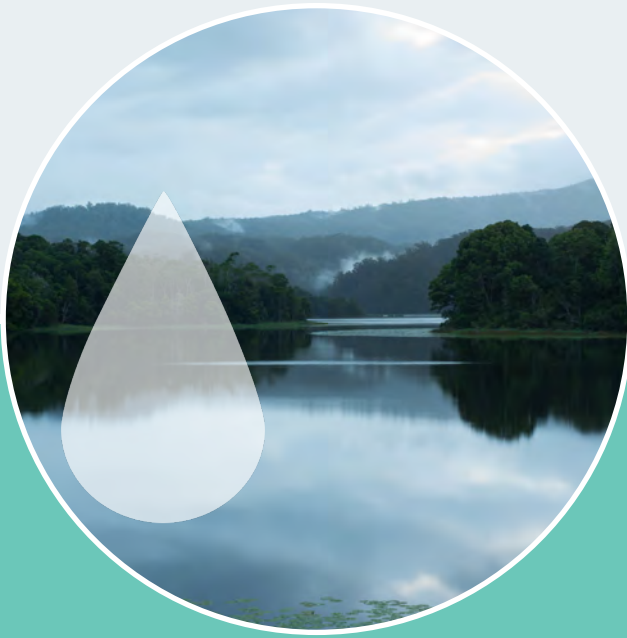
Test description	Limit of reporting
Alkalinity - CO ₃ ²⁻ , HCO ₃ ⁻ , OH & total	0/20/0/20 mg/L
Alkalinity - total as CaCO ₃	20 mg/L
Al, Fe, Mn suite	0.005 mg/L
Biological Oxygen Demand (BOD)	2 mg/L
Ca, Mg & hardness	0.1/0.1/1 mg/L
Ca, Mg, Na, K suite	0.1/0.1/0.15/0.1 mg/L
Chemical oxygen demand (COD)	25 mg/L
Chemical oxygen demand (COD) - dissolved	25 mg/L
Chloride	2 mg/L
Chlorine - free	0.05 mg/L
Chlorine - total	0.05 mg/L
Chlorophyll 'a'	2 mg/L
Colour - apparent	2 Pt-Co units
Colour - true	2 Pt-Co units
Cu, Pb, Zn suite	0.005 mg/L
Data management	per hour

Test description	Limit of reporting
Dissolved oxygen	0.2 mg/L
E. coli	1 MPN/100mL
Electrical conductivity	1 µS/cm
Faecal coliforms	1 MPN/100mL
Fluoride	0.05 mg/L
Hardness	1 mg/L
Heterotrophic Plate Count (HPC)	2 MPN/mL
Langelier Saturation Index#	N/A
Metals in water	0.005-0.01 mg/L
Metals in soil	1-7 mg/kg
Microscopic examination#	POA
Nitrogen - ammonia	0.01 mg/L
Nitrogen - nitrate	0.05 mg/L
Nitrogen - nitrite	0.01 mg/L
Nitrogen - oxidised	0.05 mg/L
Nitrogen - total	0.1 mg/L

Test description	Limit of reporting
Nitrogen - total Kjeldahl	0.1 mg/L
Oil & grease	2 mg/L
pH	pH units
Phosphorus - orthophosphate (reactive PO ₄)	0.03 mg/L
Phosphorus - total	0.05 mg/L
Redox#	mV
Sodium Absorption Ratio# (with Na, Ca, Mg)	calculation
Solids - total dissolved by calculation (TDS)	1 mg/L
Solids - total dissolved gravimetric (TDS)	5 mg/L
Solids - total suspended (TSS or NFR)	1 mg/L
Solids - volatile suspended (VSS)	1%
Sulphate#	1 mg/L
Total coliforms	1 MPN/100mL
Turbidity	0.1 NTU
Urgent analysis#	50% test cost
UV Absorbance @254nm and Transmissivity	0.01 abs & 1 %

denotes tests not covered under scope of accreditation

Appendix – Financial Estimates



Budget forecast summary - consolidated
Delivery program 2019/20 - 2022/23



Income statement

Income from continuing operations

	YE 30 June 2020	YE 30 June 2021	YE 30 June 2022	YE 30 June 2023
User fees & charges	19,643,100	20,956,100	22,360,500	23,665,400
Interest & Investment Revenue	627,700	475,600	459,800	488,700
Other Revenue	4,347,200	1,237,600	1,275,000	2,997,200
Grants & contributions - Operating	2,448,100	2,245,400	2,348,000	2,482,000
Grants & contributions - Capital	3,520,000	3,610,000	3,641,000	3,864,000
Net gain from disposal of assets	2,000	2,000	2,000	2,000
	30,588,100	28,526,700	30,086,300	33,499,300

Expenses from continuing operations

Employee costs	8,672,500	8,667,900	8,814,100	8,889,900
Borrowing costs	1,587,500	1,359,800	1,176,600	981,400
Materials & contracts	8,026,400	7,711,600	7,787,600	7,990,700
Depreciation	6,833,800	6,979,900	7,127,000	7,396,200
Other costs	865,700	834,800	936,700	970,100
Net loss from the disposal of assets	0	0	0	0
	25,985,900	25,554,000	25,842,000	26,228,300

Net operating result from continuing operations

4,602,200 2,972,700 4,244,300 7,271,000

Net operating result before capital items

(2,167,900) (637,300) 603,300 1,721,000



Reconciliation of cash position

	YE 30 June 2020	YE 30 June 2021	YE 30 June 2022	YE 30 June 2023
Change in net assets from continuing operations	4,602,200	2,972,700	4,244,300	7,271,000
Addback Expenses not involving a flow of cas				
Depreciation	6,833,800	6,979,900	7,127,000	7,396,200
Add Non-operating Funds Employed				
Loan Funds Used	0	0	0	11,000,000
Subtract Funds Deployed for Non-operating Purposes				
Acquisition of Assets	(14,427,800)	(12,213,100)	(14,250,400)	(19,714,400)
Repayment of loan principal	(2,548,300)	(2,718,500)	(2,901,700)	(3,096,900)
Cash Surplus / (Deficit)	(5,540,100)	(4,979,000)	(5,780,800)	2,855,900
Equity Movements				
Reserve Funds - Increase / (Decrease)	(5,540,100)	(4,981,000)	(5,782,800)	2,855,900



Capital Budget

Capital Funding

	YE 30 June 2020	YE 30 June 2021	YE 30 June 2022	YE 30 June 2023
Capital Grants & contributions	3,520,000	3,610,000	3,641,000	3,864,000
Internal Restrictions - Renewal	2,497,800	1,825,200	1,593,200	218,000
Internal Restrictions - New Assets	3,113,000	3,155,800	7,412,500	1,296,700
External Restrictions - Subsidies	0	0	0	0
Loans	0	0	0	11,000,000
Proceeds from sale - Plant & Equipment	2,883,900	0	0	1,686,000
Operating revenue	2,413,100	3,622,100	1,603,700	1,649,700
	14,427,800	12,213,100	14,250,400	19,714,400

Capital Expenditure

New Assets	5,996,900	3,155,800	7,412,500	13,982,700
Renewal - Infrastructure	4,571,600	5,431,000	3,052,300	1,920,600
Renewal - Plant & Equipment	1,286,000	828,800	802,900	631,200
Renewal - Land & Building	25,000	79,000	81,000	83,000
Loan Repayments - Principal	2,548,300	2,718,500	2,901,700	3,096,900
	14,427,800	12,213,100	14,250,400	19,714,400



Budget forecast summary 2019/20 by Fund

Income statement

Income from continuing operations	Bulk water supply	Retail water supply	Fleet operations	Richmond Water Laboratories	Commercial property	Flood Mitigation	Weed Biosecurity
User fees & charges	17,030,700	2,612,400	0	0	0	0	0
Interest & Investment Revenue	478,900	9,400	32,700	7,000	34,000	34,100	31,600
Other Revenue	69,300	0	0	792,700	3,485,200	0	0
Grants & contributions - Operating	0	18,300	89,600	0	0	1,018,900	1,321,300
Grants & contributions - Capital	3,500,000	0	0	0	0	20,000	0
Net gain from disposal of assets	2,000	0	0	0	0	0	0
	21,080,900	2,080,900	122,300	799,700	3,519,200	1,073,000	1,352,900
Expenses from continuing operations							
Employee costs	6,210,400	563,800	30,000	477,000	20,000	482,700	888,600
Borrowing costs	1,529,900	0	0	0	0	57,600	0
Materials & contracts	5,530,900	1,682,500	(378,700)	266,000	230,800	503,000	191,900
Depreciation	5,378,700	135,400	425,900	12,700	38,400	822,300	20,400
Other costs	116,300	103,700	31,500	43,300	43,200	237,600	290,100
Net loss from the disposal of assets	0	0	0	0	0	0	0
	18,766,200	2,485,400	108,700	799,000	332,400	2,103,200	1,391,000
Net operating result from continuing operations	2,314,700	154,700	13,600	700	3,186,800	(1,030,200)	(38,100)
Net operating result before capital items	(1,185,300)	154,700	13,600	700	(63,300)	(1,050,200)	(38,100)



Reconciliation of cash position

	Bulk water supply	Retail water supply	Fleet operations	Richmond Water Laboratories	Commercial property	Flood Mitigation	Weed Biosecurity
Change in net assets from continuing operations	2,314,700	154,700	13,600	700	3,186,800	(1,030,200)	(38,100)
Addback Expenses not involving a flow of cas							
Depreciation	5,378,700	135,400	425,900	12,700	38,400	822,300	20,400
Add Non-operating Funds Employed							
Loan Funds Used	0	0	0	0	0	0	0
Subtract Funds Deployed for Non-operating Purposes							
Acquisition of Assets	(9,890,200)	(672,900)	(578,600)	(149,400)	(2,908,900)	(207,800)	(20,000)
Repayment of loan principal	(2,548,300)	0	0	0	0	0	0
Cash Surplus / (Deficit)	(4,745,100)	(382,800)	(139,100)	(136,000)	316,300	(415,700)	(37,700)
Equity Movements							
Reserve Funds - Increase / (Decrease)	(4,745,100)	(382,800)	(139,100)	(136,000)	316,300	(415,700)	(37,700)



Capital Budget

Capital Funding	Bulk water supply	Retail water supply	Fleet operations	Richmond Water Laboratories	Commercial property	Flood Mitigation	Weed Biosecurity
Capital Grants & contributions	3,500,000	0	0	0	0	20,000	0
Internal Restrictions - Renewal	1,632,100	382,800	139,100	136,000	0	187,800	20,000
Internal Restrictions - New Assets	3,113,000	0	0	0	0	0	0
External Restrictions - Subsidies	0	0	0	0	0	0	0
Loans	0	0	0	0	0	0	0
Proceeds from sale - Plant & Equipment	0	0	0	0	2,883,900	0	0
Operating revenue	1,645,100	290,100	439,500	13,400	25,000	0	0
	9,890,200	672,900	578,600	149,400	2,908,900	207,800	20,000

Capital Expenditure

New Assets	3,113,000	0	0	0	2,883,900	0	0
Renewal - Infrastructure	3,690,900	672,900	0	0	0	207,800	0
Renewal - Plant & Equipment	538,000	0	578,600	149,400	0	0	20,000
Renewal - Land & Building	0	0	0	0	25,000	0	0
Loan Repayments - Principal	2,548,300	0	0	0	0	0	0
	9,890,200	672,900	578,600	149,400	2,908,900	207,800	20,000



ROUS
COUNTY COUNCIL



Questions or comments?

To provide your feedback please contact us by:

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post Rous County Council

218-232 Molesworth Street

LISMORE NSW 2480

Quarterly Budget Review Statement for the quarter ending 31 March 2019

(2333/13)

Business activity priority

Results and sustainable performance

Goal 7

Sustainable performance

Recommendation

That Council note the result presented in the Quarterly Budget Review Statement of 31 March 2019 and authorise the variations to the amounts from those previously estimated.

Background

The Integrated Planning and Reporting (IP&R) framework sets out minimum standards of reporting that will assist Council in adequately disclosing its overall financial position and to provide sufficient additional information to enable informed decision-making and enhance transparency.

The Quarterly Budget Review Statement (QBRS) is made up of a minimum six key statements:

- (QBRS1) Statement by the Responsible Accounting Officer on Council's financial position
- (QBRS2) Budget Review Income and Expenses Statement
- (QBRS3) Budget Review Capital Budget
- (QBRS4) Budget Review Cash and Investments Position
- (QBRS5) Budget Review Contracts and Other Expenses
- (QBRS6) Budget Review Key Performance Indicators

For the information of Council, the original 2018/19 budget was adopted on 20 June 2018 as part of the 2018/19 Operational Plan and the 2017/21 Delivery Program.

Governance

Finance

(QBRS1) Report by Responsible Accounting Officer

The following statement is made in accordance with clause 203(2) of the *Local Government (General) Regulation 2005*.

"It is my opinion that the Quarterly Budget Review Statement of Rous County Council for the quarter ended 31 March 2019 indicates that Council's projected financial position at 30 June 2019 will be satisfactory at year end, having regard to the projected estimates of income and expenditure, the original budgeted income and expenditure and Council's short-term liquidity position."



Guy Bezrouchko
Responsible Accounting Officer

Summary of proposed changes whole organisation - March 2019

Table 1

BUDGET ITEMS	Original Budget 2018/19	2017/18 Carryovers *	September	December	March	Projected year end result 2018/19
			30-Sep-18	31-Dec-18	31-Mar-19	
			Quarter	Quarter	Quarter	
Operating Income						
Flood	940,900	0	1,379,300	(38,900)	0	2,281,300
Weeds	1,288,500	0	40,600	37,900	31,600	1,398,600
Retail	2,454,400	0	0	0	579,800	3,034,200
RWL	783,800	0	0	0	0	783,800
Commercial Property	241,600	0	0	0	(22,900)	218,700
Fleet	94,300	0	0	0	0	94,300
Bulk	17,215,400	0	0	171,500	0	17,386,900
TOTAL OPERATING REVENUES	23,018,900	0	1,419,900	170,500	588,500	25,197,800
Operating Expenses						
Flood	1,773,800	548,900	1,463,200	20,900	0	3,806,800
Weeds	1,255,700	103,000	50,600	37,900	31,600	1,478,800
Retail	2,314,500	0	(58,100)	0	7,000	2,263,400
RWL	779,500	0	0	0	0	779,500
Commercial Property	313,200	0	0	0	0	313,200
Fleet	90,300	0	0	0	0	90,300
Bulk	18,014,200	446,500	(106,500)	(57,700)	(24,500)	18,272,000
TOTAL OPERATING EXPENSES	24,541,200	1,098,400	1,349,200	1,100	14,100	27,004,000
OPERATING RESULT	(1,522,300)	(1,098,400)	70,700	169,400	574,400	(1,806,200)
Exclude depreciaton	6,540,400	0	0	0	0	6,540,400
Cash result	5,018,100	(1,098,400)	70,700	169,400	574,400	4,734,200
Capital Income	8,172,600	0	0	0	(750,100)	7,422,500
Capital Expense	11,646,600	3,628,800	0	904,000	(2,261,900)	13,917,500
Transfers to reserves	2,790,700	0	164,600	19,400	3,072,800	6,047,500
Transfers from reserves	3,637,300	4,727,200	93,900	754,000	986,600	10,199,000
Loan Repayments	2,390,700	0	0	0	0	2,390,700
Estimated cash movement	0	0	0	0	0	0

Commentary on proposed adjustments – March 2019 (Table 1)

The following notes detail proposed budget variations on a fund basis as compared to the original budget and quarterly adjustments. For reporting purposes, only changes over \$5,000 are individually referenced.

Flood mitigation fund

(QBR2) Income & Expenses - Flood

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Interest Income / Sundry	40,000	0	0	0	0	40,000	36,679
Lismore Loan Repayments	65,000	0	0	0	0	65,000	35,958
Operating Contributions	721,600	0	0	0	0	721,600	531,950
Operating Grants	114,300	0	1,379,300	(38,900)	0	1,454,700	97,578
Total Operating Income	940,900	0	1,379,300	(38,900)	0	2,281,300	702,165
Operating Expense							
Administration Expenses	156,800	0	0	0	0	156,800	98,209
Finance Costs	66,700	0	0	0	0	66,700	3,412
Building/Depot Expenses	16,800	0	0	0	0	16,800	6,337
Fleet Operations	0	0	0	0	0	0	495
Fleet Hire Expense	53,500	0	0	0	0	53,500	40,360
Training & Staff	20,000	0	0	0	0	20,000	1,760
Insurance	41,600	0	0	0	0	41,600	38,819
Members Expenses	11,400	0	0	0	0	11,400	8,550
Salaries & Wages	264,900	103,400	9,200	79,200	0	456,700	315,706
Operations Purchases	294,000	445,500	1,454,000	(58,300)	0	2,135,200	684,590
Depreciation	848,100	0	0	0	0	848,100	590,869
Loss on Sale	0	0	0	0	0	0	73,787
Total Operating Expense	1,773,800	548,900	1,463,200	20,900	0	3,806,800	1,862,894
Operating Result	(832,900)	(548,900)	(83,900)	(59,800)	0	(1,525,500)	(1,160,729)
Less Depreciation	848,100	0	0	0	0	848,100	590,869
Operating Result Excl. Non Cash	15,200	(548,900)	(83,900)	(59,800)	0	(677,400)	(569,860)
Add Capital Income	60,000	0	0	0	0	60,000	0
Less Capital Expenses	200,000	14,300	0	0	0	214,300	107,524
Less Transfer to Reserve	0	0	0	19,400	0	19,400	0
Add Transfer from Reserve	124,800	563,200	83,900	79,200	0	851,100	702,757
Less Loan Repayments	0	0	0	0	0	0	25,373
Net Cash Movement	0	0	0	0	0	0	0

Operating Grants

At the time of writing this report, the Natural Disaster Funding from NSW Public Works Advisory (PWA) via the Office of Emergency Management (OEM) had not been received. RCC lodged the claim and written report with PWA in August 2018. Subsequently, detailed expenditure information was requested in November 2018, this was provided to PWA. As part of OEM's audit verification, additional supporting invoices were requested and provided in January 2019. Staff continue to follow-up these outstanding funds.

Operations purchases

It should be noted that expenditure on purchases (\$684,500) is significantly less than budget (\$2,135,200). This budget relates to the grants for levee repairs and the grant funding body expects the expenditure to be completed this financial year. Therefore, no budget adjustment is proposed.

Loss on sale

Council does not budget for loss on sale due to the difficulty in determining an estimate. The actual loss of \$73,787 represents rural levee infrastructure that was replaced due to the March 2017 flood. This is a non cash expense and will be accounted for at year end, and this same scenario applies to each of the Funds where applicable.

Weed biosecurity fund

(QBR2) Income & Expenses - Weeds

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Interest Income / Sundry	20,800	0	0	0	0	20,800	21,891
Operating Contributions	766,400	0	0	0	0	766,400	578,978
Operating Grants	501,300	0	40,600	37,900	31,600	611,400	570,800
Total Operating Income	1,288,500	0	40,600	37,900	31,600	1,398,600	1,171,669
Operating Expense							
Administration Expenses	225,400	0	0	0	0	225,400	165,096
Finance Costs	4,200	0	0	0	0	4,200	0
Building/Depot Expenses	15,700	0	0	0	0	15,700	9,582
Fleet Operations	1,500	0	0	0	0	1,500	227
Fleet Hire Expense	115,200	0	0	0	0	115,200	86,400
Training & Staff	21,200	0	0	0	0	21,200	6,734
Insurance	33,800	0	0	0	0	33,800	30,762
Members Expenses	12,500	0	0	0	0	12,500	9,500
Salaries & Wages	764,700	0	50,600	0	0	815,300	501,552
Operations Purchases	38,100	103,000	0	37,900	31,600	210,600	27,804
Depreciation	23,400	0	0	0	0	23,400	11,953
Loss on Sale	0	0	0	0	0	0	34,022
Total Operating Expense	1,255,700	103,000	50,600	37,900	31,600	1,478,800	883,632
Operating Result	32,800	(103,000)	(10,000)	0	0	(80,200)	288,037
Less Depreciation	23,400	0	0	0	0	23,400	11,953
Operating Result Excl. Non Cash	56,200	(103,000)	(10,000)	0	0	(56,800)	299,990
Add Capital Income	0	0	0	0	0	0	5,000
Less Capital Expenses	20,000	0	0	0	32,000	52,000	51,946
Less Transfer to Reserve	36,200	0	0	0	0	36,200	253,044
Add Transfer from Reserve	0	103,000	10,000	0	32,000	145,000	0
Net Cash Movement	0	0	0	0	0	0	0

Grant funding

Weeds Action Program (WAP): The original budget allocation for WAP was increased in the December Quarterly Budget Review after Local Land Services (LLS) informed RCC that the funding amount would be greater than expected.

In March 2019, LLS announced the final funding figure to be \$570,800. The adjusted budget allocation for WAP funds was based on information obtained in December 2018 that funding would be \$539,200. An increase of \$31,600 to operating budgets is required to recognise the actual grant funding received, of \$570,800. The extra funding is to be utilised for additional WAP targets as agreed with LLS.

Operational revenue	Grants & contributions - operating	WAP 2018-19 (LLS)	\$31,600
Operating expenditure	Materials and contracts	WAP	(\$31,600)
		Impact on cash surplus	\$0

Capital equipment

It was essential to replace a quik spray unit and accessories that is used by the Biosecurity control team. The existing unit ceased to be reliable and safe. This asset wasn't identified for replacement in the original budget.

Capital expenditure	Capital equipment		(\$32,000)
Restricted assets	Internally restricted		\$32,000
		Impact on cash surplus	\$0

Retail fund

(QBR52) Income & Expenses - Retail

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Water Sales	2,411,700	0	0	0	579,800	2,991,500	2,429,495
Interest Income / Sundry	14,700	0	0	0	0	14,700	24,620
Operating Grants	28,000	0	0	0	0	28,000	197
Total Operating Income	2,454,400	0	0	0	579,800	3,034,200	2,454,312
Operating Expense							
Administration Expenses	82,100	0	0	0	0	82,100	67,639
Administration - Bulk Water Cost	1,334,100	0	0	0	0	1,334,100	1,000,575
Building/Depot Expenses	500	0	0	0	0	500	1,151
Fleet Hire Expense	76,500	0	0	0	0	76,500	57,420
Salaries & Wages	586,800	0	(58,100)	0	0	528,700	333,751
Operations Purchases	100,400	0	0	0	7,000	107,400	89,840
Depreciation	134,100	0	0	0	0	134,100	121,731
Loss on Sale	0	0	0	0	0	0	19,702
Total Operating Expense	2,314,500	0	(58,100)	0	7,000	2,263,400	1,691,809
Operating Result	139,900	0	58,100	0	572,800	770,800	762,503
Less Depreciation	134,100	0	0	0	0	134,100	121,731
Operating Result Excl. Non Cash	274,000	0	58,100	0	572,800	904,900	884,234
Add Capital Income	0	0	0	0	0	0	19,926
Less Capital Expenses	350,000	0	0	0	0	350,000	412,997
Less Transfer to Reserve	0	0	58,100	0	572,800	630,900	491,163
Add Transfer from Reserve	76,000	0	0	0	0	76,000	0
Net Cash Movement	0	0	0	0	0	0	0

Water filling stations

Due to the low rainfall experienced over September 2018 - February 2019, sales of water via the filling stations network increased significantly. This demand was both residential (refilling rainwater tanks) and industrial as contractors working on the Pacific Highway upgrade capitalised on the favourable weather conditions.

Actual revenue recorded at the end of March is \$572,400 and is forecast to exceed the original budget of \$242,600 by \$579,800 (\$822,400 in total). This estimate of future consumption is based on the three-month rainfall forecast for the Northern Rivers as sourced from the Bureau of Meteorology, which predicts a 50% likelihood of near normal rainfall for the period.

The increased usage of the filling stations over the year to date has resulted in running costs exceeding the annual operating budget. An increase to the budget for operating costs of \$7,000 to match these expenses is required with the remaining funds of \$572,800 to be transferred to the infrastructure replacement reserve.

Operational revenue	Water sales	Water filling stations	\$579,800
Operating expenditure	Materials and contracts		(\$7,000)
Restricted assets	Internally restricted	Infrastructure reserve	(\$572,800)
		Impact on cash surplus	\$0

The additional revenue will be placed into reserves which will significantly improve the balance. These funds will be utilised for future capital works and potentially to manage budget shocks.

Richmond Water Laboratory fund

(QBR52) Income & Expenses - Richmond Water Laboratory

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Water Sales	777,100	0	0	0	0	777,100	577,820
Interest Income / Sundry	6,700	0	0	0	0	6,700	5,661
Total Operating Income	783,800	0	0	0	0	783,800	583,481
Operating Expense							
Administration Expenses	40,500	0	0	0	0	40,500	25,529
Building Expenses	56,300	0	0	0	0	56,300	30,954
Fleet Hire Expense	20,600	0	0	0	0	20,600	8,760
Salaries & Wages	449,400	0	0	(132,400)	0	317,000	216,227
Operations - Materials & Contract	146,100	0	0	132,400	0	278,500	228,509
Operations - Licences/Accreditatic	22,000	0	0	0	0	22,000	13,575
Operations - Equipment	19,600	0	0	0	0	19,600	19,124
Depreciation	25,000	0	0	0	0	25,000	9,921
Total Operating Expense	779,500	0	0	0	0	779,500	552,599
Operating Result	4,300	0	0	0	0	4,300	30,882
Less Depreciation	25,000	0	0	0	0	25,000	9,921
Operating Result Excl. Non Cash	29,300	0	0	0	0	29,300	40,803
Less Capital Expenses	30,000	0	0	0	0	30,000	6,889
Less Transfer to Reserve	0	0	0	0	0	0	33,914
Add Transfer from Reserve	700	0	0	0	0	700	0
Net Cash Movement	0	0	0	0	0	0	0

No budget adjustment required.

Property fund

(QBR2) Income & Expenses - Commercial Properties

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Interest Income / Sundry	0	0	0	0	0	0	2,236
Property Income	241,600	0	0	0	(22,900)	218,700	152,548
Profit on Sale	0	0	0	0	0	0	0
Total Operating Income	241,600	0	0	0	(22,900)	218,700	154,784
Operating Expense							
Administration Expenses	40,000	0	0	0	0	40,000	29,800
Building - Maintenance	95,700	0	0	0	0	95,700	52,293
Building - Lease	68,100	0	0	0	0	68,100	52,491
Perradenya Estate Operations	60,000	0	0	0	0	60,000	30,338
Depreciation	49,400	0	0	0	0	49,400	46,557
Loss on Sale	0	0	0	0	0	0	0
Total Operating Expense	313,200	0	0	0	0	313,200	211,479
Operating Result	(71,600)	0	0	0	(22,900)	(94,500)	(56,695)
Less Depreciation	49,400	0	0	0	0	49,400	46,557
Operating Result Excl. Non Cash	(22,200)	0	0	0	(22,900)	(45,100)	(10,138)
Add Capital Income	5,549,600	0	0	0	(3,250,100)	2,299,500	0
Less Capital Expenses	2,772,900	1,840,100	0	0	(2,318,400)	2,294,600	1,834,409
Less Transfer to Reserve	2,754,500	0	0	0	0	2,754,500	0
Add Transfer from Reserve	0	1,840,100	0	0	954,600	2,794,700	1,844,547
Net Cash Movement	0	0	0	0	0	0	0

Rental income - Carrington Street

Connect Accounting vacated the Carrington Street premises in August 2018. The original budget was developed assuming that the office space would be tenanted for the financial year.

As a business unit of RCC, Commercial Property Management was forecast to generate a revenue of \$241,600 for 2018/19. An adjustment is required to recognise the budget impact, specifically on the leasing allocation (\$22,900). This adjustment reduces that revenue to \$218,700.

Operational revenue	Commerical Properties	Rental income	(\$22,900)
Restricted assets	Internally restricted	Property reserve	\$22,900
		Impact on cash surplus	\$0

Land development - Perradenya Release 6

The original budget was developed assuming that the Perradenya Release 6 land development would have been constructed and sold in the 2018/19 financial year. Construction will now commence in the 2019/20 financial year.

Release 6 is the next stage of Perradenya Land Development being 20 lots, adjacent to Fredericks Road on the north side of the land allotment.

Engineering design plans were lodged in December 2018 with approved construction certificate issued expected soon.

Upon receipt of the construction certificate, staff will proceed with calling tenders for the construction of Release 6. It is hoped to have this tender to the June 2019 Council meeting.

A budget reallocation is required to move the revenue of \$3,250,000 and the capital expenditure of \$2,318,000 from 2018/19 to 2019/20.

Capital revenue	Commerical Properties	Perradenya land sales	(\$3,250,000)
Capital expenditure	Materials and contracts		\$2,318,000
Restricted assets	Internally restricted	Property reserve	\$932,000
		Impact on cash surplus	\$0

Fleet fund

(QBR2) Income & Expenses - Fleet

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Interest Income / Sundry	94,300	0	0	0	0	94,300	65,383
Profit on Sale	0	0	0	0	0	0	21,305
Total Operating Income	94,300	0	0	0	0	94,300	86,688
Operating Expense							
Fleet Operations	412,000	0	0	0	0	412,000	335,388
Fleet Hire Income	(707,200)	0	0	0	0	(707,200)	(546,099)
Salaries & Wages	30,000	0	0	0	0	30,000	10,704
Operations Purchases	0	0	0	0	0	0	1,426
Depreciation	355,500	0	0	0	0	355,500	331,069
Loss on Sale	0	0	0	0	0	0	8,717
Total Operating Expense	90,300	0	0	0	0	90,300	141,205
Operating Result	4,000	0	0	0	0	4,000	(54,517)
Less Depreciation	355,500	0	0	0	0	355,500	331,069
Operating Result Excl. Non Cash	359,500	0	0	0	0	359,500	276,552
Add Capital Income	0	0	0	0	0	0	0
Less Capital Expenses	393,700	0	0	0	0	393,700	96,578
Less Transfer to Reserve	0	0	0	0	0	0	179,974
Add Transfer from Reserve	34,200	0	0	0	0	34,200	0
Net Cash Movement	0	0	0	0	0	0	0

No budget adjustment required.

Bulk fund

(QBR2) Income & Expenses - Bulk

	Original Budget 2018/19	2017/18 Carryovers	Approved Changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Operating Income							
Water Sales	16,483,800	0	0	0	0	16,483,800	12,392,254
Interest Income / Sundry	715,100	0	0	171,500	0	886,600	730,802
Property Income	14,400	0	0	0	0	14,400	13,055
Lismore Loan Repayments	0	0	0	0	0	0	0
Operating Contributions	0	0	0	0	0	0	1,000
Operating Grants	0	0	0	0	0	0	0
Profit on Sale	2,100	0	0	0	0	2,100	250
Total Operating Income	17,215,400	0	0	171,500	0	17,386,900	13,137,361
Operating Expense							
Administration Expenses	724,300	0	0	21,500	0	745,800	407,875
Administration - Retail Water Cost	(1,334,100)	0	0	0	0	(1,334,100)	(1,000,575)
Finance Costs	1,760,100	0	0	0	0	1,760,100	924,099
Building/Depot Expenses	1,825,500	0	0	0	0	1,825,500	1,246,698
Fleet Operations	4,800	0	0	0	0	4,800	151
Fleet Hire Income	(11,900)	0	0	0	0	(11,900)	0
Fleet Hire Expense	360,600	0	0	0	0	360,600	270,210
Training & Staff	620,800	0	0	0	0	620,800	223,195
Insurance	202,200	0	0	0	(10,000)	192,200	187,436
Members Expenses	169,900	0	0	0	0	169,900	60,719
Salaries & Wages	5,397,900	276,600	(106,500)	(79,200)	0	5,488,800	4,028,416
Operations Purchases	3,189,200	169,900	0	0	(14,500)	3,344,600	2,245,949
Depreciation	5,104,900	0	0	0	0	5,104,900	3,947,111
Loss on Sale	0	0	0	0	0	0	360,858
Total Operating Expense	18,014,200	446,500	(106,500)	(57,700)	(24,500)	18,272,000	12,902,142
Operating Result	(798,800)	(446,500)	106,500	229,200	24,500	(885,100)	235,219
Less Depreciation	5,104,900	0	0	0	0	5,104,900	3,947,111
Operating Result Excl. Non Cash	4,306,100	(446,500)	106,500	229,200	24,500	4,219,800	4,182,330
Add Capital Income	2,563,000	0	0	0	2,500,000	5,063,000	3,955,074
Less Capital Expenses	7,880,000	1,774,400	0	904,000	24,500	10,582,900	4,036,944
Less Transfer to Reserve	0	0	106,500	0	2,500,000	2,606,500	2,418,723
Add Transfer from Reserve	3,401,600	2,220,900	0	674,800	0	6,297,300	0
Less Loan Repayments	2,390,700	0	0	0	0	2,390,700	1,681,737
Net Cash Movement	0	0	0	0	0	0	0

Section 64 – Developer contributions

Substantial Section 64 Headworks contributions were received over the last quarter, predominantly from Byron Shire Council (\$543,300) and Ballina Shire Council (\$2,616,000). This takes year to date Section 64 Headworks received to \$3,974,700.

Historically, income received in the final quarter is larger than the previous three quarters of the financial year. It is proposed to increase the original budget allocation by \$2,500,000 to \$5,000,000, based on current and previous year trends.

The original budget is developed on the basis that all Section 64 funds received will be utilised in the same financial year. This is due to Wilsons River Source works already undertaken having been funded from loans. The transfer to the Infrastructure Replacement reserve recognises that the shortfall in loan repayments is made from existing reserves.

Operational revenue	Interest and investment	Interest on investments	\$2,500,000
Restricted assets	Internally restricted	Infrastructure reserve	(\$2,500,000)
		Impact on cash surplus	\$0

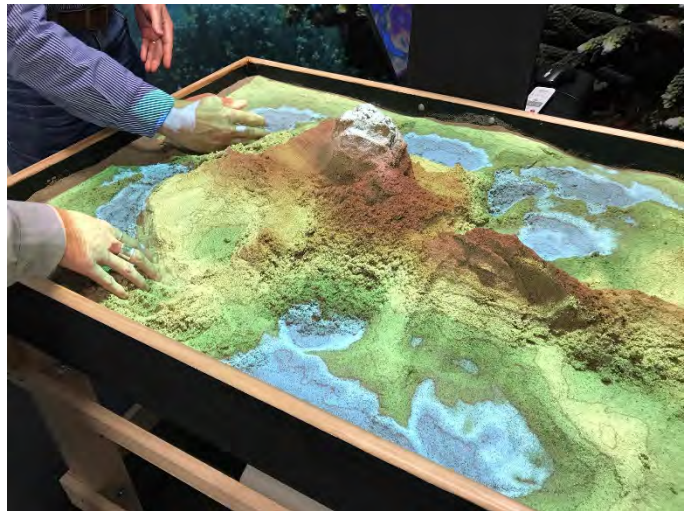
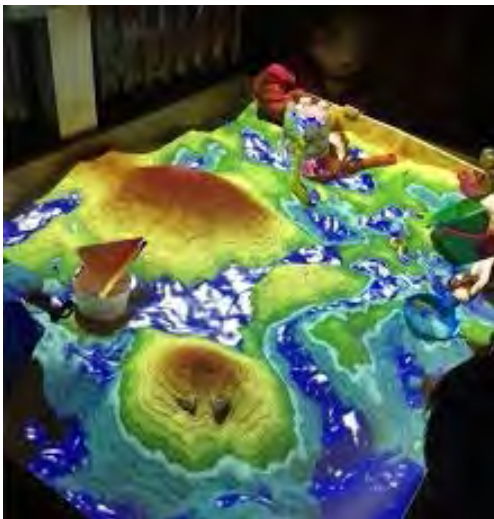
Augmented Reality Sandbox

A request has been received from Council’s Communications and Engagement Coordinator to contract the building of an Augmented Reality (AR) Sandbox for community engagement purposes. An AR Sandbox is an exhibit that combines a sand pit with projected 3D visualisation applications (laser/light projector and Kinect2 Sensor). Sand is moulded by hand and the landscape is instantly augmented in real-time with an elevation colour map, topographic contour lines, and simulated water. The 3D model could be used for displaying a multitude of visual information such as:

- 1:10, 1:50, 1:100 year flood events
- Coverage of invasive biosecurity weed species
- Scenario modelling for future water strategy applications

The AR Sandbox will be used by different teams within Rous, to contribute to educational outcomes to the broader community. A budget allocation of \$24,500 is required to complete the construction. It is proposed to utilise unspent demand management budgets to fund the construction.

Operating expenditure	Materials and contracts	Contractor	(\$24,500)
		DM Sustainable water partners	\$24,500
		Impact on cash surplus	\$0



Note: pictures are examples

Preliminary triple bottom line Assessment Study

The Communications and Engagement Coordinator has highlighted the potential opportunity to sponsor a post graduate study in the development of a triple bottom line assessment of Rocky Creek Dam, Emigrant Creek Dam Water Walk, and Whian Whian Falls. Results of this study will determine viability of producing a further report to inform Council’s Master Planning Project.

A \$10,000 budget is required to fund the study. It is proposed to utilise savings from existing insurance budgets, with no impact on the forecast operating result.

Operating expenditure	Materials and contracts	Study	(\$10,000)
		Administration	\$10,000
		Impact on cash surplus	\$0

Budget review for the quarter ended 31 March 2019

(QBR53) Capital Budget

	Original Budget 2018/19	2017/18 Carryovers	Approved changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19	Actual YTD
Capital Funding:							
Capital grants & contributions	0	14,300	0	0	0	14,300	0
Internal restrictions							
- renewals	9,078,100	1,653,300	0	(96,000)	32,000	10,667,400	4,930,149
- new assets	200,000	210,200	0	1,000,000	24,500	1,434,700	1,616,838
External restrictions							
- infrastructure	0	0	0	0	0	0	0
Other capital funding sources							
- operating revenue	0	0	0	0	0	0	0
Income from sale of assets							
- plant and equipment	0	0	0	0	0	0	72,645
- land and buildings	2,368,500	1,751,000	0	0	(2,318,400)	1,801,100	0
Total capital funding	11,646,600	3,628,800	0	904,000	(2,261,900)	13,917,500	6,619,632
Capital Expenditure:							
New assets							
- office equipment	0	210,200	0	0	24,500	234,700	57,574
- inventory (land)	2,368,500	1,751,000	0	0	(2,318,400)	1,801,100	1,559,264
- infrastructure	200,000	0	0	1,000,000	0	1,200,000	428,936
- land and buildings	0	0	0	0	0	0	0
Renewals (replacement)							
- plant and equipment	428,700	0	0	0	32,000	460,700	265,876
- office equipment	270,000	40,600	0	0	0	310,600	103,922
- land and buildings	726,400	671,800	0	0	0	1,398,200	782,399
- infrastructure	7,653,000	955,200	0	(96,000)	0	8,512,200	3,421,661
Total capital expenditure	11,646,600	3,628,800	0	904,000	(2,261,900)	13,917,500	6,619,632

Budget review for the quarter ended 31 March 2019

(QBR54) Cash & Investments

	Opening Balances 2018/19	Original Budget 2018/19	2017/18 Carryovers	Approved changes Sept Review	Approved Changes Dec Review	Recommend changes for Council Resolution	Projected year end result 2018/19
Unrestricted:							
Flood mitigation	703,759	0	0	0	0	0	703,759
Weeds biosecurity	918,513	0	0	0	0	(32,000)	886,513
Bulk water	991,244	0	0	0	0	0	991,244
Total externally restricted	2,613,516	0	0	0	0	(32,000)	2,581,516
Externally restricted:							
Flood grants	353,400	0	(353,400)	0	0	0	0
Weeds grants	93,500	0	(93,500)	0	0	0	0
Weeds other	306,500	0	0	0	0	0	306,500
Bulk grants	13,600	0	(13,600)	0	0	0	0
Bulk other	2,950,000	0	0	0	0	0	2,950,000
Total externally restricted	3,717,000	0	(460,500)	0	0	0	3,256,500
Internally restricted:							
Flood mitigation	1,327,547	(124,800)	(209,800)	(84,300)	(59,800)	0	848,847
Weeds biosecurity	55,722	36,200	(9,500)	0	0	0	82,422
Retail water	606,947	(76,000)	0	58,100	0	572,800	1,161,847
Richmond Water laboratories	351,308	(700)	0	0	0	0	350,608
Commercial Properties	1,395,495	2,754,500	(1,840,100)	0	0	(986,600)	1,323,295
Fleet	1,331,308	(34,200)	0	0	0	0	1,297,108
Bulk water	24,885,080	(3,401,600)	(2,207,300)	106,500	(674,800)	2,500,000	21,207,880
Total internally restricted	29,953,407	(846,600)	(4,266,700)	80,300	(734,600)	2,086,200	26,272,007
Total restricted	33,670,407	(846,600)	(4,727,200)	80,300	(734,600)	2,086,200	29,528,507

(QBR4) Cash and Investments**Investment statement**

The Responsible Accounting Officer certifies that all funds including those under restriction have been invested in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's Investment policy.

Cash bank statement

The Responsible Accounting Officer certifies that Council's bank statement has been reconciled up to and including 31 March 2019.

Reconciliation

The YTD cash and investment figure reconciles to the actual balances held as follows:

	\$
Cash at Bank (as per bank statements)	61,370
Investments on Hand	36,700,940
Reconciled Cash at Bank & Investments	<u>36,762,310</u>
Balance as per Review Statement:	<u>36,762,310</u>

(QBR5) contractors

Contractor	Contract details & purpose	Contract value (\$)	Comm. date	Duration of contract	Budgeted (Y/N)
SRA Information Technology	Water management database	234,630	20/02/2019	3 yrs	Y
Engeny Management	Lismore flood risk management study	51,779	18/03/2019	40 wks	Y
Advanced Concrete Engineering	Reservoir refurbishment stage 1	76,221	25/03/2019	12 wks	Y
Audit Office of NSW	External audit services for 2018/19	63,100	1/03/2019	36 wks	Y
Tunnelling Solutions	Construction of new tunnel bulkhead	2,438,980	1/03/2019	20 wks	Y
Planit Consulting	Project management services for RCD tunnel	60,000	1/03/2019	20 wks	Y

Note: Minimum reporting level is 1% of estimated income from continuing operations or \$50,000 whichever is the lesser.

(QBR5) consultancy and legal expenses**Definition of consultant**

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

Expense	Expenditure YTD \$	Budgeted (Y/N)
Consultancies	\$69,657	Y
Legal Fees	\$3,147	Y

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

Legal fees		
	People and Performance – Land transfer	\$1,482
	People and Performance – Advice	\$1,665
Consultancies		
	Corporate and Commercial – RAP Advisory Group	\$2,459
	Corporate and Commercial – Development Servicing Review	\$5,928
	Corporate and Commercial – IT Strategy	\$16,452
	Corporate and Commercial – Software Support	\$1,340
	Corporate and Commercial – RWL Review	\$26,600
	General Manager – NOROC	\$9,000
	Planning and Delivery – Flood Review	\$5,903
	Planning and Delivery – Asset Transfer	\$1,975

Statement of expenses for councillors

Councillor expenses for the quarter ending 31/03/19 (Q3)

	Other expenses	Official business of Council - excluding professional development	Official business of Council - professional development	Total by Councillor (Q3)	Total by Councillor YTD
Councillor Cadwallader	0	112	0	112	1,384
Councillor Cameron	0	117	0	117	375
Councillor Cook	0	108	0	108	822
Councillor Ekins	0	0	0	0	1,044
Councillor Humphrys	0	38	0	38	804
Councillor Mustow	0	0	0	0	0
Councillor Richardson	0	0	0	0	0
Councillor Williams	0	0	0	0	498
Councillor site visits	0	0	0	0	0
Total per expense type	0	375	0	375	4,928

Budget 2018/19 FY

39,500

Remaining budget

34,572

This information is provided in accordance with paragraph 6.2 of the 'Payment of Expenses and Provision of Facilities for Chairperson and Councillors' policy.

(QBR56) key performance indicators

In assessing an organisation's financial position, there are several performance indicators that can assist to easily identify whether or not an organisation is financially sound. These indicators and their associated benchmarks, as stipulated by Office of Local Government, are set out below:

	# Performance Indicator		Flood	Weeds	Retail	RWL	Property	Fleet	Bulk	Consolidated	Local Government Bench Mark
1	Operating Performance	2018/19 Budget Sept Review	(1,525,500)	(80,200)	770,800	4,300	(94,500)	4,000	(885,100)	(1,806,200)	Surplus
		2017/18 Actual	(873,459)	50,845	326,215	81,631	(40,475)	90,853	2,000,165	1,635,775	
2	Current Ratio	2018/19 Budget Sept Review	10.16	3.30	30.67	33.20	8.60	59.91	3.50	4.03	> 1.5
		2017/18 Actual	26.10	4.30	31.49	55.57	18.24	62.78	6.14	6.30	
3	Debt Service Cover Ratio	2018/19 Budget Sept Review	(10.77)	-	-	-	-	-	1.46	1.58	> 2
		2017/18 Actual	2.80	-	-	-	-	-	2.57	2.81	
4	Own Source Operating Revenue Ratio	2018/19 Budget Sept Review	4%	1%	99%	100%	100%	100%	77%	71%	> 60%
		2017/18 Actual	9%	2%	99%	100%	100%	100%	78%	74%	
5	Building and Infrastructure Renewals Ratio	2018/19 Budget Sept Review	0.26 : 1	-	-	-	9.99 : 1	-	1.59 : 1	1.48 : 1	> 1:1
		2017/18 Actual	0.05 : 1	-	-	-	0.19 : 1	-	0.31 : 1	0.20 : 1	

Comments on key performance indicators

Please note that comments relate to the consolidated financial indicators.

1. Operating result before capital contributions

The operating result is the profit or loss that Council makes from normal operations excluding expenditure on capital items. A surplus is a positive financial indicator.

Comment: Council's operating result (deficit) before capital items has increased compared with the original budgeted deficit of \$1,522,300.

Original budgeted deficit	(\$1,522,300)
Projected year end result 2018/19	(\$1,806,200)
	(\$283,900)

The increase can be attributed to carry over works (\$1.098M) reinstated from 2017/18 and operating expenses (\$1.364M) and a reduction to rental income (\$23k) offset by revenue from grant funding (\$1.451M), water filling stations (\$579k), investment interest (\$150k) and insurance rebates (\$21k).

Carryovers / reinstatements	(\$1,098,400)
Expenses	(\$1,364,400)
Revenue	\$2,178,900
	(\$283,900)

Note: Operating results include depreciation of \$6,540,300 which is non-cash.

2. Current ratio liquidity

The current ratio measures Council's ability to pay existing liabilities in the next 12 months. A ratio greater than one is a positive financial indicator.

Comment: The above ratio means that for every dollar Council owes in the short term, it has \$4.03 available in assets that can be converted to cash.

3. Debt service cover ratio

This ratio demonstrates the cost of servicing Council's annual debt obligations (loan repayments, both principal and interest) as a portion of available revenue from ordinary activities. A higher ratio is a positive financial indicator.

Comment: Ratio, as a percentage of ordinary revenue, is consistent with the Long Term Financial Plan. Due to the timing of loan repayments, the ratio is reduced in the first quarter as the majority of loan repayments occur in the second and fourth quarters.

4. Own source operating revenue ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. A Council's financial flexibility improves the higher the level of its own source revenue. A higher ratio is a positive financial indicator.

Comment: The above percentage demonstrates that the majority of Council's income is generated from user fees and charges, i.e. water sales.

5. Building and infrastructure renewal ratio

This ratio indicates the rate of renewal/replacement of existing assets against the depreciation of the same category of assets. A ratio greater than one is a positive financial indicator.

Comment: The current ratio reflects Council's normal practices, while past years have been impacted by new work associated with the relocation of assets for the Woolgoolga to Ballina Pacific Highway upgrade and the Rocky Creek Dam tunnel.

Legal

In accordance with clause 203 of the *Local Government (General) Regulation 2005*, Council's financial position is satisfactory having regard to the original estimate of income and expenditure and Council's projected short-term liquidity position.

Consultation

This report was prepared in consultation with the General Manager, managers and relevant staff.

Conclusion

In summary, all budget items other than those identified in the report have performed within the parameters set by Council in adopting the 2018/19 Operational Plan.

Guy Bezrouchko
Group Manager Corporate and Commercial

Retail water customer account assistance

(2283/13)

Business activity priority Strategy and planning

Goal 2 Align strategic direction to core functions and sustainability

Recommendation

That Council in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of this report.

Background

Applications for financial assistance in accordance with section 356 (1) under Council's 'Retail Water Customer Account Assistance' policy are tabled below:

Table 1

Account	Property owner/s	Date application received	Nature of leak	Original water charges due	S356 financial assistance to be approved	Adjusted water charges due after approval
10500-11000-1	T H & C A Mooney	27-Feb-19	Concealed undetectable leak was unable to be located. Customer engaged a plumber to replace the full length of pipe.	\$2,957.76	\$1,329.57	\$1,628.19
11624-10000-1	B & J Warburton	12-Mar-19	Water meter was located on neighbouring property where hundreds of trees have been planted. Leak could not be located. Customer paid for Rous County Council to relocate the water meter to their property boundary. New pipeline has now been installed. Work inspected by plumber and is in accordance with relevant Standards.	\$2,535.90	\$1,013.18	\$1,522.72
10467-12000-1	L C Mackney	29-Jan-19	Concealed undetectable leak was located in garden bed. Palm tree roots responsible for the break in the pipe. Leak has been repaired in accordance with relevant Standards.	\$1,914.96	\$547.47	\$1,367.49
Total				\$7,408.62	\$2,890.22	\$4,518.40

Governance

Finance

The 2018/19 financial year budget allocation for applications made in accordance with the 'Retail Water Customer Account Assistance' policy is \$25,000.

2018/19 financial year budget	\$ 25,000.00
S356 assistance approved financial year to date	\$ 5,089.21
S582 assistance approved financial year to date**	\$ 3,139.15
<i>S582 assistance approved since last Council meeting</i>	\$ -
<i>Proposed S356 assistance approval this Council meeting</i>	\$ 2,890.22
<i>Proposed S582 assistance approval this Council meeting</i>	\$ -
Budget remaining 2018/19 financial year	\$ 13,881.42

***Includes write-off amount of \$1,308.54 approved at November 2018 Council meeting.*

Legal

Section 377(q) of the *Local Government Act 1993* provides that a decision under section 356 to contribute money or otherwise grant financial assistance may not be delegated and that the decision must be made by resolution of Council.

Conclusion

The total value of section 356 financial assistance equates to \$2,890.22 by application of Council's 'Retail Water Customer Account Assistance' policy. It is proposed that Council grant the recommended financial assistance.

Guy Bezrouchko
Group Manager Corporate and Commercial

Draft Code of Conduct and Code of Conduct Procedures

(856/15)

Business activity priority	Strategy and planning
Goal 2	Align strategic direction to core functions and sustainability

Recommendation

That Council:

1. Revoke the following:
 - (a) Far North Coast County Council Code of Conduct and Code of Conduct Procedures dated 8 May 2013;
 - (b) Rous County Council Code of Conduct and Code of Conduct Procedures dated 20 March 2013; and
 - (c) Richmond River County Council Code of Conduct and Code of Conduct Procedures dated 8 May 2013,

and any Codes of Conduct and Code of Conduct Procedures revived as a result of that revocation.
2. Adopt the attached Rous County Council Code of Conduct and Code of Conduct Procedures.

Background

The Office of Local Government (OLG) released an updated Model Code of Conduct for Local Councils in NSW on 18 December 2018. The documents were released through OLG circular No. 18-44. A copy of the circular, including a Frequently Asked Questions section, is attached ([Attachment 1](#)).

Council has six months, 14 December 2018 to 14 June 2019, to adopt a new Code based on the Model Code.

The proposed Code of Conduct and Code of Conduct Procedures submitted to Council for adoption are based on the 'model' documents issued by the OLG ([Attachments 2 and 3](#)). This report provides an overview of the Code of Conduct and Code of Conduct Procedures and seeks Council's approval to adopt the documents.

1. Summary – key changes to the Code of Conduct ([Attachment 2](#))

Key changes as made by the OLG and incorporated into the proposed Code currently before Council:

- it incorporates the pecuniary interest provisions previously contained in the *Local Government Act 1993* and *Local Government (General) Regulation 2005*
- 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.

2. Summary – key changes to the Code of Conduct Procedures (Attachment 3)

A range of changes have been made by the OLG and incorporated into the proposed Code of Conduct Procedures currently before Council. The changes are designed to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the Council, to misuse Council's codes of conduct by repackaging routine complaints as "code of conduct complaints"
- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a Council's code of conduct.

Further to the above changes, it should be noted that provisions have been removed from the Model Code for convening Conduct Review Committees for the purpose of investigating complaints. Feedback from the OLG has indicated that Conduct Review Committees were rarely used and only ever in cases of very complex matters. The OLG determined that it was unnecessary to include the provisions for Conduct Review Committees in the Code of Conduct Procedures. The new procedure will see the nominated Conduct Reviewer perform all necessary investigation functions.

Governance

Finance

It is unlikely that there will be any significant or unexpected financial implications as a result of implementing the Code of Conduct and the accompanying Procedures. Any training related costs will fall within current budget allocations.

Legal

Council has a statutory responsibility to ensure that it adopts the Model Code of Conduct and Procedures, as a minimum standard, by 14 June 2019. It should be noted however, if that does not happen, the OLG Model Code will automatically apply.

Note that in conjunction with the review of the Code of Conduct and Code of Conduct Procedures, staff are also reviewing Council's 'Designated Persons' policy.

Consultation

Learning and development requirements will need to be assessed to determine the precise extent of training required for both staff and Councillors, as a minimum.

Conclusion

It is recommended that Council adopt the attached Rous County Council Code of Conduct and Rous County Council Code of Conduct Procedures.

Helen McNeil

Group Manager People and Performance

Attachments:

1. OLG Circular No.18-44 / 18 December 2018 (including Frequently Asked Questions)
2. Proposed Rous County Council Code of Conduct
3. Proposed Rous County Council Code of Conduct Procedures



Circular Details	Circular No 18-44 / 18 December 2018 / A621282
Previous Circular	<i>18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures</i>
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team – (02) 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to Implement

Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- 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) have now been prescribed under the *Local Government (General) Regulation 2005*. The new prescribed Model Code of Conduct and Procedures are available on OLG's website.
- Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued 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.

What this will mean for your council

- Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures. The transitional arrangements for the new Model Code of Conduct and Procedures are set out below.
- Councils' complaints coordinators should bring this circular and the attached FAQ to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.
- Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.

Key points

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures

based on the Model Code of Conduct and Procedures prescribed under the Regulation.

- If a council fails to adopt a new code of conduct and procedures based on the new Model 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 Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct that applies to all council officials. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption, instead of a single code of conduct, should councils wish to do so.
- 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.

Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Code of Conduct and Procedures and other associated documents are available on OLG's website at www.olg.nsw.gov.au.
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Code of Conduct and Procedures during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Chief Executive

FREQUENTLY ASKED QUESTIONS

What is the purpose of the Model Code of Conduct?

The *Model Code of Conduct for Local Councils in NSW* prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

How is the Model Code of Conduct prescribed?

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code of Conduct in their adopted codes of conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code of Conduct with additional provisions in their adopted codes of conduct.

However, councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted codes of conduct. Provisions contained in a council's adopted code of conduct that are less onerous than those prescribed under the Model Code of Conduct will be invalid and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

How are the Procedures prescribed?

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under section 440AA of the LGA and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the LGA and Regulation. Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

Are joint organisations and county councils required to adopt the Model Code of Conduct and Procedures?

Yes.

Who does the Model Code of Conduct apply to?

Section 440 of the LGA specifies the classes of council officials that a Model Code of Conduct prescribed under the Regulation may apply to. Under section 440, a Model Code of Conduct may be prescribed that applies to councillors, members of staff of councils and delegates of councils. For this reason, the Model Code of Conduct prescribed under the Regulation only applies to councillors, council staff and delegates of councils (including members of committees that are delegates of councils). These are all defined as “council officials” for the purposes of the Model Code of Conduct and the Procedures.

Section 440 also allows regulations to be made to apply the provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests to members of a committee of a council (including the Audit, Risk and Improvement Committee) and advisers to councils. A regulation has been made to give effect to this and the new Model Code of Conduct contains provisions prescribing the obligations of committee members and advisers to councils in relation to the disclosure of pecuniary interests.

What is the regulatory scope of the Model Code of Conduct?

The Model Code of Conduct applies to any conduct by a “council official” that is connected with their role as a council official or the exercise of their functions as a council official.

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.

Can councils adopt separate codes of conduct for councillors, staff and delegates and committee members?

Yes. Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct, a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct applying to all council officials.

There is nothing to prevent councils from doing so, provided that the adopted codes of conduct, taken together as a package, reflect all the provisions contained in the prescribed Model Code of Conduct and are consistent with it. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption instead of a single code of conduct for councils wishing to do this.

Can a council extend the application of its adopted code of conduct to persons other than councillors, council staff and delegates of council?

Yes. There is nothing under the LGA to prevent a council, when adopting a code of conduct based on the Model Code of Conduct, to extend its application to persons other than councillors, council staff and delegates of council.

In adopting a code of conduct based on the Model Code of Conduct, councils may amend the provisions of the Model Code of Conduct and the associated Procedures to extend their application to contractors, community members of wholly advisory committees and/or volunteers. In doing so, to be effective, councils will also need to

make it a condition of a contractor's engagement or volunteer's or advisory committee member's appointment that they comply with the council's adopted code of conduct.

How many iterations of the Model Code of Conduct and Procedures have there been?

The Model Code of Conduct has been reviewed every four years to address new and emerging issues and to reflect shifting community standards and expectations. The 2018 version of the Model Code of Conduct is the fourth iteration. The first iteration of the Model Code of Conduct was prescribed in January 2005 in support of amendments to the LGA that required the adoption of a code of conduct based on a prescribed Model Code of Conduct. Before this, councils were free to adopt their own codes of conduct with the result that ethical standards varied from council to council.

The 2018 version of the Procedures is the second iteration. The first iteration of the Procedures was prescribed in March 2013 in support of amendments to the LGA that required the adoption of procedures for the administration of council's adopted codes of conduct based on a prescribed Model Procedure.

Why was the new Model Code of Conduct developed?

The new 2018 version of the Model Code of Conduct gives effect to a key reform made by amendments passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources, the pecuniary interest provisions of the LGA and the Regulation and the Model Code of Conduct.

Consolidating all ethical standards into a single instrument will:

- result in a better understanding of, and compliance, with ethical standards - council officials will no longer need to be familiar with their obligations prescribed from three separate statutory sources, the LGA, the Regulation and the Model Code of Conduct
- allow pecuniary interest breaches by councillors to be treated as "misconduct", meaning that minor breaches can be dealt with by the Chief Executive of OLG as an alternative to referral to the NSW Civil and Administrative Tribunal (NCAT) and suspensions for pecuniary interest breaches will be counted towards disqualification for the purposes of the "three strikes" automatic disqualification
- allow greater flexibility and efficiency in updating the standards to address emerging issues – amendments will now be able to be made by way of a Regulation amendment.

How were the new Model Code of Conduct and Procedures developed?

Moving the pecuniary interest provisions to the Model Code of Conduct necessitated a rewrite of the Model Code of Conduct. As part of this process, it was decided to also undertake a comprehensive review of the existing provisions of the Model Code of Conduct (as part of the regular four-year review cycle) and the Procedures.

In undertaking the review, OLG consulted extensively with councils and other stakeholders. In developing the new Model Code of Conduct and Procedures, there have been two rounds of public consultation:

- in late 2016, submissions were invited suggesting changes and improvements to the existing Model Code of Conduct and Procedures

- based on the feedback received from the first round of consultation, consultation drafts of the proposed new Model Code of Conduct and Procedures were developed and issued for comment.

The final versions of the 2018 Model Code of Conduct and Procedures have been informed by the comment received in response to the consultation drafts.

What changes have been made in the 2018 version of the Model Code of Conduct?

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

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

What changes have been made to the previously approved version of the Model Code of Conduct posted on OLG’s website on 5 September 2018?

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code issued 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. Should councils require further assistance in relation to this, they may contact OLG’s Council Governance Team.

What changes have been made in the 2018 version of the Procedures?

In response to feedback, changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils’ codes of conduct by repackaging routine complaints as “code of conduct complaints”

- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

These changes are outlined below:

How can councils outsource and centralise the management of complaints about councillors through regional arrangements under the new Procedures?

The new Procedures have sought to address concerns about the role of the general manager in the receipt and initial management of code of conduct complaints about councillors by giving general managers (and mayors in the case of complaints about the general manager) the flexibility to delegate their functions under the Procedures to another member of staff or a person external to the council.

The new Procedures have also been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so. This could be done, for example, through the establishment of a broader internal ombudsman function in a joint organisation or regional organisation of councils or through another shared arrangement to service member councils.

In particular:

- councils are able to establish and maintain regional panels of conduct reviewers through a joint or regional organisation of councils or another shared arrangement
- a staff member of a joint or regional organisation of councils or another member council can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) be appointed by general managers of member councils as the complaints coordinator for all member councils
- general managers and mayors of member councils can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) delegate their complaints management functions under the Procedures to a joint organisation or regional organisation of councils or to a staff member of another member council
- councils' internal ombudsman may, with the approval of OLG, be appointed to a panel of conduct reviewers allowing them to exercise the functions of a conduct reviewer, subject to their being able to meet the qualification criteria for conduct reviewers and being able to demonstrate to OLG's satisfaction a requisite degree of independence from member councils.

This offers a number potential benefits:

- centralisation of these functions through a joint organisation, a regional organisation of councils or another shared arrangement has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region in the management of code of conduct complaints
- it allows general managers and mayors to divest themselves of the sometimes onerous responsibilities associated with code of conduct complaints management, allowing them to focus on their core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.

How do the new Procedures address misuse of councils' codes of conduct?

The purpose of a council's code of conduct is to prescribe the ethical and behavioural standards council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, councils' codes of conduct should not be used to deal with routine complaints.

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 to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

To be a code of conduct complaint, a complaint must show or tend 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. Complaints that do not meet this definition of a "code of conduct complaint" must not be dealt with under the Procedures and are to be dealt with under councils' routine complaints management processes.

The new Procedures make it clear that the following are not code of conduct complaints:

- complaints about the standard or level of service provided by a council or a council official
- complaints that relate solely to the merits of a decision made by a council or a council official or the exercise of a discretion by a council or a council official
- complaints about the policies or procedures of a council
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

What recourse do the new Procedures provide against persons who inappropriately disclose information about code of complaints they have made?

Allegations of breaches of a council's code of conduct must not be made publicly and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. This is to ensure the allegations are dealt with appropriately and fairly in accordance with the prescribed Procedures for the management of code of conduct complaints.

While council officials disclosing this information may face disciplinary action, under the previous Procedures there was no recourse against members of the public who did so. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, general managers can determine, with OLG's consent, that the complainant is to receive no further information about their complaint and any future code of conduct complaints they make (subject to the requirements of the *Government Information (Public Access) Act 2009*).

When must councils adopt a new code of conduct and procedures based on the new prescribed Model Code of Conduct and Procedures?

Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

What are the transitional arrangements for the new Model Code of Conduct and Procedures?

The following transitional arrangements apply to the new Model Code of Conduct and Procedures:

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.
- If a council fails to adopt a new code of conduct and procedures based on the new Model 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 Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the LGA (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- 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 was in force at the time the complaint was made.

Where can I get Word© versions of the new Model Code of Conduct and Procedures?

If you require a Word© version of the new Model Code of Conduct or Procedures, please contact OLG's Council Governance Team.

Attachment 2



Code of Conduct

A code governing the conduct of
Council officials including staff and
Councillors:

based on the Office of Local Government
Model Code of Conduct

(Note: To be read in conjunction with the 'Rous County Council Code of Conduct Procedures' document)

Proposed Code of Conduct

Version	Purpose and Description	Adopted by Council	Resolution no.
1.0	Adoption at Council Meeting 20/3/13	20 March 2013	18/13
1.1	Logo change and referencing Rous County Council following merger at 1 July 2016	-	-
2.0	Adopt revised Code of Conduct (furnished to 17 April 2019 Council meeting with Code of Conduct Procedures)	DRAFT	

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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 (e.g. 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.

To complement the Code and assist with its administration is a procedural document titled ‘Rous County Council Code of Conduct Procedures’.

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”.

Commented [BW1]: This comment exists in the old code but has been removed from the new code. Comment included as a simple comment/reference to the procedures.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Chairperson	refers to the chairperson of a county council or a joint organisation
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.
conflict of interest	a 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 public duty. These interests may be pecuniary or non-pecuniary.
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 Chairperson and includes members 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>

Commented [BW2]: The term 'Mayor' is not used in RCC documentation. The definition was amended for the use of the term 'Chairperson'. Definition was clarified with the addition of the words 'refers to...'

Commented [BW3]: This term was not included in the new code. The term is used in the section regarding Pecuniary and Non-Pecuniary Interests, although that section does not specifically define the term. It has been included to help clarify these sections.

general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
social media	is any form of media that allows people to communicate and share information using the internet or mobile phones and includes, but is not limited to, blogs, podcasts, websites, applications, online forums, and private messaging services and platforms
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:
- is likely to bring the council or other council officials into disrepute¹
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power or otherwise amounts to misconduct
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - 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*).

Commented [BW4]: This comment exists in the old code but has been removed from the new code. This is not a significant change and has only been included for additional clarification

Social Media

- 3.3 ²You must not use social media to post or share comments, photos, videos, electronic recordings or other information that in any way contravenes general behaviour obligations under section 3.1 of this code.³ This includes, but is not limited to, anything that:
- is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - contains content about the council that is misleading or deceptive
 - divulges confidential council information
 - breaches the privacy of other council officials or those that deal with the council
 - contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures,
 - could be perceived to be an official comment on behalf of the council where you have not been authorised to make such a comment, or

Commented [BW5]: Given the influencing role that social media plays in today's society, this section has been added to provide additional guidance around the use of social media.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 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.
- 3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.4 or 3.5.

¹ This can include the expression of political views, religious beliefs, sexist or sexually inappropriate commentary, racist or racially insensitive comments, commentary that can incite violence, and other such antagonistic actions or discourse.

² The application of this principle is not limited to the use of Council accounts or devices. It also applies to the use of personal accounts and the use of personal devices.

³ This can also refer to acts of trolling whereby comments are made for the express purpose of provoking an adverse response.

Harassment and discrimination⁴

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

Commented [BW6]: Terminology was amended to 'Sexual identity, orientation, and preference' as it was considered that the terms 'Homosexuality' and 'transgender status' were very specific and limiting terms. The change was made for a broader application.

Bullying⁵

- 3.9 You must not engage in bullying behaviour towards others.
- 3.10 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - the behaviour creates a risk to health and safety.
- 3.11 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
 - belittling or humiliating comments
 - spreading malicious rumours
 - teasing, practical jokes or 'initiation ceremonies'
 - exclusion from work-related events
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - displaying offensive material
 - pressure to behave in an inappropriate manner.
- 3.12 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:
- performance management processes
 - disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - directing a worker to perform duties in keeping with their job
 - maintaining reasonable workplace goals and standards
 - legitimately exercising a regulatory function
 - legitimately implementing a council policy or administrative processes.

⁴ For further guidance, refer to relevant Council procedure

⁵ For further guidance, refer to relevant Council procedure

Work health and safety

- 3.13 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act).⁶ You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.14 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.
- 3.15 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

- 3.16 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.17 For the purposes of clause 3.16 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.
- 3.18 Clause 3.16 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.
- 3.19 Clause 3.16 does not apply to a decision to elect the Chairperson or deputy Chairperson, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

⁶ Refer to Rous County Council Work Health and Safety Policy
Rous County Council Code of Conduct

Obligations in relation to meetings

- 3.20 You must act in accordance with Council's Code of Meeting Practice during Council and committee meetings.
- 3.21 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.
- 3.22 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).
- 3.23 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.
- 3.24 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.

Commented [BW7]: The previous code referenced the Code of Meeting Practice, although it was not included in the Model Code. It has been included in this document to provide a direct reference to obligations under the revised Code of Meeting Practice.

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 Chairperson and deputy Chairperson)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Chairperson and deputy Chairperson) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of Chairperson arising from the fact that a fee for the following 12 months has been determined for the office of Chairperson
- (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 person⁷
- (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.

⁷ By means of an example, this can refer to such an instance where a payroll officer who processes the pay of an employee who is also a relative of the payroll officer.

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

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- (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) & (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 Chairperson.

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- 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 Chairperson.
- 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 ⁸The 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

⁸ Councillors or council committee members who are precluded from participating under this Part must apply individually in writing to the Minister seeking an exemption. The Minister will consider the requests and will reply in writing of their decision outlining, where necessary, any specific conditions relevant to the matter.

- 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 Chairperson 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 Chairperson or administrator exercising their functions under section 226 of the LGA.

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- 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 Chairperson 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 Chairperson 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.

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

Internet access

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

Council record keeping

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

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, Chairperson'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

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- c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

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

PART 10 SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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

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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.

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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 Chairperson or deputy Chairperson 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.

PART 11 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

PART 12 SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ⁹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ¹⁰ [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
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"]	

⁹ 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.

¹⁰ 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.

[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]

Proposed Code of Conduct

Attachment 3

Code of Conduct Procedures

A procedures document for the
administration of the
Code of Conduct

Based on the Office of Local Government
Model Code of Conduct Procedures

(NOTE: To be read in conjunction with the 'Rous County Council Code of Conduct' document).

Proposed Code of Conduct Procedures

Version	Purpose and Description	Date adopted by Council	Resolution no.
1.0	Adoption at Council Meeting 20/3/13	20/032013	18/13
1.1	Logo change and referencing Rous County Council following merger at 1 July 2016	-	-
2.0	Adopt revised Code of Conduct Procedures (furnished to 17 April 2019 Council meeting with Code of Conduct)	DRAFT	

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PART 1 INTRODUCTION

The Model Code of Conduct Procedures are made under section 440AA of the *Local Government Act 1993* ('LGA') and the *Local Government (General) Regulation 2005* ('Regulation'). Section 440AA of the LGA requires every Council and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code of Conduct Procedures.

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

Proposed Code of Conduct Procedures

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
Chairperson	the chairperson of a county council or a joint organisation
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 complaint's 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 Chairperson, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

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

- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaint's 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 complaint's 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 complaint's coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office and
 - 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:
- complaints about the standard or level of service provided by the council or a council official
 - 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
 - complaints about the policies or procedures of the council
 - complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

Commented [BW1]: Previously just read 'alleges'

Commented [BW2]: Previously read '...acting in their official capacity that on its face, if proven...'

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 Chairperson 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.

Commented [BW3]: Previously read '...he or she...'

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 Chairperson 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 Chairperson 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 Chairperson 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 Chairpersons of their functions under this Part

- 5.1 A general manager or Chairperson 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 Chairperson are also to be taken to be references to their delegates.

Consideration of complaints by general managers and Chairpersons

- 5.2 In exercising their functions under this Part, general managers and Chairpersons 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 Chairperson, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- is not a code of conduct complaint, or
 - subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - is trivial, frivolous, vexatious or not made in good faith, or
 - relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - 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.

Commented [BW4]: Previously read '...making enquiries or causing enquiries to be made into...'

Commented [BW5]: Previously read '...not to make enquiries into...'

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

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law

Commented [BW6]: Previously read '...making enquiries or causing enquiries to be made...'

Commented [BW7]: The previous document had a section reading 'Without limiting [clause], the General Manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.'

- 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.

Commented [BW8]: Previously stated "...of the Act,"

- 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 complaint's coordinator.

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

- 5.27 The Chairperson 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 Chairperson refers a complaint to the Office under clause 5.27, the Chairperson must notify the complainant of the referral in writing.
- 5.29 The Chairperson 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 Chairperson decides to take no action in relation to a code of conduct complaint about the general manager, the Chairperson 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 Chairperson considers it to be practicable and appropriate to do so, the Chairperson 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.

Commented [BW9]: Previously stated '...of the Act,'

- 5.32 Where the Chairperson resolves a code of conduct complaint under clause 5.31 to the Chairperson's satisfaction, the Chairperson 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 Chairperson 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 complaint's coordinator.

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

- 5.34 Where the general manager or Chairperson receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the Chairperson, the general manager or Chairperson 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 complaint's coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, Chairperson 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, Chairperson 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, Chairperson 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

Commented [BW10]: Previously read "...review committee..."

Commented [BW11]: Previously included, '...or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police...'

The term 'external 'agency' is now covered off in the definitions

- 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 Chairperson, 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.

Commented [BW12]: Previously included, '...or a Conduct Review Committee...'

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or Chairperson 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.

Commented [BW13]: Previously included, '...or a Conduct Review Committee...'

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 Chairperson 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 complaint's 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.

Commented [BW14]: Previously read "...shall..."

Commented [BW15]: Previously stated "...in consultation with..."

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, Chairperson 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 Chairperson.
- 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 complaint's 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 complaint's 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 Chairperson, 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.

Commented [BW16]: Previously read "...where it is..."

Commented [BW17]: Previously included "...or to recommend that a Conduct Review Committee be convened to investigate a matter..."

Commented [BW18]: This section now replaces an older section that read "The Conduct Reviewer may only determine to recommend that a Conduct Review Committee be convened to investigate a matter after consulting with the Complaints Coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole Conduct Reviewer."

Referral back to the general manager or Chairperson for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the Chairperson 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 Chairperson, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or Chairperson prior to referring a matter back to them under clause 6.13(c).

- 6.28 The general manager or Chairperson 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 Chairperson under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the Chairperson, 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 Chairperson under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the Chairperson, 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.

Commented [BW19]: Previously included "...to the complainant..."

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 Chairperson.
- 7.3 The general manager or the Chairperson or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- disclose the substance of the allegations against the respondent, and
 - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - advise of the process to be followed in investigating the matter, and
 - advise the respondent of the requirement to maintain confidentiality, and
 - 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
 - provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the Chairperson. The notice must:

Commented [BW20]: Part 7 was previously dedicated to the Operations of Conduct Review Committees. These committees are no longer addressed in the new code. Conduct Review Committees are no longer convened to perform investigations. This role is solely undertaken by the Conduct Reviewer.

Commented [BW21]: Previously included ‘...or Conduct Review Committee...’ Refer to previous comment about the absence of Conduct Review Committees.

Commented [BW22]: Previously read ‘subject person’ This goes for all subsequent references to ‘respondent’ throughout this Part.

Commented [BW23]: Was previously 28 days

Commented [BW24]: Previously read ‘subject person’

Commented [BW25]: Was previously 14 days

Commented [BW26]: Was previously 28 days

- 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.

Commented [BW27]: Slight change in phrasing. Previously read 'In the case of the notice to the complainant, invite them to...'

Commented [BW28]: Was previously 28 days

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Chairperson, 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 Chairperson, 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.

Commented [BW29]: Was previously 28 days

Commented [BW30]: Was previously 28 days

- 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.

Commented [BW31]: Previously read 'Where...'

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation

- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h) in the case of a breach by the general manager, that action be taken under the general manager's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

Commented [BW32]: Previously read 'enforcement'

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 Chairperson, 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 Chairperson. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Chairperson is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

Commented [BW33]: An additional point was present in the old text. Point e) read:

'Where the matter is investigated by a Conduct Review Committee, a statement as to why the matter was one that warranted investigation by a Conduct Review Committee instead of a sole Conduct Reviewer.'

All commentary regarding Conduct Review Committees has been removed from new documentation.

Commented [BW34]: Previously was a requirement to also provide a copy of the report to the 'complainant'. The subsequent section has been added whereby the complainant is provided with an expurgated version of the report.

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.

Commented [BW35]: Previously just to point (h)

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)).

Commented [BW36]: Previously read '...where an...'

Commented [BW37]: Previously read '...determines...'

Commented [BW38]: Previously just to point (h)

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.

Commented [BW39]: Previously only allowed for an oral submission

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.

Commented [BW40]: Previously just oral submission

7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

Commented [BW41]: Previously just oral submissions

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.

Commented [BW42]: Previously included complainants receiving a copy of any supplementary reports

- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaint's 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.

Commented [BW43]: Previously did not stipulate the manner in which submissions under this section could be prepared

Commented [BW44]: Previously worded differently without the newer section in mind. The intent is essentially the same.

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.

Commented [BW45]: In the previous version, this section was titled '*Failure to comply with a requirement under these procedures.*'
The intent seems to expand on the previous iteration whereby a person can make a written submission to the Office prior to the council's consideration of an investigator's final report if they believe someone has failed to comply with a requirement prescribed under the procedures.
The new point allows the Office to instigate a review regardless if it has received a submission or not.

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.

Commented [BW46]: Previously read '*...are to...*'

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.

Commented [BW47]: Previously titled '*Requests for review*'

- 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 Chairperson 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 Chairperson, and
 - b) the general manager or Chairperson must review any action taken by them to implement the sanction, and
 - c) the general manager or Chairperson 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

Commented [BW48]: Previous document also had a point about the number of complaints investigated by a Conduct Review Committee.

Commented [BW49]: Previously included details of outcomes from reviews conducted by Conduct Review Committees

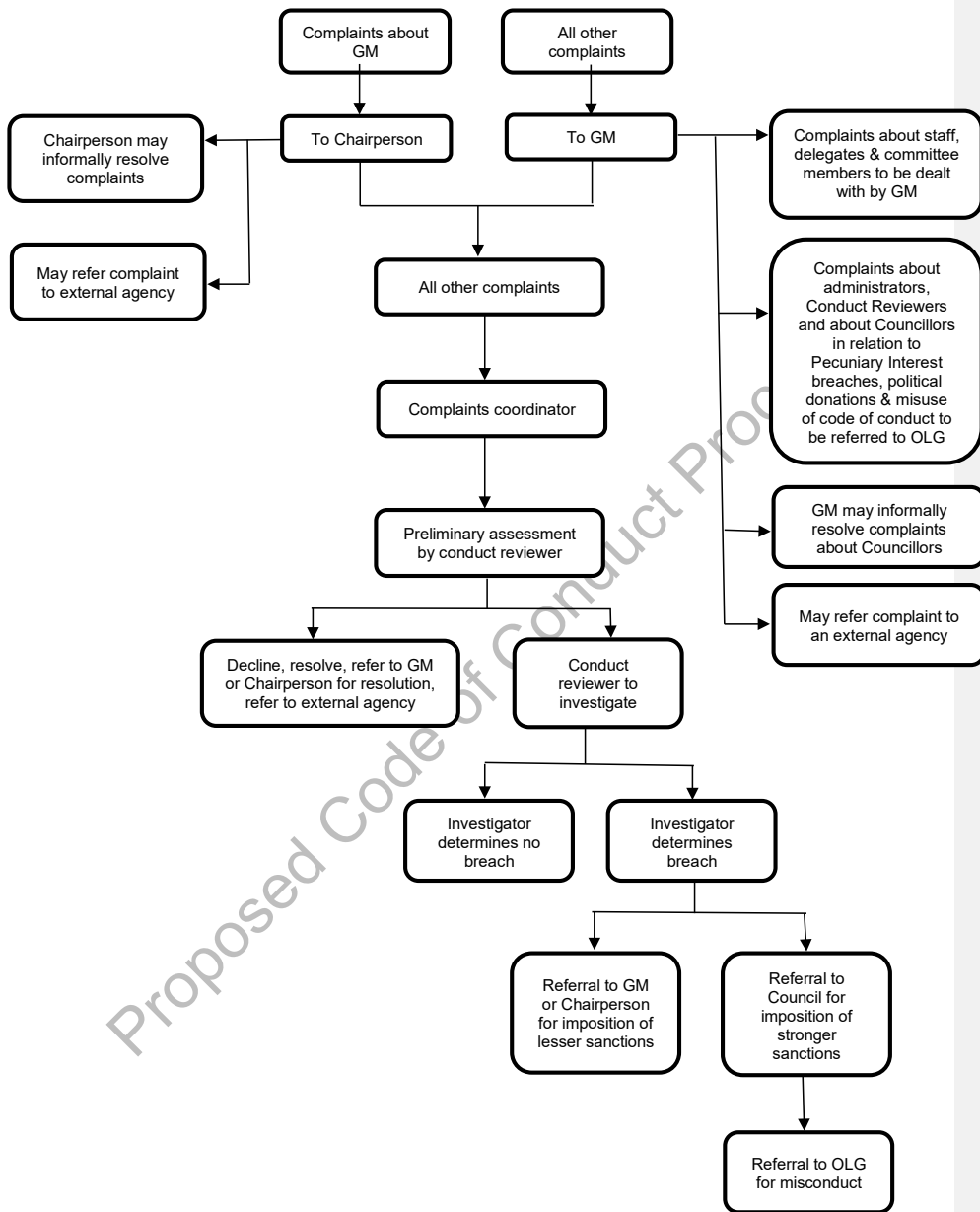
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including 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.

Rous County Council Code of Conduct Procedure Flowchart



Draft Code of Meeting Practice

[897/13]

Business activity priority	Strategy and planning
Goal 2	Align strategic direction to core functions and sustainability

Recommendation

That Council resolve to publicly notify and exhibit the draft Code of Meeting Practice at Attachment 1.

Background

Amendments made to the *Local Government Act 1993* (the Act) provide for a Model Code of Meeting Practice (the Model Code) to be prescribed by the *Local Government (General) Regulation 2005* (the Regulation).

The Model Code contains mandatory provisions. These reflect existing meeting provisions of the Act, as well as updated provisions previously prescribed under the Regulation. The Model Code also proposes non-mandatory provisions.

Council is required to adopt a new Code of Meeting Practice that incorporates the mandatory provisions of the Model Code. Council's adopted Code of Meeting Practice:

- must be consistent with the mandatory provisions; and
- may also incorporate the non-mandatory provisions of the Model Code, and any other supplementary provisions adopted by Council.

Draft Code of Meeting Practice

Council's draft Code of Meeting Practice is provided at [Attachment 1](#) and is a 'track changed' version of the Model Code. Relevant provisions (mandatory, non-mandatory, amended non-mandatory, supplementary and omitted) are identified accordingly throughout the document. A detailed commentary with respect to the specific provisions incorporated in Council's draft Code of Meeting Practice is provided at [Attachment 2](#).

A copy of Council's existing Code of Meeting Practice is provided at [Attachment 3](#), for reference.

Governance

Unless Council adopts a new Code of Meeting Practice, its existing Code of Meeting Practice will remain in force up until 14 June 2019. After that date, transitional arrangements provide that any provision of Council's existing Meeting Code that is inconsistent with a mandatory provision of the Model Code will automatically cease to have effect to the extent that it is inconsistent. It is not anticipated that this will occur should Council not have adopted its Code of Meeting Practice by 14 June 2019.

Consultation

As required by section 361 of the *Local Government Act 1993*, before adopting a new Code of Meeting Practice, Council is required to exhibit the document for at least 28 days and provide members of the public at least 42 days in which to comment on it.

The proposed Code was the subject of a Councillor workshop and briefing on 20 March 2019.

Feedback received at that workshop has been incorporated into the proposed Code at [Attachment 1](#).

Conclusion

A Code of Meeting Practice has been drafted which incorporates the mandatory provisions of the Model Code, as well as non-mandatory and supplementary provisions to meet specific organisational needs. Before adopting a new Code of Meeting Practice, Council is required to publicly notify and exhibit the draft Code.

Helen McNeil
Group Manager People and Performance

Attachments:

1. Draft Code of Meeting Practice for public notification and exhibition
2. Commentary on draft Code of Meeting Practice
3. Existing Code of Meeting Practice

Attachment 1 (Proposed Code)



Code of Meeting Practice

A code governing the conduct of
meetings of Council:
based on the Office of Local Government Model
Code of Meeting Practice



Version	Purpose and Description	Date adopted by Council	Resolution no.
1.0	Adopt Code of Meeting Practice	15 March 2000	10196/00
1.1	PUBLIC CONSULTATION DRAFT	15 August 2011	63/11
2.0	Adopt revised Code of Meeting Practice	16 November 2011	101/11
2.1	Insert local rule regarding debate on amendments to motions (4.17)	18 July 2012	53/12
2.2	PUBLIC EXHIBITION DRAFT – Amendment to meeting frequency	19 September 2018	77/18
3.0	Adopt revised Code of Meeting Practice	21 November 2018	103/18
3.1	PUBLIC CONSULTATION DRAFT – following release of new OLG Model Code of Meeting Practice (Council meeting 17 April 2019)	DRAFT	

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1 Introduction

This ~~Model Code of Meeting Practice for Local Councils in NSW~~ is to be referred to as the 'Rous County Council Code of Meeting Practice' ('the Code') and ~~(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).

The ~~is~~ Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). It should be noted that a council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Background

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model ~~Meeting Code of Meeting Practice for Local Councils in NSW, developed by the Office of Local Government (OLG).~~ Council may also incorporate non-mandatory and other supplementary provisions.

Various provisions found throughout Council's Code are outlined below:

<u>Provision</u>	<u>Explanation</u>	<u>Identified by:</u>
<u>Mandatory</u>	<u>Provisions which must be included in the Code</u>	<u>No symbol</u>
<u>Non-mandatory</u>	<u>Provisions suggested by OLG which may be included in the Code</u>	<u>◆</u>
<u>Non-mandatory (amended)</u>	<u>Utilises or replaces non-mandatory provisions suggested by OLG, to meet organisational needs</u>	<u>♣</u>
<u>Supplementary</u>	<u>Additional provisions drafted by Council to meet organisational needs.</u>	<u>♠</u>

~~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 All provisions that are inconsistent with the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW, this Model Meeting Code.~~

Non-mandatory provisions which have not been adopted are marked as "Omitted", so to ensure consistency with numbering throughout the Code.

Making, amending and dealing with the Code must be undertaken in accordance with Chapter 12, Part 2, Division 1 of the *Local Government Act 1993*, including public notice and exhibition requirements.

~~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 principals

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:

The third Wednesday of February, April, June, August, October and December at 1:00pm.

♣ On the third Wednesday of the month when meetings are not scheduled to be held, Council will hold briefings or workshops at 1:00pm unless, in consultation with the Chair, the General Manger determines that there is no substantial matter for discussion. [council to specify the frequency, time, date and place of its ordinary meetings]

3.2 Omitted – superseded by clause 3.1. 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.

Extraordinary meetings

- 3.3 If the ~~mayer-chairperson~~ receives a request in writing, signed by at least two (2) councillors, the ~~mayer-chairperson~~ must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The ~~chairperson-mayer~~ 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 ~~ten (10) [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 Omitted and replaced with:

♣ The chairperson may rule that a motion or an amendment is out of order if, in the view of the chairperson, the proposed motion:

(a) is vague and equivocal in its language;

(b) is the direct negative of or is inconsistent with a resolution just passed by the meeting;

(c) is an amendment which alters the motion to the extent that it effectively reverses the motion it proposes to amend;

(d) proposes an action that is unlawful;

(e) is outside the scope of the meeting;

(f) in the opinion of the chairperson, contains potentially defamatory statements;

(g) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and

(h) is potentially vexatious and proposed to impede the orderly transaction of business.

The General Manager may provide factual information on a notice of motion to assist in the discussion of the motion. The General Manager must not comment on the merit of a notice of motion.

Where a motion put before Council is not exactly as presented on the Agenda, the motion must be in writing and provided to the chairperson before the mover may proceed.

If a Councillor, including the seconder to the original motion, proposes a variation to a motion, the chairperson must ask whether any Councillor objects to the variation. If there is no objection, the proposed variation is adopted into the motion by consent of the Council. If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly. Only one amendment is to be considered by Council at any one time.

The chairperson must not accept a motion 'that the motion be now put' if a Councillor is speaking to the motion in accordance with this Code of Meeting Practice or while a question, properly asked by a Councillor, awaits response in accordance with a direction of the chairperson.

~~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.
◆ The business paper is to be provided to Councillors no later than the Friday prior to the scheduled Ordinary Council meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - ~~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
 - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - 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 chairperson~~ to put a ~~mayoral chairperson's~~ 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:
- 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
 - 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.
[↗ The business paper is to be available on Council's website no later than the Monday prior to the scheduled Ordinary Council meeting.](#)

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.~~
- 3.36 ~~○ 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.~~
- 3.37 ~~○ 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 immediately 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 or other matters relevant to Council. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council. Council will commence an ordinary meeting in accordance with clause 3.1. However, if applications to speak have been received in accordance with clause 4.3, Council will adjourn the meeting to enable the public forum to occur. A public forum is limited to 15 minutes in total, however this amount may be extended at the discretion of the general manager.~~
- 4.2 ~~◆ Public forums are to be chaired by the mayor-chairperson or their nominee.~~
- 4.3 ~~♣ All applications to address Council during the public forum must be authorised by the general manager, and where possible, details of speakers are to be included in the Agenda. 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 10am on the day of a Council meeting [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 ~~Omitted. 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 ~~Omitted. 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 ~~Omitted. 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 ~~Omitted. 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, with consideration to the custom that speakers are heard alternately, for example, an objector to a matter followed by a supporter.
- 4.12 ♣ Each speaker will be allowed five [number to be specified by the council] minutes to address the council. The general manager, at their discretion, may increase a speaker's time limit. 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]~~ five 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 ~~Omitted. 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 ~~Omitted. 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.

♣ Once a leave of absence has been granted by Council and communicated to the applicant, the leave of absence is not capable of being rescinded by Council.

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:
- 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
 - within half an hour after the time designated for the holding of the meeting, or
 - at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- by the chairperson, or
 - in the chairperson's absence, by the majority of the councillors present, or
 - 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:
- by a resolution of the meeting, or
 - 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.

- ♣ Webcasting will occur via one of the following methods (in order of availability):
- i. audio recording, and placed on Council's website subsequent to the Council meeting;
 - ii. audio-visual recording, and placed on Council's website subsequent to the Council meeting; or
 - i. live webcasting (if viable).
 - iii.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

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 a maximum of 12 months. [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 ~~mayer~~chairperson, or at the request of or in the absence of the ~~mayer~~chairperson, the deputy ~~mayer~~chairperson (if any) presides at meetings of the council.

[♣ The chairperson of a county council is elected in accordance with section 391 of the Act, to undertake functions in accordance with section 391A of the Act. As a matter of administrative convenience, Council may elect a deputy chairperson. The election of the deputy chairperson will be conducted at the same time and in the same manner as the annual election of the chairperson.](#)

Note: Clause 6.1 reflects section 369(1) of the Act.

- 6.2 If the ~~mayer~~chairperson and the deputy ~~mayer~~chairperson (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 ~~mayer~~chairperson and deputy ~~mayer~~chairperson

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the ~~eat~~ 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 ~~♣The chairperson is to be addressed as 'Mr/Madam Chair' or 'Mr/Madam Chairperson'. 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'. Omitted.~~
- 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 ~~Omitted – superseded by 8.2. 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 Ceountry*
- 03 Apologies and applications for a leave of absence by councillors Leave of Absence*
- 04 Confirmation of minutes of previous meeting*
- 05 Disclosures of interest*_s
- 06 ~~Mayoral~~ Chair's minute(s)
- 07 Reports of committees
- 08 Reports to council (General Manager and Group Managers, as applicable)
- 09 Policies
- 10 Information reports
- 11 Confidential matters
- 12 Matters of urgency*
- ~~13~~09 Notices of motions/Questions onwith notice*
- ~~10~~ Confidential matters
- ~~11~~14 Conclusion of the meeting Close of business*

~~♣ The items marked with an asterisk (*) are routinely included in the council meeting agenda. Remaining items are included as appropriate based on the council business proposed for discussion a the meeting.~~

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause ~~[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 chairperson's](#) 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 Chairperson's](#) 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 chairperson](#), 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 ~~chairperson's 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 chairperson's~~ minute without the motion being seconded.
- 9.8 A recommendation made in a ~~mayoral chairperson's~~ minute put by the ~~mayor chairperson~~ is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A ~~mayoral chairperson's~~ minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 ~~Omitted. 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 ~~Omitted. 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 ~~Omitted. 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.

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 ~~Omitted. 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 ~~Omitted – superseded by clause 11.11. 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.

◆ Note: only clause 11.6 is 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. Only items included under the "Information Reports" agenda item may be considered in this manner.
- 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 Omitted. 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.

♣ If the Agenda lists more than one matter for discussion in a part of a meeting proposed to be closed to the public, Council must consider each proposed closure of the meeting on its individual merits. For example, Council may consider one recommendation that lists the individual reason(s) for the proposed closure of the meeting, matter by matter.

- 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 10am on the day of the Council meeting [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 four [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 ~~four~~ [four](#) ~~[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 ~~five~~ [five](#) ~~[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.

Decisions to be made in open meeting

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

♠ Note: Clause 14.23 reflects section 254 of the Act.

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 ~~Omitted – superseded by clause 15.15. 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.

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.

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.

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 [public forums, meetings of the council, and committees of the council and any briefings or workshops of 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 [either:](#)
- [in the minutes of the meeting at which the declaration was made; or-](#)
 - [via other written record in the case of public forums, briefings or workshops of Council, and include details of how the conflict was managed.](#)

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 Omitted and replaced with:

♣ A notice of motion to rescind a resolution to prevent action proceeding on the resolution must be given verbally to the chairperson and general manager by close of business the day following the relevant Council meeting. The formal written rescission motion signed by three councillors is to be presented to the general manager within 48 hours of the closure of the meeting to prevent action on the resolution prior to reconsideration of the rescission motion. ~~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 sufficient~~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 ~~Omitted. Meetings of the council and committees of the council are to conclude no later than [council to specify the time].~~
- 18.2 ~~Omitted. 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 ~~Omitted. 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 ~~Omitted. 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 ~~Omitted. 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.

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.

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.

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
- (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.

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.

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:
- (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 ~~mayer~~[chairperson](#), or
 - (b) if the ~~mayer~~[chairperson](#) does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 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 ~~Omitted. 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 Model Code of Conduct for Local Councils in NSW
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

23 ♠ Summary: Procedure in relation to motions

<u>Motion</u>	<u>Notice?</u>	<u>Seconded required?</u>	<u>Debate</u>	<u>Right of reply</u>	<u>Ref.</u>
<u>General</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>10.1-10.4</u>
<u>Amendment</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>10.10-10.16</u>
<u>Chairperson's Minute</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>9.6-9.9</u>
<u>Urgency</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>9.3-9.5</u>
<u>Rescission/ alteration</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>17.3-17.7</u> <u>s.372 of Act</u>
<u>Urgent rescission/ Alteration</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>17.12-17.14</u>
<u>Alteration of order of business</u>	<u>No</u>	<u>Yes</u>	<u>Mover only</u>	<u>No</u>	<u>8.3</u>
<u>Dissent</u>	<u>No</u>	<u>Yes</u>	<u>Mover, Chair only</u>	<u>No</u>	<u>15.8-15.10</u>

Proposed non-mandatory/supplementary provisions

(This information is intended to be read alongside the proposed draft Code, and where appropriate, the existing Code).

Provision/Clause	Rationale for inclusion/exclusion
<p><i>Timing of ordinary meetings</i></p> <ul style="list-style-type: none"> ▪ must adopt 3.1 or 3.2 	<p>3.1 proposed for inclusion – recent amendments to Council’s existing Code are incorporated. Those amendments adjusted the timing of ordinary meetings and there is no reason to make further changes at this time.</p>
<p><i>Giving notice of business to be considered at council meetings</i></p> <ul style="list-style-type: none"> ▪ must stipulate timeframe in 3.10 ▪ may adopt 3.12 and/or 3.13 	<p>3.10 proposed to retain notice period of 10 business days, as provided for in Council’s existing Code (see page 22 of existing Code).</p> <p>3.12 proposed for inclusion – provides a non-mandatory opportunity for a report to be prepared for notices of motion that have legal, strategic, financial or policy implications.</p> <p>3.13 proposed for significant amendment – to reflect current practice regarding motions (see clause 4.8, page 22 of existing Code).</p>
<p><i>Agenda and business papers for ordinary meetings</i></p>	<p>3.17 and 3.23 proposed to include amendments to reflect current practice regarding provision of business papers to councillors and the public (see clause 2.2, page 12 of existing Code).</p>
<p><i>Pre-meeting briefing sessions</i></p> <ul style="list-style-type: none"> ▪ may adopt 3.32-3.37 	<p>3.32 proposed for inclusion – provides a non-mandatory option for pre-meeting briefing sessions to be arranged prior to council meetings.</p> <p>3.33-3.37 proposed for exclusion – unnecessary and overly prescriptive. For example, conflict of interest issues are managed at 16.1 and within the Code of Conduct.</p>
<p><i>Public forums</i></p> <ul style="list-style-type: none"> ▪ may adopt 4.1-4.23 	<p>4.1-4.23 proposed for inclusion with amendments and some exclusions to reflect Council’s existing practices or provide certainty where it is presently silent (see clause 3.1, page 14 of existing Code). Some provisions are also proposed to be excluded as they are overly prescriptive. Major amendments are outlined below:</p> <p>4.1 – enable public forums to be held immediately prior to each ordinary meeting of Council, enabling speakers on agenda items or other matters relevant to Council. Public forums are limited to 15 minutes in total, however this time may be extended at the discretion of the General Manager.</p> <p>4.3 – allow applications to address Council during a public forum to be received up until 10am on the day of a Council meeting.</p> <p>4.4 - proposed for exclusion – unnecessary and overly prescriptive.</p> <p>4.6 – Allow the general manager or delegate to refuse a request for a person to speak at a public forum.</p>

Provision/Clause	Rationale for inclusion/exclusion
	<p>4.7-4.10 proposed for exclusion – unnecessary and overly prescriptive.</p> <p>4.11-4.22 – proposed for inclusion – provides guidance as to how public forums may be managed, including:</p> <ul style="list-style-type: none"> - allowing a speaking 5 minutes for each item. - questions may be asked of a speaker, who is under no obligation to answer, with any answer limited to 5 minutes. - clear process to manage speakers who may engage in inappropriate conduct. <p>4.23 proposed for exclusion – unnecessary and overly prescriptive - conflict of interest issues are managed at 16.1 and within the Code of Conduct.</p> <p>NB. <i>The new Model Code proposes that public forums should not be held as part of a council or committee meeting.</i></p>
<i>Leave of absence</i>	5.8 proposed to include – amendment to reflect current practice not to allow rescission of a leave of absence (see clause 3.12, page 17 of existing Code).
<i>Coming together – The quorum for a meeting</i> ▪ may adopt 5.14-5.15	5.14-5.15 proposed for inclusion – provides approach to cancel meeting in the event that a quorum may not be present or a natural disaster.
<i>Webcasting of meetings</i> ▪ must stipulate whether webcasting is via livestream or audio/audio-visual recording which is later uploaded to Council's website. ▪ Must stipulate timeframe in 5.22	<p>5.19 proposed to include provision for audio, audio-visual recording (which are later uploaded to council's website), or if viable, live webcasting of meetings, as appropriate.</p> <p>5.22 proposed to include the retention timeframe for recordings on Council's website as a maximum of 12 months.</p>
<i>The chairperson (and deputy chairperson)</i>	6.1 proposed to be amended to clarify role and election of chairperson and deputy chairperson of a county council.
<i>Modes of address</i> ▪ may adopt 7.1-7.4	<p>7.1 proposed to be included with amendment to reflect current practice (see clause 4.1, page 19 of existing Code).</p> <p>7.2 proposed to be excluded – unnecessary.</p> <p>7.3 proposed to be included to reflect current practice (see clause 4.1, page 19 of existing Code).</p> <p>7.4 proposed to be included – denotes modes of address for council officers.</p>

Provision/Clause	Rationale for inclusion/exclusion
<p><i>Order of business</i></p> <ul style="list-style-type: none"> ▪ must adopt 8.1 or 8.2 	<p>8.2 proposed for inclusion – with general order of business reflecting current practice (see clause 4.6, page 20 of existing Code), with the exception of removal of ‘public access’ – see “public forums” section above, where the Model Code provides that public forums should not be held as part of a council or committee meeting.</p>
<p><i>Chair’s minutes</i></p> <ul style="list-style-type: none"> ▪ may adopt 9.10 	<p>9.10 proposed for exclusion – overly prescriptive and unnecessary.</p>
<p><i>Motions requiring the expenditure of funds</i></p> <ul style="list-style-type: none"> ▪ may adopt 10.9 	<p>10.9 proposed for exclusion – overly prescriptive and unnecessary.</p>
<p><i>Voting at council meetings</i></p> <ul style="list-style-type: none"> ▪ may adopt 11.11 	<p>11.6 proposed for exclusion – superseded by clause 11.11.</p> <p>11.11 proposed for inclusion – requiring all voting to be recorded in minutes.</p>
<p><i>Dealing with items by exception</i></p> <ul style="list-style-type: none"> ▪ may adopt 13.1-13.7 	<p>13.1-13.6 proposed for inclusion – to enable Council to adopt multiple items by way of a single resolution. However it is only proposed to enable this for items under the “Information Reports” agenda item.</p> <p>13.7 proposed for exclusion – unnecessary and overly prescriptive – conflict of interest issues are managed at 16.1 and within the Code of Conduct.</p>
<p><i>Closed meetings and representations by members of the public</i></p> <ul style="list-style-type: none"> ▪ must stipulate date and time in 14.11 ▪ must stipulate number of speakers in 14.13 ▪ must stipulate number of speakers in 14.16 ▪ must stipulate number of minutes for a speaker in 14.17 	<p>14.1 proposed to include additional provision to reflect current practice (see clause 3.3, page 15 of existing Code).</p> <p>14.11 proposed to include requirement that applications to make representations regarding closed meetings must be received by 10am on the day of the relevant council meeting.</p> <p>14.13 proposed to include a maximum of four speakers may make representations regarding closed meetings. However, include a provision that Council may increase this number at its discretion.</p> <p>14.16 proposed to include a maximum of four speakers may make representations regarding closed meetings for matters not previously identified as such on the agenda.</p> <p>14.17 proposed to include a maximum of five minutes per speaker.</p>
<p><i>Decisions to be made in open meeting</i></p> <p><i>RCC specific – from existing Code</i></p>	<p>14.23 proposed for inclusion – to reflect section 254 of the Act, and existing Code (clause 3.8, page 17 of existing Code).</p>

Provision/Clause	Rationale for inclusion/exclusion
<i>Expulsion from meetings</i> <ul style="list-style-type: none"> ▪ must adopt 15.14 or 15.15 	15.15 proposed for inclusion as most democratic option in exercising power to exclude any person from a meeting.
<i>Conflicts of interest</i> <ul style="list-style-type: none"> ▪ Addition to 16.1 	16.1 proposed to include wording that extends the conflict of interest provisions to public forums and any briefings or workshops of council.
<i>Rescinding or altering council decisions</i> <ul style="list-style-type: none"> ▪ may adopt 17.10 ▪ may adopt 17.12-17.14 ▪ may adopt 17.15-17.20 	<p>17.10 proposed for amendment – to reflect existing Code, but amended to increase verbal notice period (clause 4.23, page 27 of existing Code).</p> <p>17.12-17.14 proposed for inclusion – enables an urgent motion to alter or rescind a resolution of Council from the same meeting.</p> <p>17.15-17.20 proposed for inclusion – enables a resolution to be recommitted to correct an error or ambiguity, or to confirm voting on resolution.</p>
<i>Time limits on council meetings</i> <ul style="list-style-type: none"> ▪ may adopt 18.1-18.5 	18.1-18.5 proposed for exclusion – unnecessary and overly prescriptive.
<i>Minutes of council committee meetings</i> <ul style="list-style-type: none"> ▪ may adopt 20.24 	20.24 proposed for inclusion – requiring all voting to be recorded in minutes (consistent with 11.11 above).

Joint Organisation provisions/clauses excluded:

5.3, 10.31, 11.4 and 20.17

Clauses not proposed to be included from Council's existing Code:

5.1.5, 5.1.6 and 5.1.7 – repeats sections 440F, 440G and 440I of the *Local Government Act 1993* (the Act) in relation to misbehaviour of a councillor (which includes an act of disorder at a council meeting), whereby a council may formally censure a councillor by resolution at a meeting. Also provides for grounds on which a councillor may be suspended. This is not proposed to be included as does not solely relate to meeting practice and is covered under the Act.

7.1 – repeats section 433 of the Act which stipulates that a report by a Departmental representative on the results of the investigation must send a copy of the report to Council and a report furnished must be presented at the next meeting of Council. This is not proposed to be included as is covered under the Act.

9.1 – repeats section 664 of the Act which outlines provisions regarding disclosure and misuse of information. This is not proposed to be included as does not solely relate to meeting practice and is covered under the Act.

11.2 – repeats clause 400 of the Act which deals with use of Council's seal. This is not proposed to be included as does not solely relate to meeting practice and is covered under the Act.

Other matters for noting:

Sections 441-459 of the Act are now repealed and dealt with as conflict of interest provisions in the new Model Code of Conduct; and clauses 235A-273 of the *Local Government (General) Regulation 2005* are now repealed and dealt with in the Model Code of Meeting Practice.

Appropriate amendments to mandatory provisions have been made throughout to meet the appropriate terminology for County Councils. i.e. 'mayor' is replaced with 'chairperson' throughout. Whilst suggested by OLG to replace the word 'councillor' with 'member' in the case of County Councils, it is proposed to retain the reference to 'councillor'.



Code of Meeting Practice

A code governing the conduct of
meetings of Council and its
Committees

Current Code



Current Code

Version	Purpose and Description	Date adopted by Council	Resolution no.
1.0	Adopt Code of Meeting Practice	15 March 2000	10196/00
1.1	PUBLIC CONSULTATION DRAFT	15 August 2011	63/11
2.0	Adopt revised Code of Meeting Practice	16 November 2011	101/11
2.1	Insert local rule regarding debate on amendments to motions (4.17)	18 July 2012	53/12
2.2	PUBLIC EXHIBITION DRAFT – Amendment to meeting frequency	19 September 2018	77/18
3.0	Adopt revised Code of Meeting Practice	21 November 2018	103/18

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Current Code

Background

Interpretation


This Code of Meeting Practice is to be referred to as the 'Rous County Council Code of Meeting Practice'. It is made in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*. The Code contains direct extracts from the legislation in place at the time of writing. Provisions from the Act are identified with references to section ('s.') and provisions from the Regulation are identified with references to clause ('cl.').

The Code also incorporates various supplementary provisions or local rules adopted by Council. These rules are identified by the following symbol: 

In the event that the Code is for whatever reason inconsistent with the legislation under which it is made, the legislation will override the Code to the extent of any inconsistency. Similarly where the Code is inconsistent with Council's Code of Conduct, the Code of Conduct will override the Code of Meeting Practice to the extent of the inconsistency.

It is worth noting that section 400 of the *Local Government Act 1993* provides as follows:

- (1) This Act (except Part 1 and Divisions 1 and 2 of Part 2 of Chapter 9, Chapter 10, section 365 and the provisions of Chapter 15 concerning the making and levying of ordinary rates) applies:
 - (a) to county councils in the same way as it applies to councils, and
 - (b) to the members of county councils in the same way as it applies to the councillors of councils,
 with such exceptions and modifications (if any) as the regulations may provide.
- (2) In the application of this Act to county councils and members of county councils:
 - (a) a reference to the mayor of a council includes a reference to the chairperson of a county council, and
 - (b) a reference to mayoral office includes a reference to the office of the chairperson of a county council, and
 - (c) a reference to a councillor includes a reference to a member of a county council.

All references to 'mayor' throughout this Code have been substituted with a reference to 'chairperson'. Note that where these substitutions occur the text has not been directly extracted from the legislation. Caution in interpretation should therefore be exercised. All such substitutions are identified by the following symbol: 

Objectives

As members of the governing body of the County Council each Councillor, as an elected representative of their respective Council, is responsible for managing the affairs of the County Council. This Code of Meeting Practice is predicated on the basis that meetings are conducted in a fair, respectful, efficient and orderly manner in the pursuit of transparent and accountable Council decision making, not personal or political advantage.

Consistent with the general conduct obligations in Council's Code of Conduct, Councillors are expected to demonstrate integrity, leadership, selflessness, impartiality, accountability, openness, honesty and respect during Council meetings. This extends to equal opportunity through respect for differing views.

Definitions

Refer to the definitions used in *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

Notes

Notes in the text of this Code appear in *italics* in conjunction with the following symbol: ①. They are explanatory notes only and do not form part of the Code.

Notes that form part of the extracts of legislation presented in the Code appear in conjunction with the word '**Note**'. These notes are explanatory notes and do not form part of the legislation. They are provided to assist understanding.

Current Code

Cross reference guide: legislation

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Government Information (Public Access) Act 2009: 9.1

<i>Local Government Act 1993</i>	Code reference	<i>Local Government (General) Regulation 2005</i>	Code reference
s 9	2.2; 4.7	cl 232	2.2
s 10	3.2; 5.1.2; 5.1.3; 5.2.2; 11.1	cl 233	3.14; 6.5
s 10A	3.1; 3.3; 3.5; 3.6; 3.7; 3.10; 5.2.2; 6.2; 9.1	cl 234	3.16
s 10B	3.5	cl 235	3.11
s 10C	3.6	cl 235A	3.12
s 10D	3.7; 6.2	cl 236	4.3; 4.8
s 11	3.10	cl 237	4.4
s 254	3.8	cl 238	4.5
s 360	1.1; 1.3; 4.23; 5.1.6	cl 239	4.6
s 361	1.2	cl 240	4.7
s 362	1.3	cl 241	4.8
s 363	1.4	cl 242	4.9
s 364	1.5	cl 243	4.7; 4.8; 4.10; 4.13
s 366	2.4	cl 244	4.11; 7.2
s 367	2.3; 4.8	cl 245	4.12
s 368	3.13	cl 246	4.13
s 369	4.2; 4.3	cl 247	4.14
s 370	4.18	cl 248	4.15
s 371	4.21	cl 249	4.16
s 372	4.23	cl 250	4.6; 4.8; 4.9; 4.13; 4.15; 4.17
s 373	8.1	cl 251	4.19; 6.6
s 374	4.22	cl 252	3.1; 3.4
s 375	6.1; 6.7	cl 253	3.9; 4.20
s 376	3.15	cl 254	6.7
s 391A	4.1	cl 255	5.1.1
s 396	2.1	cl 256	5.1.2
s 400	4.2	cl 257	5.1.3
s 433	4.11; 7.1; 7.2	cl 258	5.1.4
s 440	5.1.5; 10.1	cl 259	6.8; 8.2
s 440F	5.1.5	cl 260	8.3
s 440G	5.1.6; 6.3	cl 261	8.4
s 440H	5.1.7	cl 262	8.5
s 440I	5.1.7	cl 263	8.6
s 448	10.1	cl 264	3.1; 8.7
s 451	4.22; 10.1; 10.5	cl 265	8.8
s 453	6.4; 10.2	cl 266	6.9; 8.9
s 454	10.3	cl 267	8.10
s 456	10.4; 10.5	cl 268	8.11
s 457	10.5	cl 269	8.12
s 664	9.1	cl 270	5.2.1
s 703	6.1	cl 271	5.2.2
		cl 272	6.10
		cl 273	11.1
		cl 394	4.19; 6.6
		cl 400	11.2
		Sch 7 cl 3	4.19; 6.6

Ombudsman Act 1974: 9.1

Royal Commissions Act 1923: 7.1

Cross reference guide: Code references

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Code reference	<i>Local Government Act 1993</i>	<i>Local Government (General) Regulation 2005</i>
1.1	s. 360	
1.2	s. 361	
1.3	s. 360; s. 362	
1.4	s. 363	
1.5	s. 364	
2.1	s. 396	
2.2	s. 9	cl. 232
2.3	s. 367	
2.4	s. 366	
3.1	s. 10A	cl. 252; cl. 264
3.2	s. 10	
3.3	s. 10A	
3.4		cl. 252
3.5	s. 10A; s. 10B	
3.6	s. 10A; s. 10C	
3.7	s. 10A; s. 10D	
3.8	s. 254	
3.9		cl. 253
3.10	s. 10A; s. 11	
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3.12		cl. 235A
3.13	s. 368	
3.14		cl. 233
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3.16		cl. 234
4.1	s. 391A	
4.2	s. 369; s. 400	
4.3	s. 369	cl. 236
4.4		cl. 237
4.5		cl. 238
4.6		cl. 239; cl. 250
4.7	s. 9	cl. 240; cl. 243
4.8	s. 367	cl. 236; cl. 241; cl. 243; cl. 250
4.9		cl. 242; cl. 250
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4.17		cl. 250
4.18	s. 370	
4.19		cl. 251; cl. 394; Sch 7 cl. 3
4.20		cl. 253
4.21	s. 371	
4.22	s. 374; s. 451	
4.23	s. 360; s. 372	
5.1.1		cl. 255
5.1.2	s. 10	cl. 256
5.1.3	s. 10	cl. 257
5.1.4		cl. 258
5.1.5	s. 440; s. 440F	

Code reference	Local Government Act 1993	Local Government (General) Regulation 2005
5.1.6	s. 360; s. 440G	
5.1.7	s. 440H; s. 440I	
5.2.1		cl. 270
5.2.2	s. 10; s. 10A	cl. 271
6.1	s. 375; s. 703	
6.2	s. 10A; s. 10D	
6.3	s. 440G	
6.4	s. 453	
6.5		cl. 233
6.6		cl. 251; cl. 394; Sch 7 cl. 3
6.7	s. 375	cl. 254
6.8		cl. 259
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6.10		cl. 272
7.1	s. 433	
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8.2		cl. 259
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8.6		cl. 263
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8.8		cl. 265
8.9		cl. 266
8.10		cl. 267
8.11		cl. 268
8.12		cl. 269
9.1	s. 10A; s. 664	
10.1	s. 440; s. 448; s. 451	
10.2	s. 453	
10.3	s. 454	
10.4	s. 456	
10.5	s. 451; s. 456; s. 457	
11.1	s. 10	cl. 273
11.2		cl. 400

Part 1: Code of meeting practice

1.1 Conduct of meetings of councils and committees

s. 360	<ol style="list-style-type: none"> (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of councils of which all the members are councillors. (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them. (3) 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 it.
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1.2 Preparation, public notice and exhibition of draft code

s. 361	<ol style="list-style-type: none"> (1) Before adopting a code of meeting practice, a council must prepare a draft code. (2) The council must give public notice of the draft code after it is prepared. (3) The period of public exhibition must not be less than 28 days. (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council. (5) The council must publicly exhibit the draft code in accordance with its notice.
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1.3 Adoption of draft code

s. 362	<ol style="list-style-type: none"> (1) After considering all submissions received by it concerning the draft code, the council may decide: <ol style="list-style-type: none"> (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360, or (b) to adopt the draft code as its code of meeting practice. (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.
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1.4 Amendment of the code


s. 363	A council may amend a code adopted under this Part (1 <i>Chapter 12, Part 2</i>) by means only of a code so adopted.
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1.5 Public availability of the code



s. 364	<ol style="list-style-type: none"> (1) The code of meeting practice adopted under this Division (1 <i>Chapter 12, Part 2, Division 1</i>) by a council must be available for public inspection free of charge at the office of the council during ordinary office hours. (2) Copies of the code must be available free of charge or, if the council determines, on payment of the approved fee.
	
The Code is available on Council's website at: http://www.rous.nsw.gov.au/ .	

Part 2: Convening of council meetings

2.1 How often does council meet?

s. 396	A county council is required to meet at least 4 times each year.
	Council meets on the third Wednesday of February, April, June, August, October, December at 1.00pm. On the third Wednesday of the month when meetings are not scheduled to be held, Council will hold briefings/workshops at 1.00pm, unless, in consultation with the Chair, the General Manager determines that there is no substantial matter required for discussion.

2.2 Public notice of meetings

s. 9	<ol style="list-style-type: none"> (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors. (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting. (2A) In the case of a meeting whose 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: <ol style="list-style-type: none"> (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business. (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors. (4) The copies are to be available free of charge. (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.
	<p>The business paper is to be:</p> <ul style="list-style-type: none"> • Provided to Councillors no later than the Friday prior to the scheduled Ordinary Council meeting. • Available on Council's website no later than the Monday prior to the scheduled Ordinary Council meeting.
cl. 232	<ol style="list-style-type: none"> (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with. (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place. (3) The notice must specify the time and place of the meeting. (4) Notice of more than one meeting may be given in the same notice. (5) This clause does not apply to an extraordinary meeting of a council or committee.
	At the commencement of each calendar year a notice of the date, time and place of Council's meetings for that year is to be published in a newspaper circulating throughout the County district.

2.3 Notice of meetings to councillors

s. 367	(1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which
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2.3 Notice of meetings to councillors

	<p>and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.</p> <p>(2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.</p> <p>(3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.</p>
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2.4 Calling of extraordinary meeting on request by councillors

s. 366	If the Chair receives a request in writing signed by at least 2 councillors, the Chair must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.
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Current Code

Part 3: Open meetings

3.1 Public access



- a) A public access session will be held at the commencement of all Council meetings.
- b) All requests to address Council in the public access session must be authorised by the General Manager and where possible, details of all speakers are to be included in the Agenda. Requests to address Council may be made up until the commencement of the meeting.
- c) Speakers may address Council on matters listed in the agenda/business paper or other matters relevant to Council, to a maximum time limit of 5 minutes per speaker. The duration of the public access session is 15 minutes in total.
- d) Speakers are limited to a maximum of two (one for and one against) per Agenda item, however Council may at its discretion resolve to increase this number.
- e) Council may at its discretion resolve to increase a speaker's time limit up to 15 minutes.
- f) Speakers are to be heard alternately, for example, an objector to the matter followed by a supporter.
- g) For the avoidance of doubt, these local rules also apply to public access as to whether a part of a meeting should be closed to the public (s.10A(4) and cl. 252 and 264).


3.2 Who is entitled to attend meetings

s. 10	<p>(1) Except as provided by this Part (1 <i>Part 1 of the Act</i>):</p> <ol style="list-style-type: none"> (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and (b) a council must ensure that all meetings of the council and of such committees are open to the public. <p>(2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:</p> <ol style="list-style-type: none"> (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. <p>(3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.</p>
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3.3 Which parts of a meeting can be closed to the public?

s. 10A	<p>(1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:</p> <ol style="list-style-type: none"> (a) the discussion of any of the matters listed in subclause (2), or (b) the receipt or discussion of any of the information so listed. <p>(2) The matters and information are the following:</p> <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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,
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3.3 Which parts of a meeting can be closed to the public?

	<ul style="list-style-type: none"> (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. <p>(3) A council, or a committee of the council of which all the members are councillors, 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.</p> <p>(4) A council, or a committee of a 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.</p>
	<p>If the Agenda lists more than one matter for discussion in a part of a meeting proposed to be closed to the public, Council must consider each proposed closure of the meeting on its individual merits. For example, Council may consider one recommendation that lists the individual reason(s) for the proposed closure of the meeting, matter by matter.</p>

3.4 Representations by members of the public—closure of part of meeting (council meeting)

cl. 252	<p>(1) A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.</p> <p>(2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.</p>
<p> Refer to 3.1.</p>	

3.5 Further limitations relating to closure of parts of meetings to public

s. 10B	<p>(1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):</p> <ul style="list-style-type: none"> (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. <p>(2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:</p> <ul style="list-style-type: none"> (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
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3.5 Further limitations relating to closure of parts of meetings to public

	<p>(c) are fully discussed in that advice.</p> <p>(3) 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 section 10A (3)), 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 section 10A (2)).</p> <p>(4) 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:</p> <p>(a) a person may misinterpret or misunderstand the discussion, or</p> <p>(b) the discussion of the matter may:</p> <p>(i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or</p> <p>(ii) cause a loss of confidence in the council or committee.</p> <p>(5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.</p>
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3.6 Notice of likelihood of closure not required in urgent cases

s. 10C	<p>Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 as a matter that is likely to be considered when the meeting is closed, but only if:</p> <p>(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and</p> <p>(b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:</p> <p>(i) should not be deferred (because of the urgency of the matter), and</p> <p>(ii) should take place in a part of the meeting that is closed to the public.</p>
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3.7 Grounds for closing part of meeting to be specified

s. 10D	<p>(1) 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.</p> <p>(2) The grounds must specify the following:</p> <p>(a) the relevant provision of section 10A (2),</p> <p>(b) the matter that is to be discussed during the closed part of the meeting,</p> <p>(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.</p>
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3.8 Decision to be made in open meeting

s. 254	The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.
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3.9 Resolutions passed at closed meetings to be made public

cl. 253	If a 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 part of the meeting has ended.
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3.10 Public access to correspondence and reports

s. 11	<p>(1) A council and a committee of which all the members are councillors 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.</p> <p>(2) This section does not apply if the correspondence or reports:</p> <ol style="list-style-type: none"> relate to a matter that was received or discussed, or were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public. <p>(3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.</p>
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3.11 Presence at council meetings

cl. 235	A councillor cannot participate in a meeting of a council unless personally present at the meeting.
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3.12 Leave of absence

cl. 235A	<p>(1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.</p> <p>(2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.</p>
	Once a leave of absence has been granted by Council and communicated to the applicant, the leave of absence is not capable of being rescinded by Council.

3.13 What is the quorum for a meeting?

s. 368	<p>The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.</p> <p>① <i>There are 8 Councillors for Rous County Council. When there are 5 Councillors present there is a quorum.</i></p>
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3.14 What happens when a quorum is not present?

cl. 233	<p>(1) A meeting of a council must be adjourned if a quorum is not present:</p> <ul style="list-style-type: none"> (a) within half an hour after the time designated for the holding of the meeting, or (b) at any time during the meeting. <p>(2) In either case, the meeting must be adjourned to a time, date and place fixed:</p> <ul style="list-style-type: none"> (a) by the chairperson, or (b) in his or her absence—by the majority of the councillors present, or (c) failing that, by the general manager. <p>(3) 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.</p>
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3.15 Attendance of General Manager at meeting


s. 376	<p>(1) 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 the members are councillors.</p> <p>(2) 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.</p> <p>(3) However, 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 the employment of the general manager.</p>
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3.16 Minister to convene meetings in certain cases


cl. 234	<p>(1) Whenever an area is constituted or reconstituted, the Minister is required:</p> <ul style="list-style-type: none"> (a) to convene the first meeting of the council of the area, and (b) to nominate the business to be transacted at the meeting, and (c) to give the councillors notice of the meeting. <p>(2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.</p> <p>(3) The council must transact the business nominated by the Minister for a meeting convened under this clause.</p>
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Part 4: Procedure for the conduct of council meetings

4.1 What are the functions of the chairperson?

s. 391A	The role of the chairperson of a county council is: <ol style="list-style-type: none"> (a) to preside at meetings of the county council, and (b) to exercise such other functions of the county council as the county council determines.
<p></p> <ul style="list-style-type: none"> • The chairperson is to be addressed as 'Mr/Madam Chair' or 'Mr/Madam Chairperson'. • Councillors are to be addressed as 'Councillor [surname]', whether the Councillor is male or female; whether or not the Councillor has a title (for example, the Honourable or the Reverend); and whether or not the Councillor has a qualification (for example, Doctor of Philosophy). 	


4.2 Who presides at meetings of the council?

s. 369 ◆	<ol style="list-style-type: none"> (1) The chairperson or, at the request of or in the absence of the chairperson, the deputy chairperson (if any) presides at meetings of the council. (2) If the chairperson and the deputy chairperson (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council. <p>ⓘ <i>The Local Government Act 1993 does not provide County Councils with the power to elect a deputy chairperson. Where the chairperson can not preside at a meeting, sections 369 and 400 apply so that an alternate chairperson can be elected. This election is valid only for the meeting at which it occurs.</i></p>
<p></p> <p>As a matter of administrative convenience Council will elect a deputy chairperson. The election for deputy chairperson will be conducted at the same time and in the same manner as the annual election of the chairperson.</p>	

4.3 Councillor to be elected to preside at certain meetings

cl. 236 ◆	<ol style="list-style-type: none"> (1) If no chairperson is present at a meeting of a 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. <p>Note. Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the chairperson and deputy chairperson (if any) are absent.</p> (2) The election must be conducted: <ol style="list-style-type: none"> (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election, or (b) if neither of them is present at the meeting or there is no general manager or designated employee—by the person who called the meeting or a person acting on his or her behalf. (3) If, at an election of a chairperson, 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. (4) For the purposes of subclause (3), the person conducting the election must: <ol style="list-style-type: none"> (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.
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4.3 Councillor to be elected to preside at certain meetings

	(5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
	Nominations must be received by the General Manager prior to the commencement of the meeting to enable checking of validity of ballot papers.


4.4 Chairperson to have precedence

cl. 237	When the chairperson rises during a meeting of a council: <ul style="list-style-type: none"> (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and (b) every councillor present must be silent to enable the chairperson to be heard without interruption.
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4.5 Chairperson's duty with respect to motions

cl. 238	<ul style="list-style-type: none"> (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting. (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful. (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.
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4.6 Order of business

cl. 239	<ul style="list-style-type: none"> (1) At a meeting of a council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council. (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice. (3) Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.
	<p>In accordance with cl. 239(1) the general order of business for a meeting of Council (other than an extraordinary meeting) is:</p> <ol style="list-style-type: none"> 1. Opening of the meeting* 2. Acknowledgement of Country* 3. Public access* 4. Apologies and Leave of Absence* 5. Confirmation of minutes of previous Meeting* 6. Disclosure of Interest* 7. Chairpersons' Minute 8. Notice of Rescission Motions 9. Notices of Motion 10. General Manager Reports* 11. Technical Services Director Reports 12. Policies 13. Information Reports 14. Confidential Matters

4.6 Order of business

15. Matters of Urgency*
16. Questions on Notice*
17. Close of business*

The items marked with an asterisk (*) are routinely included in the Council meeting Agenda. Remaining items are included as appropriate based on the Council business proposed for discussion at the meeting.


4.7 Agenda and business papers for council meetings

cl. 240 ◆	<p>(1) The general manager must ensure that the agenda for a meeting of the council states:</p> <ol style="list-style-type: none"> (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and (b) any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and (c) subject to subclause (2), any business of which due notice has been given. <p>(2) 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.</p> <p>(3) 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.</p> <p>(4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.</p> <p>(5) Nothing in this clause limits the powers of the chairperson under clause 243.</p> <p>① <i>cl. 243 relates to the chairperson's power to put to a meeting without notice any matter or topic within the jurisdiction of the Council; chairpersons' minute.</i></p>
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4.8 Giving notice of business

cl. 241	<p>(1) A council must not transact business at a meeting of the council:</p> <ol style="list-style-type: none"> (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council, and (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act. <p>(2) Subclause (1) does not apply to the consideration of business at a meeting if the business:</p> <ol style="list-style-type: none"> (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 as provided by clause 236 (1), or (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243, or
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4.8 Giving notice of business

	<p>(d) is a motion for the adoption of recommendations of a committee of the council.</p> <p>(3) Despite subclause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</p> <p>(a) a motion is passed to have the business transacted at the meeting, and</p> <p>(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</p> <p>Such a motion can be moved without notice.</p> <p>(4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.</p>
	<ul style="list-style-type: none"> • For the purpose of cl. 241(1)(a) notice of business (including notices of motion) must be provided in writing to the General Manager no later than close of business 10 business days prior to the meeting at which the matter is proposed to be discussed. If a notice of motion has not been provided within this timeframe and the General Manager determines that the notice of motion is sufficiently urgent, the General Manager may accept the notice of motion but only if it has been provided no later than 48 hours prior to the issue of the business paper for the meeting at which the motion is proposed to be discussed. After the commencement of the meeting all notices of motion must be dealt with in accordance with cl. 241 or 243. • The chairperson may rule that a motion or an amendment is out of order if, in the view of the chairperson, the proposed motion: <ul style="list-style-type: none"> (a) is vague and equivocal in its language; (b) is the direct negative of or is inconsistent with a resolution just passed by the meeting; (c) is an amendment which alters the motion to the extent that it effectively reverses the motion it proposes to amend; (d) proposes an action that is unlawful; (e) is outside the scope of the meeting; (f) in the opinion of the chairperson, contains potentially defamatory statements; (g) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and (h) is potentially vexatious and proposed to impede the orderly transaction of business. • The General Manager may provide factual information on a notice of motion to assist in the discussion of the motion. The General Manager must not comment on the merit of a notice of motion. • Where a motion put before Council is not exactly as presented on the Agenda, the motion must be in writing and provided to the chairperson before the mover may proceed. • If a Councillor, including the seconder to the original motion, proposes a variation to a motion, the chairperson must ask whether any Councillor objects to the variation. If there is no objection, the proposed variation is adopted into the motion by consent of the Council. If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly. Only one amendment is to be considered by Council at any one time. • The chairperson must not accept a motion 'that the motion be now put' if a Councillor is speaking to the motion in accordance with this Code of Meeting Practice or while a question, properly asked by a Councillor, awaits response in accordance with a direction of the chairperson.

4.9 Agenda for extraordinary meetings

cl. 242	<p>(1) The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.</p> <p>(2) Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:</p> <p>(a) a motion is passed to have the business transacted at the meeting, and</p> <p>(b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.</p> <p>Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.</p> <p>(3) Despite clause 250, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.</p>
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4.10 Chairpersons' minute (Official minutes)

cl. 243 ◆	<p>(1) The chairperson is, by minute signed by the chairperson, entitled to 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.</p> <p>(2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson may move the adoption of the minute without the motion being seconded.</p> <p>(3) A recommendation made in a minute of the chairperson or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.</p>
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4.11 Report of a Departmental representative to be tabled at council meeting

cl. 244	<p>When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:</p> <p>(a) is laid on the table at that meeting, and</p> <p>(b) is subsequently available for the information of councillors and members of the public at all reasonable times.</p>
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4.12 Notice of motion – absence of mover

cl. 245	<p>In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of a council:</p> <p>(a) any other councillor may move the motion at the meeting, or</p> <p>(b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.</p>
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4.13 Motions to be seconded

cl. 246	<p>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).</p>
	<p>A Councillor that moves or seconds a motion is not compelled to support the motion when it is put. A Councillor that objects to a proposal may simply second a motion to initiate debate.</p>

4.14 How subsequent amendments may be moved?

cl. 247	If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.
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4.15 Motions of dissent

cl. 248	<p>(1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.</p> <p>(2) 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.</p> <p>(3) Despite clause 250, 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.</p>
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4.16 Questions may be put to councillors and council employees

cl. 249	<p>(1) A councillor:</p> <p>(a) may, through the chairperson, put a question to another councillor, and</p> <p>(b) may, through the general manager, put a question to a council employee.</p> <p>(2) However, 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.</p> <p>(3) The councillor must put every such question directly, succinctly and without argument.</p> <p>(4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.</p>
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4.17 Limitation as to number of speeches

cl. 250	<p>(1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment (ⓇRight of Reply).</p> <p>(2) 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.</p>
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If an amendment to any motion is moved and seconded, debate can only occur on the amendment and not the motion. Debate on the original motion can occur if the amendment is lost. If an amendment is carried, then the amendment becomes the motion and it is effectively a new motion and all Councillors may speak. The mover and seconder of a motion remain the mover and seconder regardless of the meeting amending their motion, unless they withdraw.

- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 (①Point of Clarification), and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), 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 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) 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 his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.



The mover has the right to speak first, and a general 'right of reply' at the end of the debate (cl. 250). No new arguments or materials are to be argued during the 'right of reply'.

4.18 What are the voting entitlements of councillors?

s. 370	<ol style="list-style-type: none"> (1) Each councillor is entitled to one vote. (2) However, the person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
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4.19 Voting at council meetings

cl. 251 ♦	<p>(1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.</p> <p>(2) 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.</p> <p>(3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</p> <p>(4) When a division on a motion is demanded, 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 respectively recorded in the council's minutes.</p> <p>(5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for chairperson is to be by secret ballot.</p> <p>Note. Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for chairperson is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot.</p>
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4.20 Resolutions passed at closed meetings to be made public

cl. 253	If a 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 part of the meeting has ended.
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4.21 What constitutes a decision of the council?

s. 371	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.
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4.22 Certain circumstances do not invalidate council decisions

s. 374	<p>Proceedings at a meeting of a council or a council committee are not invalidated because of:</p> <ul style="list-style-type: none"> (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 disclose a pecuniary 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 section 451, or (e) a failure to comply with the code of meeting practice.
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4.23 Rescinding or altering resolutions

s. 372	<p>(1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.</p> <p>(2) If 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.</p> <p>(3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.</p> <p>(4) 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 negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.</p> <p>(5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.</p> <p>(6) A motion to which this section applies 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.</p> <p>(7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.</p>
	<p>A notice of motion to rescind a resolution to prevent action proceeding on the resolution must be given verbally to the chairperson prior to the closure of the meeting at which the resolution is carried. The formal written rescission motion signed by three councillors is to be presented to the General Manager within 48 hours of the closure of the meeting to prevent action on the resolution prior to reconsideration of the rescission motion.</p>

① Summary: Procedure in relation to motions

Motion	Notice required?	Seconder required?	Debate	Mover in reply required?	Ref.
General motion	Yes	Yes	Yes	Yes	cl. 246 (subject to cl. 243(2) and cl. 250(5).
Amendment	No	Yes	Yes	No	cl. 247
Chairperson's minute	No	No	Yes	Yes	cl. 243(2)
Urgency	No	Yes	No	No	cl. 241
Rescission/alteration of resolution	Yes	Yes	Yes	Yes	s. 372
Alteration of order of business	No	Yes	Mover only	No	cl. 239
Motion/Amendment be now put	No	No	No	No	cl. 250(5)
Dissent	No	Yes	Mover, Chairperson only	No	cl. 248(1)

Part 5: Keeping order: council meetings and council committee meetings

5.1 Council meetings

5.1.1 Questions of order

cl. 255	<p>(1) 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.</p> <p>(2) 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.</p> <p>(3) 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.</p> <p>(4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.</p>
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5.1.2 Acts of disorder

cl. 256	<p>(1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:</p> <ul style="list-style-type: none"> (a) contravenes the Act or any regulation in force under the Act, 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 committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or (d) insults or makes personal reflections on or imputes improper motives to any other councillor, or (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt. <p>(2) The chairperson may require a councillor:</p> <ul style="list-style-type: none"> (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e). <p>(3) A councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). 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.</p>
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5.1.3 How disorder at a meeting may be dealt with

cl. 257	<p>(1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.</p> <p>(2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.</p>
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5.1.4 Power to remove persons from meeting after expulsion

cl. 258	<p>If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:</p> <p>(a) immediately after the council has passed a resolution expelling the councillor or member from the meeting, or</p> <p>(b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,</p> <p>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 from that place and, if necessary, restrain the councillor or member from re-entering that place.</p>
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5.1.5 Definition

s. 440F	<p>(1) In this Division:</p> <p><i>misbehaviour</i> of a councillor means any of the following:</p> <p>(a) a contravention by the councillor of this Act or the regulations,</p> <p>(b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440(5),</p> <p>(c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council,</p> <p>but does not include a contravention of the disclosure requirements of Part 2.</p> <p>Note. A contravention of the disclosure requirements of Part 2 is dealt with under other provisions of this Chapter.</p> <p>(2) A reference in this Division to misbehaviour or an incident of misbehaviour includes a reference to misbehaviour that consists of an omission or failure to do something.</p> <p>① <i>Part 2 relates to duties of disclosure.</i></p>
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5.1.6 Formal censure of councillor for misbehaviour

s. 440G	<p>(1) A council may by resolution at a meeting formally censure a councillor for misbehaviour.</p> <p>(2) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.</p> <p>(3) A council may pass a formal censure resolution only if it is satisfied that the councillor has misbehaved on one or more occasions.</p> <p>(4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.</p>
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5.1.6 Formal censure of councillor for misbehaviour

	(5) A motion for a formal censure resolution may, without limitation, 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.
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5.1.7 What are the grounds on which a councillor may be suspended?

s. 440I	<p>(1) The grounds on which a councillor may be suspended from civic office under this Division are that:</p> <p>(a) the councillor's behaviour has:</p> <p>(i) been disruptive over a period, and</p> <p>(ii) involved more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension, or</p> <p>(b) the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.</p> <p>(2) The process for the suspension of a councillor from civic office cannot be initiated by a request made by the council unless:</p> <p>(a) where subsection (1) (a) applies—the councillor has:</p> <p>(i) on two or more occasions been formally censured for incidents of misbehaviour that occurred during the period concerned, or</p> <p>(ii) on at least one occasion been expelled from a meeting of the council or a committee of the council for an incident of misbehaviour during the period concerned, or</p> <p>(b) where subsection (1) (b) applies—the councillor has:</p> <p>(i) been formally censured for the incident of misbehaviour concerned, or</p> <p>(ii) been expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.</p> <p>(3) Subsection (2) does not affect the Director-General's power to initiate the process for the suspension of a councillor from civic office.</p> <p>(4) Furthermore, subsection (2) does not prevent the Director-General from initiating the process for the suspension of a councillor from civic office as a result of a request or report referred to in section 440H.</p>
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5.2 Council committee meetings

5.2.1 Disorder in committee meetings

cl. 270	The provisions of the Act and of this Regulation 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.
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5.2.2 Certain persons may be expelled from council committee meetings

cl. 271	<p>(1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.</p> <p>(2) If any such person, after being notified of a resolution or direction expelling him or her 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, committee 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.</p>
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Part 6: Minutes

6.1 Minutes

s. 375	<p>(1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.</p> <p>(2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.</p>
s. 703	<p>Every entry in the minutes of the business transacted at a meeting of the council and purporting to be signed by the person presiding at a subsequent meeting of the council is, until the contrary is proved, evidence:</p> <p>(a) that the business as recorded in the minutes was transacted at the meeting, and</p> <p>(b) that the meeting was duly convened and held.</p>

6.2 Grounds for closing part of meeting to be specified

s. 10D	<p>(1) 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.</p> <p>(2) The grounds must specify the following:</p> <p>(a) the relevant provision of section 10A (2),</p> <p>(b) the matter that is to be discussed during the closed part of the meeting,</p> <p>(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.</p>
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6.3 Formal censure of councillor for misbehaviour

s. 440G (5)	<p>(5) A motion for a formal censure resolution may, without limitation, 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.</p>
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6.4 Disclosures to be recorded

s. 453	<p>A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.</p>
<p>① Refer also to 10.2 and 10.3.</p>	


6.5 What happens when a quorum is not present

cl. 233(3)	<p>(3) 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.</p>
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6.6 Voting at council meetings

cl. 251	<p>(1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.</p> <p>(2) 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.</p> <p>(3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</p> <p>(4) When a division on a motion is demanded, 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 respectively recorded in the council's minutes.</p> <p>(5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.</p> <p>Note. Part 11 of this Regulation provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot.</p>
 <p>The names of those who vote against motions must be recorded in Council's minutes.</p>	

6.7 Matters to be included in minutes of council meetings

cl. 254	<p>The general manager must ensure that the following matters are recorded in the council's minutes:</p> <ul style="list-style-type: none"> (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 is passed or lost. <p>Note. Section 375(1) of the Act (see above) requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).</p>
 <p>Details of any motion moved but not seconded must be recorded in Council's minutes.</p>	

6.8 Committee of the whole

cl. 259(3)	<p>(3) 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.</p>
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6.9 Committees to keep minutes

cl. 266	<p>(1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:</p> <ul style="list-style-type: none"> (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 is passed or lost.
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6.9 Committees to keep minutes

	(2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
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6.10 Inspection of the minutes of a council or committee

cl. 272	<p>(1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.</p> <p>(2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.</p>
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Current Code

Part 7: Inquiries and reviews

7.1 Report of investigation

s. 433	<p>(1) A Departmental representative must report to the Minister and the Director-General on the results of the investigation and must send a copy of the report to the council.</p> <p>(2) The report may comment on any matter which, in the Departmental representative's opinion, warrants special mention and may contain such recommendations as the Departmental representative considers appropriate.</p> <p>(3) A report furnished to the council under this section must be presented at the next meeting of the council after the report is received.</p> <p>(4) Section 14B of the <i>Royal Commissions Act 1923</i> applies in relation to any report that the Minister wishes to lay before both Houses of Parliament in the same way as it applies to a report made by a commission under that Act.</p>
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7.2 Report of a Departmental representative to be tabled at council meeting

cl. 244	<p>When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:</p> <ul style="list-style-type: none"> (a) is laid on the table at that meeting, and (b) is subsequently available for the information of councillors and members of the public at all reasonable times.
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Current Code

Part 8: Committee of the whole and council committees

8.1 Committee of council

s. 373	A council may resolve itself into a committee to consider any matter before the council.
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8.2 Committee of the whole

cl. 259	<ol style="list-style-type: none"> (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches. (2) 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 proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported. (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.
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8.3 Council may establish committees

cl. 260 ♦	<ol style="list-style-type: none"> (1) A council may, by resolution, establish such committees as it considers necessary. (2) A committee is to consist of the chairperson and such other councillors as are elected by the councillors or appointed by the council. (3) The quorum for a meeting of a committee is to be: <ol style="list-style-type: none"> (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.
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8.4 Functions of committees

cl. 261	A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.
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8.5 Notice of committee meetings to be given

cl. 262	<ol style="list-style-type: none"> (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying: <ol style="list-style-type: none"> (a) the time and place at which and the date on which the meeting is to be held, and (b) the business proposed to be transacted at the meeting. (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.
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8.6 Non-members entitled to attend committee meetings

cl. 263	<p>(1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.</p> <p>(2) However, the councillor is not entitled:</p> <p>(a) to give notice of business for inclusion in the agenda for the meeting, or</p> <p>(b) to move or second a motion at the meeting, or</p> <p>(c) to vote at the meeting.</p>
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8.7 Representations by members of the public—closure of part meeting (council committee)

cl. 264	<p>(1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.</p> <p>(2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.</p>
<p>① Refer to 3.1.</p>	

8.8 Procedure in committees

cl. 265	<p>(1) Subject to subclause (3), each committee of a council may regulate its own procedure.</p> <p>(2) Without limiting subclause (1), a committee of a council may decide that, 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.</p> <p>(3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).</p>
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8.9 Committees to keep minutes

cl. 266	<p>(1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:</p> <p>(a) details of each motion moved at a meeting and of any amendments moved to it,</p> <p>(b) the names of the mover and seconder of the motion or amendment,</p> <p>(c) whether the motion or amendment is passed or lost.</p> <p>(2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.</p>
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8.10 Chairperson and deputy chairperson of committees

cl. 267 ♦	<p>(1) The chairperson of each committee of the council must be:</p> <ul style="list-style-type: none"> (a) the chairperson, or (b) if the chairperson does not wish to be the chairperson of a committee—a member of the committee elected by the council, or (c) if the council does not elect such a member—a member of the committee elected by the committee. <p>(2) A 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.</p> <p>(3) If neither the chairperson nor the deputy chairperson of a committee of a 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.</p> <p>(4) The chairperson is to preside at a meeting of a committee of a 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.</p>
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8.11 Absence from committee meetings

cl. 268 ♦	<p>(1) A member (other than the chairperson of Council) ceases to be a member of a committee if the member:</p> <ul style="list-style-type: none"> (a) has been absent from 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. <p>(2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.</p> <p>Note. The expression year means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.</p>
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8.12 Reports of committees

cl. 269	<p>(1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.</p> <p>(2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.</p> <p>(3) If a committee of a 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:</p> <ul style="list-style-type: none"> (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and (b) report the resolution or recommendation to the next meeting of the council.
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Part 9: Confidentiality

9.1 Disclosure and misuse of information

s. 664	<p>(1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:</p> <ul style="list-style-type: none"> (a) with the consent of the person from whom the information was obtained, or (b) in connection with the administration or execution of this Act, or (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or (d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> or the <i>Government Information (Public Access) Act 2009</i>, or (e) with other lawful excuse. <p>(1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.</p> <p>(1B) Subsection (1A) does not apply to:</p> <ul style="list-style-type: none"> (a) the report of a committee of a council after it has been presented to the council, or (b) disclosure made in any of the circumstances referred to in subsection (1) (a)–(e), or (c) disclosure made in circumstances prescribed by the regulations, or (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12. <p>(2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person’s spouse or de facto partner or a relative of the person.</p> <p>(3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person’s spouse or de facto partner or a relative of the person, influence:</p> <ul style="list-style-type: none"> (a) the determination of an application for an approval, or (b) the giving of an order. <p>Maximum penalty: 50 penalty units.</p>
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Part 10: Conflict of interests

10.1 Disclosure and presence in meetings

s. 451	<p>(1) A councillor or a member of a council committee 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.</p> <p>(2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</p> <p>(a) at any time during which the matter is being considered or discussed by the council or committee, or</p> <p>(b) at any time during which the council or committee is voting on any question in relation to the matter.</p> <p>(3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section 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 member has an interest in the matter of a kind referred to in section 448.</p> <p>Note. The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.</p>
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10.2 Disclosures to be recorded

s. 453	A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
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10.3 General disclosure

s. 454	<p>A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:</p> <p>(a) a member, or in the employment, of a specified company or other body, or</p> <p>(b) a partner, or in the employment, of a specified person,</p> <p>is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's or 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.</p>
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10.4 Disclosure by adviser

s. 456	<p>(1) 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.</p> <p>(2) The person is not required to disclose the person's interest as an adviser.</p>
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10.5 Circumstances in which secs 451 and 456 are not breached

s. 457	A person does not breach section 451 or 456 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 he or she had a pecuniary interest.
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Part 11: Miscellaneous

11.1 Tape recording of meeting of council or committee prohibited without permission

cl. 273	<p>(1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.</p> <p>(2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.</p> <p>(3) If any such person, after being notified of a resolution or direction expelling him or her 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.</p> <p>(4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.</p>
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11.2 Council seal

cl. 400 ◆	<p>(1) The seal of a council must be kept by the chairperson or the general manager, as the council determines.</p> <p>(2) The seal of a council may be affixed to a document only in the presence of:</p> <ul style="list-style-type: none"> (a) the chairperson and the general manager, or (b) at least one councillor (other than the chairperson) and the general manager, or (c) the chairperson and at least one other councillor, or (d) at least 2 councillors other than the chairperson. <p>(3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.</p> <p>(4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.</p> <p>(5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.</p>
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Investments policy (revised)

(172/13)

Business activity priority

Results and sustainable performance

Goal 7

Sustainable performance

Recommendation

That Council:

1. Revoke the 'Investments' policy adopted by Council on 16 May 2018 and any policy revived as a result of that revocation.
2. Adopt the draft 'Investments' policy attached to this report.

Background

Council's 'Investments' policy was last reviewed and updated in May 2018 and is subject to annual review. Council's policy incorporates the best practice principles established by the NSW Office of Local Government, namely the Investment Policy Guidelines (May 2010), issued under section 23A of the *Local Government Act 1993* (Director-General's Guidelines). The policy also includes specific local guidelines on diversification and application of credit rating risk that Council applies to its process and procedures for investment management.

Threshold and Exposure

The existing policy provides that the maximum percentage of the portfolio that may be invested with rated Authorised Deposit-taking Institutions (ADIs) and unrated ADIs is set out below. The draft Policy does not seek to change that approach.

Credit Rating	Maximum % of Total Investments	Single Entity Exposure Limit
All A categories	100%	20% of Portfolio
All B categories	80%	15% of Portfolio
Unrated ADI	30%	\$1,000,000

Council's current counterparty risk (the probability that one of the investments might default) is considered appropriate and manageable in relation to Council's 'Investment' policy. This view has been formed on the basis that Australian ADIs are soundly managed within the Australian Prudential Regulation Authority framework.

Minor administrative amendments

Subsequent to a review of the policy, minor administrative amendments are recommended. These amendments are track-changed in the draft 'Investments' policy at [Attachment 1](#). For example, in the interests of simplifying Council's policies and procedures, Council revoked its 'Private/Secondary Employment' policy on 15 August 2018 and instead now relies on the wording in section 353 of the *Local Government Act 1993*. This change is reflected in the proposed 'Investments' policy. Other minor typographical amendments have also been made throughout the document.

Governance

Section 625 of the *Local Government Act 1993* provides that a council may invest money that is not, for the time being, required by Council for any other purpose. Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.

Finance

Since the adoption of the current policy, Council has had an average return of funds for the 10-month period of 2.68%, this is 69 basis points above the BBSW over the same period. Council's ethical investment percentage has increased from 65.83% to 77%.

The current policy approach remains appropriate for Council given the level of investment portfolio.

Consultation

The current policy has been reviewed by the Finance Manager in combination with consideration of constituent councils' investment policies and guidance from independent investment advisors.

Conclusion

The policy complies with all regulatory requirements and Council's investment objectives. Subject to the proposed administrative amendments, the policy remains appropriate in the current investment climate.

Phillip Rudd
General Manager

Attachment: 'Investments' policy, with proposed amendments track-changed.

Policy



Investments

Adopted by Council: (INSERT DATE)

To provide guidelines for the investment of Council money safeguarding capital, maintaining sufficient liquidity, maximising interest earnings and legislative compliance.

Safety

Teamwork

Accountability

Respect

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Background

1. Policy objectives

- 1.1 To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time while having due consideration of risk and security for that investment type and ensuring that liquidity requirements are being met.
- 1.2 While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment:
 - i). Preservation of capital is the principal objective of the investment portfolio.
 - ii). Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio.
 - iii). Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
 - iv). Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.
- 1.3 This policy only deals with Council's investments with financial institutions and does not consider investments Council may wish to make in other forms of capital, such as property.

Policy statement

2. Legislative authority for investments

All investments are to comply with the following:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Trustee Act 1925*
- *Banking Act 1959 (Cth)*
- Ministerial Investment Order
- Local Government Code of Accounting Practice [&and](#) Financial Reporting
- Australian Accounting Standards
- Division of Local Government circulars.

3. Delegation of authority

Authority for implementation of the 'Investment' policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager or a delegated representative has authority to invest Council's funds. Officers delegated with authority to manage Council's investments shall be recorded and required to acknowledge that they have received a copy of this policy and understand their obligations in this role.

The placement of investments requires a minimum of two signatures from officers with delegated authority to invest surplus funds.

4. Prudent person standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this policy. The matters to which a prudent person shall have regard when making an investment on behalf of another are an attachment to this policy (Section 14C *Trustee Act 1925* (NSW) and Ministerial Order).

It is expected that the skills of officers making investments will include:

- i). An understanding of this policy and associated legislation such that when placing an investment all relevant conditions are considered and weighed-up.
- ii). An understanding of the current positioning of the financial markets, i.e. what is the current 90-day Bank Bill Swap (BBSW) rate and yield curve.
- iii). An understanding of the type of investments in which they are dealing, i.e. investment rate offered, term to maturity and the organisation that is receiving and using the funds. Also the underlying conditions of the transaction that impact risk and reward, including circumstances in which the user of the funds may default in payment of capital and interest.
- iv). An understanding of the institution that will receive and use the funds, including their credit worth, i.e. current Standard and Poors rating/if they are Australian Prudential Regulation Authority (APRA) regulated.

The role of an investing officer will be to:

- i). Avail themselves of current market information and investment options.
- ii). Be aware of Council's current liquidity position and the options that best suit Council in terms of length of the investment.
- iii). In most instances the form of investment shall be a term deposit with an Authorised Deposit-taking Institution (ADI) and the investing officer shall consider at least three quotes from different ADIs. Typically, the investing officer becomes aware of daily rates by telephoning the institution or receiving an email.
- iv). Council's investment placement sheet is completed and then signed by two investment officers. The preferred institution is then advised by telephone or email that they have been successful, and arrangements are made for funds to be transferred as agreed, ensuring that the recipient institution provides Council with appropriate acknowledgement and documentation following their receipt of funds.
- v). Where the form of investment is not a term deposit, the matter shall be discussed between at least two investment officers prior to making a placement.

The investing officer shall maintain an investment register, which shall include:

- i). The source and the amount of money invested.
- ii). Particulars of the security or form of investment in which the money was invested.
- iii). The term of the investment (i.e. placement and maturity dates where applicable).
- iv). If appropriate, the rate of interest to be paid, and the amount of money that Council has earned, in respect of the money invested.

5. Conflict of interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Officers [are also required to provide written notice of any private employment or contract work that may conflict with their Council duties in accordance with section 353 of the *Local Government Act 1993*. will disclose and seek approval from the General Manager for any private or](#)
~~—secondary employment that may conflict with their Council duties in accordance with Council's~~
~~—'Private/Secondary Employment' policy.~~

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

6. Ethical investment

This policy is limited in accommodating ethical investment considerations. However, Council will attempt to give preference to financial institutions that do not invest in or finance the fossil fuel industry or other unethical institutions where:

- The investment is compliant with Council's 'Investments' policy.
- The investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of the investment.

This information will be sourced from the website www.marketforces.org.au which is an affiliate project of the Friends of the Earth Australia.

7. Approved and prohibited investments

7.1 Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government and include:

- i). Any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth, or a Territory.
- ii). Any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993 (NSW)*).
- iii). Interest bearing deposits with, or any debentures or bonds issued by, an ADI (as defined in the *Banking Act 1959*), but excluding subordinated debt obligations.
- iv). Any bill of exchange that has a maturity date of not more than 200 days; and if purchased for value confers on the holder due course a right of recourse against a bank that has been designated as an ADI by APRA.
- v). A deposit with the Treasury Corporation or investments in an Hour-Glass investment facility of the Treasury Corporation.
- vi). Investments grandfathered under the previous Ministerial Investment Order.

7.2 In accordance with the current Ministerial Investment Order, this policy prohibits any investment carried out for speculative purposes including but not limited to:

- i). Derivative-based instruments.
- ii). Principal only investments or securities that provide potentially nil or negative cash flow.
- iii). Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

8. Risk management guidelines

Council's strategy is to preserve the capital invested by diversifying with different approved financial institutions on the short-term money market (minimum 70% of portfolio to be 12 months or less).

Investments obtained are to be considered in light of the following key criteria:

- i). Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money).
- ii). Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk.

- iii). Credit risk – the risk that Council has if an institution fails to pay the interest and or repay the principal of an investment.
- iv). Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices.
- v). Liquidity risk – the risk an investor is unable to redeem the investment at a fair price within a timely period.
- vi). Maturity risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.
- vii). Rollover risk- the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future.

9. Liquidity risk parameters

- 9.1 All investments are to be placed with institutions regulated by APRA in accordance with the *Banking Act 1959*, i.e. ADI's; the Local Government Financial Services Pty Ltd or the NSW Treasury Corporation but excluding subordinated debt obligations.
- 9.2 At least three quotations shall be obtained from qualifying institutions whenever an investment is proposed. The best quote of the day will be successful, providing the investment will not breach any parameters contained within this policy, and after allowing for administrative and banking costs.
- 9.3 Not more than 30% of the portfolio can be placed in investments exceeding 12 months to maturity and no investments exceeding three years to maturity.

10. Credit risk parameters

- 10.1 Investment portfolio parameters are risk-management tools used to manage credit risk by diversifying the portfolio to avoid a narrow concentration of investments. Investment credit risk parameters are based on credit rating bands as published by the credit rating agencies (e.g. Standard and Poor's, Moody's, Fitch).
- 10.2 Council will use Standard and Poor's long-term credit ratings (or Moody's or Fitch equivalents). The Standard and Poor's ratings are broadly defined as follows:

AAA	Extremely strong capacity to repay
AA+, AA, AA-	A very strong capacity to repay
A+, A, A-	A strong capacity to repay
BBB+, BBB ₋	Adequate protection and adequate capacity to pay

- 10.3 The following credit risk parameters apply to the investment portfolio:

Maximum thresholds – portfolio limits		
Credit rating	Maximum % of total portfolio	Exposure to a single ADI
All A categories	100%	20% of Portfolio
BBB+, BBB All B categories	80%	15% of Portfolio
Unrated ADI	30%	\$1,000,000

This does not apply to the Commonwealth Bank as this institution deals with Council's transaction banking. Any excess funds that are unable to be invested in Term Deposits or other allowable instruments to allow for cash flow liquidity are placed with the Commonwealth Bank.

11. Performance benchmarks

- 11.1 Investment performance will be measured monthly, in relation to both current month and 12-month rolling returns, against the:
- Average 90-day BBSW
 - Earnings to the approved budget.

12. Reporting

12.1 The *Local Government (General) Regulation 2005* (clause 212) requires a [monthly report](#) on investments ~~to be presented~~ [provided](#) to Council [at each ordinary meeting](#).

12.2 The [monthly](#) report to Council will include, as a minimum:

- i). Total value of the portfolio and the balance of the trading bank account.
- ii). Complete list of all investments in the portfolio.
- iii). Break-up of the portfolio per institution, showing the rating for each institution and which investments are Australian Government guaranteed or not.
- iv). Comparison of interest earned to budget for the month and year to date.
- v). Comparison of weighted average interest rate and 90-day BBSW for the month and year to date.
- vi). Statement as to whether the investments are in accordance with the *Local Government Act 1993*, Regulation and Council's 'Investments' policy.
- vii). Commentary on portfolio performance and other matters of interest.

12.3 All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

13. Threshold breaches

13.1 This policy imposes limits and thresholds in relation to the acquisition and holding of investments. However, due to changes in the amount of Council's investment portfolio over time, situations may occur where these limitations or thresholds are breached.

13.2 Where limitations or thresholds are breached due to a change in the overall size of the total investment portfolio, or a possible change in ratings of the financial institutions, the following process will apply:

- i). Immediate forced sale of the investments in breach of the limits or thresholds will not be required unless, in the General Manager's opinion, such sale is necessary to protect the value of the overall investment portfolio.
- ii). Immediate freeze on acquisitions of new investments in the relevant category, until the portfolio can be effectively managed back to align with the requirements of this policy.
- iii). The objective will be to manage the portfolio back in accordance with the policy limits, within three months from the date the portfolio first exceeds the limit or threshold.

14. Investment advisor

The Council's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to recommend the most appropriate product within the terms and conditions of the [investments](#) policy. The independent advisor is required to provide written confirmation annually that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

Contact officer

[Group](#) Manager Corporate and Commercial.

Related documents**Policies**

~~[Private and Secondary Employment](#)~~ N/A

Procedures

N/A.

Legislation

~~*Local Government Act, 1993*~~

Local Government (General) Regulation 2005

Trustee Act 1925 (relevant provision extracted – [refer to as on attachment](#)).

Banking Act 1959 (Cth)

Other

Ministerial Investment Order

Local Government Code of Accounting Practice [and](#) Financial Reporting

Australian Accounting Standards

Division of Local Government circulars.

Office use only	File no.: 172/13	Next review date: Annually	
Version	Purpose and description	Date adopted by Council	Resolution no.
1.0		21/12/2011	106/11
2.0	Annual review	21/11/2012	109/12
3.0	Annual review	19/11/2014	114/14
4.0	Annual review	16/03/2016	19/16
5.0	Annual review, includes merger of three counties	15/03/2017	19/17
6.0	Annual review	16/05/2018	36/18
7.0	Annual review	DRAFT	DRAFT

SECTION 14C NSW TRUSTEES ACT

NSW legislation website

14C Matters to which trustee is to have regard when exercising power of investment

- (1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:
 - (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
 - (b) the desirability of diversifying trust investments,
 - (c) the nature of, and the risk associated with, existing trust investments and other trust property,
 - (d) the need to maintain the real value of the capital or income of the trust,
 - (e) the risk of capital or income loss or depreciation,
 - (f) the potential for capital appreciation,
 - (g) the likely income return and the timing of income return,
 - (h) the length of the term of the proposed investment,
 - (i) the probable duration of the trust,
 - (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
 - (k) the aggregate value of the trust estate,
 - (l) the effect of the proposed investment in relation to the tax liability of the trust,
 - (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,
 - (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
 - (o) the results of a review of existing trust investments in accordance with section 14A (4).
- (2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:
 - (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
 - (b) pay out of trust funds the reasonable costs of obtaining the advice.
- (3) A trustee is to comply with this section unless expressly forbidden by the instrument (if any) creating the trust.

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

Investments - March 2019

(59/12)

Business activity priority Results and sustainable performance

Goal 7 Sustainable performance

Recommendation

That Council receive and note the investments for March 2019.

Background

Clause 212 of the *Local Government (General) Regulation 2005* and Council's 'Investment' policy require that a report detailing Council's investments be provided. This report has been for 31 March 2019.

Governance

Finance

The RBA cash rate remains unchanged

At the RBA's March meeting, it was decided to leave the cash rate unchanged at 1.50%. The 90-day average bank bill swap rate (BBSW) has increased to 1.84%.

Total funds invested for March 2019 was \$36,700,941

This is an increase of \$828,142 compared to the January 2019 figure. This is primarily due to section 64 development contributions received from constituent councils.

Return for January was 2.72%

The weighted average return on funds invested for the month of March was 2.72%. This represents a decrease of one basis point compared to the January result (2.73%) and is 88 basis points above Council's benchmark (the average 90-day BBSW rate of 1.84%) (Refer: Graph D2).

Interest earned for March was \$84,867

Interest earned compared to the adjusted budget is \$110,609 in excess of pro-rata budget (Refer: Attachment A).

Summary of indebtedness as at 31 March 2019

Information	Loan #1	Loan #2	Loan #3	Loan #4	Loan #5	Loan #6	Total
Institution	CBA	CBA	CBA	Dexia	NAB	NAB	
Principal Borrowed	\$ 2,000,000	\$ 3,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 45,000,000
Date Obtained	9-Jun-04	31-May-05	31-May-06	21-Feb-07	31-May-07	25-Sep-07	
Term (Years)	20	20	20	20	20	20	
Interest Rate	6.82%	6.25%	6.37%	6.40%	6.74%	6.85%	
Date Due	10-Jun-24	31-May-25	31-May-26	21-Feb-27	31-May-27	25-Sep-27	
Annual Commitment	\$ 184,785	\$ 264,921	\$ 891,595	\$ 893,507	\$ 917,390	\$ 925,933	\$ 4,078,130
Principal Repaid LTD	\$ 1,164,224	\$ 1,602,568	\$ 4,748,873	\$ 4,472,303	\$ 4,125,405	\$ 4,104,615	\$ 20,217,988
Interest Incurred LTD	\$ 1,515,160	\$ 1,973,861	\$ 6,396,066	\$ 6,251,593	\$ 6,424,575	\$ 6,543,611	\$ 29,104,866
Principal Outstanding	\$ 835,776	\$ 1,397,432	\$ 5,251,127	\$ 5,527,697	\$ 5,874,595	\$ 5,895,386	\$ 24,782,012
Interest Outstanding	\$ 180,542	\$ 324,552	\$ 1,435,837	\$ 1,621,567	\$ 1,943,915	\$ 1,986,931	\$ 7,493,344

Cheque account balance as at 31 March 2019 was \$61,370

Ethical holdings represent 76.29% of the total portfolio

Current holdings in Ethical Financial Institutions equals \$28,000,000. The assessment of Ethical Financial Institutions is undertaken using www.marketforces.org.au which is an affiliate project of the Friends of the Earth Australia (Refer: Graph D4).

Ethical and Non-ethical comparison

A comparison of Ethical and Non-ethical term deposit investment interest rates being held at 28/2/19 was conducted (excludes CBA Business on-line saver).

The table below shows the average interest rate over the number of investments held:

	Investment held 28/02/2019	Average Interest rate
Non-Ethical ADIs	\$7,000,000	2.78%
Ethical ADIs	\$27,000,000	2.81%
	\$34,000,000	

All non-ethical investments currently held are 'A' rating categories, therefore attract less risk. While those held in Ethical ADIs are either 'B' Rating categories or unrated ADIs and therefore attract slightly higher interest rates, reflective of their higher risk.

Note: Interest rates vary from day to day, dependent on the cash requirements of the ADIs, i.e. if an ADI is 'looking for money', they offer a higher than market rate to attract investment. The reverse of course also applies - if an ADI does not 'need money' on a particular day, it offers less attractive rates. This principle of supply and demand applies to both ethical and non-ethical ADIs.

Legal

All investments are in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's 'Investment' policy.

Consultation

Nil.

Conclusion

A report on investments is required to be submitted to Council. As at 31 March 2019, investments total \$36,700,941 and the average rate of return is estimated at 2.72%.

Guy Bezrouchko

Group Manager Corporate and Commercial

Attachments

- A. Investment Analysis report – 31 January 2019
- B. Investment by Type
- C. Investment by Institution
- D. Comparison Tables

Rous County Council: Investment Analysis report – 31 March 2019

Attachment A

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 Mar 19 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
CBA Business Online Saver	AA-	CBA-BOS	No	At call		6.00	2,200,940.54	1.40	1,917.00	18,248.04
ING Bank Aust Ltd	A	TD	No	12/9/2017	10/9/2019	1.36	500,000.00	2.75	1,167.81	10,321.92
ING Bank Aust Ltd	A	TD	No	19/9/2017	17/9/2019	1.36	500,000.00	2.75	1,167.81	10,321.92
Bank of Queensland	BBB+	TD	Yes	6/2/2018	4/2/2020	1.36	500,000.00	2.85	1,210.27	10,697.26
ING Bank Aust Ltd	A	TD	No	8/2/2018	11/2/2020	2.72	1,000,000.00	2.90	2,463.01	21,769.86
Rural Bank	BBB+	TD	Yes	13/2/2018	18/2/2020	1.36	500,000.00	2.85	1,210.27	10,697.26
Auswide Bank Ltd	BBB+	TD	Yes	27/3/2018	24/3/2020	1.36	500,000.00	2.77	1,176.30	10,396.99
Bendigo & Adelaide Bank	BBB+	TD	Yes	10/4/2018	2/4/2019	1.36	500,000.00	2.70	1,146.58	10,134.25
Railways Credit Union Ltd (T/As Move)	UNRATED	TD	Yes	10/4/2018	9/4/2019	1.36	500,000.00	2.93	1,244.25	10,997.53
Auswide Bank Ltd	BBB+	TD	Yes	13/4/2018	9/4/2019	1.36	500,000.00	2.71	1,150.82	10,171.78
Defence Bank	BBB	TD	Yes	17/4/2018	16/4/2019	1.36	500,000.00	2.75	1,167.81	10,321.92
Auswide Bank Ltd	BBB+	TD	Yes	24/4/2018	23/4/2019	1.36	500,000.00	2.73	1,159.32	10,246.85
Defence Bank	BBB	TD	Yes	24/4/2018	23/4/2019	1.36	500,000.00	2.75	1,167.81	10,321.92
ME Bank	BBB	TD	Yes	1/5/2018	30/4/2019	1.36	500,000.00	2.70	1,146.58	10,134.25
Auswide Bank Ltd	BBB+	TD	Yes	4/5/2018	7/5/2019	1.36	500,000.00	2.80	1,189.04	10,509.59
Beyond Bank Australia	BBB	TD	Yes	8/5/2018	16/4/2019	1.36	500,000.00	2.80	1,189.04	10,509.59
Police Credit Union SA	UNRATED	TD	Yes	5/6/2018	4/6/2019	1.36	500,000.00	2.90	1,231.51	10,884.93
Queensland Country CU (formerly ECU Aust)	UNRATED	TD	Yes	5/6/2018	21/5/2019	1.36	500,000.00	2.85	1,210.27	10,697.26
Bank of Queensland	BBB+	TD	Yes	12/6/2018	11/6/2019	2.72	1,000,000.00	2.75	2,335.62	20,643.84
Auswide Bank Ltd	BBB+	TD	Yes	19/6/2018	25/6/2019	1.36	500,000.00	2.85	1,210.27	10,697.26
MyState Bank Limited	BBB+	TD	Yes	3/7/2018	2/7/2019	1.36	500,000.00	2.85	1,210.27	10,619.18
Gateway Bank Ltd	UNRATED	TD	Yes	13/7/2018	9/7/2019	1.36	500,000.00	2.95	1,252.74	10,587.67
Bank of Sydney Ltd	UNRATED	TD	Yes	13/7/2018	16/7/2019	1.36	500,000.00	2.95	1,252.74	10,587.67
AMP Bank	A-	TD	No	7/8/2018	6/8/2019	1.36	500,000.00	2.85	1,210.27	9,252.74
Bank of Queensland	BBB+	TD	Yes	14/8/2018	13/8/2019	1.36	500,000.00	2.75	1,167.81	8,664.38
ME Bank	BBB	TD	Yes	28/8/2018	27/8/2019	2.72	1,000,000.00	2.70	2,293.15	15,978.08
G & C Mutual Bank	BBB-	TD	Yes	11/9/2018	10/9/2019	1.36	500,000.00	2.85	1,210.27	7,886.30
Bendigo & Adelaide Bank	BBB+	TD	Yes	18/9/2018	17/9/2019	1.36	500,000.00	2.65	1,125.34	7,078.77
Maitland Mutual Building Society	UNRATED	TD	Yes	18/9/2018	24/9/2019	1.36	500,000.00	2.75	1,167.81	7,345.89
AMP Bank	A-	TD	No	25/9/2018	24/9/2019	2.72	1,000,000.00	2.80	2,378.08	14,421.92
AMP Bank	A-	TD	No	2/10/2018	1/10/2019	2.72	1,000,000.00	2.75	2,335.62	13,636.99
MyState Bank Limited	BBB+	TD	Yes	9/10/2018	8/10/2019	1.36	500,000.00	2.70	1,146.58	6,435.62
Police Credit Union SA	UNRATED	TD	Yes	9/10/2018	8/10/2019	1.36	500,000.00	2.90	1,231.51	6,912.33
Warwick Credit Union	UNRATED	TD	Yes	16/10/2018	15/10/2019	1.36	500,000.00	2.75	1,167.81	6,291.10

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 Mar 19 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
Railways Credit Union Ltd (T/As Move)	UNRATED	TD	Yes	23/10/2018	22/10/2019	1.36	500,000.00	2.90	1,231.51	6,356.16
Auswide Bank Ltd	BBB+	TD	Yes	26/10/2018	22/10/2019	1.36	500,000.00	2.76	1,172.05	5,935.89
Hunter United Employees Credit Union Ltd	UNRATED	TD	Yes	30/10/2018	29/10/2019	1.36	500,000.00	2.80	1,189.04	5,868.49
MyState Bank Limited	BBB+	TD	Yes	2/11/2018	29/10/2019	1.36	500,000.00	2.80	1,189.04	5,753.42
Rural Bank	BBB+	TD	Yes	13/11/2018	18/6/2019	1.36	500,000.00	2.70	1,146.58	5,141.10
MyState Bank Limited	BBB+	TD	Yes	20/11/2018	12/11/2019	1.36	500,000.00	2.80	1,189.04	5,063.01
National Australia Bank Limited	AA-	TD	No	4/12/2018	26/11/2019	2.72	1,000,000.00	2.73	2,318.63	8,825.75
Bank of Queensland	BBB+	TD	Yes	6/12/2018	23/7/2019	1.36	500,000.00	2.80	1,189.04	4,449.32
MyState Bank Limited	BBB+	TD	Yes	7/12/2018	26/11/2019	2.72	1,000,000.00	2.80	2,378.08	8,821.92
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	11/12/2018	10/12/2019	1.36	500,000.00	2.95	1,252.74	4,485.62
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	4/1/2019	17/12/2019	1.36	500,000.00	2.80	1,189.04	3,336.99
Australian Military Bank	UNRATED	TD	Yes	4/1/2019	7/1/2020	1.36	500,000.00	2.76	1,172.05	3,289.32
National Australia Bank Limited	AA-	TD	No	8/1/2019	3/12/2019	1.36	500,000.00	2.70	1,146.58	3,069.86
Queensland Country CU (formerly ECU Aust)	UNRATED	TD	Yes	15/1/2019	14/1/2020	1.36	500,000.00	2.80	1,189.04	2,915.07
The Capricornian Ltd	UNRATED	TD	Yes	22/1/2019	21/1/2020	1.36	500,000.00	2.85	1,210.27	2,693.84
Goldfields Money Ltd	UNRATED	TD	Yes	5/2/2019	28/1/2020	1.36	500,000.00	2.85	1,210.27	2,147.26
Summerland Credit Union	UNRATED	TD	Yes	5/2/2019	4/2/2020	1.36	500,000.00	2.80	1,189.04	2,109.59
QBank	BBB-	TD	Yes	12/2/2019	11/2/2020	1.36	500,000.00	2.85	1,210.27	1,873.97
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	4/3/2019	25/2/2020	1.36	500,000.00	2.70	1,035.62	1,035.62
Gateway Bank Ltd	UNRATED	TD	Yes	5/3/2019	3/3/2020	1.36	500,000.00	2.70	998.63	998.63
Bank of Queensland	BBB+	TD	Yes	17/7/2018	14/7/2020	1.36	500,000.00	3.00	1,273.97	10,602.74
Bank of Queensland	BBB+	TD	Yes	24/7/2018	21/7/2020	1.36	500,000.00	3.00	1,273.97	10,315.07
AMP Bank	A-	TD	No	21/8/2018	25/8/2020	1.36	500,000.00	2.95	1,252.74	9,011.64
Rural Bank	BBB+	TD	Yes	6/11/2018	3/11/2020	2.72	1,000,000.00	2.85	2,420.55	11,400.00
Newcastle Permanent Bldg Soc	BBB	TD	Yes	29/1/2019	19/1/2021	1.36	500,000.00	2.95	1,252.74	2,505.48
Newcastle Permanent Bldg Soc	BBB	TD	Yes	19/2/2019	16/2/2021	1.36	500,000.00	2.95	1,252.74	1,656.85
Newcastle Permanent Bldg Soc	BBB	TD	Yes	8/3/2019	2/3/2021	2.72	1,000,000.00	2.85	1,873.97	1,873.97
MATURED TDs									1,448.63	204,799.86
						100.00	36,700,940.54	2.72%	84,867.27	710,759.27

Total Investment Holdings**100.00 36,700,940.54****84,867.27 710,759.27**Total YTD Interest **710,759.27**

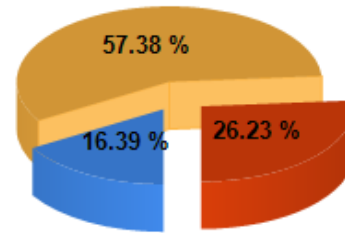
Deposits with Australian Deposit-taking institutions (ADI) are Government.

Budget Interest @ 31 Mar 19 **600,150.00**

Guaranteed for balances totalling up to \$250,000 per customer, per institution.

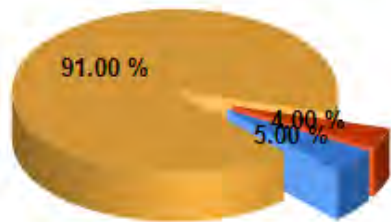
Budget variance **110,609.27**

Investment by Type



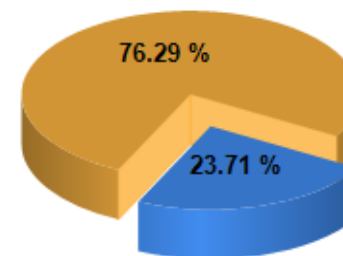
■ All A category term deposits
 ■ BBB+, BBB, BBB- category term deposits
 ■ Unrated Term Deposits

Investment by Fund

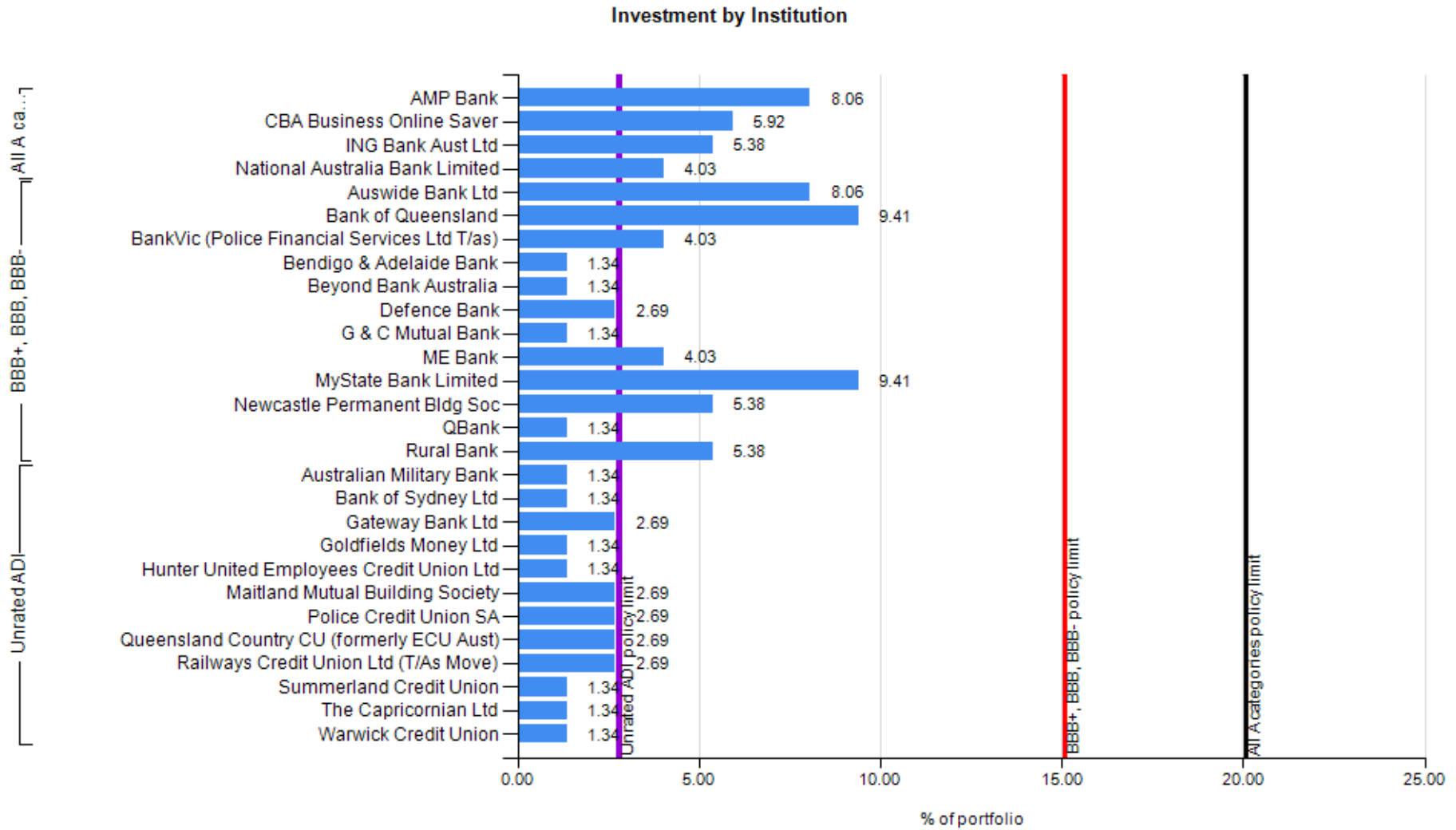


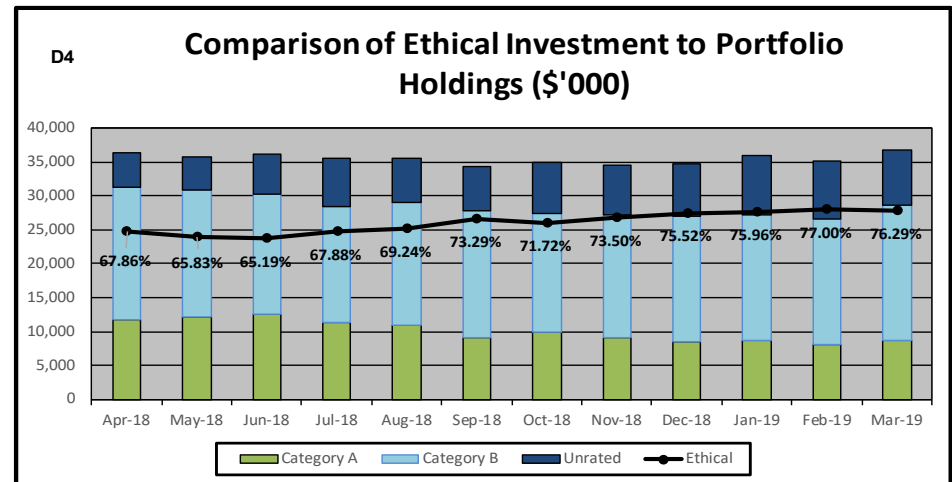
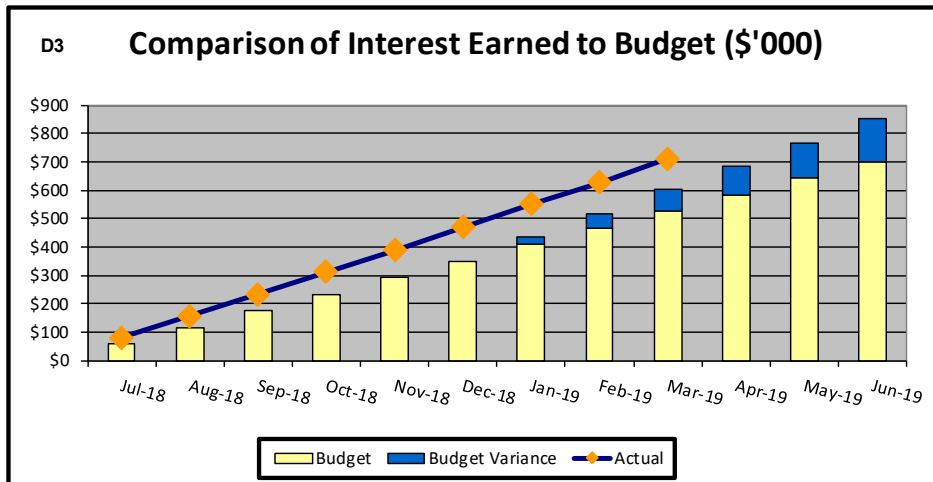
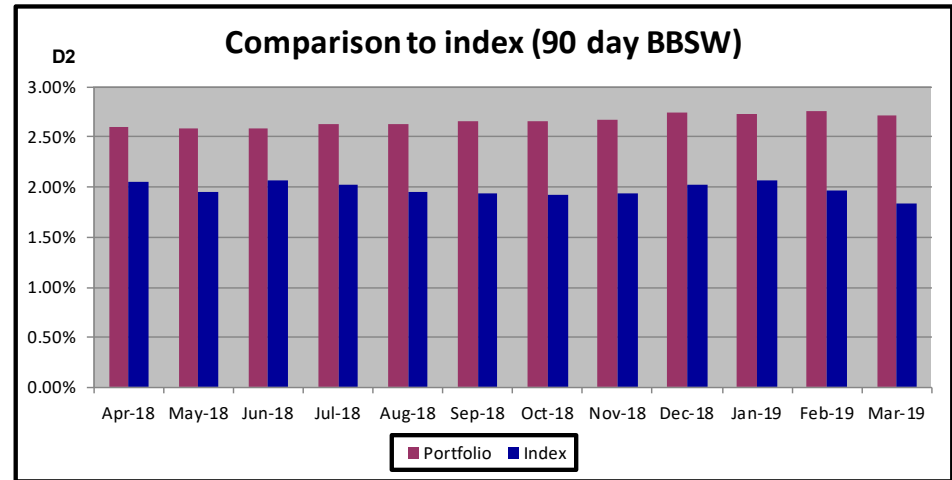
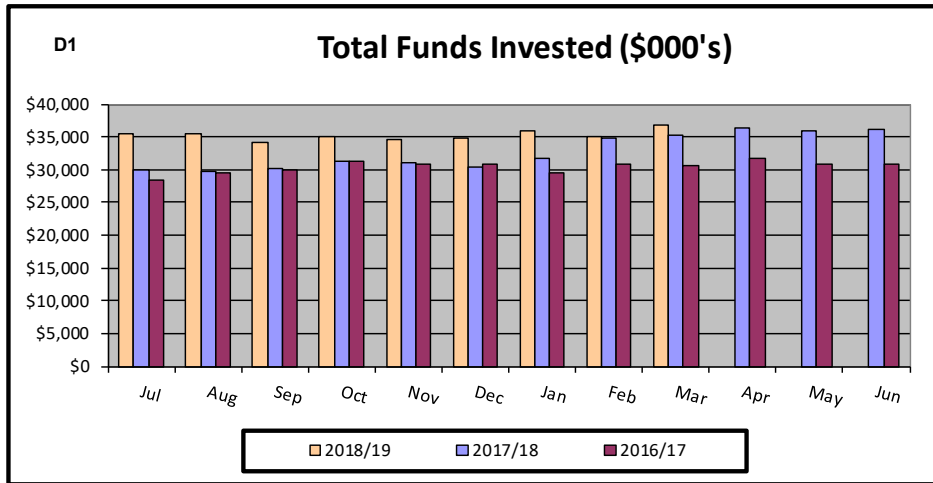
■ Flood fund
 ■ Water fund
 ■ Weeds fund

Ethical Investments as a % of Portfolio



■ Non ethical investments
 ■ Ethical investments





Water production and usage - February 2019 and March 2019

(5/12)

Business activity priority

Strategy and planning

Goal 2

Align strategic direction to core functions and sustainability

Recommendation

That Council receive and note this report.

Background

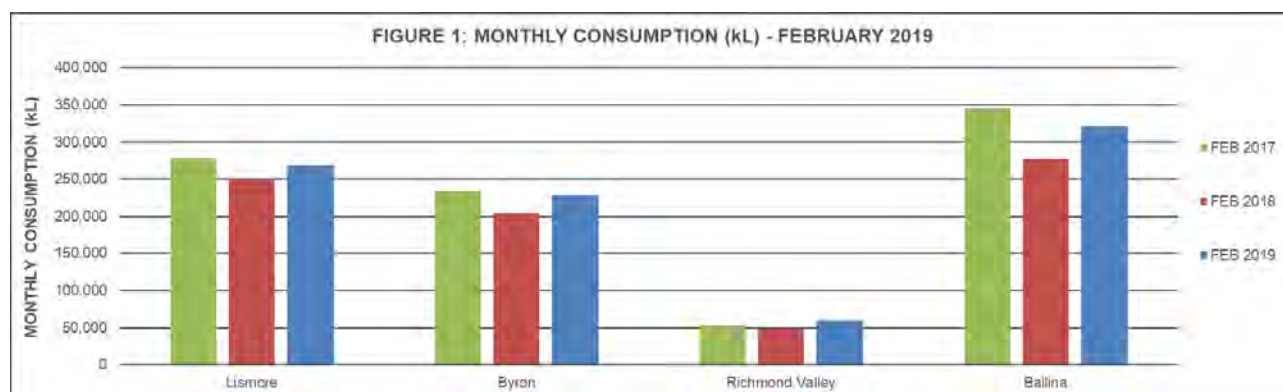
- Summary for February 2019**

The table below is the February 2019 bulk water sales to the constituent councils in kilolitres compared to January 2019 and the corresponding February for 2017 and 2018.

Council	Council area	Feb 2017	Feb 2018	Jan 2019	Feb 2019	Change on previous year %	% of Total
Lismore City Council	Dunoon/The Channon	14,783	10,735	23,375	13,932		
	Clunes	4,808	8,122	6,223	4,765		
	Pineapple Road	411	526	607	396		
	Holland Street	39,720	33,451	57,829	37,851		
	Ross Street	82,716	67,924	102,847	76,765		
	Tullera	1,804	1,449	2,704	1,416		
	No. 4 Reservoir	43,964	39,545	70,130	61,496		
	No. 9 Reservoir	83,926	81,917	88,864	66,820		
	Tanelawn	5,216	4,434	7,170	4,530		
	North Woodburn	793	647	1,189	900		
	TOTAL	278,141	248,750	360,938	268,871	↑ 8.09%	30.58
Byron Shire Council	Bangalow	17,016	16,452	23,510	14,773		
	Byron Bay	52,425	42,318	78,605	55,079		
	Coopers Shoot	90,358	82,314	133,104	89,486		
	Wategos Beach	4,420	4,388	6,861	4,737		
	Brunswick Heads	21,326	16,389	29,277	16,955		
	Ocean Shores	49,014	42,496	70,337	47,466		
	TOTAL	234,559	204,357	341,694	228,496	↑ 11.81	25.98
Richmond Valley Council	Coraki	11,357	9,273	13,662	10,553		
	Woodburn	5,355	4,340	7,422	5,420		
	Broadwater	8,755	11,577	16,286	13,321		
	Evans Head	28,555	23,347	46,019	30,908		
	TOTAL	54,022	48,537	83,389	60,202	↑ 24.03	6.85
Ballina Shire Council	Ballina 375mm main	82,121	84,545	90,188	64,437		
	Lennox Head 200mm main	2,544	1,568	3,219	1,958		
	Basalt Crt 450mm main	181,626	129,896	278,343	183,145		
	Ballina Heights	9,799	5,779	10,452	6,320		
	Sub-Total	276,090	221,788	382,202	255,860		
	Wollongbar 375mm main	69,748	56,081	96,481	65,925		
	Lumley Park Bore	0	0	0	0		
	Converys Lane Bore	0	0	0	0		
	Sub-Total	69,748	56,081	96,481	65,925		
		TOTAL	345,838	277,869	478,683	321,785	↑ 15.80
TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS		912,560	779,513	1,264,704	879,354	↑ 12.81	100.00

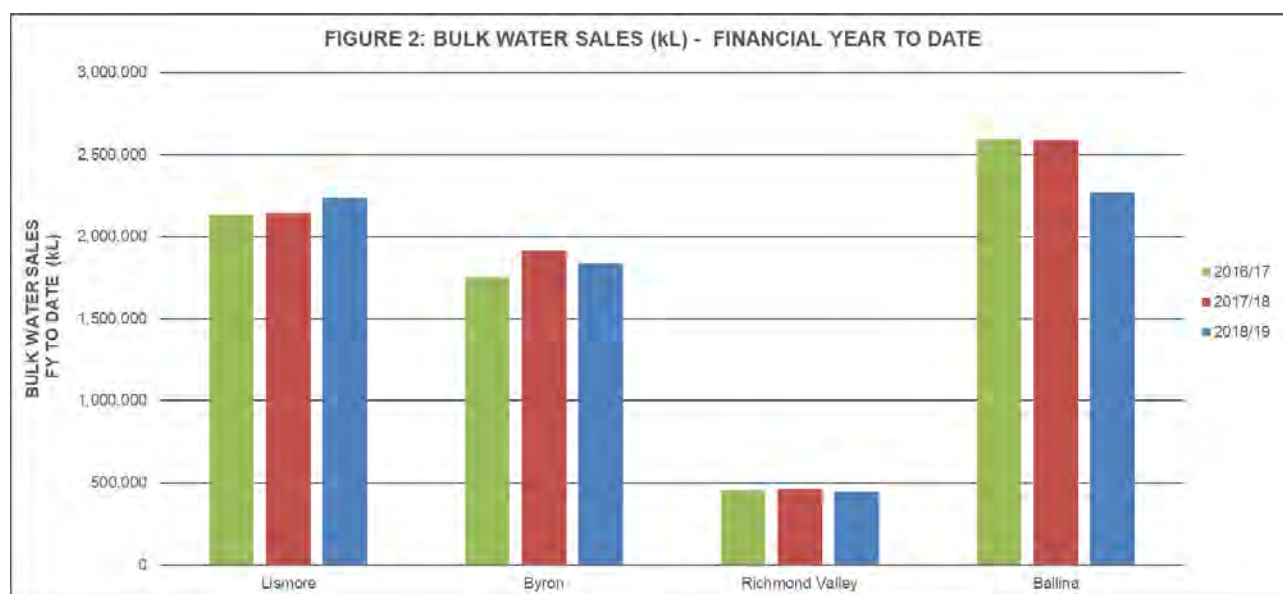
Monthly consumption by constituents

Figure 1 is the monthly consumption for each council area compared to the previous two years.



Sales to constituents – financial year to date

Figure 2 is the bulk water sales in kilolitres to the constituent councils for the financial year to date compared to previous financial years.



Source contribution

The table below are the source contributions in kilolitres for the month compared to the corresponding month of the previous two years.

Daily source usage for February 2019 averaged 36.195ML. This is a decrease from the January 2019 daily average of 45.516ML. Rocky Creek Dam as at 28 February 2019 was at 76.90% of full capacity (refer Attachment 1).

Source	Feb 2017	Feb 2018	Jan 2019	Feb 2019	Change on previous year %	% of Total
Rocky Creek Dam	752,582	877,864	1,155,970	901,848		88.20
Wilson River	215,849	3,027	115,164	9,057		0.89
Emigrant Creek Dam	44,271	0	133,637	111,621		10.92
Alstonville Plateau Bores	0	0	0	0		
Coastal Sands Bores	0	0	0	0		
TOTAL	1,012,702	880,891	1,404,771	1,022,526	↑ 16.08	100.00
YEAR TO DATE TOTAL	2,007,214	2,021,847	1,404,771	2,427,297	↑ 20.05	

New connections

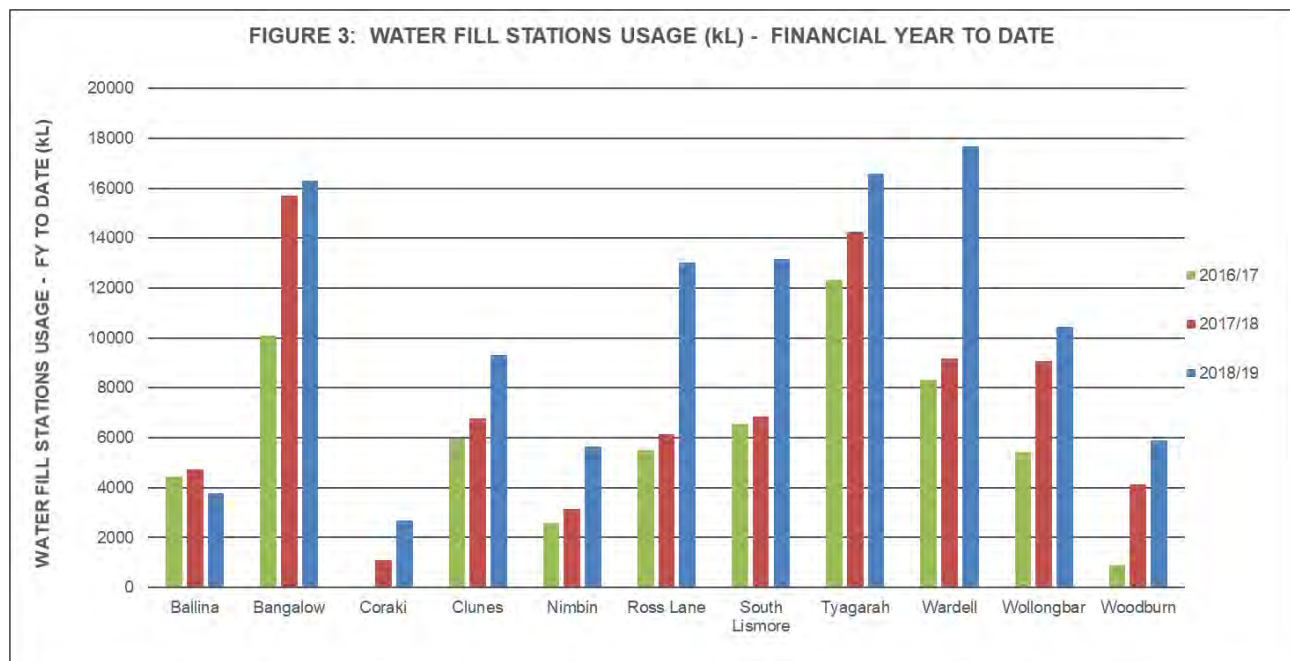
The table below is a summary of the new water connections for each council for the month. The kL/connection/day provides a comparison of the monthly consumption per connection per day.

Supply authority	New connections	Year to date total	Total connections	kL/Connection/Day
Lismore City Council	4	7	13,975	0.69
Byron Shire Council	8	16	9,985	0.82
Richmond Valley Council	N/A	0	2,686	0.80
Ballina Shire Council	14	33	15,147	0.76
Rous County Council	1	1	2,110	1.02
TOTAL	27	57	43,903	

Water fill stations

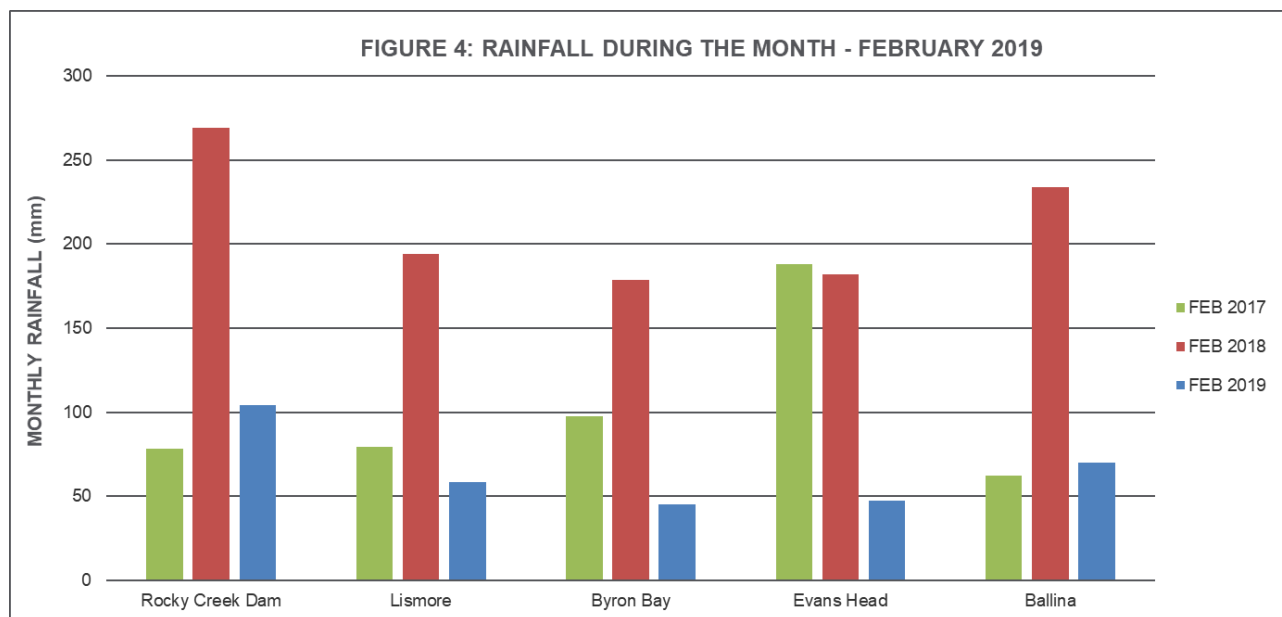
Figure 3 is the usage from the water fill stations for the financial year to date in kilolitres for each water fill station compared to previous financial years.

Total water usage for the water fill station network for February 2019 was 18,638kL, a decrease from 30,522kL in January 2019.



Rainfall by area

Figure 4 is the monthly rainfall for Rocky Creek Dam and council areas compared to the previous two years.



Note: The Rocky Creek Dam rainfall reading is from the rain gauge at Nightcap Water Treatment Plant. Other rainfall data is from the Bureau of Meteorology.

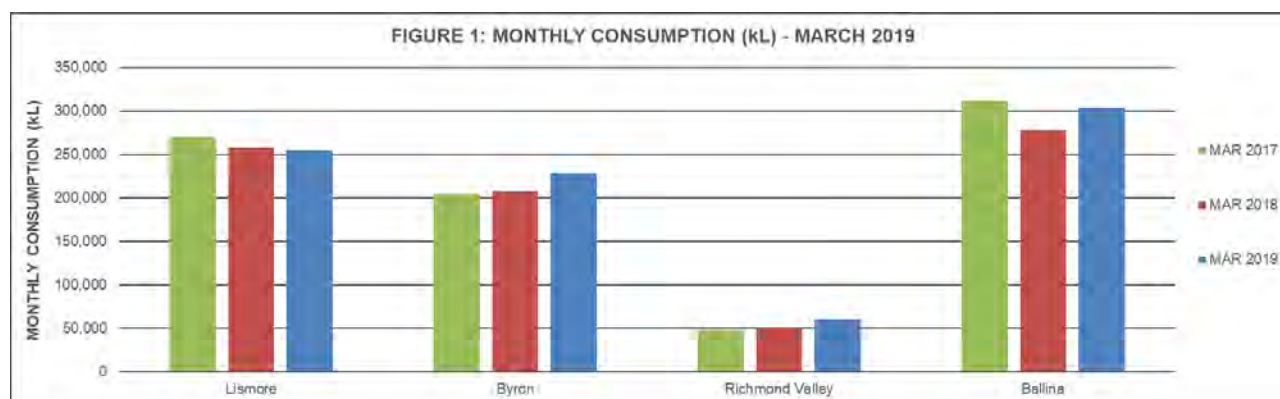
- Summary for March 2019**

The table below is the March 2019 bulk water sales to the constituent councils in kilolitres compared to February 2019 and 2018 and the corresponding March for 2017 and 2018.

Council	Council area	Mar 2017	Mar 2018	Feb 2019	Mar 2019	Change on previous year %	% of Total	
Lismore City Council	Dunoon/The Channon	13,475	11,676	13,932	11,499			
	Clunes	3,549	5,952	4,765	3,772			
	Pineapple Road	375	694	396	567			
	Holland Street	43,969	33,958	37,851	36,537			
	Ross Street	79,350	72,388	76,765	73,701			
	Tullera	1,572	1,724	1,416	1,368			
	No. 4 Reservoir	37,906	39,721	61,496	55,080			
	No. 9 Reservoir	85,713	87,290	66,820	68,801			
	Tanelawn	4,450	4,458	4,530	3,902			
	North Woodburn	710	639	900	688			
	TOTAL	271,069	258,500	268,871	255,915	↓ 1.00	30.13	
Byron Shire Council	Bangalow	13,918	17,805	14,773	14,796			
	Byron Bay	51,839	51,071	55,079	54,012			
	Coopers Shoot	73,577	73,538	89,486	90,127			
	Wategos Beach	3,893	5,074	4,737	4,240			
	Brunswick Heads	16,299	15,907	16,955	17,260			
	Ocean Shores	44,687	44,545	47,466	48,434			
		TOTAL	204,213	207,940	228,496	228,869	↑ 10.06	26.94
Richmond Valley Council	Coraki	11,005	9,778	10,553	10,627			
	Woodburn	4,389	4,424	5,420	6,522			
	Broadwater	6,839	11,246	13,321	13,425			
	Evans Head	25,660	24,548	30,908	30,156			
		TOTAL	47,893	49,996	60,202	60,730	↑ 21.47	7.15
Ballina Shire Council	Ballina 375mm main	93,433	93,684	64,437	78,766			
	Lennox Head 200mm main	5,430	2,806	1,958	2,361			
	Basalt Crt 450mm main	144,004	117,677	183,145	153,960			
	Ballina Heights	7,477	5,070	6,320	7,816			
		Sub-Total	250,344	219,237	255,860	242,903		
	Wollongbar 375mm main	61,359	58,425	65,925	61,025			
	Lumley Park Bore	0	0	0	0			
	Converys Lane Bore	0	0	0	0			
		Sub-Total	61,359	58,425	65,925	61,025		
		TOTAL	311,703	277,662	321,785	303,928	↑ 9.46	35.78
TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS		834,878	794,098	879,354	849,442	↑ 6.97	100.00	

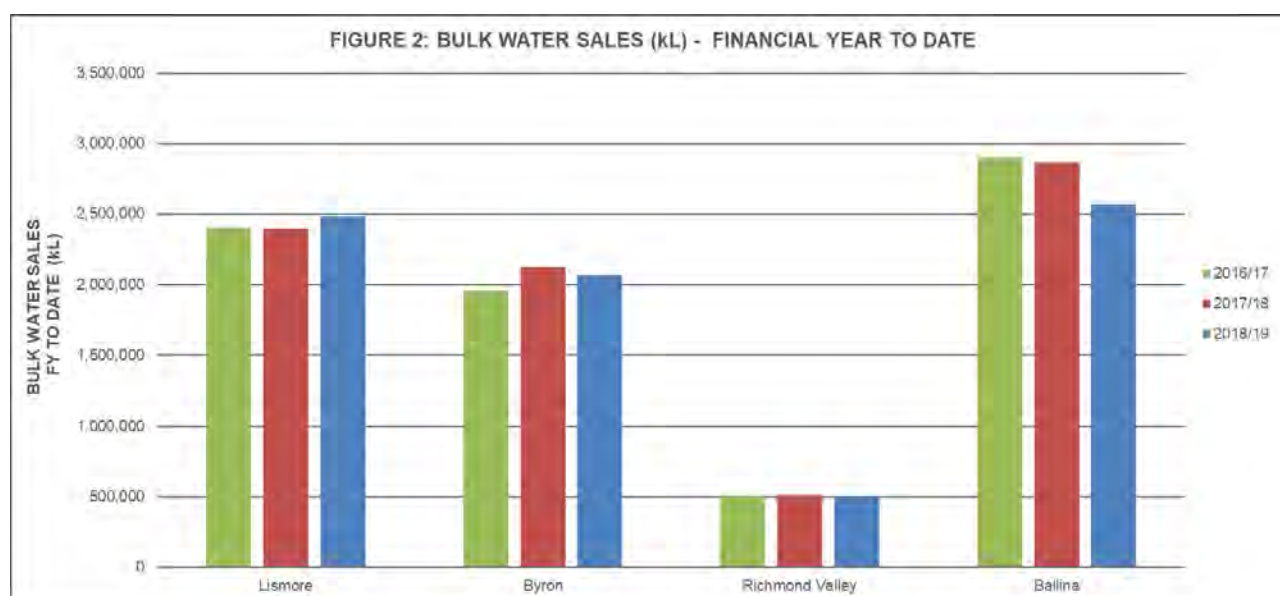
Monthly consumption by constituents

Figure 1 is the monthly consumption for each council area compared to the previous two years.



Sales to constituents – financial year to date

Figure 2 is the bulk water sales in kilolitres to the constituent councils for the financial year to date compared to previous financial years.



Source contribution

The table below are the source contributions in kilolitres for the month compared to the corresponding month of the previous two years.

Daily source usage for March 2019 averaged 30.463ML. This is a decrease from the February 2019 daily average of 36.195ML. Rocky Creek Dam as at 31 March 2019 was at 83.63% of full capacity (refer Attachment 1).

Source	Mar 2017	Mar 2018	Feb 2019	Mar 2019	Change on previous year %	% of Total
Rocky Creek Dam	791,943	877,643	901,848	850,090		88.14
Wilson River	43,267	4,354	9,057	20,088		2.08
Emigrant Creek Dam	61,612	3,795	111,621	94,253		9.77
Alstonville Plateau Bores	0	0	0	0		
Coastal Sands Bores	0	0	0	0		
TOTAL	896,822	885,792	1,022,526	964,431	↑ 8.88	100.00
YEAR TO DATE TOTAL	2,904,036	2,907,639	2,427,297	3,391,728	↑ 16.65	

New connections

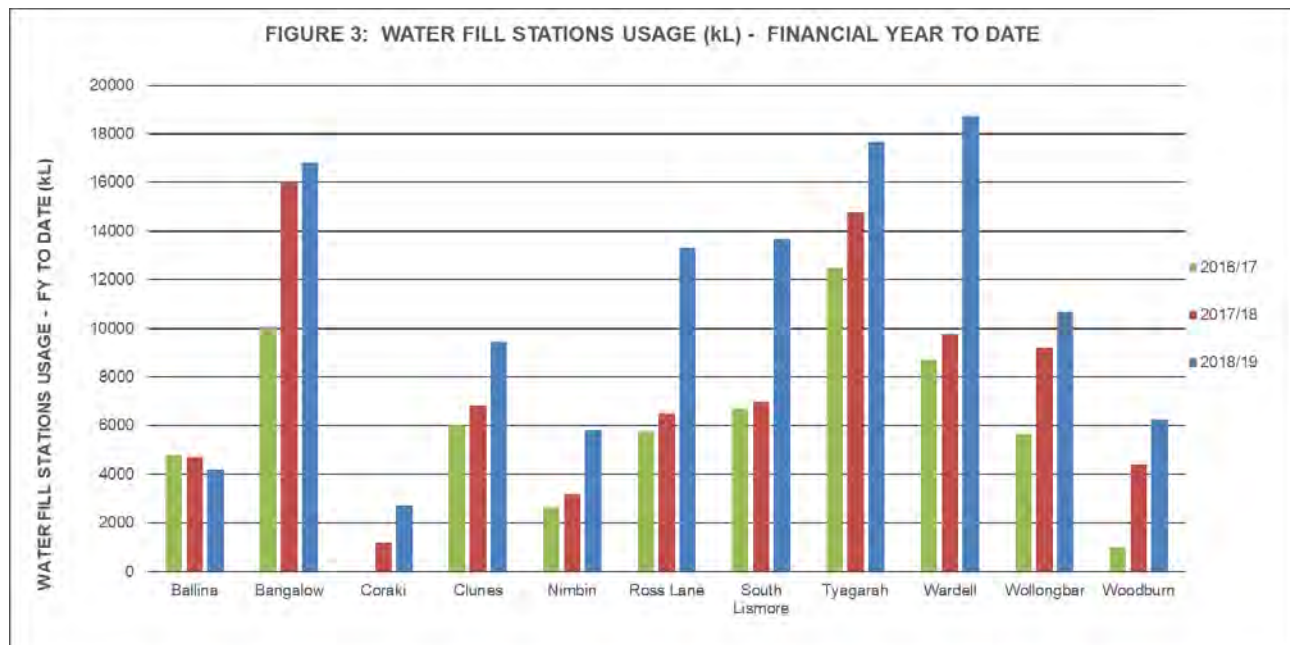
The table below is a summary of the new water connections for each council for the month. The kL/connection/day provides a comparison of the monthly consumption per connection per day.

Supply authority	New connections	Year to date total	Total connections	kL/Connection/Day
Lismore City Council	N/A	7	13,975	0.59
Byron Shire Council	7	23	9,992	0.74
Richmond Valley Council	7	7	2,693	0.73
Ballina Shire Council	14	70	15,154	0.65
Rous County Council	2	3	2,112	0.92
TOTAL	30	110	43,926	

Water fill stations

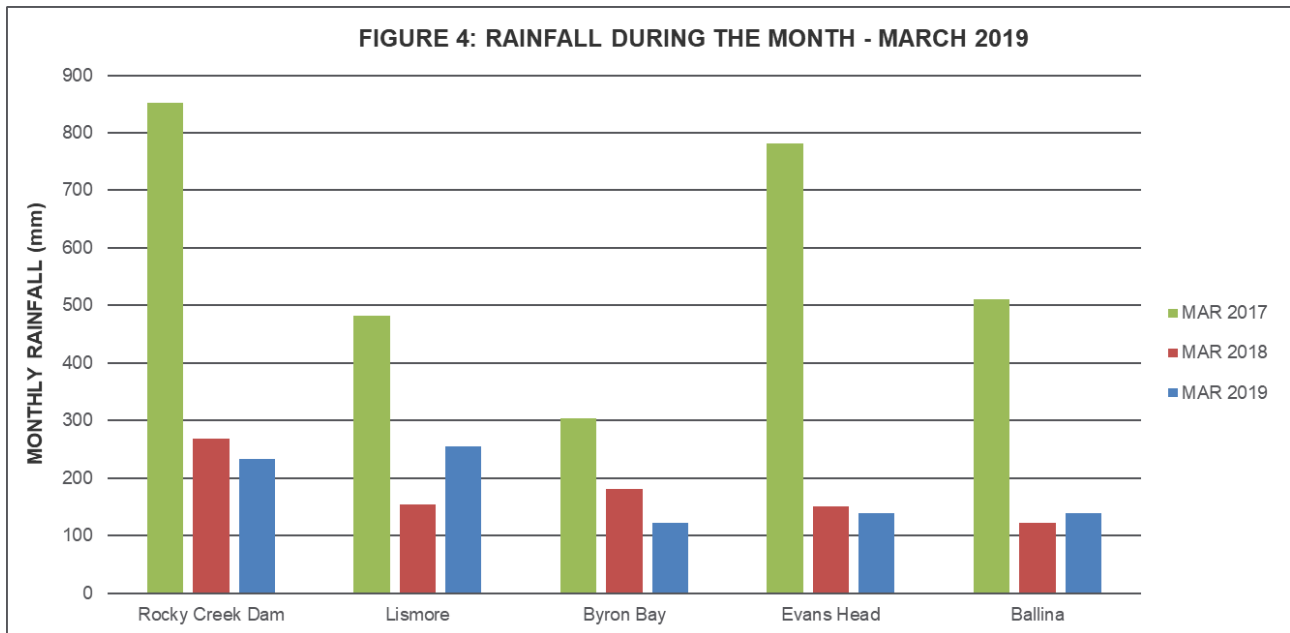
Figure 3 is the usage from the water fill stations for the financial year to date in kilolitres for each water fill station compared to previous financial years.

Total water usage for the water fill station network for March 2019 was 4,670kL, a decrease from 18,638kL in February 2019.



Rainfall by area

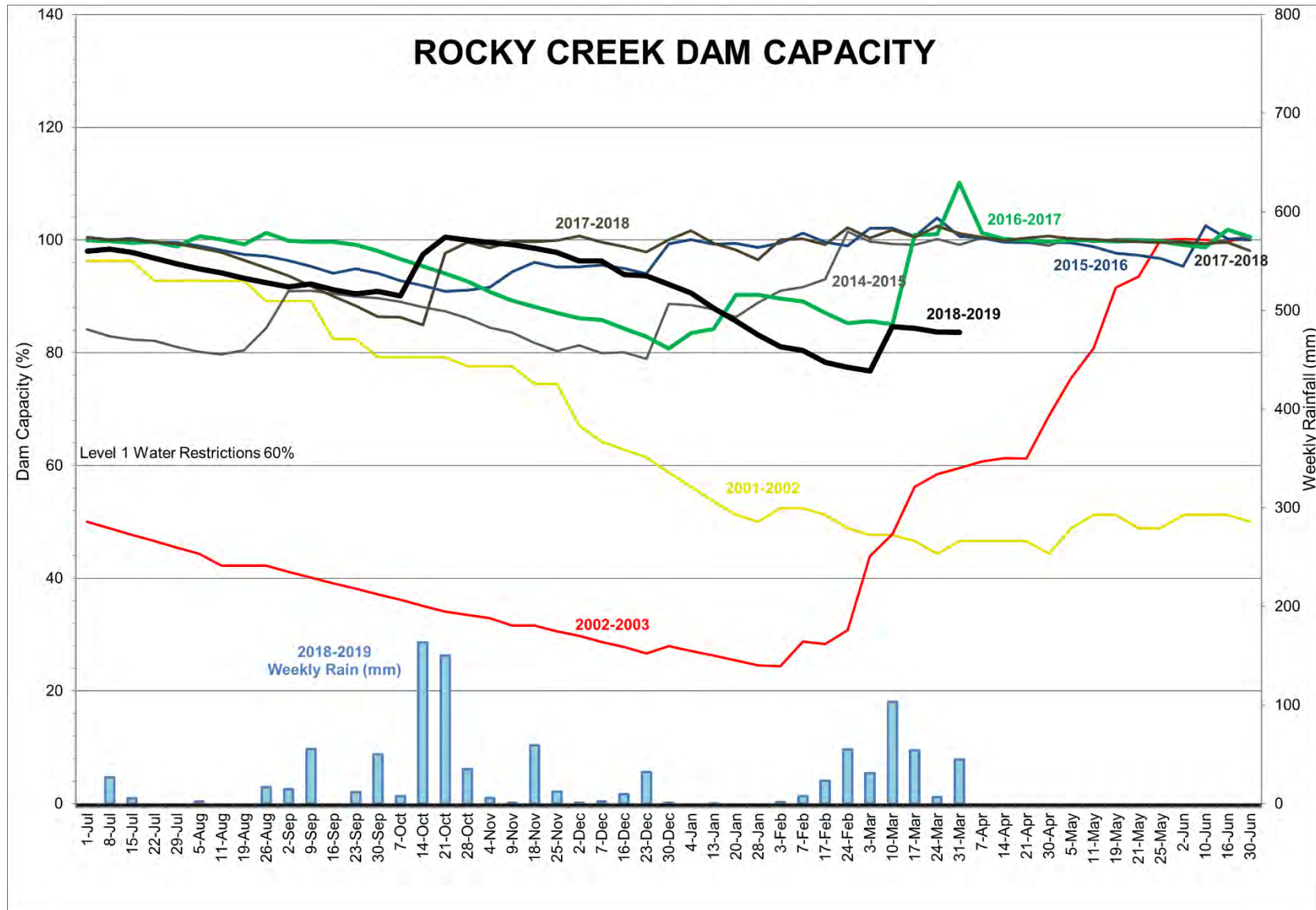
Figure 4 is the monthly rainfall for Rocky Creek Dam and council areas compared to the previous two years.



Note: The Rocky Creek Dam rainfall reading is from the rain gauge at Nightcap Water Treatment Plant. Other rainfall data is from the Bureau of Meteorology.

Michael McKenzie
Group Manager Planning and Delivery

Attachment: Rocky Creek Dam Capacity.



Reports/actions pending

(1181/12)

Business activity priority Process management, improvement and innovation

Goal 6 Continuous improvement through process management and innovative thinking

Recommendation

That Council receive and note the report.

Background

Following is a list of pending resolutions with individual comments provided on current position and expected completion date.

Council meeting	Resolution	Status
20/06/18	<p>Perradenya – update on shared walking path/cycling track</p> <p>RESOLVED [46/18] (Ekins/Cadwallader) that Council:</p> <ol style="list-style-type: none"> 1. Receive a further report by December 2018 detailing: <ol style="list-style-type: none"> a). the estimated cost to construct both options; b). Perradenya community and Caniaba Public School opinion on the options available; c). options available to Rous County Council under DA 98/7. 	<p>Perradenya cycleway workshop presented to Councillors at the 21 November 2018 meeting. GMCC progressing next steps with a further workshop planned for May 2019.</p>
20/02/19	<p>Confidential report: Development Servicing Plan for Bulk Water Supply 2016 – request for deferred payment arrangement</p> <p>RESOLVED [13/19] (Mustow/Cadwallader) that Council:</p> <ol style="list-style-type: none"> 1. Receive and note this report; 2. Approve the request for deferred payment arrangements as set out in the report; 3. Receive a subsequent report on policy options for deferred payment arrangements having regard to the Development Servicing Plan for Bulk Water Supply and the policy positions of the constituent councils; and 4. Reject any further consideration of similar requests until point 3. is complete and a policy position is determined. 	<p>Scheduled for 2019/20.</p>

20/02/19	<p>Quarterly Budget Review Statement for quarter ending 31 December 2018</p> <p>RESOLVED [4/19] that Council:</p> <p>.....</p> <p>2. Express its concern to the Office of Environment and Heritage (OEH) regarding the change to the approval process with the Voluntary House Raising Program, particularly in relation to community members affected by the 2017 flood event. In addition, that this letter be forwarded to sitting members and forthcoming local State election candidates, seeking their support.</p>	Correspondence issued to OEH and sitting members of local State election (prior to March election).
20/02/19	<p>Drinking water quality: annual report card</p> <p>RESOLVED [6/19] that:</p> <p>.....</p> <p>6. A fluoride performance report incorporating chemical suppliers testing data and dosing plant performance be provided to Council on a quarterly basis.</p>	Fluoride performance report to be included in Council's '2018/19 Annual Report' (due November).

Phillip Rudd
General Manager

Reconciliation Action Plan (RAP) Advisory Group

Meeting minutes 28 March 2019

1 Opening of the meeting

Meeting commenced at 10.36am.

The Acting Chair, Cr Cook, welcomed everyone to the meeting and declared the meeting open.

2 ACKNOWLEDGEMENT OF COUNTRY

The committee shows its respect and acknowledges the Traditional Custodians of the Land, of Elders past and present, on which this meeting takes place.

Legend

- Bundjalung Elders Council Aboriginal Corporation (BECAC)
- Rous County Council (RCC)

3 ATTENDANCE / APOLOGIES

In attendance:

- Cr Darlene Cook, Acting Chair (RCC)
- Roy Charles Gordon (Traditional Custodian of Council catchment area on behalf of Aunty June Gordon, Widjabul Elder)
- Phillip Rudd, General Manager (RCC)
- Guy Bezrouchko, Secretary (RCC)
- Anthony Acret, NRM Planning Coordinator (RCC)
- Andy Sibley, Communications and Engagement Coordinator (RCC)
- Helen McNeil, Group Manager People and Performance (RCC)
- Mikael Smith, CEO, Jali Aboriginal Land Council
- Chelsea Hippi, Administration Trainee (RCC)

Apologies

- Cr Vanessa Ekins (Chair, RCC)
- Mick Roberts, Secretary (BECAC)
- Aunty Irene (Traditional Custodian of Council catchment area)
- Emma Walke, Consultant
- Tracey King, Ngulingah Aboriginal Land Council (representative)
- Mick Ryan (Chair, BECAC)

4 MINUTES

i). Confirmation of minutes of previous meeting

RECOMMENDED that the minutes of the meeting held 28 November 2018 be confirmed as presented subject to amendment to Item 5. ii). Trainees dot point 5. – change dates to *January 2019 to end January 2020.*

CARRIED

Note: As Ngulingah Land Council is currently under administration it was suggested a senior representative from LALC be invited to attend future RAP AG meetings.

ACTION: Secretary to follow-up.

5 SECRETARY REPORT / UPDATES

i). Reconciliation video

The 'Rous County Council Reconciliation' video was played for the meeting.

- The Committee viewed the video and was supportive of the contents.

ACTION: Secretary to arrange video placement on RCC website.

ii). Rous County Council – Innovate 2020 RAP (draft)

RECOMMENDED (Mikael Smith/Roy Gordon) that:

1. The report be received and noted.
2. The draft 'Innovate 2020 RAP Plan' be accepted as presented, noting that the Plan is a 'living document' (subject to continual editing and updating).
3. The Plan be recommended to Council for adoption.

CARRIED

ACTION: Emma Walke to liaise with Reconciliation Australia on endorsement of the Rous County Council – Innovate 2020 RAP.

ACTION: Secretary to progress to June 2019 Rous County Council meeting.

iii). RAP Advisory Group – 2016/17 Terms of Reference

RECOMMENDED (Mikael Smith/Roy Gordon) that:

1. The Committee received and note the report.
2. The Terms of Reference be accepted as presented, noting it is a 'living document' (subject to continual editing and updating).

CARRIED

iv). National Reconciliation Week 27 May – 3 June

RECOMMENDED that during National Reconciliation Week, the Committee and Council staff participate in appropriate events covering all Council areas.

CARRIED

v). Cultural training presentation to RCC's staff meeting 2 May 2019

It was noted that Emma Walke (Consultant) to be invited to provide cultural awareness training to Council staff.

CARRIED

6 NEXT MEETING

Thursday, 27 June 2019.

7 MEETING CLOSE

There being no further business the meeting closed at 12.20PM.

Audit, Risk and Improvement Committee: Minutes and Strategy

(847)

Business activity priority	Strategy and planning
Goal 2	Align strategic direction to core functions and sustainability

Recommendation

That Council:

1. Receive and note the attached minutes from the Audit, Risk and Improvement Committee meeting of 25 March 2019.
2. Adopt the attached Internal Audit Strategy 2019 – 2022 as noted and endorsed by the Audit, Risk and Improvement Committee.

Background

The Audit, Risk and Improvement Committee met on 25 March 2019. A copy of the meeting minutes are attached to this report ([Attachment 1](#)).

Key messages

1. Report on Local Government 2018

On 28 February 2019 the Auditor-General for New South Wales released a report on the Local Government sector. The report analyses the results of financial statement audits of 125 general purpose councils and 10 county councils in New South Wales in 2017-18, and details key observations and findings.

In addition to forming an opinion on the financial statements of councils, the audits examined a small number of specific topics across councils. These topics were determined by reviewing opportunities to improve public sector accountability, governance and administration, as well as considering the risks and challenges faced by the Local Government sector.

2. Management Letter response

The Committee received a report regarding the Audit Office of NSW management letter at its November 2018 meeting. At that meeting, the Committee noted the recommendation endorsing staff to issue correspondence to the Audit Office of NSW, and Thomas Noble and Russell.

Correspondence was issued to the Audit Office of NSW on 24 January 2019 outlining concerns regarding suitable reporting timeframes. Activities are underway to address the matters listed in the management letter, and a report against progress will be furnished to the Committee at its meeting on 27 May 2019.

3. Annual Engagement Plan

On 27 February 2019, the Audit Office of NSW issued its Annual Engagement Plan for the audit of Rous County Council for the year ending 30 June 2019.

The scope of the audit comprises:

- Audit of the General-Purpose Financial Report, issuing:
 - an Independent Auditor's Report on the General-Purpose Financial Statements in accordance with section 417 of the *Local Government Act 1993* (LG Act)
 - a report on the conduct of the audit in accordance with section 417(3) of the LG Act

-
- an Independent Auditor's Report on the Special Purpose Financial Statements for all business activities declared by the Council in accordance with section 413(2) of the LG Act
 - Independent Auditor's Report(s) for other engagements outlined in the Plan.

4. Internal Audit Strategy 2019 - 2022

The Rous County Council Internal Audit Strategy 2019-2022 was finalised in January 2019 ([Attachment 2](#)). The strategy identifies the following areas for review for the 2019-2022 period:

1. Financial Year 2018/2019 – Work Health and Safety
2. Financial Year 2019/2020 – Asset Management and Procure to Pay
3. Financial Year 2021/2022 – Project Management.

The Internal Audit Strategy 2019-2022 has been developed to guide the activities of the internal audit program for the next three-year period. It was presented to the Audit, Risk and Improvement Committee on 25 March 2019 where it was noted and endorsed.

Governance

Finance

All actions to be undertaken as a result of internal audit report recommendations are funded from existing recurrent budget and resource allocations. Where an action does not fall within an existing budget it will require a separate allocation approved by Council.

Consultation

The Internal Audit Strategy 2019-2022 was developed and finalised in consultation between Grant Thornton, the Rous County Council Leadership Team, and the Audit, Risk and Improvement Committee. The three focus areas were selected based on the organisation's current risks, issues, and operating environment as well as advice from Grant Thornton on industry trends.

Conclusion

The Audit, Risk and Improvement Committee met on 25 March 2019. Key messages from the meeting include:

1. The Auditor-General for New South Wales released a report on the Local Government sector on 28 February 2019 analysing the results of financial audits across 135 councils.
2. Correspondence was issued to the Audit Office of NSW on 24 January 2019 in relation to the management letter. A report against progress of activities listed for completion will be furnished to the Committee at its meeting on 27 May 2019.
3. On 27 February 2019, the Audit Office of NSW issued its Annual Engagement Plan for the year ending 30 June 2019.
4. An Internal Audit Strategy for Rous County Council has been finalised. The audit focus area preferences identified by the Committee have been incorporated in the attached final draft Internal Audit Strategy 2019-2022.

The minutes from the Audit, Risk and Improvement Committee meeting are attached. A copy of the Internal Audit Strategy 2019 – 2022 endorsed by the committee is also provided for Council adoption.

Phillip Rudd
General Manager

Attachments

1. Minutes from Audit, Risk and Improvement Committee meeting of 25 March 2019
2. Rous County Council Internal Audit Strategy 2019-2022

Rous County Council

Audit, Risk and Improvement Committee Minutes

Monday, 25 March 2019

The Chair opened the meeting at 10.00am.

In attendance:

Voting Committee members:

- Brian Wilkinson Independent member (Chair)
- David Yarnall Independent member
- Cr Darlene Cook Councillor member

Also present (Rous County Council):

- Phillip Rudd General Manager
- Helen McNeil Group Manager People and Performance
- Guy Bezrouchko Group Manager Corporate and Commercial
- Andrew Logan Group Manager Operations
- Ben Wilson Risk and Compliance Coordinator

Public Access:

- Adam Bradfield, Partner, Thomas Noble and Russell (Item 6. v).
- Jodie Carter, Audit Manager, Thomas Noble and Russell.

Available via conference phone:

- Reiky Jiang (Audit Office of NSW)

1. APOLOGIES

Cr Basil Cameron, Rous County Council.

2. ACKNOWLEDGEMENT OF COUNTRY

Council would like to show its respect and acknowledge the Traditional Custodians of the Land, of Elders past and present, on which this meeting takes place.

3. MINUTES

Minutes of the meeting held 26 November 2018 were noted as presented.

4. DISCLOSURE OF INTEREST

Nil.

5. GENERAL MANAGER REPORTS

The Chair agreed to alter the order of business to bring forward Item 6. v). 'Audit Office of New South Wales: Various matters' report, to allow Adam Bradfield (Thomas Noble and Russell) to address the meeting with regard to the *Audit Office – 'Annual Engagement Plan'* (page 157 of the agenda).

The Committee dialled Reiky Jiang, Audit Office of NSW, into the meeting at 10.05am and spoke to the 'Report on Local Government 2018 – 28 February 2019'; refer to the short video on the Audit Office of NSW website for a summary of the report.

v). Audit Office of NSW: Various matters

RECOMMENDATION (Wilkinson/Yarnall) that the Committee receive and note:

1. The attached report on Local Government 2018 produced by the Audit Office of New South Wales and for future reports a self-assessment against recommendations in the report be furnished by management.
2. The attached Management Letter response issued by Rous County Council and a progress report be furnished to the Committee on 27 May 2019.
3. The attached Annual Engagement Plan (AEP) issued by the Audit Office of New South Wales.

(CARRIED)

The Committee thanked Adam Bradfield and Jodie Carter for their attendance (left meeting at 10.35am).

6. CHAIR'S REPORT *(Verbal)*

i). Audit, Risk and Improvement training

RECOMMENDATION (Wilkinson/Cook) the Committee:

1. Note the verbal report of the Chair regarding the Audit Risk and Improvement Committee training – Sydney, March 2019 – delivered by the Institute of Internal Auditors (Australia) in association with Local Government NSW.
2. Receive a report at the 27 May 2019 meeting regarding a proposed future direction for the Committee.

(CARRIED)

7. GENERAL MANAGER REPORTS

i). Termination of the current Electronic Document Records Management System (EDRMS) project

RECOMMENDATION (Yarnall/Cook) that the Committee receive and note the report as presented and receive a further status report to the 29 July 2019 meeting.

(CARRIED)

ii). Internal Audit actions: Progress update

RECOMMENDATION (Cook/Yarnall) that the Committee note this report and the attached document prepared by Grant Thornton: 'Internal Audit Report - Audit, Risk and Improvement Committee March 2019'.

CARRIED

iii). **Risk Register: Status of completion of actions**

RECOMMENDATION (Wilkinson/Yarnall) that the Committee receive and note the report.

(CARRIED)

iv). **Rous County Council Internal Audit Strategy 2019-2022**

RECOMMENDATION (Yarnall/Wilkinson) that the Committee note this report and endorse the attached documents:

1. Rous County Council Internal Audit Strategy 2019-2022 subject to the change to the 'objectives' for the 'Asset Management' audit area regarding roads and drainage infrastructure as applicable to Council functions; and
2. Audit Scope – WHS Review.

(CARRIED)

v). **Audit Office of NSW: Various matters**

The report was dealt with earlier in the meeting.

8. CONFIRMATION OF MINUTES

i). **Risk, Risk and Improvement Committee meeting minutes 25 March 2019**

RECOMMENDATION (Yarnall/Cook) that the minutes of the Audit, Risk and Improvement Committee meeting held 25 March 2019 be confirmed.

(CARRIED)

9. NEXT MEETING

To be held 27 May 2019.

10. CLOSE OF BUSINESS

There being no further business the meeting closed at 11.22am.

Rous County Council (‘RCC’)

Internal Audit Strategy 2019 - 2022

December 2018



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Section 2 - 4-Year Internal Audit Program	05
Section 3 – Internal Audit Methodology	09

Section 1: Background & Approach



Section 1 – Background & Approach

Introduction

Grant Thornton has been re-engaged to be Rous County Council ('RCC') outsourced Internal Audit Partner.

As part of the re-appointment the first task has been to develop a Internal Audit Strategic Plan which proposes the Internal Audits to be undertaken over the next four years. As part of the Plan indicative objectives, scopes and timing for the reviews have been provided.

As part of the development of the Plan, Grant Thornton consulted with RCC Leadership Team and Audit, Risk and Improvement Committee ('ARIC') to ensure the Plan has been developed based on a sound understanding of the organisations current risks, issues and operating environment.

It is worth noting that the Program is fluid and amendments to the Program can and will be made by during the periods based on RCC's needs and at the direction of Management and the Audit, Risk and Improvement Committee ('ARIC').

It should also be noted that RCC has an action in the Delivery Program/Operational plan for 2018/19 for an external implementation audit of the WHSMS and gap analysis against ISO45001. We are taking an opportunity to expand the scope of that audit to complete a 'deep dive' of WHS compliance, business process and practices.

Approach

As part of the development of the Internal Audit Strategy the following information was taken into consideration:

- Previous reviews that have been conducted at RCC as outlined in **Figure 1.1**
- RCC's risk profile, as outlined by RCC's Risk Register
- Current issues and trends within the Local Government sector (NSW, VIC and QLD)
- Discussion facilitated at the November 2018 ARIC to identify key review areas to be included within the Internal Audit Strategic Plan

Fig. 1.1 – Previous Reviews

Financial Year	Review
2013 / 2014	IT General Controls
	General Financial Controls
2014 / 2015	Grants
	Fraud and Corruption Risk Assessment
	Tendering and Contract Management
2015 / 2016	Environmental Compliance for Water Quality and Infrastructure
	Project Management
2017 / 2018	Enterprise Risk Assessment

Key Risks

From RCC's Risk Profile and the discussion held with the ARIC on 26th November 2018 the following key risks were identified:

- **Asset Management** - Catastrophic failure of major assets (e.g. dams, treatment plants, major pipelines) resulting in reputational damage, environmental damage,
- **Project Management** – Projects not: being aligned and delivering strategic objectives, meeting project objectives or being delivered on time / within budget.
- **Procurement** - Inappropriate / fraudulent procurement to pay practices
- **Work Health & Safety** - Death, Harm or illness (physical / mental) to staff, contractor and community members.

Based on the above key risks, the following reviews have been proposed for the 2018 / 2019 – 2021 / 2022 period:

Financial Year	Review
2018 / 2019	Work Health & Safety
2019 / 2020	Asset Management
	Procure to Pay
2020 / 2021	NIL
2021 / 2022	Project Management

Section 2 details the 2018 / 2019 Internal Audit Plan including indicative objectives and timing for each of the reviews.

Section 2: Four Year Internal Audit Program



Section 2 - Strategic Internal Audit Plan

The Strategic Internal Audit Plan is detailed below which provides high-level overview of the proposed objectives and scope. It is important to note that detailed scopes will be developed and agreed with key stakeholders prior to the commence of any of the reviews. Working with Management and ARIC, we will regularly appraise the priority of the proposed reviews and respond accordingly. This Plan will be formally reviewed by Internal Audit (Grant Thornton), Management and the ARIC on an annual basis.

Section 3 provides an overview of the Internal Audit Methodology which will be followed for all of the Internal Audits undertaken.

Period	Audit Area	Objectives & Scope	Timing
2018 / 2019	Work Health and Safety	<p>Objectives The objective of the review is to:</p> <ul style="list-style-type: none"> Assess compliance with current WHS laws and regulations Assess current systems, controls and processes against better practices having regards to size and complexity of RCC Perform a gap analysis AS / NZS ISO 45001:2018 Review the appropriateness and suitability of WHS information for staff and contractors including the availability and awareness WHS information <p>Based on the above a 'Maturity Assessment' will be undertaken which will include an action plan providing detailed recommendations to assist RCC achieve continued improvement of the WHS Framework.</p> <p>Scope The scope of the review will include:</p> <ul style="list-style-type: none"> WHS policies and procedures Hazards / Incidents reporting and management <ul style="list-style-type: none"> Lifecycle of hazards / incidents from occurrence to closure Staff training <ul style="list-style-type: none"> Licences / health accreditations etc. Ability to perform WHS duties, e.g. performing risk assessments, identifying hazards / incidents etc. Contractor compliance WHS risk assessments Emergency preparedness procedures strictly in relation to WHS requirements Gap analysis of existing SWMS vs. what is required Gap analysis of the 19 applicable Code of Practices based on operations of RCC WHS Committee and reporting Records management, for example: <ul style="list-style-type: none"> Retention of WHS related material Staff accessibility and awareness Maintenance of registers (e.g. asbestos etc.) Gap analysis to the new standard (AS / NZS ISO 45001:2018) 	Q3 2018 / 2019 (Jan - Feb)

Section 2 - Strategic Internal Audit Plan

Period	Audit Area	Objectives & Scope	Timing
2019 / 2020	Asset Management	<p>Objectives The objectives of this engagement are to assess the adequacy, effectiveness and suitability RCC's internal controls and processes to ensure the roads and drainage infrastructure:</p> <ul style="list-style-type: none"> • Meet the needs of the community • Maintenance is undertaken in cost effective manner • Budgets are in place and monitored to reduce risk of over expenditure <p>Scope The scope of the review will include:</p> <ul style="list-style-type: none"> • Review of the asset management strategies, policies and procedures • Review of internal controls in place to ensure accurate and complete recording of RCC asset / infrastructure • Review of asset maintenance programs (reactive v proactive) including preparation, approval and compliance thereof • Review of Capital Works program to ensure it is appropriately approved and aligned to strategic objectives • Review of project monitoring to ensure projects are completed within budget (financial and timelines). 	Q1 (August)
2019 / 2020	Procure to Pay	<p>The objectives of this review are to assess the adequacy, consistency and effectiveness of controls in place across the procure-to-pay framework to determine whether it:</p> <p>Procurement:</p> <ul style="list-style-type: none"> • Promotes value for money • Encourages competition from suppliers • Ensures supplier selection is efficient, effective, economical and ethical • Ensures accountability and transparency in selection and management of suppliers. <p>Accounts Payable:</p> <ul style="list-style-type: none"> • Purchasing and expense transactions are valid, authorised, recorded accurately and in a timely manner • Accounting records are accurate, completely updated for all transactions and balances are settled within agreed supplier terms. <p>The review will also conduct data analytics across the Supplier Masterfile and Payroll Masterfiles.</p>	Q3 (Feb)

Section 2 - Strategic Internal Audit Plan

Period	Audit Area	Objectives & Scope	Timing
2021 / 2022	Project Management	<p><u>Objectives</u></p> <p>The objective of this review is to assess the adequacy, effectiveness and suitability of Rous County Council's ('RCC') Project Management Framework to mitigate the risks including:</p> <ul style="list-style-type: none"> • Budget Over-runs • Timeframes are being adhered to • Quality of deliverables not meeting RCC expectations • Issues identified from the previous Internal Audit not being actioned <p><u>Scope</u></p> <p>The scope will be limited to projects with costs less than \$1 million and will include a review of:</p> <ul style="list-style-type: none"> • Project Management Framework (Policy / Procedures) • Project planning / business cases • Project approval process • Project ownership and stakeholder management including the assignment of roles and responsibilities • Project control, monitoring and reporting arrangements • Project risk management • Quality review of project outcomes / deliverables • Subsequent reporting of delivery back to approvers • Follow up of previously raised Internal Audit findings related to Project Management 	Q3 (Feb)

Section 3: Internal Audit Methodology



Internal Audit Methodology

The Internal Audit Methodology is comprehensive and flexible and is fully compliant with the Institute of Internal Auditors' (IIA) International Standards for the Professional Practice of Internal Auditing ('IPPF') and aligned to Office of Local Government Guidelines.

While we understand the importance of compliance, our methodology ensures there is a focus on identifying control / process improvements (i.e. effectiveness and efficiencies) for all reviews.

We incorporate this focus into all engagement scopes and given our significant experience within the sector, we are able to share better practice insights to support tailored solutions based on your priorities, size and constraints.

Our methodology at a high level is depicted on the right. Further details of our walkthrough process, controls testing, reporting is provided on the following pages.



PLAN

- Conduct an entry meeting with the relevant stakeholders in advance to walk-through the scope
- Timing agreed to ensure the review has the least impact on day to day activities as possible
- An initial information request list is shared with the relevant stakeholders to ensure the review is conducted the most efficiently.
- Grant Thornton to identify and document the key risks currently faced by the business for the areas of review.

Outcomes

- Terms of Reference
- Confirmed timing
- Information request listing.



IDENTIFICATION

- Review of any pre-existing documentation i.e. policies and procedures for each of the applicable areas
- Interviews held with relevant stakeholders to obtain a detailed understanding of the processes and controls each area.

Outcomes

- Documentation of risks for each of the audit areas
- Clear understanding of end-to-end of each of the financial / operational areas.



EVALUATE

- Control narratives to be documented and mapped against the applicable risks areas for each of the operations (Risk and Control Matrix)
- Process maps documented outlining end to end process of each of the areas including key systems
- Process narratives and process maps to be agreed with the key stakeholders of each of the financial areas.

Outcomes

- Risk and Control Matrix
- Process Maps (if required).



ASSESSMENT

- Confirmation / validation of controls / processes will be undertaken via walkthrough and sample testing
- The controls and processes will be assessed for appropriateness and effectiveness of mitigating the associated risk.
- Should control gaps be identified, recommendation(s) / treatment plans will be developed and agreed with key stakeholders.

Outcomes

- Control Assessment
- Treatment Plans.



REPORTING

- Prepare a Draft Report including, overall assessment of each of the area including recommendations, risk & control matrix and process maps for each of the areas
- Draft report to be walked through with Management for factual accuracies and agreement of recommendations / treatment plans prior to finalisation.
- Finalise report to be submitted and presented to Audit, Risk and Improvement Committee.

Outcomes

- Final Independent Report
- Presentation to Management and ARIC

Reporting

Example Deliverables – Reports

Our reports not only include the exceptions / improvement observations, but also better practices, controls and processes that are working well.

Recommendations Filter

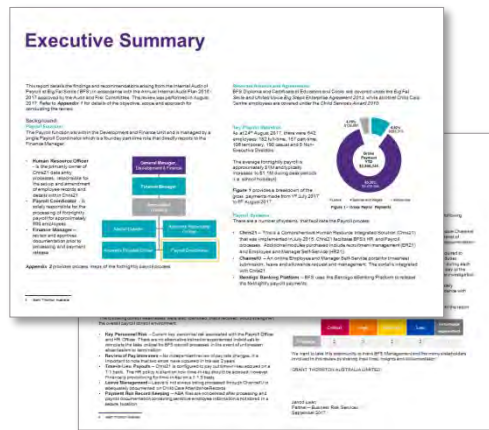
At Grant Thornton, we use a 'recommendations filter' to prioritise and advise recommendations that you will invest in implementing. The filter asks two key questions:

- **Impact:** Will it make a difference either in the operations, controls, risks, culture or performance of RCC?
- **Probability of success:** Is this solution the right one for RCC?

If there is a 'low' response to both the questions above, then a decision needs to be made on whether to invest in building the probability of success and impact, or whether other recommendations should be considered and supported.

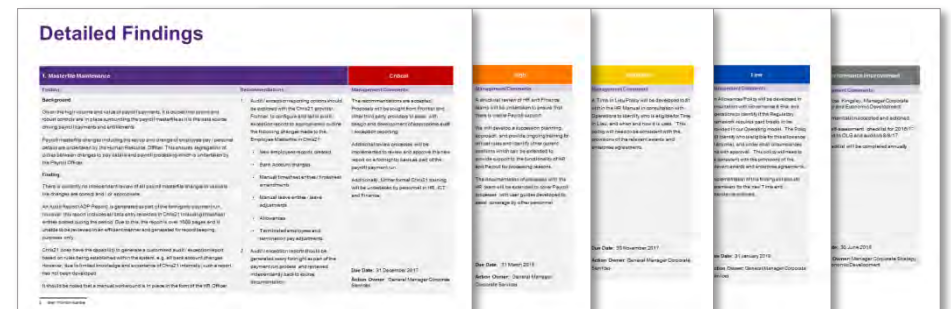


Report Title Page



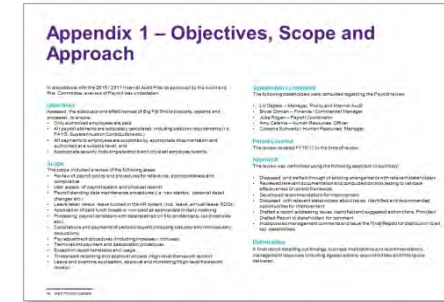
Executive Summary:

Background and Overall Result including a summary of Findings from the review.



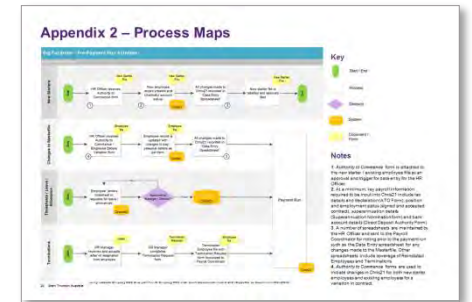
Detailed Findings:

Findings rated by Critical, High, Moderate, Low and Performance Improvement. Management Comments in response to proposed Recommendations are included with a designated Action Owner and Due Date for accountability.



Appendices:

Included – Objectives, Scope and Approach, Process Maps of key review areas, identified Test Exceptions, Rating Definitions and Disclaimers.



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