



**SNOWY MONARO**  
REGIONAL COUNCIL

# **ATTACHMENTS TO REPORTS**

(Under Separate Cover)

**Ordinary Council Meeting**

**21 February 2019**



**ATTACHMENTS TO REPORTS  
FOR  
ORDINARY COUNCIL MEETING  
THURSDAY 21 FEBRUARY 2019**

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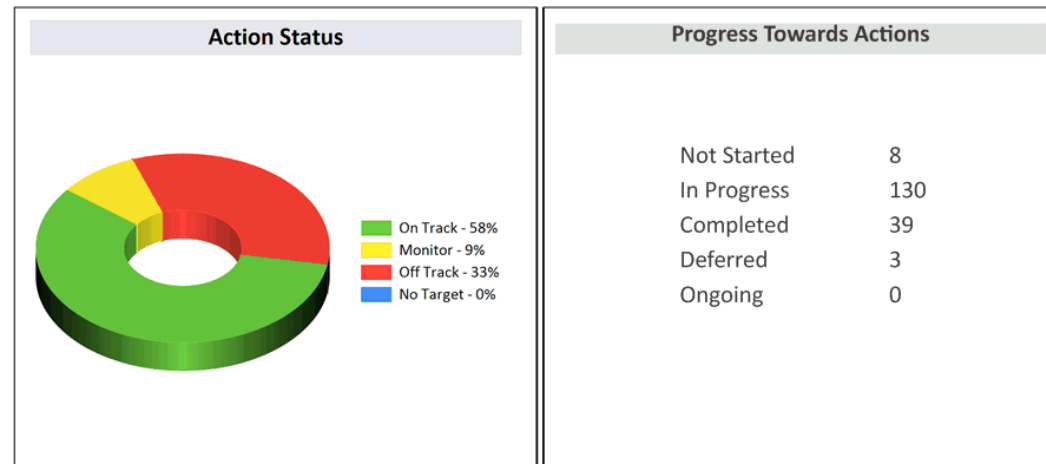


SNOWY MONARO  
REGIONAL COUNCIL

# Delivery Program Progress Report

July 2018 to December 2018  
2019 Operational Plan

## OVERVIEW



## ACTION PLANS



GREEN

At least 90% of action target achieved



AMBER

Between 70% and 90% of action target achieved



RED

Less than 70% of action target achieved



No target set

\* Dates have been revised from the Original dates

### 2019 Delivery Program

#### 1 Community: Our health and wellbeing needs are met

##### 1.1 Quality health and well-being services that support the changing needs of the community through all stages of the lifecycle are provided through government and non-government organisations

###### 1.1.1 Regional health and wellbeing services have been planned through community consultation and partnerships with other levels of government

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.1.1.1 Consult with health and wellbeing service providers with a view to developing a Regional Health Strategy	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	10.00%	50.00%	RED
<b>ACTION PROGRESS COMMENTS:</b> Limited action to date apart from discussions with Gwydir Shire regarding the alliance they have established.  Separately the Aged Care Review addressed the aged care component, culminating in the application for additional beds.  Last Updated: 22-Jan-2019							


###### 1.1.2 Water and Sewer Services meet legislative and quality requirements

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.1.2.1 Undertake an annual review and update the Drinking Water Quality Management Plans.	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	80.00%	50.00%	GREEN
<b>ACTION PROGRESS COMMENTS:</b>							

The annual review document required by NSW Health by 31 August has been sent with all the relevant information.  
 Element 8 for community consultation and executive participation will be done before end June  
 Dec 2018 - No further progress due to other priorities  
 Last Updated: 18-Dec-2018

**1.2 High quality community support and residential aged care services are available and accessible to residents across the region**

**1.2.1 Competitive cost effective aged care and community support services are available within the region**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.1.1 Implement Community Transport Strategy actions relevant to the 2019 financial year	Bianca Padbury - Group Manager Community Support Services and Aged Care	In Progress	01-Jul-2018	30-Jun-2019	60.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Community Transport Strategy is in draft form. Areas as identified in the strategy are being implemented. The Community Transport team have been working on marketing the program to the broader the community. The Community Transport Strategy was presented to Council in a briefing workshop. This is going out for consultation February 2018.

A business case has been submitted to Transport for NSW looking to dispose of the 21 seat bus and trade this in for two smaller vehicles. In addition a new wheelchair accessible vehicle has been ordered providing greater access to transport for people in the Snowy Monaro Region.

Last Updated: 31-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.1.2 Review fees and charges of Home Care Packages	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	30-Nov-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

A review of Home Care Package program fees and charges is underway. Information from other providers has been collated as a baseline, the fee structure is competitive in the region. The administration fee has been reduced to greater align with industry. Home Care Package fees and charges have been advertised on Council's website as required.

Last Updated: 31-Jan-2019

**1.2.2 Council strategies recognise the growing demand of residential aged care services**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.2.2.1 Implement recommendations from the Residential Aged Care review, applicable to the 2019 financial year, subject to funding.	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	30-Nov-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

We have commenced implementation of the recommendations. The below have been completed.

#3 Apply for 16 places in the upcoming Aged Care Approvals Round (ACAR) to extend Yallambee Lodge with the addition of a dementia specific wing of 8 places

#4 Apply for up to 40 places for a new facility in Jindabyne

#14 Develop a report for the Community that retains the integrity of this report while providing an easy to read synopsis of its findings and recommendations.

4/1/2019 The following Recommendations have been activated:

#2 Promote and facilitate the amalgamation of current and future individual services in the region into the least number of operators possible.

#6 Implement the operational and capital recommendations for existing and new facilities.

- A number of improvements have been scheduled for Yallambee Lodge to coincide with the new Quality Standards that commence in 2019.

2 x new medication trolley's have been implemented

IT systems - internet has been upgraded to NBN to create administration efficiencies

Garden's are being tended too with reticulation upgraded

A spring clean of the external of the facility and main administration area has occurred.

A number of upgrades are in progress and will be reported on when implemented.

#8 Facilitate the formation of a steering committee of Jindabyne residents to guide the acquisition of land and development of a Jindabyne facility as a community asset.

Expected completion date 30/6/2019.


Two steering committee pre meetings occurred in October and November 2018 with Group Manager Community Support Services and Aged Care, Councillor Castellari and a community member. A base constitution was developed. Applications calling for committee members has occurred with applications closing 25 January 2019. Interviews will be held late February 2019.

Last Updated: 31-Jan-2019


**1.3 Recreation, sporting and leisure facilities encourage all ages to live in an active and healthy lifestyle**

**1.3.1 Regional level recreation facilities that encourage an active lifestyle are planned for and provided in partnership with other government agencies**




ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.3.1.2 Develop an Pool Strategy	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	25.00%	25.00%	
<p><b>ACTION PROGRESS COMMENTS:</b>                      A draft Swimming Pool Operations manual and inspection forms have been developed for implementation over the 2018/19 swimming pool season. Data will be gathered over this season for inclusion in an overall Regional Swimming Pool Strategy.</p> <p>Update 19/12/18 -                      Updated Operations Manual and Forms developed and implemented at Bombala, Berridale and Adaminiby. Jindabyne TBA. Successful in SCCF R2 Grants for Cooma and Bombala which will impact on Strategy</p> <p>Last Updated: 07-Jan-2019</p>							

**1.3.2 Council has effectively identified community and visitor needs in the development and enhancement of the Region's recreational facilities to ensure sound decision making**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.3.2.1 Prepare a report on the impact of recreational fishing in the region	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	31-Mar-2019	40.00%	66.66%	
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - This action will be tasked to the new Economic Development Officer once they commence.                      Dec - The new Economic Development Officer commenced at the end of November and has researched potential consultants for the job and prepared a project brief. A request for quotes has been issued and currently awaiting responses from consultants. Aiming to have a consultant appointed by mid-Feb and the report complete by the end of April, subject to discussions with the successful consultant.</p> <p>Last Updated: 04-Feb-2019</p>							

**1.3.3 Council's recreational facilities, parks and public open spaces are safe, well managed and accessible**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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1.3.3.1 Review, update and implement a region wide inspection schedule to ensure safety and fit for purpose of Councils recreation facilities	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN
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**ACTION PROGRESS COMMENTS:**  
 Facilities Staff are currently working on a suite of facility specific documents in line with Statewide Mutual Guidelines to be implemented across the region including parks and playgrounds, caravan parks and swimming pools

Update 19/12/18 -  
 Swimming pool inspection developed and implemented, property inspections in draft, sale yards in draft and to be finalised in January 2019, play ground inspections implemented - Berridale/Jindabyne Inspections complete, Caravan Park inspections in draft.

Last Updated: 19-Dec-2018

**1.4 Youth in the region are supported to reach their maximum potential**

**1.4.1 Youth of the region are engaged, supported, mentored and trained to be the leaders of tomorrow**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.1 Invest in Train the Trainer programs for staff to facilitate waste education programs	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**  
 8/10/18 A Suitable training program is yet to be identified for the waste education officers..

5/12/18 A suitable training course has been identified which is being held in Canberra during March/May 2019. Relevant staff have been requested to complete the required training nomination forms.

24/1/19 2 Staff members have had there training applications approved. They are due to attend the nominated course on 25/26 February 2019


Last Updated: 24-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.2 Promote council traineeships, apprenticeships and cadetships by attending career fairs	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	30-Oct-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

There have been no career fairs between 1/7/18 and 30/10/18. Therefore there has been no ability to provide adequate promotion.

Last Updated: 01-Feb-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.1.3 Mentor and train young leaders in line with commitments of the Family and Community Services (FACS) grant	Mark Adams - Group Manager Economic Development & Tourism	Completed	01-Jul-2018	30-Dec-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Dec - In the second half of 2018 a group of youth from the region attended a youth leadership camp in Sydney as part of their continuing leadership development. This was supported by the Family and Community Services (FACS) grant funds. Members of the 2018 youth council participated in this camp and continued to grow their leadership skills by continued participation in the Youth Council during terms 3 and 4. Members of the youth council conducted several projects throughout this time. At the final 2018 youth council meeting in October it was evident that each member of the youth council had grown in their leadership skills among their peers, their skills in running and conducting formal meetings and their understanding of processes that are fair and inclusionary. Skills in project management had also begun to develop as well as the confidence of the youth in leadership situations. Funds from the FACS grant were also used to purchase new IT equipment which will provide ongoing support to new youth entering the program.

Last Updated: 07-Jan-2019

**1.4.2 Activities and recreational infrastructure for children and young people is planned for and promoted to contribute to their active living, health and wellbeing**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.4.2.1 Consolidation of regions Playground Strategies	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	25.00%	25.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

A strategic review of Bombala district playgrounds to be undertaken and consolidated with the former Cooma and Snowy Strategies. Operational, routine and annual inspection policy, schedules, procedures and forms are in draft and have been sent out for comment. These were reviewed as part of the recent Statewide Mutual Continuous Improvement Pathway workshop and require minor updates to meet the Statewide mutual guidelines.

Update 19/12/18 - Following former Cooma and Snowy strategies at present. Bombala Strategic review not yet commenced

Last Updated: 07-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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1.4.2.2 Identify the strategic needs for recreational infrastructure in the region	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	20.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Sept - Have commenced collaborative work with the Group Manager - Facilities and Open Space and Recreation Manager to identify existing recreational facilities and needs throughout the region.                  Dec - Continuing to work collaboratively with the Facilities unit to develop a list of current recreational facilities and are in the process of reviewing these against broader community needs and expectations as well as state government strategy.                  Last Updated: 04-Jan-2019</p>							


**10 Leadership: Our Council is strategic in their planning, decision making and resource allocation**

**10.1 Planning and decision making is holistic and integrated and has due regard to the long term and cumulative effects**

**10.1.1 Council has a transparent and bold growth objective which provides a framework for decision making**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.1.1 Council sets a population growth target for 2040	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	50.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  Dec - A draft of a Snowy Monaro 2040 Development Vision is currently being prepared which will primarily address a population target of the region on a 20 year planning horizon. This will be discussed with Councillors at a workshop in due course prior to reporting to Council and public exhibition of a draft document.                  Last Updated: 04-Feb-2019</p>							

**10.1.2 Integrated Planning and Reporting guides long term planning and organisational sustainability**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.2.1 Facilitate development of four year plans for all Business Units	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	28-Feb-2019	5.00%	66.66%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  There has been some discussion regarding format of 4 year plans, however with new GM engaged we will revise the 4 year plan development as part of the 2020 operational plan delivery.</p>							

Last Updated: 11-Jan-2019


**10.1.3 Council demonstrates improvement in it's knowledge capture, performance and service delivery by fully embracing a learning organisation and innovation mindset**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.3.1 Complete one extensive service review and document key findings, risks and benefits realisation	Iliada Bolton - Executive Manager Innovation & Business Development	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

2018 10 09 - This project not yet commenced. Dependency on Operational Plan Action: 10.1.3.3 (Review baseline service reviews). (EMIBD)

Last Updated: 09-Oct-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.3.2 Innovation and Business Development team responsive to the external and internal environments and adjusts work plans/priorities accordingly to leverage opportunity	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

2018 12 12 - Report to ELT with Michael McQueen "Towards 2030 Trend White Paper" for information (EMIBD).

2018 11 20 - EMIBD attended "Leading Culture and Change - Organisational Trends" workshop and briefed ELT on 21/11/2018 regarding the tools and tips for measuring and monitoring culture and change management initiatives. (EMIBD)

2018 10 23 - Performance Excellence Program (PEP) interim submission pack received and issued to ELT and relevant group managers. Final report is expected in February 2019 and will inform recommendations for 2020 operational plan projects. (EMIBD)

2018 10 19 - IBD team provided 52 ideas to EMT for addressing outcomes of the employee engagement survey results. (EMIBD)


2018 10 24 - Participation in Local Government Excellence survey for FY2018. Data being entered into system. 70% complete at 8 October 2018. First review of data to be undertaken by PWC by 19 October. (EMIBD)

2018 10 09 - Progress and relevance of the recommendations contained in the 'Extensive Road Maintenance Service Review' being considered and reassessed.

2018 09 30 - IBD facilitation of 'Productivity: Practical Strategies' for internal staff have been undertaken at all council administration sites.

2018 08 17 - Work has commenced on the service improvement framework with the foundation being based on the "Service Delivery Review A how to manual for local government" by University of Technology Sydney (UTS) Centre for Local Government (CLG for ACELG. (EMIBD)

Last Updated: 04-Feb-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.3.3 Review baseline service reviews and prioritise business processes that will see a high return on investment	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	31-Dec-2018	30.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**

2018 12 14 - Review of baseline service reviews, prioritisation methodology and organisational strategy/direction prepared for submission to ELT for feedback. Project will be influenced by outcome of current organisational restructure proposal. (EMIBD)

2018 10 09 - Not yet commenced. (EMIBD)

Last Updated: 04-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.3.4 Complete six business process mapping workshops across all operational directorates	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	80.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

2018 12 10 - IBD team has commenced a process for mapping operational services. Three process maps have been undertaken with multiple service units. Continued investigation into software (ProMap) to automate this and provide greater value for money through business analytics feature. (EMIBD)

2018 10 09 - Not yet commenced. (EMIBD)

Last Updated: 10-Dec-2018


**10.1.4 Harmonisation of policies, procedures and processes deliver customer focused business practices**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.1 Develop a comprehensive list of all Council legislative reporting deliverables, council policies, procedures and forms, including accountable business unit and calendar showing review dates, and publish on intranet.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	10.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

Governance resourcing is still not at capacity. This has been delayed to be completed Jan - March 2019 following recruitment of Secretary Council and Committees.


Last Updated: 11-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.3 Undertake a gap analysis of Council policies and procedures relative to industry best practice and develop recommendations to implement.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	15.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

Some research undertaken to collate a list of Policies and procedures at NSW Councils Assessment of SMRC Policies and Procedures underway.

Last Updated: 11-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.4 Implement a complaint management framework, including policy, procedures and comprehensive register and report.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	70.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**


Complaints Policy adopted by Council  
 Unreasonable Complainants Policy adopted by Council  
 Draft Complaints procedure is underway.  
 Draft Unreasonable Complainants Policy is underway.

Drfat Procedure for completion by Jan 2019 with reporting to commence in March 2019


Last Updated: 06-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.5 Develop a Debt Management Policy	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	31-Aug-2018	75.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**  
 10/10/2018 The RFQ process for a single debt recovery agent is complete with the final selection by the revenue team expected by 19/10/2018. This selection will inform the Debt Management procedures linked to the policy which is currently in draft form.  
 30/11/2018 Office of Local Government Debt Management and Hardship Guidelines - Policy release deferred to reference the new guidelines.  
 4/2/2019 Draft Debt Management and Hardship policies to be presented at a March 2019 Council meeting.  
 Last Updated: 05-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.6 Review the provision of Debt Recovery services.	Matt Payne - Chief Financial Officer	In Progress	22-Jun-2018	31-Dec-2018	80.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**  
 10/10/2018 The RFQ process is complete with the final selection by the revenue team expected by 19/10/2018.  
 4/1/2019 The preferred debt recovery agent has been selected and the draft contract is under review. Expected completion and implementation by April 2019.  
 Last Updated: 05-Feb-2019




ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.1.4.7 Achieve a stronger, more efficient Council through finalisation of merger projects	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	60.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**  
 2018 11 19 - Confirmation and agreement with CFO that the \$2.2M balance of the NCIF is being allocated to the corporate system project. All transition projects are now completed (with the exception of the LEP budget of \$50k). Continued transformation/improvement projects now funded in business development operational budget. (EMIBD)  
 2018 10 09 - Funding report sent to Office of Local Government 31/07/2018 (EMIBD)  
 Last Updated: 04-Feb-2019

**10.2 Sound governance practices direct Council business and decision making**


**10.2.1 Independent audit and risk framework drives accountability**



ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.1 Undertake the actions to target zero high risk items on the Audit Management Letter, for the 2019 financial year.	Matt Payne - Chief Financial Officer	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      20/09/2018 Zero high risk items on the interim management letter as reported to the Audit Risk and Improvement Committee.                      2018 Year end audit in progress with management letter expected by end of October 2018.</p> <p>4/1/2019 The Audit Management Letter contained no high risk items.                      Last Updated: 05-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.2 Develop a Section 355 sub committee, focused on regulatory compliance in relation to aged care.	Bianca Padbury - Group Manager Community Support Services and Aged Care	Deferred	01-Jul-2018	31-Jul-2018	10.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Discussion has commenced regarding this committee and how it will be shaped to spread across Community Support Services and Aged Care in light of the same accreditation process surrounding Residential Aged Care and Home Care Packages.</p> <p>The overarching Section 355 committee had it's first meeting in October 2018.                      Last Updated: 01-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.3 Develop Internal Audit Work Plan that meets the requirements of Council.	Iliada Bolton - Executive Manager Innovation & Business Development	Completed	01-Jul-2018	30-Sep-2018	100.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      2018 12 05 - Strategic Internal Audit Work Plan 2018-2022 presented to and approved by Audit, Risk and Improvement Committee at its meeting held on 5 December 2018. The Annual Internal Audit Work Plan for financial year 2018/19 is incorporated in the Strategic Internal Audit Work Plan. (SIA)</p>							

2018 09 19 - Internal Audit Work Plan was presented to ARIC. ARIC has suggested changes to the plan and recommended that an updated plan along with a rolling 4-year plan be presented to the next meeting on 5 December 2018. Internal Audit work will continue as per the changes suggested by ARIC. (SIA)

Last Updated: 10-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.4 Delivery of internal audits in accordance with the annual Audit Work Plan.	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


2018 12 10 - Following confirmation of Internal Audit Work Plan - schedule has been reviewed and allocated across remainder of FY2019. (EMBID)

2018 12 10 - As per approved Internal Audit Work Plan 10 audits scheduled for the year.

1. 100% complete
  2. 90% complete
  3. 40% complete
- (SIA)

2018 10 09 - 8 Audits scheduled for the year. The first is 50% complete (EMIBD)

Last Updated: 04-Feb-2019




ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.5 Risk management maturity assessment completed and progress against previous results reported to Audit, Risk and Improvement Committee (ARIC)	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	31-Dec-2018	50.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**


2018 12 10 - All RAMA recommendations are being reviewed and included when developing the Enterprise Risk Management (ERM) Framework. Organisational Risk Officer position vacant since October 2018 and therefore delivery date of this action will need to be extended to March 2019 (EMIBD)

2018 10 09 - External review of council's risk and audit maturity undertaken by JLT. The assessment was presented to Audit, Risk and Improvement Committee, (ARIC), in September 2018. Internal Audit and Enterprise Risk services will action outcomes from the assessment separately and continue to report to ARIC on progress. (EMIBD)


Last Updated: 07-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.6 Implement consolidated Enterprise Risk Management (ERM) system.	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	50.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      2019 02 07 - The due date of this project/action has been extended to include the second-half of FY18/19. The broad nature of this project will continue over the next two financial years to 20/21. The intent of this project for this current financial year was to implement risk management software. During the course of the year, it has become more clear that risk management software, as a tool, is only one component of a complete Enterprise Risk Management 'system'. This approach will now influence future planning.                      2018 12 10 - Alternative software being investigated. Organisational Risk Officer position vacant since October 2018 with no progress on implementation at that date. Project Management Plan for roll-out of ERM system to be developed during third quarter of FY18/19. End date will need to be extended, with a phased implementation likely to be recommended. (EMIBD)                      2018 10 09 - Not yet commenced. (EMIBD)                      Last Updated: 07-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.7 Provide oversight of the strategic, operational and project risk registers and report quarterly	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	1.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      2018 12 10 - Risk assessments and risk register business rules and templates being developed with Enterprise Risk Management (ERM) Framework. Currently utilising existing adopted procedures and templates which are to be updated. (EMIBD)                      2018 10 09 - Work has commenced on the organisational strategic risk register. (EMIBD)                      Last Updated: 07-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.8 Design and introduce the corporate project management framework (PMF) and associated policy and procedure	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      2018 12 10 - All Project Management Framework (PMF) draft documents continue to be available to the organisation and being used by some teams. Discussion regarding usage of the</p>							

SMRC PMF versus the QPRC PMF which is endorsed by the CRJO Engineering Group. Ownership of PMF for Capital projects will likely be transferred to Group Manager Assets who has issued an organisational direction for use of the PMF on 07/12/2018. Coordination by IBD team will cease upon implementation of the restructure. (EMIBD)  
 2018 10 09 - Consultation has concluded. This project has been postponed while resources are allocated to MPP (EMIBD)  
 Last Updated: 10-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.9 Council's insurance policies cover assets at the desired level based on council's assessment of risk.	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**  
 2018 12 10 - Continuous Improvement Pathway Plan completed and documents projects required for Statewide Rebate eligibility. Insurance renewals timing confirmed at meeting with JLT on 21/11/2018 and will be project managed to ensure renewal completed in accordance with requirements. (EMIBD)  
 2018 10 09 - Council participated in the Statewide Mutual conference. An event management forum was held for staff in September 2018. Work has commenced on the 2019 Continuous Improvement Program (CIP) and investigation into suitability/appetite of Environmental Liability Insurance cover is also underway. (EMIBD)  
 Last Updated: 10-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.1.10 Support People & Culture team to implement the incident reporting system.	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	25.00%	50.00%	 RED


**ACTION PROGRESS COMMENTS:**  
 2018 12 10 - People and Culture and IBD teams met on 29/11/2018 to discuss software options and project management to implement an incident management system. Confirmed that WHS Officer will own project and SPM:CM will support by preparing a comprehensive Project Management Plan (PMP) for roll-out of incident system. Discussion regarding moving from paper-based to online/app. Project on hold until decision on agreed software solution (EMIBD)  
 2018 10 09 - Work on administrative templates for public liability incident notifications has commenced. (EMIBD)  
 Last Updated: 10-Dec-2018


**10.2.2 Councillors are supported to make informed decisions in the best interest of the community and to advocate on behalf of the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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10.2.2.1 Facilitate Councillor training needs analysis and available programs for the 2019 financial year	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	25.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Revised workshop and training schedule is being developed in conjunction with revised meeting schedule.</p> <p>Last Updated: 11-Jan-2019</p>							

**10.2.3 Records management practices are contemporary and compliant to legislation**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET %	ON TARGET %
10.2.3.1 Develop a Records Management Framework including, policy, procedures and guidelines	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	60.00%	66.66%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  Following the recruitment of Team Leader Records and Customer Service the draft work on the framework will be completed in Jan - March 2019. Some work has been developed and will be handed over in December.</p> <p>Last Updated: 06-Feb-2019</p>							


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET %	ON TARGET %
10.2.3.2 Develop a project plan to consolidate classification/ destruction and archiving across all council paper records and undertake actions applicable to the 2019 financial year	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	55.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  Following the recruitment of Team Leader Records and Customer Service a plan for records management will be developed within the framework in conjunction with consultation with the Council Business units.                  Plans have started to be developed of which records we have and when/where they need to be archived or destroyed. Some departments handle more hard copy files than others, which needs to be taken into consideration. The Corporate Computer system finalisation will make this run a lot smoother when planning for the 2019/2020 financial years</p> <p>Last Updated: 06-Feb-2019</p>							


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET %	ON TARGET %
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10.2.3.3 Scope the resourcing and cost required to transfer hard copy records to electronic files at all council sites and prepare a report for consideration.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	30.00%	66.66%	
<b>ACTION PROGRESS COMMENTS:</b> Scoping will not commence until February 2019 due to resourcing focus on RFT. There has been some effort commenced at Cooma to digitize legal records and commence discussion with departments about their requirements. Last Updated: 06-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.2.3.4 Streamline processes to reduce dependency on paper consumption business processes	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	10.00%	66.66%	
<b>ACTION PROGRESS COMMENTS:</b> Following the recruitment of staff to Governance from late October 2018 - this actions will be targeted in the Jan - March 2019 Quarter, Some work has commenced on reducing paper consumption through Council meetings. Last Updated: 29-Oct-2018							


**10.3 Advocate and work with other levels of government, community and industry to improve outcomes**

**10.3.1 Council connects, recognises, advocates and works in collaboration with all leaders across the community and beyond our boundaries**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.3.1.1 Provide an annual report to the community on companion animal impounding statistics demonstrating collaboration with RSPCA and other rescue organisations.	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	30-Jun-2019	90.00%	50.00%	
<b>ACTION PROGRESS COMMENTS:</b> The framework for data collection has been developed and a review of internal corporate system setup is taking place to ensure that all required and relevant data is being captured for not just the reportable Annual Reporting but additional information for the benefit of the community. Last Updated: 31-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %


10.3.1.2 Investigate additional funding opportunities for services provided under the Community Home Support Program (CHSP).	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	31-Mar-2019	100.00%	66.66%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  Council were successful in gaining an addition \$16k in February 2019 for the CHSP based on evidence provided regarding demand for services.</p> <p>Last Updated: 31-Jan-2019</p>							





**10.3.2 Community support services reach a wider user base**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.3.2.1 Secure funding for the purchase of a four wheel drive to better meet the needs for the community services in remote areas.	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	31-Oct-2018	100.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  A business case has been submitted to Transport for NSW in December 2018 seeking to replace all vehicles on the existing schedule with All Wheel Drive (AWDs). This is the most practical option due to the accessibility for consumers. We are awaiting an outcome (January 2019).</p> <p>Last Updated: 31-Jan-2019</p>							

**10.4 Council will manage service delivery in an efficient and sustainable way as an employer of choice**

**10.4.1 Council employs an engaged multi-skilled, workforce and encourages staff to take ownership of service delivery in a responsible and efficient manner**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.1 Develop a Corporate Training Framework	Luke O'Sullivan - Group Manager People & Culture	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  The Personnel Evaluation System (PES) data and corporate training needs are currently under analysis and will inform the Corporate Training Framework.</p> <p>Last Updated: 01-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %

10.4.1.2 Use the results derived from the Performance Evaluation System to inform corporate key performance indicators, corporate training and performance management	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Performance Evaluation System (PES) data reviewed. Last Updated: 01-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.3 Launch / deliver programs to promote Visions, Values and Behaviours, rollout the Behaviours that align with the Visions and Values	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Vision and Values information available to staff on intranet and reviewed in staff performance evaluations. Last Updated: 01-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.4 Review recruitment process to accelerate on boarding of staff	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	31-Aug-2018	100.00%	100.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Employment Screening processes reviewed and expanded. Online recruitment and onboarding system configured and due for launch in April 2019. Last Updated: 01-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.5 Report to Council on outcomes of Staff Engagement Survey and develop action plan of implementation of adopted recommendations on Staff Engagement Survey to Council and consider recommendations	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b>							



Reports on staff survey presented to ELT and EMT. Action plan in development


Last Updated: 07-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.6 Undertake an assessment of the impact of the end of the 3 year protections (May 2019) as per Section 354 of the Local Government Act, prepare a report for council at conclusion of protections and any impacts on internal environment	Luke O'Sullivan - Group Manager People & Culture	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Consultation commenced with USU and LGNSW.

Last Updated: 04-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.1.7 Develop quarterly business performance activity reporting for all service units.	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

People and Culture Quarterly activity report developed. Last report submitted to ELT 15 November 2018

Last Updated: 04-Jan-2019


**10.4.2 Council provides a workplace that ensures the health, safety and wellbeing is maintained through the management of potential risk**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.2.1 Develop a Work Health Safety Framework and implement	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	31-Mar-2019	100.00%	66.66%	 GREEN

**ACTION PROGRESS COMMENTS:**

WHS Policies available to staff on Council's intranet

Last Updated: 04-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
10.4.2.2 Review the Working Alone policy and pilot in Transport and Infrastructure Operations to identify opportunities or areas of improvement.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	31-Dec-2018	30.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Work to review, amend and implement a Working Alone Policy has not yet been started.                      This review is now underway with People &amp; Culture plus Group Managers being requested to identify those position within council that are prone to working alone. The position taken by this review is not to identify solutions to working alone situations; these will be determined by departments through procedures underlying this policy. However it will reiterate the legislative requirement for Council to consider staff who work alone and the necessity to provide measures that reduces risk.                      Last Updated: 07-Jan-2019</p>							


**11 Leadership: Our Council delivers the best value to the community**

**11.1 Public services and processes are delivered reliably and efficiently in response to community needs**

**11.1.1 Information and communication systems support the business to deliver agile and quality service to the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.1 Facilitate an expression of interest for the selection of an integrated Corporate System and seek Council endorsement of recommendation.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	95.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      EOI Completed September 2018 to shortlist 4 CIS and 3 GIS Vendors for a select RFT.                      EUIT engaged to facilitate the RFT                      RFT released 10 October 2018                      Vendor Briefing held 16 October 2018 at Cooma.                      Vendor Demonstrations completed 12 December 2018                      Evaluation process completed 12 December 2018                      Draft CIS/GIS RFT Evaluation Consolidation Report 13 December 2018                      Legal team engaged for contract preparation 6 December 2018                      Shortlist following RFT scoring has been completed to undertake site visits and reference checks and commence contract negotiations.                      Report on track for March Council at this stage subject to contract negotiations.</p>							

Last Updated: 06-Feb-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.2 Develop a project plan for the Corporate System Integration following the expression of interest and complete milestones relevant to the 2019 financial year.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Apr-2019	15.00%	66.66%	 RED

**ACTION PROGRESS COMMENTS:**

Following submissions from Vendors on the RFT a project plan will be developed to align to the successful vendor implementation proposals.

PM and Manager ICT are developing a high level draft plan to discuss with preferred Vendor based on RFT submission.


Last Updated: 11-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.3 Develop a recommendation for the management of GIS processes across Council and implement.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	20.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**

A business case has commenced regarding a review of SMRC GIS structure and function. The completion of this case is being undertaken in parallel with the RFT because the systems chosen will have an impact on the internal processes and resource requirements.


Last Updated: 22-Oct-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.4 Undertake cost benefit analysis for the use of hand held mobile technology for penalty infringement processes.	Gina McConkey - Group Manager Environmental Management	Completed	30-Jun-2018	31-Mar-2019	100.00%	66.66%	 GREEN

**ACTION PROGRESS COMMENTS:**

Cost benefit analysis has been completed with a business case prepared ready for 2019/2020 budgeting process.

Last Updated: 19-Dec-2018


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.5 Investigate the replacement of the Community Care software package.	Bianca Padbury - Group Manager Community Support Services and Aged Care	In Progress	01-Jul-2018	31-Mar-2019	80.00%	66.66%	

**ACTION PROGRESS COMMENTS:**

A walk through has occurred with Care Master, TMA software and ANZ Procura. We are continuing to explore a number software options.

A request for quotation cannot be further explored until Council have made a final decision on the broader software being used in the organisation. Once this is finalised we will request a quotation from IT suppliers.

Last Updated: 31-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.1.6 Establish an Information, Communications and Technology Committee	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	50.00%	100.00%	

**ACTION PROGRESS COMMENTS:**

As the Council is undertaking an RFT for a new CIS and GIS system a PSC was established in July 2018 to facilitate the governance of the EOI and RFT process.

This committee includes the General Manager and Directors, Group Manager Governance and the Project Manager.

In addition a Project Working Group (PWG) - currently Evaluators has been established as the core group for the project at this stage.

As the project progresses a PWG will be engaged for the implementation of the System.


Following the contract engagement of a new Vendor a group will be established to assist with the facilitation of communication through the implementation and discuss residual system issues identified.

A Council committee will not be established outside the project format and communications until after the project has completed.


Last Updated: 07-Jan-2019

**11.1.2 Centres of Business/Operational Excellence drive improved organisational efficiency and effectiveness and reduce duplication**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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11.1.2.1 Coordinate and manage the enterprise 'innovation register' of ideas and projects that follow Federal and State government trending which will see positive return on investment and increased community satisfaction.	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	26.00%	50.00%	 RED
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**ACTION PROGRESS COMMENTS:**  
 2018 10 09 - The IBD has been working on an evidence based leadership (EBL) strategy for the new team. This has resulted in a number of initiatives undertaken which includes development of a communication strategy. Other business development projects that the team has supported to date is writing the business case for the Drone Project with one of our Biosecurity Officers; assistance to progress a waste strategy; completing a report for the EMT on equitable employee access; review of the development application process and the development of an innovation register for the organisation. The IBD team now also has dedicated office space with the conversion of two units into office space that accommodate nine new workstations and a meeting room for use by the organisation. (EMIBD)  
 Last Updated: 09-Oct-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.2.2 Investigate Enterprise Project Management Software options	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Sep-2018	35.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**  
 2018 10 09 - Research into available technology for managing corporate projects that require collaboration is being investigated. (EMIBD)  
 Last Updated: 09-Oct-2018

**11.1.3 Rates, Fees and Charges are rationalised to support community needs and services**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.1.3.1 Undertake Capacity to Pay study for Rates Harmonisation - Special rate variation	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	31-Dec-2018	1.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**  
 15/10/2018 Consolidation of rates databases into 1 system a higher priority than the capacity to pay study. Resourcing for the corporate system implementation and rates harmonisation project in progress with a project plan to be developed.  
 5/2/2019 Currently seeking quotes for a rates harmonisation action plan, ability to pay analysis and rates structure options.  
 Last Updated: 05-Feb-2019

**11.2 Council utilises sound fiscal management practices, and pursues and attracts other sources of revenue**


**11.2.1 Councils has best practice management for financial sustainability**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.1.1 Improve alignment of Asset Management Plan and Long Term Financial Plan	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	

**ACTION PROGRESS COMMENTS:**

4/1/2019 Asset Management Plan (AMPs) and Long Term Financial Plan (LTFP) were developed and resolved by council in 2018. Consolidation of asset registers and condition assessments are currently planned to improve the alignment of the AMPs for each asset class to the LTFP. The 2020 to 2029 plan in progress with the first council workshop scheduled for 21 March 2019.

Last Updated: 05-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.1.2 Continuously monitor results against Office of Local Government benchmarks for financial sustainability and reporting.	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	30-Jun-2019	70.00%	50.00%	

**ACTION PROGRESS COMMENTS:**




28/09/2018 Improved end of month processes and consolidation of full trial balance data into 1 system and integrated profit and loss and balance sheet will enable greater level of detail in reporting on Quarterly Budget Review Statements (QBRS).

6/12/2018 September QBRS was reported to council on 6 December 2018 including introduction of quarterly reporting against financial sustainability ratios.


4/1/2019 December QBRS to be reported to council on 21 February 2019.

Last Updated: 05-Feb-2019

**11.2.2 Provision of statutory reporting enables our leaders to make decisions on Council's financial sustainability**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.2.1 Develop a Financial Statement Management Plan to deliver within statutory timeframes and align to the external Client Service Plan.	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	28-Feb-2019	80.00%	66.66%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      4/1/2019 A draft Audit Engagement Plan (AEP) from Audit Office of NSW was received in January 2019. The financial statement management plan will be completed by 28 February 2019 with reference to the AEP.                      Last Updated: 05-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.2.2 Provide NSW Environmental Protection Authority (EPA) with a updated draft Landfill Environmental Management Plan (LEMP) for Bombala.	Patrick Cannon - Group Manager Resource and Waste Management	Completed	01-Jul-2018	31-Dec-2018	100.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      11/10/18 Work has commenced on the draft Local Environment Management Plan (LEMP) for Bombala. It is anticipated that a draft LEMP can be provided to the EPA during December.                      14/12/18 Advice has been provided that the draft LEMP will be completed Thursday 20 December. The Waste Facilities Manager will review the document, make minor amendments and submit to the EPA for comment on Friday 21 December.                      Last Updated: 24-Jan-2019</p>							
<b>11.2.3 Alternative sources of revenue to rating income are identified and maximised</b>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.3.1 Maximise State, Federal and other funding opportunities and report to council on opportunities and results.	Matt Payne - Chief Financial Officer	Completed	01-Jul-2018	30-May-2019	100.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      4/1/2019 Quarterly grant activity reporting to council implemented.                      Last Updated: 05-Feb-2019</p>							


**11.2.4 A balanced approach to investment strategies**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
11.2.4.1 Develop quarterly Debtor Ageing Report for Council.	Matt Payne - Chief Financial Officer	In Progress	30-Jun-2018	30-May-2019	75.00%	50.00%	
<p><b>ACTION PROGRESS COMMENTS:</b>                      4/1/2019 A quarterly Debtor Ageing Report has been implemented and presented to Executive Leadership Team meetings. The first council report is planned for March 2019.</p> <p>Last Updated: 05-Feb-2019</p>							

**12 Leadership: Our Community is informed and engaged in decision making**

**12.1 Our community has multiple opportunities to be consulted and engaged in the development of plans, services and policies that affect the region**

**12.1.1 Council is a trusted community partner providing value for money through delivering according to Council's adopted Delivery Program**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.1.1.1 Council works in partnership with the relevant parties to ensure the success of Snowy Hydro 2.0.	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	
<p><b>ACTION PROGRESS COMMENTS:</b>                      Council staff have been working with Snowy Hydro and various State and Federal agencies to identify and mitigate any potential obstacles. In particular, staff have met with the Department of Premier and Cabinet officers to assist in the development of the State and regional response to identified challenges. This includes quarterly meetings with the Regional Coordination Group comprising representatives of DP&amp;C, SHL, SVC, and relevant state agencies. Other activities include ad hoc meetings with SHL and relevant agencies together with business groups.</p> <p>Last Updated: 22-Jan-2019</p>							


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.1.1.2 Council is an active member of the Snowy Monaro Chambers of Commerce.	Sarah Blyton - Economic Development Officer	In Progress	01-Jul-2018	30-Jun-2019	30.00%	50.00%	
<p><b>ACTION PROGRESS COMMENTS:</b>                      Council is currently a member of the Cooma Chamber, but staff and councillors attend meetings of all Chambers by invitation. It is part of the responsibilities of the recently appointed</p>							



Economic Development Officer to actively engage with all Chambers.

Last Updated: 22-Jan-2019

**12.1.2 Community strategic planning is managed in partnership with the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.1.2.1 Engage with Chamber of Commerce and key Community groups to discuss engagement and consultation in the development of strategic planning.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	28-Feb-2019	5.00%	66.66%	 RED


**ACTION PROGRESS COMMENTS:**

Delayed due to resourcing constraints - this action will be completed by 30 June 2019.  
Some initial contact has been undertaken with regard to the S355 Committees as a start to engagement.

Last Updated: 07-Jan-2019

**12.2 Residents have access to timely, relevant and accurate information on issues that affect them**


**12.2.1 Our community is satisfied with performance and quality of service in the areas that are most important to them**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.1.1 Develop a Communications and Media Strategy that utilises a variety of methods and engagement tools and is implemented across the organisation.	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Sep-2018	7.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**




Council adopted a Communications Policy in May 2018, but work on the supporting documents has not progressed.

Last Updated: 04-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.1.2 We provide current and relevant information through our website, social media, newspapers and printed mail.	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Council's communication team provides frequent press releases, and is constantly improving the website.

Last Updated: 22-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.1.3 Develop strong communication strategies and work plans to address Customer Satisfaction Survey 2017 focus areas of Demonstrating Value for Money, Being a Well Run and Managed Council and Standard of Council Roads	Peter Bascomb - General Manager	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> This will be undertaken as part of action 12.2.1.1 Last Updated: 22-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.1.4 Provide opportunities for elected Councillors and Senior Management to participate in face to face engagement with our community.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	20.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> Planning has commenced planning for a Council presence at all five of the community Shows scheduled for February and March. It is the intent that at least one Councillor and one senior staff will attend each show, together with selected officers from specialist services such as biosecurity. Last Updated: 07-Feb-2019							
<b>12.2.2 Council provide convenient ways for customers to engage with us and we respond appropriately</b>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.1 Review Customer Service Charter and develop procedures, tools and guidelines to meet the requirements.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Jun-2019	50.00%	66.66%	 AMBER
<b>ACTION PROGRESS COMMENTS:</b> Progress has been delayed due to recruitment of new Team Leader Records and Customer Service. This is still in progress - will speak to Corporate Governance Manager and Group Manager Governance to work through the procedure.							

Last Updated: 06-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.2 Develop a process to capture data on all customer service interactions initiated through customer service officers including response times.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	31-Mar-2019	25.00%	25.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

Progress has been delayed due to recruitment of new Team Leader Records and Customer Service.  
 Manual data collection will be developed in the next 3 months with automated capture developed in line with the new Corporate system once functionality is know following RFT.

The completion of this action will be required to be extended until March 2019

Manual Data capture is being looked into, includin how best the staff capture the data eg spreadsheets or CRM in Techone etc. Staff access is also being looked over.


Last Updated: 04-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.3 Facilitate the development of an internal council wide enquiry directory including process flows and escalation protocols to improve customer response time and quality and publish on intranet.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Apr-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

A New Team Leader has been recruited for Records and Customer Service that will provide the additional resourcing to have this action moved forward.  
 This has also been flagged in the Staff engagement Survey action plan as a benefit to the Council staff and will be progressed in coming months.  
 Christmas Office Closure period started this process when all departments were asked to give details of whom would be on-call for any emergencies. This information was then passed onto the Councils Call Centre so that the Christmas office closure period ran smoothly - intranet publications will be discuss and worked on for the Easter closure period.


Last Updated: 07-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.4 Review Community Engagement Policy.	Peter Bascomb - General Manager	Completed	01-Jul-2018	28-Feb-2019	100.00%	66.66%	 GREEN

**ACTION PROGRESS COMMENTS:**

A new policy, rather than a review, is required. Will be included as an action under 12.2.1.1


Last Updated: 22-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.5 Support and encourage public engagement methods which invite comment from community and informs the decision making.	Peter Bascomb - General Manager	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Will be included as part of 12.2.1.1

Last Updated: 22-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.2.2.6 Develop Community Engagement Procedure.	Peter Bascomb - General Manager	Completed	01-Jul-2018	28-Feb-2019	100.00%	66.66%	 GREEN


**ACTION PROGRESS COMMENTS:**

Will be included as part of 12.2.1.1

Last Updated: 22-Jan-2019

**12.3 Our community is empowered and supported in facilitating community outcomes**

**12.3.1 Community organisations and individuals have the capacity to apply for a range of grants funding opportunities**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.3.1.1 Implement a consistent policy and procedure for donations and sponsorship requests and communicate to the community.	Nola Brady - Group Manager Governance	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Donations and Sponsorship Policy was adopted by Council in February 2018.


A procedure was developed and Round 1 of submissions for Sponsorship was completed in August 2018 utilising the new process.

Community were advised through advertising and direct contact.

Round 2 of submissions is currently underway and the Policy and procedure have been implemented successfully.

21/12/2018 - Submissions received for Round 2 of Sponsorships went to the 20 December Council Meeting.

Last Updated: 04-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.3.1.2 Facilitate the Boco Wind Farm Community Sponsorship program through a consolidated committee for Cooma and Bombala submissions.	Nola Brady - Group Manager Governance	Completed	01-Jul-2018	31-Oct-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Establishment of new combined committee completed  
 EOI for community representation undertaken and 4 community representatives were engaged  
 New Charter adopted.  
 Submission round for funding advertised and completed.  
 Committee evaluation of applications completed.  
 All applicants advised of outcomes.  
 Funding agreements are currently being completed for successful applications.  
 There are only 2 funding agreements outstanding from the 2019 FY submission round.  
 Acquittals are currently being assessed.

Last Updated: 06-Feb-2019

**12.3.2 Council has two-way mechanisms in place to encourage people to maintain their involvement in the regions community planning and decision making**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
12.3.2.1 Finalise the review of Section 355 Advisory and Management Committees and work with community members to transition to the revised structure of Committees.	Nola Brady - Group Manager Governance	In Progress	01-Jul-2018	30-Nov-2018	40.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**

Approximately 6 of the 11 Advisory Committees are functioning regularly - and the remainder have Councillor representative nominations.  
 Stocktake questionnaire is currently underway with all management committees to determine current activity and priorities.


Responses from Committees are being assessed and high risk issues will be prioritised.

Last Updated: 11-Jan-2019

**2 Community: Our regions' diverse cultural identify is preserved, and we foster creative expression and spaces**

**2.1 Our culturally diverse heritage is preserved and celebrated for the richness it brings to our regional identity**


**2.1.1 Council has built stronger relationships with the region's First Peoples**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.1.1 Council to continue its participation and promotion of NAIDOC week activities	Mark Adams - Group Manager Economic Development & Tourism	Completed	01-Jul-2018	30-Sep-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Sept - NAIDOC week was held in July. Council organised accommodation and other arrangements for Ngarigo elders during the week. Council staff organised and attended a meet the elders afternoon tea at the Hub in Cooma and also assisted with arrangements for the opening of an art exhibition at the Raglan Gallery.

Last Updated: 04-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.1.2 Ongoing consultation regarding Bundian Way expansion	Kristy Harvey - Community Development Planner / Projects Officer	In Progress	01-Jul-2018	30-Jun-2019	5.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

Limited activity during the last 6-months.

Last Updated: 07-Feb-2019

**2.1.2 Council celebrates and enriches the heritage fabric throughout the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.1.2.1 Implement actions of the Heritage Strategy as required for the 2019 financial year action plan	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

Updated heritage strategy being developed. Actions currently undertaken include grants for Heritage Advisors and Places Near Me underway and heritage assessment of DA's on-going. New Heritage Grant program released by State Government with application to be lodged for both Heritage Advisors and Places Near Me equivalent programs with due date 8th February 2019.

Last Updated: 30-Jan-2019

**2.2 Support and promote the arts recognising the broad and diverse contribution it makes to community identity and wellbeing**

**2.2.1 A range of regional level arts and cultural activities are delivered and promoted in partnership with the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.1.1 Investigate council support for the provision of recycling materials for regional art projects	Patrick Cannon - Group Manager Resource and Waste Management	Completed	01-Jul-2018	31-Dec-2018	100.00%	100.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

8/10/18 The Waste Education officers have contacted the relevant groups to identify what types of materials would be required and how these materials could be put aside at Council waste facilities which would reduce the risk of injury from collecting such material.

Based on conversations to date a report is being developed with recommendations on how SMRC could assist. This report is due to Council in December

6/12/18 A report was presented to Council at the 6 December 2018 meeting identifying a support package for materials which artists can obtain from Council Waste Facilities for use by artists during the Jindabyne lake-light Festival. Council adopted the recommendation to provide support. The recommendation will now be implemented.

Last Updated: 14-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.1.2 Stocktake of cultural and arts facilities / assets public art in the region to establish a baseline and understand the needs across the region	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	20.00%	50.00%	 RED


**ACTION PROGRESS COMMENTS:**

Sept - This action has not yet commenced.

Dec - Currently in the process of preparing a list of facilities across the region with a view towards identifying gaps.

Last Updated: 04-Jan-2019


**2.2.2 Facilities for the provision of arts and cultural activities have been planned for in partnership with other government agencies and the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
2.2.2.1 Review the business case for the Old Bombala Primary School Innovation Community Hub to seek funding as a shovel ready project	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Sep-2018	10.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - Council is awaiting the outcome of a SCCF grant application concerning physical upgrade works to the building. Review of the business case for an Innovation Hub at the centre can take place once Council knows the outcome of the SCCF grant for building upgrade works.                      Dec - Awaiting public announcement on outcome of SCCF grant application. Substantive work required to upgrade the building, which is now under Council's ownership, to current building standards. Council's Land and Property Officer is organising works to eradicate termites and prepare the building for safe access at present. A decision needs to be made by Council as to the intended use of the building in order to direct the focus of building restoration works and any future grant application for the use of the facility. A review of the business case for an innovation centre will be carried out in this context.                      Last Updated: 04-Feb-2019</p>							


**3 Community: We are a safe and caring community**

**3.1 Develop, maintain and promote safe spaces and facilities that are enabling, accessible and inclusive for all**

**3.1.1 Public and community spaces are regulated and managed to be safe and equitable for all abilities**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
1.3.1.1 Develop a high level Recreational Facilities Strategy including consolidation of former Council strategies and plans	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	20.00%	25.00%	 AMBER
<p><b>ACTION PROGRESS COMMENTS:</b>                      Former Council strategies are being reviewed for relevance.                      Update 19/12/18 -                      Commenced regular meetings with Group Manager Tourism Economic Development and Recreation Planner re Recreation Strategy. No start on draft document as yet.                      Last Updated: 19-Dec-2018</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %




3.1.1.1 Identify and implement actions from the Disability Inclusion Action Plan that can be completed in the 2019 financial year	Mark Adams - Group Manager Economic Development & Tourism	In Progress	30-Jun-2018	30-Sep-2018	90.00%	100.00%	 GREEN
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**ACTION PROGRESS COMMENTS:**

Sept - Report prepared for Council meeting on 20 September 2018 identifying actions from the DIAP to be implemented this financial year. Identified actions are to be implemented for the remainder of the year.

Dec - continuing to work at implementation of the 9 actions identified in the Council report in September.

Last Updated: 04-Jan-2019


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.1.2 Undertake parking signage audit to determine compliance for street parking and council owned car parks	Gina McConkey - Group Manager Environmental Management	In Progress	21-Jun-2018	30-Dec-2018	95.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Audit completed and to be provided to Transport Infrastructure (Operations)

Last Updated: 31-Jan-2019

**3.1.2 Preventative maintenance programs have been established across Council spaces and facilities that are compliant with current standards**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.1.2.1 Upgrade the Bombala Truck wash facilities	Glen Hines - Group Manager Facilities Management	In Progress	30-Jun-2018	30-Jun-2019	25.00%	25.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


An Engineer has been engaged to provide design concept and price estimates which are expected in October. These will be used for the basis of grant application to the Fixing Country Roads fund.

Update 19/12/18 - Grant Application submitted to Fixing Country Roads Fund 18/12/18 - \$796K. Note BCA < 1 and will require further data collection for the existing truck wash

Last Updated: 07-Jan-2019

**3.2 Positive social behaviours (including law and order) are fostered and encouraged to maintain our safe, healthy and connected communities**


**3.2.1 Council's public health and regulatory responsibilities are planned for and delivered to facilitate a safe community and raise awareness**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.1.1 Roll out the "I'm alert" online training tool for retail food businesses	Gina McConkey - Group Manager Environmental Management	Completed	01-Jul-2018	31-Dec-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

The "I'm Alert" on-line training tool logo and licence has been purchased by Council from Environmental Health Australia. The tool is now available by a link from Council's web page free of charge to the public.

Last Updated: 24-Sep-2018


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.1.2 Review and implement revised impounding policies and procedures with regard to companion animals	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	28-Feb-2019	90.00%	66.66%	 GREEN

**ACTION PROGRESS COMMENTS:**

Policies completed in draft form ready for staff circulation and adoption

Last Updated: 31-Jan-2019

**3.2.2 Council supports and encourages safety initiatives to promote our connected communities**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
3.2.2.1 Implement Roads and Maritime Service Road Safety Program	Linda Nicholson - Group Manager Asset Management & Engineering Services	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN

Last Updated: 04-Jan-2019


**4 Economy: Our region is prosperous with diverse industry and opportunities**


**4.1 Attract diverse businesses and industries to the region, supporting their establishment and retention**

**4.1.1 Council's Regional Economic Development Strategy provides a framework that fosters and grows the Region's diverse businesses**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.1.1 Review and finalise the Regional Economic Development Strategy and prioritise actions for 2019 financial year	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Sep-2018	95.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - A draft Regional Economic Development Strategy (REDS) document is on public exhibition until 12 October following a workshop with Councillors on 10 September 2018 also attended by Anna Shaw from the Centre for Economic and Regional Development (CERD). CERD are responsible for considering all comments made on the draft document and will present a final document to Council for consideration at a Council meeting in November.                      Dec - The final version of the REDS was endorsed by Council at its meeting on 15th November. Work has begun on developing a Bombala Activation Plan which was an early stage action identified in the REDS. This is the main priority from the REDS for the remainder of the 2019 FY. A report will be prepared for Council on priority actions from the REDS for the remainder of the 2019 FY.                      Last Updated: 04-Feb-2019</p>							

**4.1.2 Procurement policies encourage local businesses to be competitive market suppliers**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.2.1 Attend workshops with local business to educate on doing business with Council	Matt Payne - Chief Financial Officer	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED
Last Updated: 21-Jun-2018							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.2.2 Increase the numbers of local businesses registered for online tendering services	Matt Payne - Chief Financial Officer	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      10/07/2018 - Team Leader Organisational Procurement gave a presentation to the Regional Development Australia (Southern Inland) sponsored Tender Writing (Responding) Workshop held in Cooma CBD.                      24/07/2018 - Council's website page 'Doing Business with Council' updated to include a page describing Council's VendorPanel eProcurement tool which included simplified links to the Self Registration and Self Invitation to active Service Panels. <a href="https://www.snowymonaro.nsw.gov.au/1258/VendorPanel">https://www.snowymonaro.nsw.gov.au/1258/VendorPanel</a>.                      17/08/2018 - Draft Tender Management Framework updated to include the necessity to advertise all Tenders in Local Newspapers as well as the SMH as required under Section 55 of</p>							

the Local Government Act.


15/12/2018- Maintenance to the 'Plant and Truck Hire - Preferred Contractors Register' panel to simplify the Self Registering process.

17/12/2018 - Release and activation of the 'Trade Services - Repairs, Maintenance and Construction' panel in VendorPanel which is aimed at local providers.

5/2/2019 - As at 1 July 2018 there were no local business registered for online tendering services and as at 5 February 2019 there are 95 registered.

Last Updated: 05-Feb-2019

**4.1.3 Council is an active community partner in supporting regional business initiatives**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.3.1 Council to investigate opportunities to assist with Dongwha Stage 2	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	31-Dec-2018	50.00%	100.00%	 RED

**ACTION PROGRESS COMMENTS:**

Sept - This action will be tasked to the new Economic Development Officer once they commence.

Dec - the new Economic Development Officer began in late November and is seeking to meet with Dongwha to understand key issues. A meeting has been arranged with Dongwha for 18 February through the General Manager, which he will also attend.

Last Updated: 04-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.3.2 Identify industries in the region where there is a skills shortage	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

Sept - This action will be tasked to the new Economic Development Officer once they commence. The Department of Premier and Cabinet (DPC) are also doing work in this space in the context of understanding the impacts of Snowy 2.0 on the region.

Dec - A meeting was held with the DPC Regional local Director regarding work DPC are doing in this space. They are engaging a consultant to prepare a report on workforce and skills issues in the region likely to result from Snowy 2.0. Councils Economic Development Officer is also working with local business on this issue. TAFE and local Chambers of Commerce are also engaged in this space.


Last Updated: 04-Feb-2019

**4.1.4 Strategic projects undertaken that grow the local economy**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.1.4.1 Undertake strategic projects to grow the local economy, subject to grant funding. Refer to SMRC Strategic Projects Grant Funding. i.e Rail trail, mountain bike and walking trails	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Significant grants have been obtained, and further announcements are anticipated. Funded projects are being implemented and staff will continue to seek funding for priority projects. The Regional Economic Development Strategy has been finalized, and the Destination Management Plan is under development. Council has received numerous grants, such as funding for the former TAFE building and Bombala and Cooma swimming pools upgrades.</p> <p>Last Updated: 22-Jan-2019</p>							

**4.2 Foster and support adaptive, sustainable industries**

**4.2.1 Council's 'Smart Cities' initiative promotes innovative, adaptable solutions and policies to foster sustainable industries across the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.2.1.1 Lobby State Government for the inclusion of Jindabyne in the Smart Cities Pilot Program	Mark Adams - Group Manager Economic Development & Tourism	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - This action will be tasked to the new Economic Development Officer once they commence.                      Dec - The new Economic Development Officer began in November but has not yet had sufficient time to action this issue. It is anticipated that this issue will arise as the Department of Planning prepares the Jindabyne masterplan and this may be an opportunity to obtain some formal state government recognition of this issue.</p> <p>Last Updated: 04-Feb-2019</p>							

**4.3 Capitalise on the region's proximity to Canberra and bordering NSW and Victorian regions to attract industry and investment**

**4.3.1 Council has advocated for increased regional outcomes that support the Snowy Monaro local government area**

Snowy Monaro Regional Council (SMRC)

Action and Task Progress Report


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.3.1.1 Make representation on behalf of the region at Regional, Federal and State Government forums	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	50.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Councillors and staff participate in a number of regional forums and promote Snowy Monaro. Informal opportunities also taken from time to time, and in the lead up to the 2019 State and Federal elections there will be continued opportunities to meet with candidates. The Mayor and General Manager have met with candidates for the Federal Election, and staff have work closely with the staff from the offices of local members to support grant applications, both by Council and those submitted by community groups.

Last Updated: 22-Jan-2019

**4.3.2 Promotion of the Region's commercial facilities through advocacy and discussion with other levels of government and regional local groups has been heightened**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.3.2.1 Develop Council Saleyard Management Strategy	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	30.00%	25.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


A Strategic Review of the Cooma Sale Yards has been commissioned with BVSC commencing in October 2018. The output of this review will be the basis of the SMRC Sale Yard Strategy. An internal review of the Bombala Sale Yards is planned to determine the required size of the facility for transit and impound stock only.

Update 19/12/18 -

Strategic Review underway. Awaiting draft report from consultant. Inspection forms in draft and will be rolled out commencing January with start of Sale Yard Assistant.

Last Updated: 19-Dec-2018

**4.3.3 Council (where nominated with a role to play) has delivered in partnership the recommendations from the State Government South East and Tablelands Regional Plan 2036**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.3.3.1 Lobby for projects as appropriate	Peter Bascomb - General Manager	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Please refer to actions 4.1.41 and 4.3.1.1 for updates.

Last Updated: 22-Jan-2019

**4.3.4 The Region's opportunity for economic growth is enhanced through Council Asset Management Plans and attracting investment**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.3.4.1 Implement a study to ensure all regional transportation corridors are fit for purpose to support economic growth predictions	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	30-Jun-2019	57.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Council have released the tender for a Strategic Road Network Analysis which is expected to close on 11 October 2018. A tender review is scheduled for 15 October 2018 with a report to Council expected in November 2018. Once the contractor is engaged, it is expected that a full Strategic Road Network Analysis Report will be available for Council review in February/March 2019. The purpose of the Strategic Network Analysis is to provide Council with sufficient detailed analysis of the current Transportation Network across the Region to enable informed decision making on future maintenance and construction strategies that will ensure transportation corridors are fit-for-purpose.

The results of the Strategic Network Analysis Tender were presented to Council for approval at the meeting of 6 December 2018. The Australian Road Research Board were appointed as the successful tenderer and a confirmation letter was sent from council on 8 December. An analysis of the network is expected to commence in January 2019 with the results and report to council in late March, early April 2019.

Last Updated: 30-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
4.3.4.2 Undertake feasibility study for the villages of Michelago, Numeralla and the Four Mile with regard to water supply	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	25.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

SSW Application for funds have been forwarded.

A quote has been received for commencing the feasibility for Four Mile in Cooma along with hydraulic analysis of the Cooma reticulation.


Dec 2018 - Tender has been awarded and work commenced for the Four Mile area in Cooma.

Last Updated: 09-Jan-2019

**5 Economy: Our community has access to a range of diverse lifelong learning opportunities**

**5.1 Advocate for and promote education and lifelong learning opportunities**

**5.1.1 The Region's Library Network promotes community connectedness and facilitates the provision of information an services for the community**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
5.1.1.1 Implement the Library Strategy actions relevant to the 2019 financial year.	Bianca Padbury - Group Manager Community Support Services and Aged Care	In Progress	01-Jul-2018	30-Jun-2019	60.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


The 2018 - 2022 Library Strategy is in draft form. Many actions and strategies have commenced planning for implementation. The first phase of the Bombala Library refurbishment grant has commenced with a new circulation desk and 1 new public access computer. A number of shelving units have been purchased in addition to a new microfilm reader and printer.

We have had another 4 digital seniors sessions at Cooma and 1 session in Bombala that has been of great success. There is a large schedule for seniors week that is also going to Bombala.

Council have purchased 2 x new Ipad for use in the Mobile Library. A new parking sign has been ordered for the mobile Library to highlight parking areas in Nimmitabel.

Council have organised workshops bringing in experts from the Community to discuss topics of interest. There are also two exhibitions booked for the coming months Art of Ageing Digital Exhibition and the Blue Exhibition from the National Art Gallery.

Last Updated: 31-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
5.1.1.2 Secure funding to improve security at public library facilities.	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	30-Nov-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


Council have applied for grant funding via CCTV Futures and Safer Community Fund Round 3. Applications closed 25 September 2018. The application was for 20 cameras - 14 for Cooma Library inside and outside and 6 for Bombala Library inside and outside.

January 2019 - we are still waiting to hear if this funding has been successful.

Last Updated: 31-Jan-2019


**5.1.2 Council works in partnership with the Region's businesses and tertiary education partners to explore the occupation skills and tertiary options needed for the future for the region**



ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
5.1.2.1 Develop a relationship and explore options through Country Universities Centre and other tertiary providers to provide training for Council cadets and trainees	Luke O'Sullivan - Group Manager People & Culture	Completed	01-Jul-2018	31-Oct-2018	100.00%	100.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Relationships with training providers such as Canberra Institute Technology (CIT) and TAFE NSW maintained during the reporting period. Meetings with CUC to discuss training and development options scheduled in February 2019.</p> <p>Last Updated: 01-Feb-2019</p>							

**5.2 Promote and provide access and spaces both physical, digital and mobile where people can learn and connect**


**5.2.1 Community infrastructure options are explored that facilitate the expansion, improvement and accessibility of life learning spaces across the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
5.2.1.1 Explore options for joint use facilities with the Department of Education and Training	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Jun-2019	90.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - Council has prepared and submitted a business case to the Regional Cultural Fund for a joint use library and community hub at Jindabyne Central School and is awaiting the outcome. Council was unsuccessful with its application to the Regional Sports Infrastructure Fund for a Regional Sports Facility at Monaro High, but continues to be a part of the Project Reference Group as a joint use agreement may still be a possibility in relation to another facility proposed at the school. The PRG are still keen for the Regional Indoor Sports Centre to occur on the school site at a later stage.                      Dec - Council have continued to be involved in the PRG for the Monaro High project and an update on current plans for this project was provided for Councillors at the briefing workshop on 20 December. It is intended to review and possibly rescope the proposed Indoor Sports Facility which was unsuccessful in its grant application. There will likely be opportunity in the new year to further engage with the Department on shared use or joint use arrangements at both Monaro High and Jindabyne Central School.</p> <p>Last Updated: 04-Jan-2019</p>							


**6 Economy: Our residents and visitors connect with our regions welcoming and iconic attractions**

**6.1 The Snowy Monaro region is a destination that offers a variety of quintessential year – round experiences, attractions and events**

**6.1.1 Promote tourism and enhance the Snowy Monaro Region as a year round destination of choice through a collaborative approach between all stakeholders and interest groups**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.1.1.1 Incorporate recommendations from the LEK Report on Jindabyne into the Tourism Strategy	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	90.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - The Destination Management Plan is currently being prepared by TRC Consulting who have been made aware of the LEK Report. Many of the recommendations of the LEK Report have already been included in grant funded projects which have already been announced or are under active consideration by funding bodies.                      Dec - A draft DMP was received just prior to Christmas and will be reviewed in consideration of the LEK Report recommendations.                      Last Updated: 04-Feb-2019</p>							

**6.1.2 Safe and well maintained facilities i.e. parks and reserves; multi-function buildings and community halls and the showground contribute to the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.1.2.1 Scope required improvements and apply for grant funding for the Cooma Multifunction Centre	Glen Hines - Group Manager Facilities Management	Completed	01-Jul-2018	30-Apr-2019	100.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      The Deputy Premier announced funding of \$500K for the Multi-Function Center (MFC). Staff awaiting funding agreement. Initial user group meetings have been held to determine wish list for upgrades with a variety of suggestions received. Highest on the list is replacement of the existing commercial kitchen equipment and upgrade of electrical infrastructure. \$300K for the MFC and Showground was requested thorough the SCCF with the outcome not yet known.                      Update 19/12/18 -                      Funding deed signed December 2018. EOI to be put out for Project Management (scope, tender, delivery) early 2019. Project to be completed by June 2020. Meeting with users held to discuss this process.                      Last Updated: 07-Jan-2019</p>							

**6.1.3 Council facilitates and supports and promotes events to highlight the attributes of our towns and villages**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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6.1.3.1 Continued promotion through Visitor's Centres	Mark Adams - Group Manager Economic Development & Tourism	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  Sept - The Visitors Centres continue to promote the region on an ongoing basis through various platforms including face to face, online, social media, hosting bus tours, promoting and organising events, email notifications and the Snowy Guide App.                  Dec - The VCs helped to promote the recent L'Etape bike race and provide information and direction to visitors to the area associated with that event. The regular 'Whats On' email provides updates to a growing list of people regarding events in the region throughout the year.                  Last Updated: 04-Jan-2019</p>							

**6.2 Encourage and promote vibrant towns and villages, acknowledging and celebrating the unique heritage and character of each town**

**6.2.1 Improvements to towns and villages physical environments for parks are incorporated in consultation with community and developed within the unique character of each town**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.2.1.1 Develop a Parking Strategy for Jindabyne	Mark Adams - Group Manager Economic Development & Tourism	Deferred	01-Jul-2018	30-Dec-2018	0.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Sept - Not yet commenced, however funding for additional car parking spaces at the Kalkite Street car park have been applied for as part of the grant for the joint use facility at Jindabyne Central School.                  Dec - An analysis of traffic and parking issues in Jindabyne will be a part of the Jindabyne masterplan process. Liaison with the Department of Planning in coming months will determine if there is value in Council continuing with this action separately at a future date. Until the Masterplan process is complete there is no value in pursuing this task for the time being.                  Last Updated: 04-Feb-2019</p>							

**6.2.2 Council's town infrastructure is sympathetic to the heritage and character of each town**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.2.2.1 Implement the adopted recommendations from the Bombala and Delegate Main Street Heritage Study	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Sep-2018	75.00%	100.00%	 AMBER
<p><b>ACTION PROGRESS COMMENTS:</b></p>							

Sept - The draft studies have been completed and some recommendations are being incorporated into proposed street upgrading works being undertaken as part of the major projects list. Further opportunities will be sought to work with individual business owners and the Chamber of Commerce to implement further recommendations of the studies.  
 Dec - The Bombala Chamber have been successful in obtaining state government funds and intend to use this in part to enhance the heritage character of the main street on private buildings. Staff will continue to liaise with the Bombala Chamber on this issue.  
 Last Updated: 04-Jan-2019


**6.2.3 Council celebrates, supports and promotes the uniqueness and heritage characteristics of each town and village**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.2.3.1 Implement actions from the Heritage Strategy for 2019 financial year	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**  
 Updated Heritage Strategy being developed. Actions currently undertaken include grants for Local Heritage Advisors and Places Near Me underway and heritage assessment of DA's on-going. New Heritage Grant program released by State Government with applications to be lodged for both Local Heritage Advisors and Places Near Me equivalent programs for the 2019-2021 periods.  
 Last Updated: 30-Jan-2019

**6.3 Further promote and develop the regions visitor accommodation, product and recreational infrastructure**


**6.3.1 Businesses are supported in their promotion to encourage and develop our visitor economy**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.3.1.1 Prepare a Visitor Economy Strategy for the region	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	75.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**  
 Sept - Preparation of the Destination Management Plan (DMP) is currently underway and the visitor economy strategy will be incorporated as part of this Plan.  
 Dec - Council has now received a draft DMP which is currently under review and will be reported to Council prior to being placed on public exhibition, with a view to final completion in April.  
 Last Updated: 04-Feb-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.3.1.2 Improve signage for the Bombala Visitor Information Centre	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	31-Dec-2018	50.00%	100.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> Sept - New corflute signage has been installed at the Bombala Visitors Centre. Further signs which meet Tourist Attraction Signposting Assessment Committee (TASAC) requirements for visitor information signs, are yet to be installed along the roadway. These will provide more notice for drivers of the presence of the visitors centre. Dec - Still seeking to have signs installed on the roadway to improve visibility of the VC to passing traffic. Last Updated: 04-Feb-2019							

**6.3.2 The Region's caravan parks, are maintained, upgraded and promoted to attract visitors**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.3.2.1 Undertake a condition assessment of Council assets to determine lifecycle and ongoing maintenance requirements for Caravan and Holiday Parks	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	25.00%	25.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Update 19/12/18 - A condition assessment template has been developed and circulated with Assets team for comment. Once finalised it will be implemented across the caravan parks Last Updated: 19-Dec-2018							

**6.3.3 The Region is marketed to the broader state and national and international community**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
6.3.3.1 Council continues to support and work with state and regional tourism agencies and organisations to market the region externally	Mark Adams - Group Manager Economic Development & Tourism	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Sept - Council continues to work with Tourism Snowy Mountains and has received a draft MoU from TSM which will be reported to a Council meeting for endorsement. Collaboration on tourism matters is also recommencing with the CRJO following the break whilst the organisation adjusted to the legislative changes. Visit Canberra and Destination Southern NSW are							

also being consulted with regards to the Destination Management Plan.  
 Dec - The MoU with TSM has been endorsed by Council. Considerable and valuable external marketing for the region was carried out for the L'Etape cycling event in the months leading up to the event in December. Liaison with other agencies has taken place as part of the development of the draft DMP.  
 Last Updated: 04-Jan-2019


**7 Environment: Our natural environment is protected and sustainable**

**7.1 Protect, value and enhance the existing natural environment**

**7.1.1 The Region's natural environment remains protected through delivery of a range of Council programs and regulatory compliance**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.1 Develop an Enforcement Policy and have it adopted	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	31-Oct-2018	75.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**  
 Final draft of Enforcement Policy developed. Presentation to EMT and consultation with staff completed. Workshop to be held with Councillors and report to be put to Council for adoption in March 2019.  
 Last Updated: 30-Jan-2019





ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.2 Develop and implement a procedure to record compliance data within Development and Building Certification	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	28-Feb-2019	25.00%	66.66%	 RED

**ACTION PROGRESS COMMENTS:**  
 Investigations continuing to develop a best practice model to collect data and development of new procedures. Adoption of new Enforcement and Compliance Policy and new IT platform to assist in this regard without the new to duplicate procedure.  
 Last Updated: 30-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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Snowy Monaro Regional Council (SMRC)


Action and Task Progress Report

7.1.1.3 Develop a new Fire Safety Program	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Jun-2019	25.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> Initial discussions underway in consultation with other Local Government Authorities being held to ascertain best practice model for adoption by Council. Last Updated: 30-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.4 Implement year 1 of the Swim Safety Program across the entire Snowy Monaro region and report on compliance	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Jun-2019	60.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Review being undertaken of Swim Pool Safety Programs from other Local Government Authorities with aim of formalising a new Swim Safety Program. Mandatory swimming pool inspections undertaken as legislated and joint education campaign underway with Royal Life Saving NSW. See Action 7.1.3.4. Last Updated: 30-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.5 Develop a compliance procedure for the Biosecurity Weeds Team to support the Enforcement Policy	Gina McConkey - Group Manager Environmental Management	Comple ted	01-Jul-2018	31-Oct-2018	100.00%	100.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Compliance procedure developed, circulated to staff and implemented. Last Updated: 31-Jan-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.6 Implement procedures to record all illegal dumping through NSW Environmental Protection Authority Report Illegal Dumping (RID) online portal to measure volume cost to council and identify hotspot trends, and report on annually	Gina McConkey - Group Manager Environmental Management	Comple ted	01-Jul-2018	30-Sep-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Procedures have been developed and Council's Environment Officer undertakes the investigations and records all incidences using Report Illegal Dumping (RID) online.

Last Updated: 31-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.1.7 Implement Plant Hygiene Policy	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	31-Oct-2018	90.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

The Plant Hygiene Policy was adopted by Council at the 6 September 2018 meeting. Completion of internal procedures and acceptance across business units is still to be completed in consultation with affected Group Managers and Managers.

Last Updated: 31-Jan-2019

**7.1.2 The significance and protection of the region's natural assets along with the efficient and equitable planning of public services, infrastructure and amenities is provided for in Council's LEP's**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.2.1 Develop, adopt, implement and communicate Waste Management Strategy	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	28-Feb-2019	45.00%	66.66%	 RED

**ACTION PROGRESS COMMENTS:**

This project is behind schedule do to insufficient resources available within the waste department. It is anticipated this project will gain traction in the December Qtr and will overrun the original completion date of February 2019.

5/12/18 A Draft Scope of works/RFQ is currently being compiled. The RFQ will be issued early in 2019 with the anticipated completion date for the draft strategy yet to be determined.




14/12/18. A report is being presented to the next waste committee meeting in January outlining the proposed plan for development of the waste Strategy. There is a potential that this may take until June/July to be completed, based on the expected responses from consultants on the development timelines. Waste Committee endorsement is being sought on the proposed action plan.

Last Updated: 24-Jan-2019




Snowy Monaro Regional Council (SMRC)

Action and Task Progress Report

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.2.2 Completion of a new Bushfire Prone Land Map	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	31-Dec-2018	70.00%	100.00%	 AMBER
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - Council is awaiting provision of a draft map from the Rural Fire Service which has not yet been forthcoming.                      Dec - A draft Snowy Monaro Bushfire Prone Land Map has been received from the Rural Fire Service as is currently under review by planning staff.                      Last Updated: 04-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.2.3 Develop a project plan for the production of the Snowy Monaro Local Environmental Plan (LEP) text and maps	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	50.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - This action will be completed next year once the draft land use strategies are underway.                      Dec - A draft project plan has been prepared and will be reported to Council later in this financial year once the draft land use strategy preparations are underway.                      Last Updated: 04-Feb-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.2.4 Report final Koala Management Plan to Council	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	31-Dec-2018	50.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Sept - A Draft Koala Plan of Management was prepared by the former Cooma Monaro Shire Council and publicly exhibited. This document is undergoing refinement before being reported to a Council meeting. Impending changes to State Environmental Planning Policy 44 which would assist with the finalisation of the KPoM have not yet been implemented by the Department of Planning.                      Dec - Council strategic planning staff met with staff from OEH in December who have prepared a detailed GIS mapping tool regarding koala habitat around the state. SMRC has been selected to be involved in the pilot for this project. It is understood that amendments to SEPP 44, required to progress Council's KPoM to final approval by the Department of Planning, will be implemented once the Koala Habitat Mapping Tool is finalised, likely to be around the middle of 2019. In the meantime the Senior Strategic Planner will work at finalising the KPoM within Council so it can progress once the SEPP changes are made.</p>							

Last Updated: 04-Feb-2019

**7.1.3 Council delivers a range of initiatives to the Snowy Monaro community to enhance their awareness and engagement of sustaining our pristine natural environment**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.1 Rehabilitate Dalgety Landfill, pending grant approval	Patrick Cannon - Group Manager Resource and Waste Management	Deferred	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

The Dalgety funding request has been denied by the Environment Trust. This project will be on hold until such time that Council allocates sufficient funds to complete the project.

8/10/18 Feedback provided by the Environmental Trust indicated that this project would not be eligible as the landfill stopped accepting waste in 2013.

Last Updated: 08-Oct-2018


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.2 Upgrade leachate control systems at Bombala Landfill	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	30-Jun-2019	40.00%	50.00%	 AMBER

**ACTION PROGRESS COMMENTS:**

8/10/18 A quotation specification has been developed for the proposed detail design. This is due to be issued in October with the design works to be completed by the end of December.

5/12/18 A consultant has been engaged to provide detailed design drawings for the proposed infrastructure changes required to improve the leachate and storm water management at the Bombala Landfill. The detailed design is expected to be completed by the end of December 2018.


Last Updated: 24-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.3 Provision of a Fire Safety Education Program	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Apr-2019	25.00%	50.00%	 RED

**ACTION PROGRESS COMMENTS:**

Upon completion of Fire Safety Program, education program to be developed. See Action 7.1.1.3.


Last Updated: 30-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.4 Provision of a Swim Safety Education Program	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	31-Oct-2018	75.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**

Council has entered into a joint education campaign with Royal Life Saving NSW to promote active supervision of young children around pools and spas and ensuring pool gate and fence compliance. Media campaign and letter mail out to be completed by end of February 2019.


Last Updated: 30-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.5 Perform cost benefit analysis of Drone (unmanned aerial vehicle technology) for invasive weed identification and mapping	Gina McConkey - Group Manager Environmental Management	Completed	01-Jul-2018	31-Dec-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

Cost benefit analysis has been completed and successful grant funding received at Council for the purchase of two drones. An application for a CASA licence has been made and a staff member undertaken pilot training. Drones have been purchased and are currently in use for surveillance activities associated with the NSW Orange Hawkweed eradication program.


Last Updated: 04-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.6 Weed related strategies and policy direction communicated to key community representatives quarterly	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


Snowy Monaro Regional Council's Weeds Advisory Committee has been formed and meets on a quarterly basis. The minutes of the meeting are reported to Council after each meeting. Councils Biosecurity Extension Officer has been appointed and community information sessions " Rural Living" have been developed and rolled out for the benefit of rural community groups scheduled on a regular basis. The Biosecurity Extension Officer has developed a High School engagement program with the Agricultural Studies students and attends all rural shows.

Last Updated: 31-Jan-2019




ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.1.3.7 Develop sustainability strategy in consultation with Green Team that meets targets of 'Sustainable Business Development' policy and State of Environment priorities	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	1.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      2018 12 07 - Sustainability Officer recruitment on hold due to IBD team restructure proposal. Next Green Team meeting has not been confirmed due to vacant position and other organisational commitments of members. (EMIBD)                      2018 10 09 - Sustainability Officer position vacant. Priority 1 position for recruitment for IBD business unit. Research into development of a sustainability strategy has commenced. (EMIBD)                      Last Updated: 07-Dec-2018</p>							

**7.2 Water, waste, sewer and stormwater management practices are contemporary and efficient**


**7.2.1 Water and sewer management services and operations meet legislative and quality requirements**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.1.1 Complete annual review and update of Pollution Incident Reporting Management Plans for all Sewerage Treatment Plants	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	92.00%	50.00%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                      Desktop review of the Pollution Incident Reporting Management Plans (PIRMPS) with all staff of all 6 Sewerage Treatment Plant (STP) and drainage systems were completed. Minor changes identified in the desktop review need to be finalised.                      Also as per the STP licences the outstanding Performance reports for all systems were completed in August 2018 as required by the EPA.                      Dec 2018 - Documentation review in progress.                      Last Updated: 09-Jan-2019</p>							


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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7.2.1.2 Expand Liquid Trade Waste Program to regions where not currently implemented i.e. Cooma and Bombala	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	20.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Lack of staff and the current Liquid Trade Waste (LTW) officer being engaged on legal matters relating to nuisance dogs have not enabled the program to get underway. A report will be presented to Council on the program of implementation commencing with an education campaign in 2018/2019. Only one staff is currently available for this very big task and this needs to be addressed urgently. Report to Council for the approval of the draft policy for exhibition was submitted on Dec 6 2018 and the LTW implementation program for Cooma and Bombala areas was approved by Council.                  Last Updated: 09-Jan-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.1.3 Prepare Water and Sewer Strategic Business Plan	Gnai Ahamat - Group Manager Water & Wastewater Services	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Department of Industry (DOI) Water is reviewing the Best Practice requirements for the Strategic Business Plan (SBP) and the Integrated Water Cycle Management (IWCM). When it is clearer on the policy direction by DOI Water, a report will be presented to Council on any changes. Dec 2018 - IWCM Evaluation is to be undertaken. Hence SBP will be deferred until the IWCM for the region is finalised.                  Last Updated: 09-Jan-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.1.4 Develop customer information fact sheets on the expected water delivery services	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	11.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Workshop held with all W&amp;S Engineers and Supervisors to harmonise procedures commencing with ones which relate to customers. The connection process was different in different areas and is being harmonised. A brochure is being finalised which will be followed by fact sheets. Dec 2018 - No further progress has been made</p>							

Last Updated: 18-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.1.5 Implement the region wide Water and Sewer Services Development Servicing Plan (Section 64 Contributions)	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	31-Dec-2018	41.00%	100.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> Consultant engaged through a competitive tender process. Public works have been successful and work is in progress Dec 2018 - Data for the study is being collected and being forwarded to the consultant Last Updated: 18-Dec-2018							


**7.2.2 Water and sewer infrastructure is maintained and improved to provide a quality service**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.2.1 Implement the Water and Sewage Capital Works Program for the 2019 financial year, in accordance with the annual financial plan	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	43.00%	50.00%	 AMBER
<b>ACTION PROGRESS COMMENTS:</b> Water Mains replacement in all areas are under way. Sewer mains tender will be advertised shortly. REFs are being undertaken for the replacement of the Timor Street Bombala SPS. Adaminaby and Bombala STP final design is nearing completion with tender to be advertised shortly for the construction of the Bombala STP. Letter requesting funding for the construction of the Adaminaby STP has been forwarded to the Deputy Premier . Fluoridation Plants for Bombala, Jindabyne and East Jindabyne WTP has been reviewed by DOI water and will be out to tender shortly. Dec 2018 - Re advertised the Fluoridation tender and council approval for extra funds for the Bombala STP obtained (Report to 6 Dec Council) to proceed to tender. Water mains replacement in progress in Bombala, Jindabyne and Cooma. Last Updated: 18-Dec-2018							


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.2.2 Improve water quality at Bombala and Delegate, subject to funding	Gnai Ahamat - Group Manager Water & Wastewater Services	In Progress	01-Jul-2018	30-Jun-2019	25.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> Fluoridation Plants for Bombala, Jindabyne and East Jindabyne WTP has been reviewed by DOI water and will be out to tender shortly.							

The tender for the feasibility and options study and concept design for the Bombala WTP has been advertised and closes on 11 October 2018. A business case is required for the funding for the project with the application closing on 12 October 2018.  
 Dec 2018 - Tenders received and evaluated by Council. Tender evaluation by DOI water is currently underway prior to award of tender for the Options study.  
 Final application for the augmentation of the plant was submitted to the DPC and no response received to date.  
 Raw water quality data project has commenced and will be available for designers of the plant.  
 Last Updated: 18-Dec-2018

**7.2.3 Innovative solutions and infrastructure supporting waste and recycling operations to reduce landfill have been investigated**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.3.1 Implement kerbside collection services Bredbo, Michelago and Nimmitabel, pending Council approval	Patrick Cannon - Group Manager Resource and Waste Management	Completed	01-Jul-2018	30-Sep-2018	100.00%	100.00%	 GREEN

**ACTION PROGRESS COMMENTS:**  
 8/10/18 All Kerbside Bins have been delivered to the Villages. Waste education sessions along with community consultation sessions have occurred between July and September.  
 First kerbside collections occurred on 5 October 2018  
 Last Updated: 14-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.3.2 Trial alternative landfill covers for the benefit of cost reduction	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	28-Feb-2019	50.00%	66.66%	 AMBER


**ACTION PROGRESS COMMENTS:**  
 8/10/18 Contact has been made with a number of suppliers of alternative landfill cover systems. The suppliers do not provide trial units of their equipment.  
 A cost benefit analysis is now being undertaken to identify if such equipment would prove to be financially viable at Bombala. Each of the units are quite expensive.  
 5/12/18 Quotes have been obtained from 2 suppliers of alternative landfill cover equipment. A cost benefit analysis is now being undertaken to identify if any such alternatives would be beneficial at one or more of SMRC's landfills. It is not expected that such a unit would be financially viable at Bombala. I report is anticipated to be presented to the 31 January 2019 Waste Committee Meeting.  
 Last Updated: 05-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.3.3 Trial compactable litter bins	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	31-Dec-2018	75.00%	100.00%	 AMBER

**ACTION PROGRESS COMMENTS:**  
 8/10/18 Work has not commenced on this project due to restricted resources in the department. Whilst there will be a delay to the completion date of this project it is expected that the project can still be completed by early next year.

5/12/18 Quotes have been received from 2 suppliers to undertake a trial of the compactable litter bins. SMRC have also had discussions with two other councils which have installed each different unit. The general conscientious is that in regional areas the units are problematic and require frequent cleaning and repairs. A report will be presented to the 31 January 2019 Waste Committee on the potential trial.

Last Updated: 14-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
7.2.3.4 Investigate expansion of organic composting and marketing	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	31-Mar-2019	65.00%	66.66%	 GREEN

**ACTION PROGRESS COMMENTS:**  
 8/10/18 Work has not commenced on this project due to restricted resources in the department. Whilst there will be a delay to the completion date of this project it is expected that the project can still be completed next year.


5/12/18 A RFQ has been issued to engage a consultant to identify options to SMRC for organics composting. It is anticipated that a consultant will be engaged mid December 2018.

14/12/18 The RFQ process has been completed. An assessment has been undertaken on the responses received and a recommendation has been made on the preferred contractor. This project is on track and expected to be completed by the end of March 2019.

Last Updated: 14-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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7.2.3.5 Investigate future options of Jindabyne Landfill	Patrick Cannon - Group Manager Resource and Waste Management	In Progress	01-Jul-2018	28-Feb-2019	60.00%	66.66%	 GREEN
<p><b>ACTION PROGRESS COMMENTS:</b>                  8/10/18 Work has not commenced on this project due to restricted resources in the department. Whilst there will be a delay to the completion date of this project it is expected that the project can still be completed next year.</p> <p>5/12/18 Consultants have been engaged to investigate the future options of Jindabyne Landfill. It is expected that a report will be completed in late January/Early February 2019                  Last Updated: 05-Dec-2018</p>							


**8 Environment: Our built infrastructure is attractive and fit for purpose**

**8.1 Plan for rural, urban and industrial development that is sensitive to the region's natural environment and heritage**

**8.1.1 New development and land use is facilitated in appropriate locations with areas of environmental value protected**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.1.1.1 Prepare a Settlement Strategy	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	25.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Sept - Preparation of a Discussion Paper that will assist with the preparation of the Settlements Strategy is currently underway.                  Dec - A draft Discussion Paper is close to completion and will be workshopped with Councillors in January prior to being reported to Council in February ahead of public exhibition. The feedback from the discussion paper will feed into preparation of the Settlement Strategy, which it is now anticipated will be completed in the second half of 2019.                  Last Updated: 04-Jan-2019</p>							


**8.1.2 Land use is optimised to meet the social, environment and economic needs of the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.1.2.1 Prepare a Rural Land Use Strategy	Mark Adams - Group Manager Economic Development & Tourism	In Progress	01-Jul-2018	30-Apr-2019	25.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                  Sept - Preparation of a Discussion Paper that will assist with the preparation of the Rural Land Use Strategy is currently underway.</p>							

Dec - A draft Discussion Paper is close to completion and will be workshopped with Councillors in January prior to being reported to Council in February ahead of public exhibition. The feedback from the discussion paper will feed into preparation of the Rural Land Use Strategy, which it is now anticipated will be completed in the second half of 2019.

Last Updated: 04-Jan-2019


**8.1.3 Development assessment processes are streamlined to support regional development and growth**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.1.3.1 Review and update policies and procedures for development and building certification assessment processes	John Gargett - Group Manager Development & Building Certification	In Progress	01-Jul-2018	30-Jun-2019	75.00%	50.00%	

**ACTION PROGRESS COMMENTS:**

Staff currently reviewing and updating of policies and procedures during reporting period. Council adoption resolved for development of a "Best Practice Guide" and key process amendments to assist in processing of development applications. Review and updating of policies and procedures on-going in line with legislative requirements.

Last Updated: 30-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.1.3.2 Develop and implement a procedure to collect building and certification data to meet a new requirements under Building Professionals Act	John Gargett - Group Manager Development & Building Certification	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	

**ACTION PROGRESS COMMENTS:**


Council has developed and is implementing collection of building and certification data in line with legislative requirements via a mobile app IT platform. Initial discussions held with the NSW Building Professionals Board representatives undertaken with ideas for improving functionality of app provided to Board. Process working well with new desktop application to be developed by Board.

Last Updated: 04-Jan-2019

**8.2 Improve and maintain our public owned infrastructure and assets and facilities to a high standard**


**8.2.1 Council maximises its Asset utilisation to deliver services today and into the future**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
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8.2.1.1 Formalise a combined Asset Register and hierarchy from the three existing systems, in conjunction with the Corporate Systems Implementation Project	Linda Nicholson - Group Manager Asset Management & Engineering Services	In Progress	01-Jul-2018	30-Jun-2019	70.00%	50.00%	 GREEN
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**ACTION PROGRESS COMMENTS:**  
 Asset registers have been combined into a single register. The register will be formalised during the process of implementing the selected new corporate business system  
 Last Updated: 04-Jan-2019

**8.2.2 Public Infrastructure and Assets are maintained and replaced according to Council's Asset Management Strategy**




ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.2.1 Develop a ten year Cemetery Management Plan	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	31-Mar-2019	75.00%	66.66%	 GREEN




**ACTION PROGRESS COMMENTS:**  
 The Cemetery Management Plan development has commenced through collaboration with the Cemetery Advisory Committee. It is planned for early 2019 to inspect each cemetery with the committee to identify risks, prepare a capital works plan for each cemetery and identify opportunities available for strategic development to complete the plan.  
 Last Updated: 31-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.2.2 The regions three dog pounds improvement program is completed by December 2018	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	31-Dec-2018	75.00%	100.00%	 AMBER


**ACTION PROGRESS COMMENTS:**  
 Upgrade works have been completed at both the Cooma and Berridale dog pounds. Plans for the upgrade of the Bombala Dog Pound located at the Bombala Sewerage Treatment Plant (STP) stalled due to the proposed upgrade of the STP. The upgrade requires the demolition of the Dog Pound to make way for new infrastructure. Quotes have been received for the Bombala dog pound relocation with works to commence early to mid in 2019.  
 Last Updated: 31-Jan-2019

**8.2.3 Stronger Communities Fund project delivers improved community infrastructure and assets through the Major Projects Program (MPP)**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.1 Plan, deliver and evaluate success of Roads and Bridges package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	32.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and in progress with an average of 32% complete. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 20% complete. (EMIBD) Last Updated: 04-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.2 Plan, deliver and evaluate success of Buildings - Upgrades or Modifications package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	23.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and in progress with an average of 23% complete. Many projects have been designed and will be ready for tender to construct. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 20% complete. (EMIBD) Last Updated: 04-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.3 Plan, deliver and evaluate success of Public Health (including cemeteries) package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	57.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and in progress with an average of 57% complete. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 20% complete. (EMIBD) Last Updated: 04-Feb-2019							

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.4 Plan, deliver and evaluate success of Recreational Facilities package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	51.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and in progress with an average of 51% complete. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 20% complete. (EMIBD) Last Updated: 04-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.5 Plan, deliver and evaluate success of Renewable Energy package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	88.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and completed, with the exception of the close out report that is being prepared. This action is therefore 88% complete. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 53% complete. (EMIBD) Last Updated: 04-Feb-2019							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.3.6 Plan, deliver and evaluate success of Streetscape Projects package	Iliada Bolton - Executive Manager Innovation & Business Development	In Progress	01-Jul-2018	30-Jun-2019	24.00%	50.00%	 RED
<b>ACTION PROGRESS COMMENTS:</b> 2018 12 20 - All projects are commenced and in progress with an average of 24% complete, noting that all streetscape projects are at final design and being shared with the community for feedback before construction. (EMIBD)  2018 10 09 - All projects are commenced and in progress with an average of 20% complete. (EMIBD) Last Updated: 04-Feb-2019							


**8.2.4 Provide quality community and aged care services through assets we deliver**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.4.1 Investigate refurbishment grant funding opportunities applicable to Residential Aged Care Facilities.	Bianca Padbury - Group Manager Community Support Services and Aged Care	Completed	01-Jul-2018	30-Jun-2019	100.00%	50.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Council applied for \$1.5M funding in Rural and Regional Infrastructure Grants round and were unsuccessful. At this stage there are no further grant opportunities available. Last Updated: 31-Jan-2019							

**8.2.5 Our public buildings utilise best practice energy and water efficiency**


ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.5.1 Review efficiency of solar heating for swimming pools to be undertaken in conjunction with the Green Team	Glen Hines - Group Manager Facilities Management	In Progress	01-Jul-2018	30-Jun-2019	25.00%	25.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Bombala pool has had a new solar heating system installed. Staff will monitor efficiency across all solar installs and report at the end of the 2018/18 swimming season.  Update 19/12/18 - Bombala performing well. Will collect data and undertake review at end of swimming season. Last Updated: 19-Dec-2018							

**8.2.6 Council's infrastructure is maintained to meet compliance standards and to deliver high level services**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.2.6.1 Develop a plan for the management of weeds on all Council assets.	Gina McConkey - Group Manager Environmental Management	Completed	01-Jul-2018	31-Dec-2018	100.00%	100.00%	 GREEN
<b>ACTION PROGRESS COMMENTS:</b> Review complete and budget allocated within the 2019/2020 budget. Last Updated: 31-Jan-2019							

**8.3 Advocate for a range of suitable housing and accommodation that is available for the changing needs of our community**

**8.3.1 Planning policies facilitate options for a range of housing types**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
8.3.1.1 Council advocate to State and Federal governments for provision of housing that facilitates connecting disadvantaged persons with alternate accommodation	Peter Bascomb - General Manager	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      A scheduled workshop for Councillors was postponed and will be rescheduled in the first quarter of 2019. This workshop will help identify tasks required to meet this action.                      Last Updated: 22-Jan-2019</p>							

**9 Environment: Our community is connected through efficient transportation networks, technology and telecommunications**

**9.1 Transportation corridors throughout the region are improved and maintained**


**9.1.1 Management of road corridors is effective and efficient**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.1.1 Review and prepare a Strategy of Weed Control Contracts	Gina McConkey - Group Manager Environmental Management	In Progress	01-Jul-2018	31-Oct-2018	50.00%	100.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Deferred and expected to be completed by June 2019 prior to the expiry of existing major contracts. An internal review of current contract arrangements is underway. Face to face meetings with contractors is taking place to discuss current contract arrangements with a view to developing a strategy to present to Council.                      Last Updated: 31-Jan-2019</p>							
ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.1.2 Undertake community consultation to determine the frequency of maintenance grading including road prioritisation and methodology.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	30-Jun-2019	46.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**

All Council Unsealed Regional and Collector Roads are scheduled for two (2) maintenance grades per annum; the remainder are maintained once. This equates to 717.95 kilometres of gravel road compared to 1,727.74 across the Region (or 41%) at an estimated cost per maintenance crew at \$1,700 per day or an average of 3 kilometres of gravel road maintained per day. In monetary terms, the annual financial commitment for Unsealed Road Maintenance on Regional and Collector Roads is in excess of \$4M per annum. Following the Strategic Network Analysis (Action 4.3.4.1), it is intended to consult with the community to establish agreed levels of service (i.e. road condition, frequency of maintenance grading and cost) which will then determine what increase, if any, is necessary to implement that agreement.

Last Updated: 13-Dec-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.1.3 Deliver a community education paper on road maintenance and scheduling	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	31-Dec-2018	30.00%	100.00%	 RED


**ACTION PROGRESS COMMENTS:**

The community education paper on road maintenance and scheduling will be released following the Strategic Network Analysis Report. In the interim, weekly maintenance grading schedules are placed on Councils website and on the Mayor's Facebook page. A quarterly maintenance schedule is also published for information.

Given the delay in appointing the Australian Road Research Board to undertake a Strategic Network Analysis of the transportation network and a full report not expected until late March/early April, a community education paper on road maintenance and scheduling will be prepared on current road maintenance strategies.

Last Updated: 13-Dec-2018

**9.1.2 Our local road network is planned, built and repaired to improve movement across the region**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.2.1 Conduct a full review of maintenance practices to determine whether sufficient plant, staff and resources exist to deliver councils maintenance strategy.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	30-Jun-2019	57.00%	50.00%	 GREEN

**ACTION PROGRESS COMMENTS:**


Following 12 months of a Transport and Infrastructure (Operations) structure, approved by the General Manager in June 2017, a review has taken place with Stage 1 being presented to the Executive Leadership Team in September 2018. Stage 2 of the structure review for the Transport & Infrastructure (Operations) group will be submitted in November 2018. The purpose of this review is to ensure staff are situated in positions that allow maintenance and construction strategies to be delivered more efficiently and in a cost effective manner. Once the structure review is complete i.e. by December 2018, a review of equipment, plant and heavy plant will be conducted to ensure maintenance and construction staff are resourced to levels that support annual works schedules and budgets.

The stage 1 structure review has now passed through a 28 day consideration period by USU and tabled in front of Council's Consultative Committee for comment. Having received




nothing to suggest the implementation of stage 1 cannot progress, a final report is being prepared for ELT approval. Delays have occurred due to the position of a Works Engineer and concerns regarding the pay grade at which this position was first advertised.  
 The stage 1 review will complete any proposed changes to the maintenance department and provide sufficient staff to deliver councils maintenance strategy. However this structure review has not yet been aligned with work to determine the resources required i.e. heavy plant.  
 Last Updated: 07-Jan-2019

**9.1.3 Land use and transportation corridor planning is integrated to improve decision making and outcomes**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.3.1 Undertake a review of Roads Maintenance Council Contracts (RMCC) and Roads and Maritime Service audit works to identify the impact this has on maintenance of council public roads.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	30-Jun-2019	40.00%	50.00%	 AMBER


**ACTION PROGRESS COMMENTS:**  
 RMS have yet to make a decision of the future of Road Maintenance Council Contracts (RMCC) with Local Government. There is a suggestion that RMS will seek to agree a single RMCC with CRJO, thus avoiding 11 RMCC with individual Councils. However the RMCC for 2018/2019 has a value of \$500,000 and RMS Ordered Works are valued in excess of \$2M; 12% of that comes to Council as profit. In addition, there are staff positions funded through the RMCC and opportunities to use a broader spectrum of construction skills through RMS Ordered Works. The full benefits of any future agreement between RMS and Council through an RMCC or Ordered Works will only be better understood once RMS decides who it wishes to form an agreement with.  
 No further information on the future of RMCC has been received from RMS and Council continues to operate under the 2008 RMCC agreements which do not include state roads through the former Cooma LGA.  
 Last Updated: 07-Jan-2019

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.3.2 Implement recommendations from the Australian Road Research Board (ARRB) Strategic Network Analysis, as relevant to the 2019 financial year.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED


**ACTION PROGRESS COMMENTS:**  
 Recommendations from the Strategic Network Analysis will be implemented once the report is received, which is expected in February 2019.  
 The results of the Strategic Network Analysis Tender were presented to Council for approval at the meeting of 6 December 2018. The Australian Road Research Board were appointed as the successful tenderer and a confirmation letter was sent from council on 8 December. An analysis of the network is expected to commence in January 2019 with the results and report to council in late March, early April 2019.

Last Updated: 13-Dec-2018


**9.1.4 Council's transportation strategy identifies initiatives that improve and maintain the region's transportation networks including public transport, vehicles, bikes and pedestrians**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.4.1 Create a discussion paper on quality control methodologies for road construction contracts inline with existing Roads and Maritime Service quality control documents.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	Not Started	01-Jul-2018	31-Jan-2019	0.00%	66.66%	 RED

Last Updated: 22-Jun-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.4.2 Review and implement initiatives from the Transport and Infrastructure Asset Management Plan, relevant to the 2019 financial year.	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	Not Started	01-Jul-2018	30-Jun-2019	0.00%	50.00%	 RED

Last Updated: 22-Jun-2018

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.1.4.3 Implement the recommendations from the Transport and Infrastructure Deep Dive, as applicable to the 2019 financial year	Gary Shakespeare - Group Manager Transport Infrastructure (Operations)	In Progress	01-Jul-2018	30-Jun-2019	55.00%	50.00%	 GREEN


**ACTION PROGRESS COMMENTS:**

A review of the Deep Dive Service Review (dated June 2017) is currently underway between Transport & Infrastructure and Innovation & Business Development. The purpose of this review is to determine what Key Findings and Proposed Actions remain relevant given the Deep Dive was conducted prior to release on the Organisational Structure which separated Road Maintenance/Construction from Fleet & Plant. In addition, the expected delivery of a Corporate System that allowed Asset Management, Financial Management and Works & Assets to be integrated and therefore record intervention levels through work orders has been delayed and some of the Actions cannot be delivered until a Corporate System has been implemented. The review is set to finalise around December 2018.

Last Updated: 13-Dec-2018


**9.2 Transportation initiatives are aligned to State and neighbouring local government areas plans**

**9.2.1 Council leverages partnerships for inclusion of our transportation initiatives within state and regional planning**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.2.1.1 Council to advocate and leverage partnerships for inclusion of our transport initiatives that have been captured with in state and regional planning	Peter Bascomb - General Manager	In Progress	01-Jul-2018	30-Jun-2019	30.00%	50.00%	 RED
<p><b>ACTION PROGRESS COMMENTS:</b>                      Council is an active participant in a number of groups that help leverage its advocacy role. Most notable among these is the Canberra Region Joint Organisation that has had considerable success in making representations to State and Federal ministers regarding the freight task in the region. Council has also made a grant application to address some of the local road asset renewal backlog. No direct work on public transport initiatives to date.</p> <p>Last Updated: 22-Jan-2019</p>							

**9.3 Our region has access to effective telecommunication infrastructure and services**

**9.3.1 Council has worked in partnership with the private sector to take advantage of grant funding opportunities to improve remote area connectivity**

ACTION	RESPONSIBLE PERSON	STATUS	START DATE	END DATE	COMPLETE %	TARGET	ON TARGET %
9.3.1.1 Develop an SMRC prospectus for upcoming State and Federal government elections to advocate for funding.	Peter Bascomb - General Manager	In Progress	01-Jul-2018	31-Dec-2018	80.00%	100.00%	 AMBER
<p><b>ACTION PROGRESS COMMENTS:</b>                      A draft has been prepared after consultation with councillors, but recent funding announcements for identified projects require the draft to be modified, with some alternate projects added and others removed.</p> <p>Last Updated: 22-Jan-2019</p>							



**Snowy Monaro Regional Council**  
**Business as Usual Activities**  
**for the period**  
**July 2018 to December 2018**

### Executive Summary

Council is provided with a six monthly 404 report showing the progress on the actions included in the Delivery and Operational Plan. The full report is included in the Annual Report each year.

This document provides an overview on the other activities undertaken as part of business as usual (BAU) by the respective business units and provides some context on resourcing allocation required just to maintain the everyday functions of Council that on occasion impact the delivery of the Operational actions.

<b>OPERATIONS AND INFRASTRUCTURE</b>	
<b>Transport Infrastructure (Operations)</b>	<ul style="list-style-type: none"> <li>• Accessibility and footpath upgrades in Berridale/Jindabyne</li> <li>• Broadview Bridge Replacement (SCFMPP)</li> <li>• Church Creek Bridge (Delegate Rd) (RRRP)</li> <li>• Cooma Infrastructure Upgrade CBD Stage 3</li> <li>• Culvert extension-Creewah Road</li> <li>• Delegate School of Arts Plaza. (SCFMPP)</li> <li>• Disability parking – Commissioner Street Library</li> <li>• Horsey Swamp Bridge Tantawangalo Road Replacement.</li> <li>• Ironmungie and Jimenbuen Road drainage correction</li> <li>• Jerangle Road Upgrade Stage 2</li> <li>• Jindabyne Boat Ramp Access Upgrade</li> <li>• Jindabyne Kosciusko Rd Median Strip</li> <li>• Leesville Estate Pavement Upgrade (RtoR)</li> <li>• L-Etape preparation</li> <li>• Mattong Bridge Repairs (Mattong Road)</li> <li>• Mittagang Road guardrail Replacement</li> <li>• Parsonage Creek Bridge Replacement (ongoing)</li> <li>• Queanbeyan Bridge Southern Approach Slab Repairs.</li> <li>• Reed Access Upgrade - Lot 2- Delegate Road</li> <li>• Rock Flat Creek Bridge Abutment Reinforcing</li> </ul>

<p><b>Water and Wastewater Services</b></p>	<ul style="list-style-type: none"> <li>• Bombala and Adaminaby STP – Final design Stage – Discussion with EPA is being arranged</li> <li>• Campbell Street Delegate watermain replacement Stewart to Orr St</li> <li>• Delegate WTP intake pump station – REF developed</li> <li>• Emergency work at Jindabyne Nuggets Crossing Roundabout</li> <li>• Fire damage repair to WTP pump shed</li> <li>• Fluoridation for Bombala, Jindabyne and East Jindabyne –tender – closing February 2019</li> <li>• Installation of additional sewer pump at Timor Street Pump Station</li> <li>• S64 DSP developer charges – Tender has been awarded to PWA</li> <li>• Sewer Mains Replacement - Documentation stage</li> <li>• Sludge Dewatering – Cooma STP dewatering</li> <li>• Snowy 1 Reservoir - Initial investigation stage</li> <li>• Water Mains Replacement - Clyde St Jindabyne</li> <li>• Water Mains Replacement - East Jindabyne water supply area</li> <li>• Water Mains Replacement – High and Queen Streets Bombala</li> <li>• Water Mains Replacement – Polo Flat, Cooma</li> </ul>
<p><b>Asset Management and Engineering Services (inc Fleet)</b></p>	<ul style="list-style-type: none"> <li>• Plant replacement program including 2 heavy ridged tipper, new recycling truck and a 12.5 t smooth drum roller</li> <li>• Ongoing maintenance of Council’s and RFS Fleet – over 800 plant and equipment items</li> <li>• Ongoing review and collation of data for the Asset Management Register to allow for a smooth transition to the new corporate system</li> <li>• Improved processes under way to improve assessment times for our development engineers</li> <li>• Supporting the business with our internal survey and design team</li> <li>• Review of our Emergency Operations Centre Standard Operating Procedures</li> <li>• Coordinating Local Emergency Management Committee and Local Rescue Committee quartile meetings</li> <li>• Continuous review of road usage via traffic counters; including a significant study of traffic in the Polo Flat area</li> </ul>
<p><b>Facilities</b></p>	<ul style="list-style-type: none"> <li>• 204 Maybe Street – renovations commenced</li> <li>• 63 Queen St Bombala works to residence and flat</li> <li>• Additional planting for the median strip in Jindabyne</li> <li>• Bredbo Centennial Park Gazebo construction</li> <li>• Bredbo Public Toilet – upgrade of septic system</li> <li>• Cann valley intersection tree planting</li> <li>• Centennial Park Elm tree removal</li> <li>• Dalgety Showground Sheep Pavilion</li> <li>• Delegate Caravan Park refurbishment works on amenities building and installation of Camp Kitchen</li> <li>• Electrical Testing and Tagging and RCD installation - all Council Offices</li> <li>• Fertilising and topdressing of sportsgrounds</li> <li>• Jindabyne Foreshore - Claypits tree removal</li> </ul>

	<ul style="list-style-type: none"> <li>• Lions Park Project</li> <li>• Norris Park toilet</li> <li>• Platypus Reserve project - tables ordered</li> <li>• Playground inspections and maintenance</li> <li>• Repairs to Cooma Saleyards cattle yard gates and toilet amenities</li> </ul>
<b>ENVIRONMENTAL SERVICES</b>	
<b>Resource and Waste Management</b>	<ul style="list-style-type: none"> <li>• Monitoring Councils Domestic and Commercial Collection Services</li> <li>• Monitoring Councils Waste Facility Operations</li> <li>• Dealing with Customer Enquiries and Complaints</li> <li>• Preparation of Council/Waste Committee/ELT Reports</li> <li>• Attendance at Waste Committee Meetings</li> <li>• Monitoring of Councils Waste management Contract</li> <li>• Attendance at CRJO Regional Waste Group Meetings/Liaise with Waste Staff from other Council regions</li> <li>• Participation in Tender/procurement processes</li> <li>• Waste Facility Site Visits</li> <li>• Investigate waste management business improvement opportunities</li> <li>• Attendance at Council workshops/meetings</li> <li>• Attendance at EMT/ELT meetings</li> <li>• Monitor department staff/leave arrangements</li> <li>• Facilitate Department staff education sessions/activities</li> <li>• Facilitate Staff Training</li> <li>• Facilitate/Monitor Capital Works Projects</li> <li>• Preparation and Monitoring of Department Budgets</li> <li>• Assist development of Councils annual report, DP, OP, Revenue Policy and Fees and Charges</li> <li>• Preparation and review of department media releases</li> <li>• Assist/monitor Department Community Surveys</li> <li>• Participate in Community Meetings/Events</li> <li>• Negotiate Contract Outcomes to the Benefit of Council</li> <li>• Develop/Manage Grant Funding applications</li> <li>• Participate in Staff Recruitment Processes</li> <li>• Provide written submissions/advice to State and Federal Government departments relative to Waste management</li> <li>• Provide professional advice to relevant parties</li> <li>•</li> </ul>

<p><b>Environmental Management</b></p>	<p><b>Public Health &amp; Environment</b></p> <ul style="list-style-type: none"> <li>• Group Manager Environmental Management has been endorsed to sit on the NSW Food Regulation forum</li> <li>• On-Site Sewage Management commenced in November</li> <li>• On-Site Sewage Management inspections being undertaken on 44 Council assets</li> <li>• On-Site Sewage Management Inspections on private property commenced in December</li> <li>• Over 100 Food Premises inspections out of the 240 for this financial year already completed</li> </ul>
	<p><b>Ranger Services</b></p> <ul style="list-style-type: none"> <li>• Completion of the refurbishment of Cooma Dog Pound</li> <li>• Completion of upgrades and solar at the Berridale Dog Pound</li> <li>• Completion of the drafting of new Impounding Procedures for Stock, Vehicles, Dogs and Cats and Shopping Trolleys</li> <li>• Increased number of instances of Dog Attacks on stock reported over the last 6 months</li> <li>• Noticed reduction in the impoundment of dogs</li> <li>• 50% increase in the number of abandoned vehicles on our streets and roads.</li> </ul>
	<p><b>Cemetery Services</b></p> <ul style="list-style-type: none"> <li>• Numerous projects within the cemeteries are currently underway or completed</li> <li>• A notable large project to the value of \$60 000 has been the removal and maintenance of high risk trees within the cemeteries</li> <li>• New information boards have been installed at each cemetery to inform visitors</li> <li>• Rabbit control has been completed at both Boloco and Moonbah cemeteries with rehabilitation of the affected areas now complete.</li> </ul>
	<p><b>Biosecurity Weeds Services</b></p> <ul style="list-style-type: none"> <li>• Biosecurity weeds team are busy undertaking routine scheduled inspections</li> <li>• Councils Biosecurity Extension Officer has undertaken numerous 'Rural Living Sessions' over the last six months</li> <li>• An information session with the Agricultural students at Jindabyne Central School</li> <li>• Further information sessions will be co-ordinated for Bombala and Monaro High Schools</li> <li>• Successful Grant Funding for the surveillance of Hawkweed which enabled the purchase of a Drone and the funds to undertake surveillance days</li> <li>• Councils roadside weed spraying program is well underway</li> </ul>
<p><b>Development and Building Certification</b></p>	<ul style="list-style-type: none"> <li>• Liaising and management of Heritage Places Grant Program</li> <li>• Liaising and management of Heritage Advisors Grant Program</li> <li>• Development Application assessment of 217 applications lodged between 1<sup>st</sup> July 2018 – 30<sup>th</sup> December 2018 including Council report preparation for business papers and site inspections</li> <li>• Development Application pre-lodgement meetings undertaken with applicants both on site and in office</li> <li>• Lodgement, assessment and issuing of 622 Planning 10.7 (s149) Certificates</li> </ul>



	<ul style="list-style-type: none"> <li>• Lodgement, assessment and issuing of drainage diagrams and outstanding order and notices advice</li> <li>• Lodgement, assessment and issuing of property information requests</li> <li>• General Development and Building Certification face to face and phone enquiries</li> <li>• Construction Certificate Application assessment of 65 applications lodged between 1<sup>st</sup> July 2018 – 30<sup>th</sup> December 2018</li> <li>• Local Government Application Plumbing and Drainage/OSSM/Transportable Home assessment of 141 applications lodged between 1<sup>st</sup> July 2018 – 30<sup>th</sup> December 2018</li> <li>• Sub-division certificate application assessment of 33 applications lodged between 1<sup>st</sup> July 2018 – 30<sup>th</sup> December 2018</li> <li>• Undertaken over 450 individual progress construction inspections of development including plumbing and drainage works</li> <li>• Development of “Easy to do business program” in consultation with NSW Government</li> <li>• Preparation of grant submission for 2019/2021 Community Heritage Grants - Small Heritage Grants Program and Local Heritage Advisor Service</li> <li>• Investigate and consultation with NSW State Government Department of Planning and Environment ePlanning Program for on-line DA services and Online Concurrence and Referral Service</li> <li>• Recruitment of vacant positions in line with Adopted Organisational Structure and on-board training program</li> <li>• Development of Guide to Development in the Snowy Monaro Region and associated actions</li> </ul>
<p><b>Economic Development and Tourism</b></p>	<p><b>Strategic Land Use Planning</b></p> <ul style="list-style-type: none"> <li>• Prepared a Discussion Paper into strategic land use planning issues in the region</li> <li>• Assessed and reported to Council a Planning Proposal at 461 Barry Way, Jindabyne</li> <li>• Conducted preliminary assessment of a Planning Proposal at 218 Barry Way, Jindabyne</li> <li>• Liaised with the Office of Environment and Heritage</li> <li>• Finalised the former Bombala Shire Heritage Study</li> <li>• Participating in and assisting the Department of Planning in the ‘Go Jindabyne’ project</li> <li>• Preparing amendments to existing Development Control Plans</li> </ul>
	<p><b>Economic Development</b></p> <ul style="list-style-type: none"> <li>• Ran three ‘Business Boost’ workshops in Small Business Month (October) in Cooma, Bombala and Jindabyne</li> <li>• In process of organising the 2019 Snowy Monaro Business Awards in conjunction with the local Chambers</li> <li>• Liaising with the DPC in relation to the international trade mission to the region in February &amp; preparing visitor information packs</li> <li>• Investigating the local feral deer meat industry and opportunities</li> <li>• Liaising with Chambers of Commerce throughout the region</li> <li>• Following up with grant opportunities and potential new projects</li> <li>• Keeping in touch with Snowy 2.0 and other major new developments in the region to understand economic impact</li> </ul>

	<p><b>Recreation Planning</b></p> <ul style="list-style-type: none"> <li>• Working with NPWS on the Thredbo Valley Trail through Gaden Trout Hatchery</li> <li>• Preparing a concept design for Jindabyne Shared Trail around Lake Jindabyne</li> <li>• Preparing a detailed design for the Lions Park to Murrumbidgee Reserve bike path</li> <li>• Applying for grant funding for various projects</li> <li>• Construction of new bike paths at Mount Gladstone</li> <li>• Preparing the consultants brief for the Monaro Rail Trail report</li> <li>• Participating in the Project Reference Group for the Monaro High School upgrade</li> </ul> <p><b>Community Development</b></p> <ul style="list-style-type: none"> <li>• Organising and chairing the Monaro Regional Housing Forum</li> <li>• Implementing the Disability Action Plan</li> <li>• Liaising with Ngarigo elders and others in the indigenous community</li> <li>• Liaising with various social groups in the community</li> <li>• Investigation and networking into the closure of Active Achievers in Cooma</li> </ul> <p><b>Youth Development</b></p> <ul style="list-style-type: none"> <li>• Providing school holiday programs and activities</li> <li>• Chairing the Monaro Regional Youth Interagency forum</li> <li>• Organising the Youth Council</li> <li>• Delivering workshops to youth in liaison with local service providers and schools</li> <li>• Running a drop in centre at Cooma Hub</li> </ul> <p><b>Tourism and Events</b></p> <ul style="list-style-type: none"> <li>• Running the Cooma and Bombala Visitors Centres</li> <li>• Liaising with community groups in relation to Australia Day</li> <li>• Participating in the TSM Board</li> <li>• Maintaining the Snowy Guide App</li> <li>• Organising various marketing initiatives throughout the region</li> <li>• Maintaining social media content in relation to tourism in the region</li> </ul>
<p><b>CORPORATE AND COMMUNITY SERVICES</b></p>	
<p><b>Chief Financial Officer</b></p>	<p><b>Financial Accounting Team</b></p> <ul style="list-style-type: none"> <li>• 2019 Annual Rates Levy</li> <li>• 1<sup>st</sup> quarter Instalment notices</li> <li>• 1<sup>st</sup> Triannual Water notices</li> <li>• Sundry debtors invoicing as required</li> </ul>

	<ul style="list-style-type: none"> <li>• Sundry debtors monthly statements</li> <li>• Processing of supplier invoices and payments</li> <li>• Consolidation of accounts payable processing out of 1 system</li> </ul> <p><b>Management Accounting Team</b></p> <ul style="list-style-type: none"> <li>• Preparation and lodgement of 2018 annual financial statements on time and on budget</li> <li>• September quarterly budget review</li> <li>• Monthly BAS statements</li> <li>• Monthly Payroll Tax compliance</li> <li>• Internal monthly management reporting development and training</li> <li>• Development of group 2020-2023 budget packs for delivery and operating plan</li> </ul> <p><b>Purchasing</b></p> <ul style="list-style-type: none"> <li>• Co-ordinate Request for Quote (RFQ) processes across the organisation</li> <li>• Co-ordinate Request for Tender (RFT) processes across the organisation</li> <li>• Assist with procurement for the Corporate Information Systems project</li> <li>• Quarterly review of procurement compliance</li> <li>• Maintenance of centralised contract register</li> <li>• Maintenance of inventory at council's 3 stores</li> </ul> <p><b>Systems, Quality Assurance and Grants</b></p> <ul style="list-style-type: none"> <li>• Implementation of electronic plant hire processing</li> <li>• Improved end of month procedures to streamline financial statements preparation and annual audit</li> <li>• Implementation of audit management letter recommendations and improved financial controls</li> <li>• Assist with evaluation of Corporate Information System project submissions</li> <li>• Implementation plan for EFTSure to strengthen fraud protection controls</li> <li>• Customer complaints management reporting and process improvements</li> <li>• Grants activity per quarterly reports to council</li> </ul>
<p><b>People and Culture</b></p>	<p><b>Recruitment</b></p> <ul style="list-style-type: none"> <li>• 35 Internal and 53 external recruitments were completed</li> <li>• 48 of the appointments were in to casual positions</li> <li>• During the period 78 vacant positions with 34 under recruitment</li> <li>• A report proposing expansion of recruitment screening was presented to the Executive Leadership Team in December and is currently implemented</li> <li>• A corporate on line recruitment system was configured during the period – due for launch in April 2019</li> <li>•</li> </ul>

	<p><b>Audit</b></p> <ul style="list-style-type: none"> <li>• The People and Culture team participated in audit processes related to the amalgamation of Councils in NSW in 2016</li> <li>• More than 200 items of documentation were provided to inform a report to be presented to the Auditor General</li> <li>• Payroll Masterfile check reports were developed in conjunction with advice from Council's Senior Internal Auditor</li> </ul>
	<p><b>Induction</b></p> <ul style="list-style-type: none"> <li>• 41 Staff attended group induction training</li> </ul>
	<p><b>Payroll</b></p> <ul style="list-style-type: none"> <li>• Over 400 staff on average were paid each fortnight</li> <li>• The payroll team participated in an internal audit of payroll processes that commenced in November</li> <li>• Reports were provided to the Executive Leadership Team to inform monitoring of excessive leave</li> </ul>
	<p><b>Performance Reviews</b></p> <ul style="list-style-type: none"> <li>• Reports documenting the detail and outcomes of the 2017/2018 annual performance reviews presented to ELT</li> <li>• 98.7% of reviews were completed and further reports provided to inform salary progression outcomes provided</li> </ul>
	<p><b>Staff Survey</b></p> <ul style="list-style-type: none"> <li>• An action plan to address issues of arising from the 2018 Staff Survey was developed</li> <li>• Feedback from Staff Survey was collated with 426 lines of commentary from staff feedback</li> <li>• Presented a draft Action Plan relating to Staff Survey results to Executive Management Team</li> <li>• The draft Staff Survey Action Plan was published, provide to all staff for comment and has since been adopted</li> </ul>
	<p><b>Organisational Restructure</b></p> <ul style="list-style-type: none"> <li>• Provided analysis, advice and recommendations on proposed changes to structure</li> <li>• The Water Wastewater, Transport Infrastructure (Operations) and Resource and Waste Management Business Cases have been adopted by Council</li> <li>• Work has commenced on implementing changes as identified in business cases</li> <li>• Additional information and advice was provided to inform a proposal to restructure the Executive Office</li> </ul>
	<p><b>Health and Wellbeing</b></p> <ul style="list-style-type: none"> <li>• Health and Wellbeing events were provided to staff in the Cooma, Berridale and Bombala</li> <li>• Half day sessions for all staff included a presentations and interactive sessions on health and wellbeing</li> <li>• Held Councils Annual Skin Screening Program, with approximately 156 staff participating</li> </ul>
	<p><b>Staff Issues</b></p> <ul style="list-style-type: none"> <li>• Support for managers was been provided with support including informal advice, mediation and formal disciplinary processes</li> </ul>
	<p><b>WHS</b></p> <ul style="list-style-type: none"> <li>• Evacuation drills were conducted in Council offices across the region</li> </ul>

	<ul style="list-style-type: none"> <li>Alcohol testing continued during the period</li> <li>A workplace inspection guideline was developed and adopted in September</li> </ul> <p><b>Training</b></p> <ul style="list-style-type: none"> <li>Training was provided that took advantage of NSW Government funded training program LG Skills Strategy (VET)</li> <li>Training in Heavy Plant Training (Excavator, frontend loader &amp; load/unload plant) was held – savings of approximately \$15,000 were realised</li> <li>Further funded programs planned for February 2019</li> </ul>
<p><b>Community Support Services and Aged Care</b></p>	<p><b>Community Support Services</b></p> <ul style="list-style-type: none"> <li>Community transport delivered to 512 clients</li> <li>Community transport number of trips 5154 and 162545 kilometres travelled</li> </ul>
	<p><b>Commonwealth Home Support Program (CHSP)</b></p> <ul style="list-style-type: none"> <li>Carers and Carers Relationship delivered to 87 clients</li> <li>2856.50 hours of support Flexible respite in home</li> <li>1130.50 hours of support centre based respite</li> <li>Home Support delivered to 280 clients</li> <li>Domestic Assistance 1152.80 hours of support (Have received growth funding \$17000)</li> <li>Personal Care 97 hours of support</li> <li>Social Support individual 657.75 hours of support</li> <li>Social Support Groups 3695 hours of support</li> <li>Home Modifications \$20407 Dollars spend on modifications (Have received growth funding of \$19519)</li> <li>Home Maintenance 386 hours of support</li> <li>Goods and Equipment 99 Items hired</li> <li>Meals on wheels 3518 meals</li> <li>58 Transport Trips (high intensity)</li> </ul>
	<p><b>Home Care Packages - 44 clients on the books</b></p> <ul style="list-style-type: none"> <li>1 - Level 1</li> <li>23 – level 2</li> <li>9 – Level 3</li> <li>11 – Level 4</li> </ul>
	<p><b>NDIS</b></p> <ul style="list-style-type: none"> <li>30 Clients on the books</li> <li>There has been a large increase in clients in this ½ of the year</li> </ul>
	<p><b>Compacts</b></p> <ul style="list-style-type: none"> <li>26 clients</li> </ul>
	<p><b>Residential Aged Care - Yallambee Lodge</b></p> <ul style="list-style-type: none"> <li>Royal Commission Report 60 pages – completed February 2019</li> </ul>

	<ul style="list-style-type: none"> <li>• Non-compliance matters addressed and working towards completion of a timeframe of improvement</li> <li>• Gardens are being tended too, reticulation being removed and new quotations sought for a new system (ongoing)</li> <li>• Kitchen spring clean – December 2018</li> <li>• Floors buffed and walls spot cleaned – December 2018</li> <li>• NBN installed</li> <li>• New computers set up and attached to SMRC network</li> <li>• Wifi installed</li> <li>• Tidy up of Yallambee site (inside and outside)</li> <li>• Service station site emptied</li> <li>• Business Continuity Plan (commenced with JLT)</li> <li>• New Fire panel installed</li> <li>• New complaints management system implemented</li> <li>• New wound management system implemented</li> <li>• New medication trolleys purchased and implemented</li> <li>• Servicing of call buzzer system and quotations sought for new infrastructure</li> <li>• Review of procurement management</li> <li>• New shifts identified on the roster</li> <li>• Increased frequency of staff meetings to fortnightly</li> <li>• Increased frequency of relative and resident meetings to monthly</li> <li>• Section 355 committee meetings have commenced – charter reviewed</li> <li>• Staff structure review underway</li> <li>• Award review underway</li> <li>• New RN employed</li> <li>• Manager Snowy River Hostel – in capacity of Acting Manager Yallambee Lodge</li> <li>• Jindabyne Steering Committee advertised</li> </ul>
	<p><b>Residential Aged Care - Snowy River Hostel</b></p> <ul style="list-style-type: none"> <li>• Royal Commission Report 60 pages – completed February 2019</li> <li>• Was re-accredited – 44 out of 44 in November 2018</li> <li>• Quotation to maintain gardens are being sought</li> <li>• New oven, instant urn and dishwasher purchased</li> <li>• Wifi installed</li> <li>• Business Continuity Plan (commenced with JLT)</li> <li>• New complaints management system implemented</li> <li>• New wound management system implemented</li> <li>• Review of procurement management</li> </ul>

	<ul style="list-style-type: none"> <li>• Increased frequency of staff meetings to fortnightly</li> <li>• Section 355 committee meetings have commenced – charter reviewed</li> <li>• Staff structure review underway</li> <li>• Award review underway</li> <li>• 2 x RN's employed in capacity of Acting Manager Yallambee Lodge (job sharing)</li> <li>• New Smart TV installed</li> <li>• Resident Phone lines converted to NBN</li> <li>• Resident Wifi enabled</li> </ul> <p>NB: there have been a number of maintenance issues that have been addressed during the past three months across both aged care facilities as a result of ageing infrastructure.</p> <p><b>Library</b></p> <ul style="list-style-type: none"> <li>• A number of Library programs were run over the holiday periods and well attended</li> <li>• May Gibbs exhibition bought to Bombala and Cooma</li> <li>• New internet access points set up at Bombala Community Centre for the Bombala CTC</li> <li>• New Librarian commenced</li> </ul>
<p><b>Governance</b></p>	<p><b>Customer Service and Records</b></p> <ul style="list-style-type: none"> <li>• Consolidation of the Customer Service and Records Teams</li> <li>• Recruitment of Team Leader Records and Customer Service</li> <li>• Recruitment of CSO relief role to support resourcing across council</li> <li>• Keeping the doors open and giving the community great customer service has been priority over the last 6 months</li> <li>• Casual Staff Pool training – CSO Relief has been working with casuals so that their knowledge of the business is consistent and up-to-date</li> <li>• Berridale CSO recruitment – secondment ended in December 2018 and recruitment has been through the internal and external process with interviews being held on Friday 1st Feb 2019</li> <li>• Customer Service Charter – review of currently charter for March 2019</li> <li>• Working with internal departments to improve the flow of customer service to either internal or external stakeholders</li> <li>• Working through day boxes and other files to make sure they are ready for destruction and signed off by appropriate managers.</li> <li>• Working on a Records Management Policy and Framework</li> <li>• Team catchup's and site visits where possible to plan destruction of archived documents</li> <li>• Working with internal departments to help them organise their records in conjunction with state archives and their own legislation.</li> </ul>

	<p><b>ICT</b></p> <ul style="list-style-type: none"> <li>• Migrated Bombala office users to Microsoft Lync (Skype for Business) replacing 20 year old Commander PABX analogue telecommunication system in the process</li> <li>• Migrated Bombala users from the Bombala Exchange server to the SMRC Exchange server, allowing the decommissioning of one of the three separate exchange server environments</li> <li>• Extended Council's MPLS network to include the Bombala Office, Yallabee Hostel, enabling all network resources to be accessible to users in those locations</li> <li>• Completed infrastructure installation for extending Council's MPLS network for Werri Nina Centre, Cooma Visitor Centre, Bombala Library and Bombala HACC, awaiting final provisioning</li> <li>• Rolled out 20 new laptops and 20 desktops across the organisation.</li> <li>• Relocated the Bombala CTC and rearranged the IT resources layout in the Bombala library</li> </ul> <p><b>Corporate Governance</b></p> <ul style="list-style-type: none"> <li>• New Manager Corporate Governance appointed</li> <li>• Completed the 2018 Financial Year Annual Report</li> <li>• Facilitated 13 Council meetings during July to December 2018</li> <li>• Recruited some vacant positions while supporting new processes</li> </ul>
<h2>EXECUTIVE SERVICES</h2>	
<p><b>Innovation and Business Development</b></p>	<p><b>Business Development</b></p> <ul style="list-style-type: none"> <li>• Business Partnerships with all groups to identify, research and assist with continuous improvement initiatives and projects</li> <li>• Environmental Scanning and trend monitoring</li> <li>• Build organisational capability through learning sessions, workshops and one-on-one training sessions</li> <li>• Review progress of previous project outcomes (service reviews)</li> <li>• Local Government Excellence Program</li> <li>• Develop service delivery frameworks</li> <li>• Provide assistance to develop business cases and project management plans for operational service innovation projects</li> <li>• Process mapping</li> <li>• Administration and reporting of internal and external audit outcomes/recommendations</li> <li>• Regular and systematic reporting to internal and external stakeholders on team project progress</li> <li>• Implementation of evidence based leadership (EBL) team strategy to achieve SMRC vision and IPR</li> <li>• Continuous learning and professional development of all team members</li> <li>• Extensive Service Reviews</li> </ul>



	<p><b>Project Management</b></p> <ul style="list-style-type: none"> <li>• Major Projects Program – Delivery, reporting and evaluation</li> <li>• Organisational Project Management Framework</li> <li>• Internal capital works projects</li> </ul>
	<p><b>Risk Management</b></p> <ul style="list-style-type: none"> <li>• Build, continuously improve and provide independent oversight and advice on ERM framework and compliance management (ongoing)</li> <li>• Develop and maintain tools, templates, software and guidelines</li> <li>• Support collection and capture of business continuity data and information</li> <li>• Identify, recommend, monitor and report on risk management</li> <li>• Provide assistance and advice on a range of risk specific matters</li> <li>• Insurance management</li> <li>• Claims management</li> <li>• Build risk management maturity through information sharing, knowledge and data capture</li> <li>• Facilitate participation in Continuous Improvement Program (Statewide Mutual)</li> <li>• Support People and Culture to implement preferred incident management system</li> </ul>
	<p><b>Internal Audit</b></p> <ul style="list-style-type: none"> <li>• Undertake planned and management instigated audits</li> <li>• Facilitate quarterly ARIC meetings; document and report on outcomes and recommendations</li> </ul>
	<p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>• Facilitate and manage Green Team Committee</li> <li>• Review and report on Planet Footprint data analytics tool</li> <li>• Identify and promote sustainable business practices and opportunities</li> <li>• Manage Sustainable Living Guide on Council’s website</li> </ul>
	<p><b>Transition (Merger)</b></p> <ul style="list-style-type: none"> <li>• Monitor and report on grant funding expenditure and project progress. Complete close out reports for all NCIF and SCF projects</li> </ul>

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



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### 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”

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- 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.

# Policy



<b>Title of Policy</b>	<b>SMRC Code of Conduct</b>		
<b>Responsible Department</b>	Corporate Governance	<b>Document Register ID</b>	250.2016.1.3
<b>Policy Owner</b>	Governance	<b>Review Date</b>	
<b>Date of Council Meeting</b>	21 February 2019	<b>Resolution Number</b>	16/16
<b>Legislation, Australian Standards, Code of Practice</b>	<p>Local Government Act 1993</p> <p>Local Government (General) Regulation 2005</p> <p>Children and Young Persons (Care and Protection) Act 1998</p> <p>Crimes Act 1900</p> <p>Election Funding Act 2018</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Government Information (Public Access) Act 2009</p> <p>Health Records and Information Privacy Act 2002</p> <p>Independent Commission Against Corruption Act 1988</p> <p>NSW Anti-Discrimination Act 1977</p> <p>Ombudsman Act 1976</p> <p>Privacy and Personal Information Protection Act 1998</p> <p>Public Interest Disclosures Act 1994</p> <p>The Ombudsman Amendment (Child Protection and Community Services) Act 1998</p> <p>Work Health and Safety Act 2011</p> <p>Disability Discrimination Act 1992</p> <p>Human Rights and Equal Opportunity Commission Act 1986</p> <p>Racial Discrimination Act 1975</p> <p>Sex Discrimination Act 1984</p> <p>State Records Act 1998</p> <p>Health Privacy Principles</p> <p>Information Protection Principles</p>		
<b>Aim</b>	Snowy Monaro Regional Council endorses the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW Issued by Premier & Cabinet, Division of Local Government, December 2018.		

## **1 Policy Details**

### **1.1 Introduction**

Snowy Monaro Regional Council has a commitment to providing all staff with a common understanding of the professional standards of behaviour required in our work within Council for the Community and as such has also produced guidelines which must be read in conjunction with the Model Code of Conduct.

### **1.2 The Model Code of Conduct**

The *Model Code of Conduct* sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand 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 the integrity of local government.

### **1.3 SMRC Code of Conduct**

The Snowy Monaro Regional Council Code of Conduct includes all clauses from the Model Code of Conduct with the addition of a supplementary clause on Social Media Clause 8.21.

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

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and *Model Code Procedures* respectively.

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

### **1.5 Conduct Reviewer and Conduct Review Panel**

The New Model Code of Conduct 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.

SMRC will seek to use the Canberra Region Joint Organisation (CRJO) reviewer panel in the management of Code of Conduct Complaints.

## **1.6 Complaints Coordinator**

In accordance with the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW, the Complaints Coordinator shall be Council's Public Officer.

### **Documentation**

#### **Model Documents**

The Model Code of Conduct for Local Councils in NSW 2018

Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2018

#### **Supporting Documents**

Model Privacy Management Plan for Local Government

#### **Policies and Procedures**

250.2016.2.1 - Policy - Payment of Expenses and Provision of Facilities for Mayor and Councillors

250.2016.55.2 - Policy - Purchasing and Tendering

250.2016.4.1 - Policy – Communications

250.2016.81.2 - Procedure – Credit/Purchase Card

250.2016.67.1 - Policy – Grievance

250.2017.338.1 - Policy – Public Interest Disclosures (PID) – Internal Reporting

250.2016.174.1 - Policy - Motor Vehicle Leaseback and Private Use

#### **Forms**

250.2016.85.1 - Form – Councillor and Employees Register of Gifts and Benefits

### **Variation**

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

# **Snowy Monaro Regional Council Code of Conduct**

**2019**

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## PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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



## PART 2 DEFINITIONS

In this code the following terms have the following meanings:

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

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local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

### **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 disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power
  - 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*).

### **Fairness and equity**

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

### **Harassment and discrimination**

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

### **Bullying**

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a 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.

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

### **Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - 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**

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

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

### **Binding caucus votes**

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

### **Obligations in relation to meetings**

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

## **PART 4**

## **PECUNIARY INTERESTS**

### **What is a pecuniary interest?**

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

### **What interests do not have to be disclosed?**

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

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

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

### **What disclosures must be made by a designated person?**

4.8 Designated persons include:

- (a) the general manager
- (b) other senior staff of the council for the purposes of section 332 of the LGA

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

4.9 A designated person:

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

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

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

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

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

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

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

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

### **What disclosures must be made by council advisers?**

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.



4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

### **What disclosures must be made by a council committee member?**

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

### **What disclosures must be made by a councillor?**

4.20 A councillor:

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

### **Disclosure of interests in written returns**

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access)*

*Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.*

### **Disclosure of pecuniary interests at meetings**

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
  - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:

- (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## **PART 5**

## **NON-PECUNIARY CONFLICTS OF INTEREST**

### **What is a non-pecuniary conflict of interest?**

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

### **Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

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

### **Political donations**

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

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

5.17 For the purposes of this Part:

- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.

5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

### **Loss of quorum as a result of compliance with this Part**

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and

- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

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

### **Other business or employment**

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

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

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

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

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

### **Personal dealings with council**

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by

council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

## **PART 6**



## **PERSONAL BENEFIT**

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

### **Gifts and benefits**

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient,

manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

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

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

### **Gifts and benefits of token value**

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

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

### **Gifts and benefits of more than token value**

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

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

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

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

### **"Cash-like gifts"**

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

**Improper and undue influence**

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

**PART 7**

## **RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### **Obligations of councillors and administrators**

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

### **Obligations of staff**

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

### Inappropriate interactions

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

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

## **PART 8**

## **ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### **Councillor and administrator access to information**

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

### **Councillors and administrators to properly examine and consider information**

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

### **Refusal of access to information**

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

### **Use of certain council information**

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

### **Use and security of confidential information**

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

### **Personal information**

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

### **Use of council resources**

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.

- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

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

### Council record keeping

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.



- 8.23 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.
- 8.24 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.
- 8.25 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**

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.27 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.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## **PART 9**

## **MAINTAINING THE INTEGRITY OF THIS CODE**

### **Complaints made for an improper purpose**

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

### **Detrimental action**

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

### **Compliance with requirements under the Procedures**

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

- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

### **Complaints alleging a breach of this Part**

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

## **SCHEDULE 1: DISCLOSURES OF 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.

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*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.

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**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.

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**Contributions to travel**

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

**Interests and positions in corporations**

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.



16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

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

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

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

### **Positions in trade unions and professional or business associations**

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

### **Dispositions of real property**

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

### **Sources of income**

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the

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person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

### Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

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

### Discretionary disclosures

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

## **SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21**

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

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

### **Important information**

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

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

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

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

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

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

as at [return date]

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

[councillor's or designated person's signature]

[date]

#### A. Real Property

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

#### B. Sources of income

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

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

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

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applicable)

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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]*

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#### C. Gifts

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Description of each gift I received at any time since 30 June	Name and address of donor
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#### D. Contributions to travel

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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
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#### E. Interests and positions in corporations

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

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#### G. Positions in trade unions and professional or business associations

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

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H. Debts

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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

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I. Dispositions of property

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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

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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

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J. Discretionary disclosures

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### **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 <i>[Tick or cross one box.]</i>	<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 <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<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 <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

<sup>1</sup> 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.

<sup>2</sup> 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.

<p>Proposed change of zone/planning control  <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i></p>	
<p>Effect of proposed change of zone/planning control on councillor or associated person  <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i></p>	

*[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]

# Model Code of Conduct

for Local Councils  
in NSW

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2018



**MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

2018

**ACCESS TO SERVICES**

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# Part 1: Introduction

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

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

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

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

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

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

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

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

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

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

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



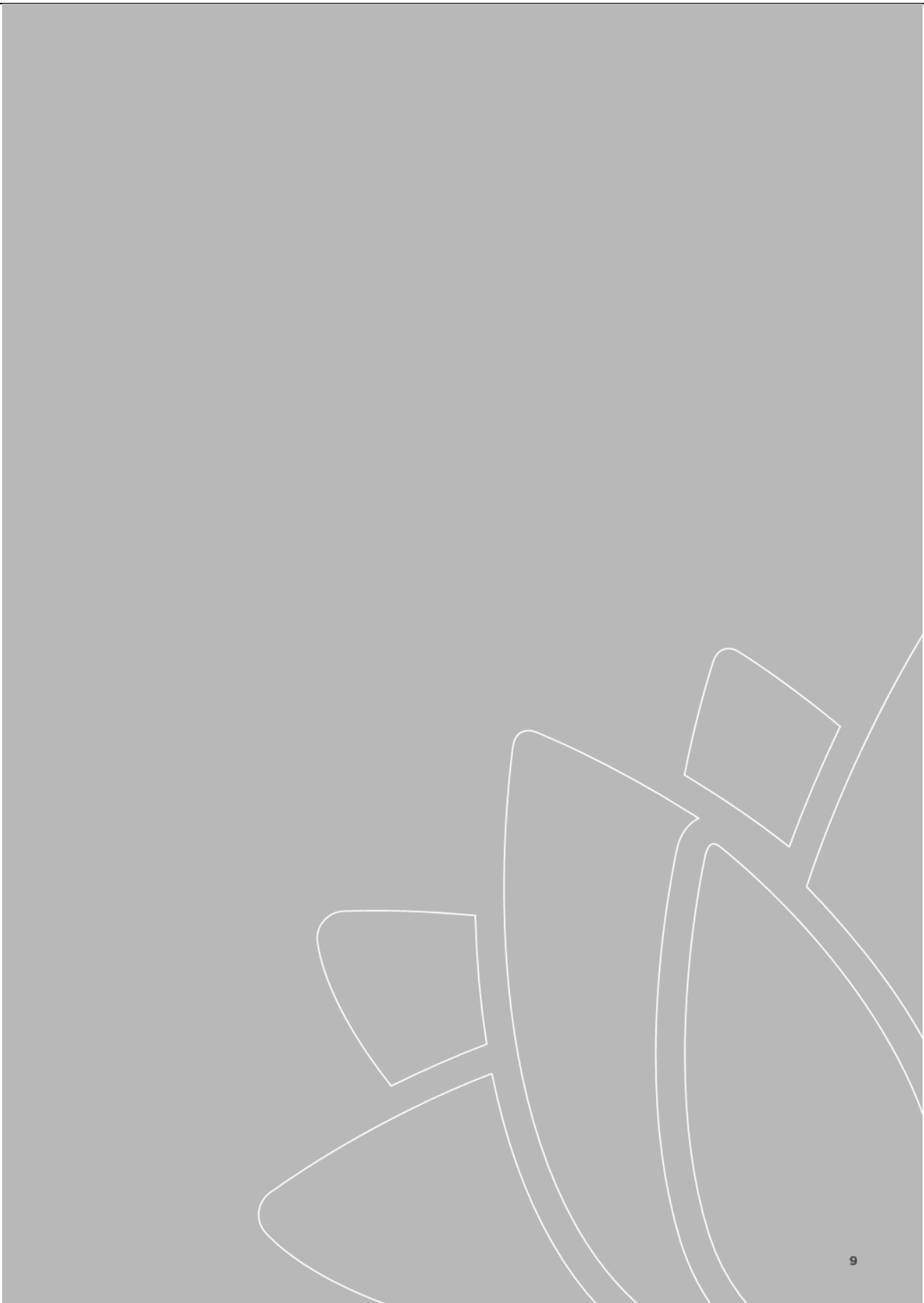
## Part 2: Definitions

In this code the following terms have the following meanings:

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

Model Code of Conduct for Local Councils in NSW

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



**Part 3:**  
**General Conduct**  
**Obligations**

---

## General conduct

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

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## Fairness and equity

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

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## Harassment and discrimination

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

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## Bullying

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

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

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## Work health and safety

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

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## Land use planning, development assessment and other regulatory functions

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

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

### Binding caucus votes

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

### Obligations in relation to meetings

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



## Part 4: Pecuniary Interests

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## 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.

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## What interests do not have to be disclosed?

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

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

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## What disclosures must be made by a designated person?

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

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

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## 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:
- must prepare and submit written returns of interests in accordance with clause 4.21, and

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

Pecuniary Interests

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

### Disclosure of pecuniary interests at meetings

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

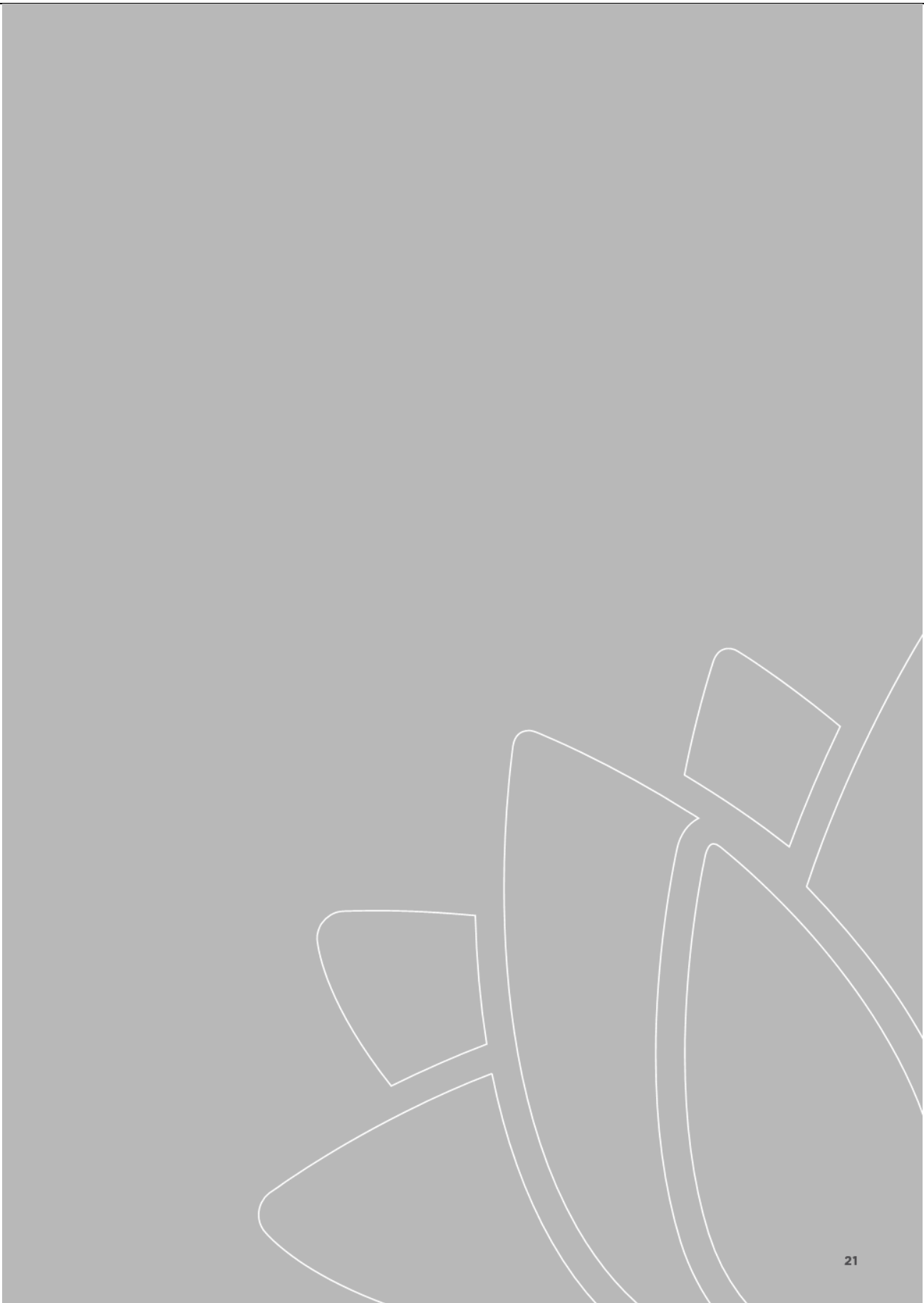
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or 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.

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





**Part 5:**  
**Non-Pecuniary Conflicts  
of Interest**

## What is a non-pecuniary conflict of interest?

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

## Managing non-pecuniary conflicts of interest

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

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

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

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

## Political donations

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

## Loss of quorum as a result of compliance with this Part

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

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- 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.

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## Other business or employment

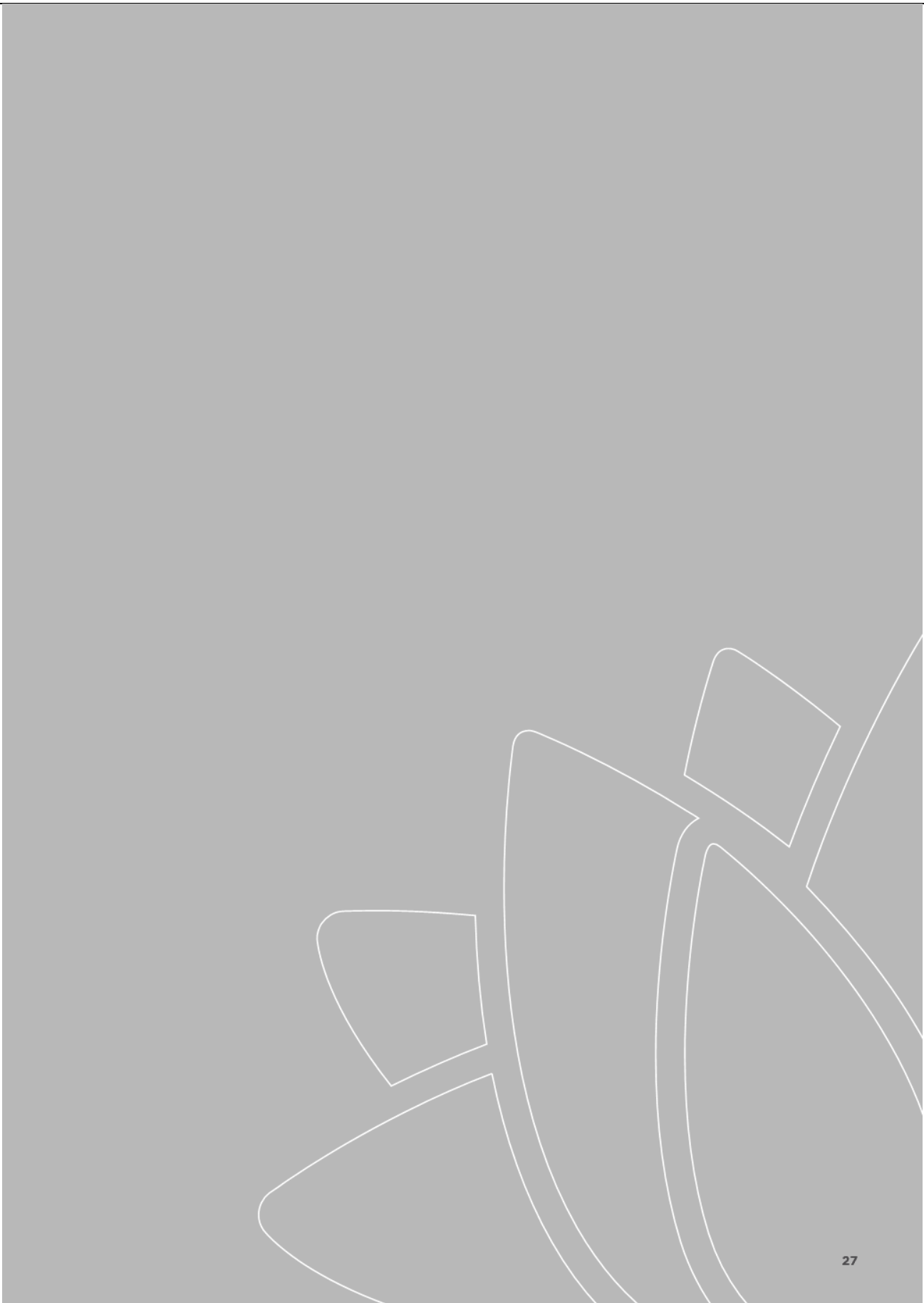
- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business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

- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

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## 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.

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## 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.

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## 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:
- the nature of the gift or benefit
  - the estimated monetary value of the gift or benefit
  - the name of the person who provided the gift or benefit, and
  - 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:
- invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - gifts of alcohol that do not exceed a value of \$50
  - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - 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.

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### **“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.

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### **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

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## Obligations of councillors and administrators

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

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

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## Obligations of staff

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

## Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
  - f) councillors and administrators being overbearing or threatening to council staff
  - g) council staff being overbearing or threatening to councillors or administrators
  - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
  - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
  - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.



## Part 8: Access to Information and Council Resources

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## 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.

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## 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.

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## 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.



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## 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.

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## 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).

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## 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

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## Use of council resources

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

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

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

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## Internet access

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

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## Council record keeping

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

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## Councillor access to council buildings

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



**Part 9:**  
**Maintaining the Integrity**  
**of this Code**

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## 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.

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## Detrimental action

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

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## 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.

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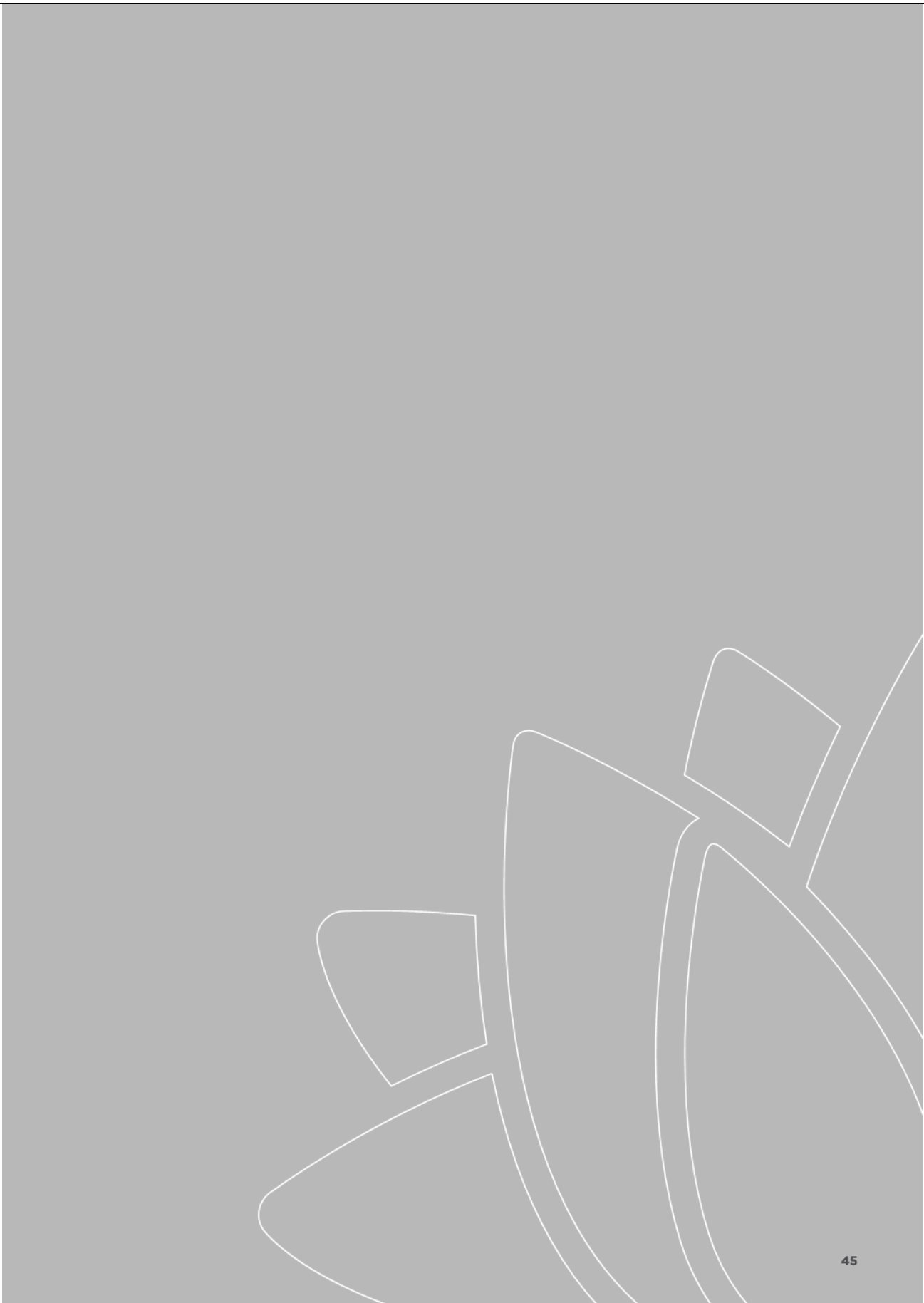
### **Disclosure of information about the consideration of a matter under the Procedures**

- 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*.

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### **Complaints alleging a breach of this Part**

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





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

## Part 1: Preliminary

### Definitions

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

*address* means:

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

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

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

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

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

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

*interest* means:

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

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

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

## Matters relating to the interests that must be included in returns

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

## Part 2: Pecuniary interests to be disclosed in returns

### Real property

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

### Gifts

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

### Contributions to travel

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

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

## Interests and positions in corporations

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

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## 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*.

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## 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.

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## 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.

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## Sources of income

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

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

---

## Debts

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

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

---

## Discretionary disclosures

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



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

---

## ‘Disclosures by councillors and designated persons’ return

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

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

---

## Important information

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

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

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

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

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

Model Code of Conduct for Local Councils in NSW

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

as at *[return date]*

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

*[councillor's or designated person's signature]*

*[date]*

**A. Real Property**

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

**B. Sources of income**

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

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

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

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

Sources of income I received from a trust since 30 June

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

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

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

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

**C. Gifts**

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

**D. Contributions to travel**

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

**E. Interests and positions in corporations**

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

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

**G. Positions in trade unions and professional or business associations**

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

**H. Debts**

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

**I. Dispositions of property**

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

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

**J. Discretionary disclosures**

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

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

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

### Important information

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

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

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

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

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

Model Code of Conduct for Local Councils in NSW

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

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

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

to be held on the      day of      20 .

**Pecuniary interest**

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

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

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

**Matter giving rise to pecuniary interest<sup>1</sup>**

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

*[Tick or cross one box]*

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

Current zone/planning control

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

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

---

*Proposed change of zone/planning control*

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

---

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

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

---

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

Councillor's signature

Date

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





Procedures for the  
Administration of

# The Model Code of Conduct

for Local Councils in NSW

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2018



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

2018

**ACCESS TO SERVICES**

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# Part 1: Introduction



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

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

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

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

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

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

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

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

## Part 2: Definitions

Definitions

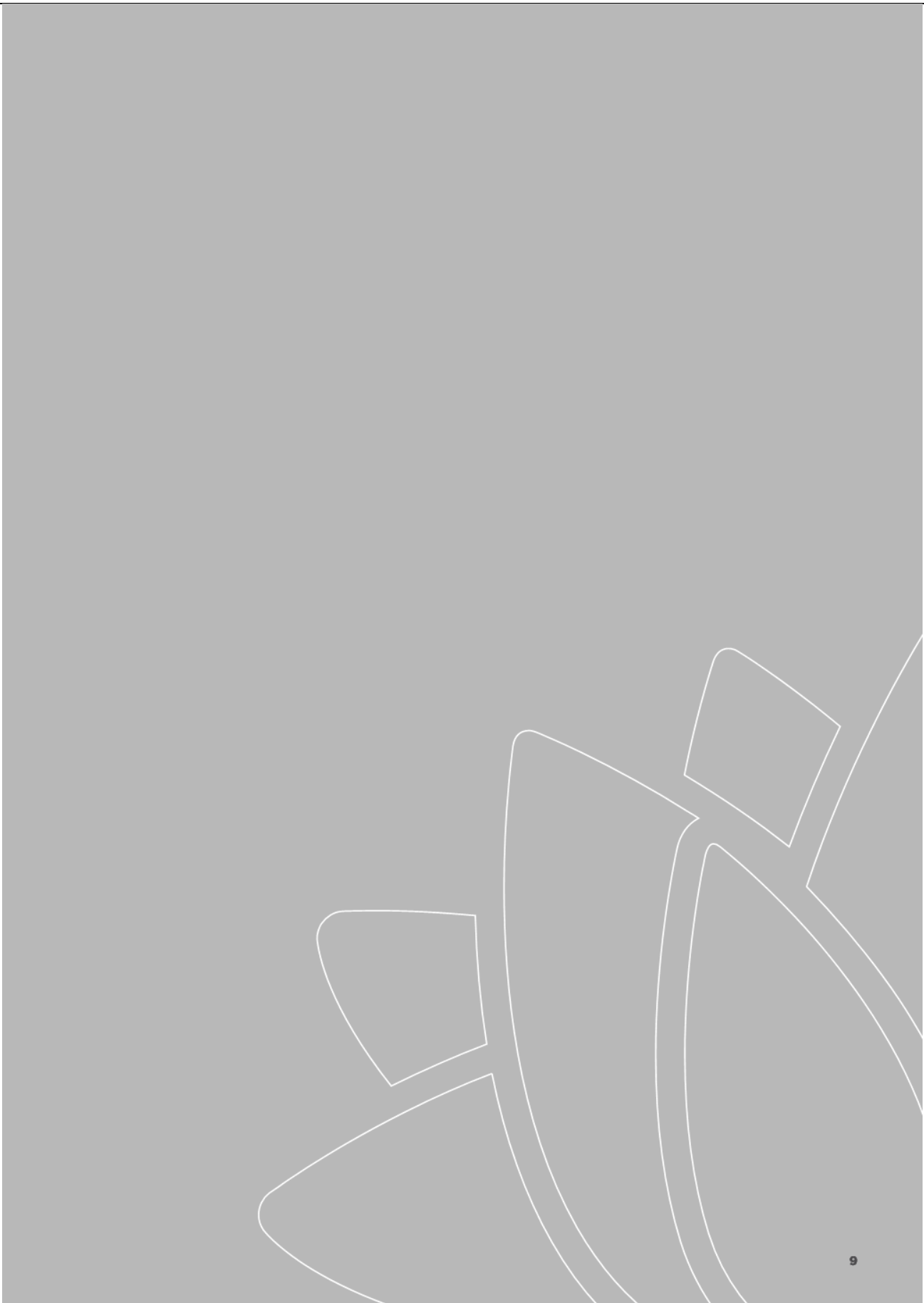
In these procedures the following terms have the following meanings:

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



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

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



**Part 3:**  
**Administrative**  
**Framework**

## The establishment of a panel of conduct reviewers

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

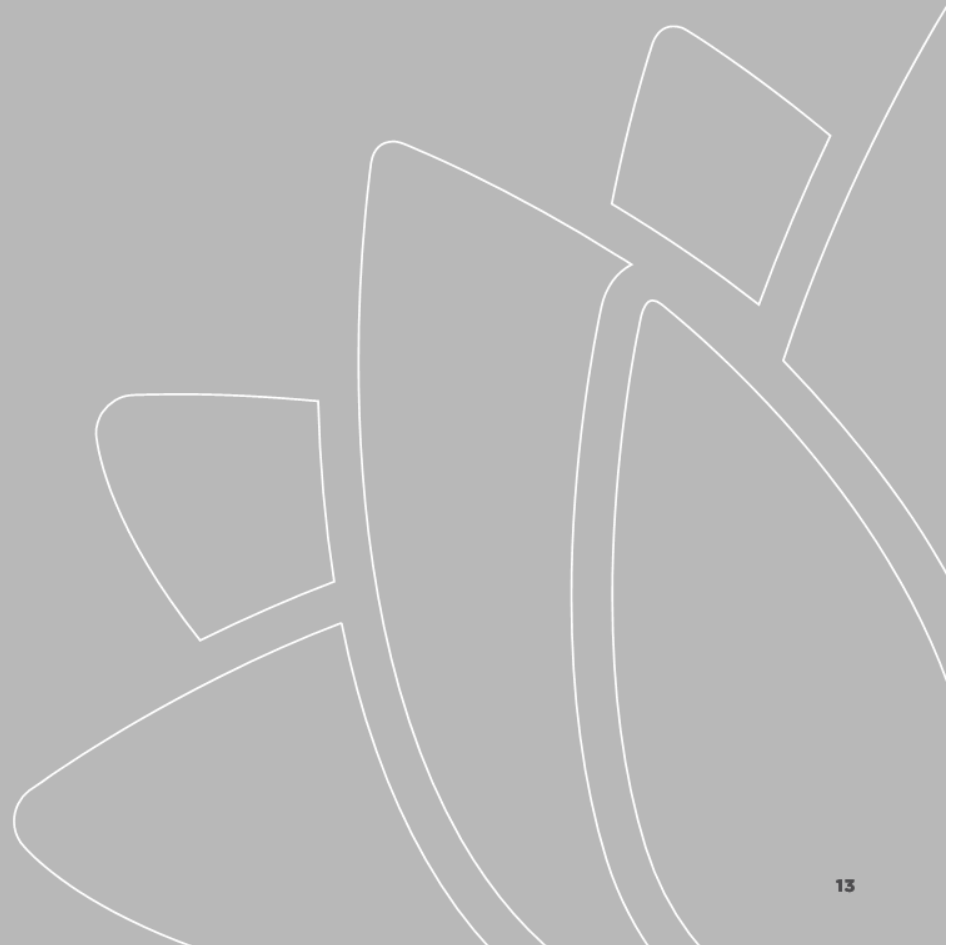
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be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

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

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

### **The appointment of complaints coordinators**

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



**Part 4:**  
**How May Code of Conduct**  
**Complaints be Made?**

---

## What is a code of conduct complaint?

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

---

## When must a code of conduct complaint be made?

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

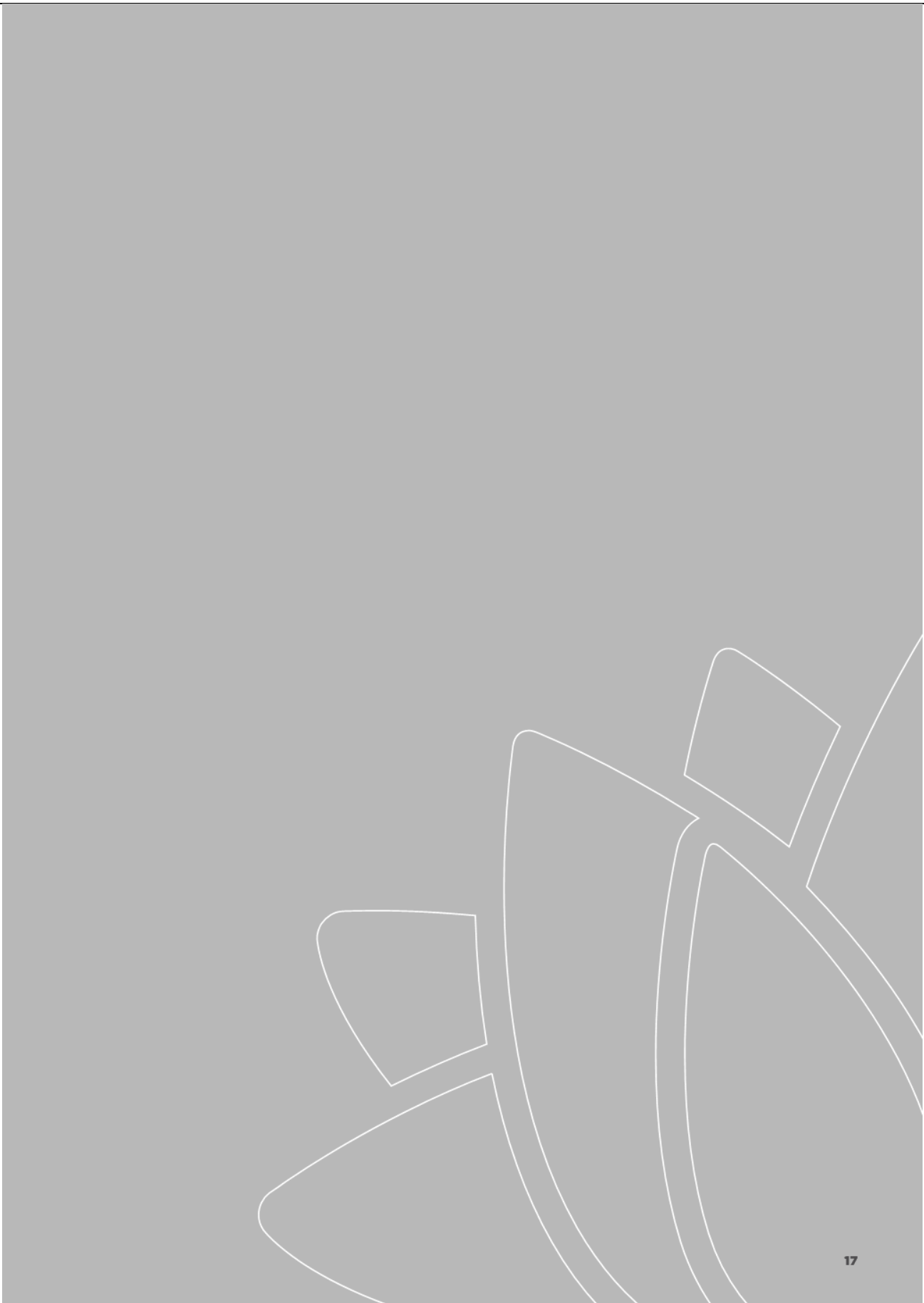


### **How may a code of conduct complaint about a council official other than the general manager be made?**

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

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

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



## Part 5:

# How are Code of Conduct Complaints to be Managed?

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

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

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

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**Consideration of complaints by general managers and mayors**

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

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**What complaints may be declined at the outset?**

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

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

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

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

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

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

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

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

under clause 5.11 where they consider that no action is warranted in relation to the complaint.

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

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

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

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**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.

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

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

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

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

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

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

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

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

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

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### Referral of code of conduct complaints to external agencies

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



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

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### Disclosure of the identity of complainants

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

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

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

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

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

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

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

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### Code of conduct complaints made as public interest disclosures

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

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

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

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

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

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### **Special complaints management arrangements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Referral back to the general manager or mayor for resolution

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

## Complaints assessment criteria

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

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



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

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## What matters may a conduct reviewer investigate?

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

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## How are investigations to be commenced?

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

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- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
  - 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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### 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.

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### How are investigations to be conducted?

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

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

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## 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.

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

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## 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:

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

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

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

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

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### Consideration of the final investigation report by council

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



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



## Part 8:

# Oversight and Rights of Review

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## 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.

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## 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.

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## 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.

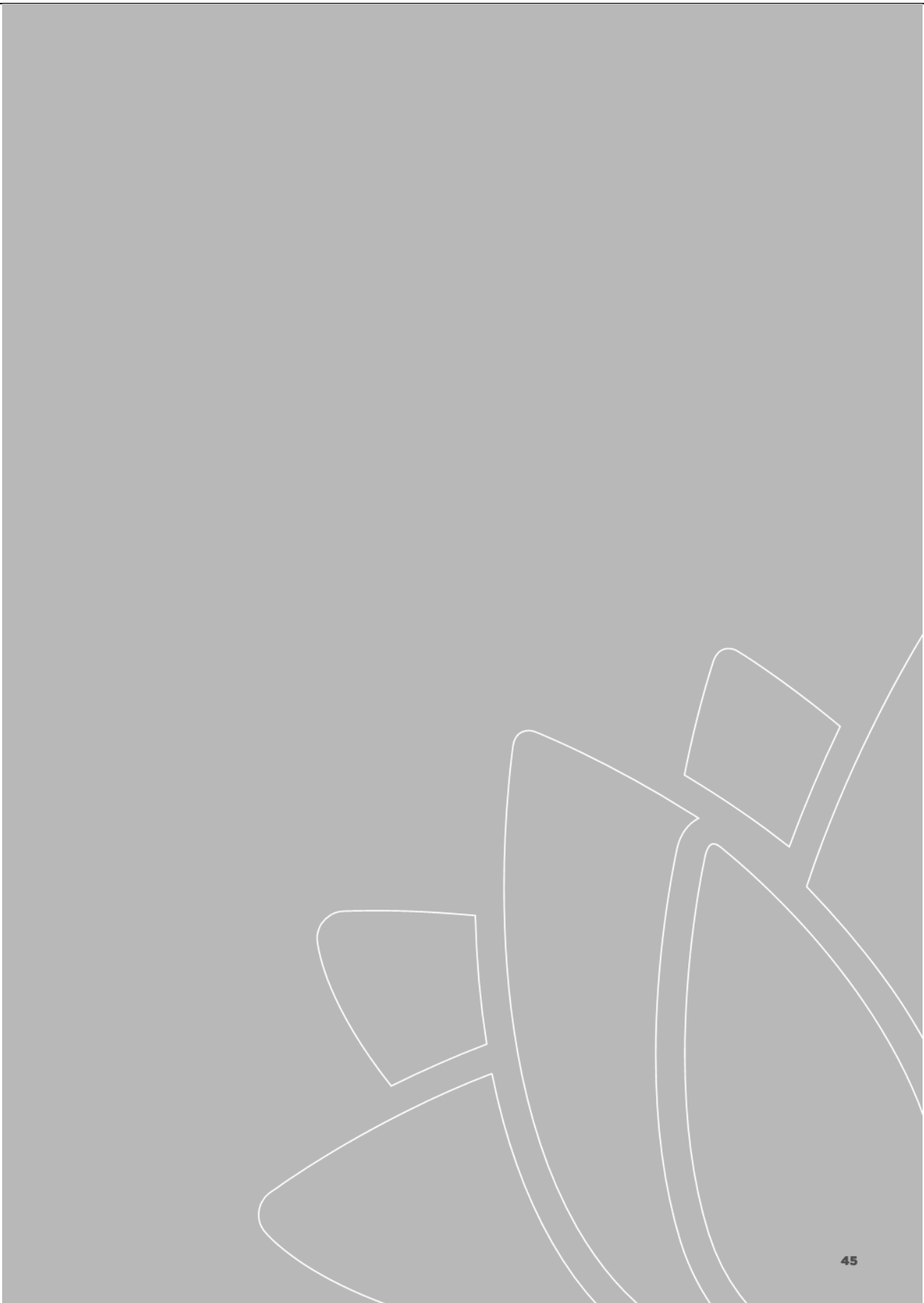
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## Review of decisions to impose sanctions

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

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



## Part 9: Procedural Irregularities

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



# Part 10: Practice Directions

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**

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

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

## Part 12: Confidentiality

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



## 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.



<b>Circular Details</b>	Circular No 18-45 / 18 December 2018 / A621294
<b>Previous Circular</b>	18-35 <i>The new Model Code of Meeting Practice for Local Councils</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Council governance staff
<b>Contact</b>	Council Governance Team – (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## Commencement of the new Model Code of Meeting Practice for Local Councils in NSW

### What's new or changing

- Amendments made to the *Local Government Act 1993* (LGA) in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* (the Phase 1 amendments) provide for a model code of meeting practice (Model Meeting Code) to be prescribed by the Regulation.
- Following an extensive consultation process, a Model Meeting Code has been prescribed under the *Local Government (General) Regulation 2005* (the Regulation) and the existing meetings provisions of the Regulation have been repealed. The new Model Meeting Code is available on OLG's website.
- The Model Meeting Code has two elements:
  - It contains mandatory provisions (**indicated in black font**) that reflect the existing meetings provisions of the Act and update and enhance the meetings provisions previously prescribed under the Regulation to reflect contemporary meetings practice by councils.
  - It contains non-mandatory provisions (**indicated in red font**) that cover areas of meetings practice that are common to most councils but where there may be a need for some variation in practice between councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what OLG sees as being best practice for the relevant area of practice.
- 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**. References to councils below also include references to joint organisations and county council unless otherwise specified.

### What this will mean for your council

- Councils are required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
- A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Meeting Code and any other supplementary provisions adopted by the council.
- Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

### Key points

- Under the transitional provisions of the LGA, councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary elections.
- Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (**14 December 2018 – 14 June 2019**). If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the LGA, any provision of the council's adopted meeting code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.
- Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from **14 December 2019**. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- Before adopting a new code of meeting practice, under section 361 of the LGA, councils are still required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. This requirement does not apply to joint organisations.
- 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".

### Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Meeting Code is available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Meeting Code 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](mailto:olg@olg.nsw.gov.au).



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## FREQUENTLY ASKED QUESTIONS

### **How is the Model Meeting Code prescribed?**

Amendments made to section 360 of the LGA by the Phase 1 amendments provide as follows:

- The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.
- The model meeting code may contain both mandatory and non-mandatory provisions.
- A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model meeting code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.
- A code adopted or amended by a council must not contain provisions that are inconsistent with the mandatory provisions.
- A council and a committee of a council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

Councils continue to be required to consult with their communities prior to adopting a code of meeting practice (see section 361).

### **What is the status of the meetings provisions of the Regulation?**

These have now been repealed and the prescription of meeting rules will now be done through the Model Code of Meeting Practice that is prescribed under the Regulation from time to time.

### **Why has a Model Meeting Code been prescribed?**

Previously there was not a uniform set of meeting rules for councils beyond those prescribed under the LGA and the Regulation. In developing the Model Meeting Code, OLG identified significant variability in meeting practices and rules across councils. OLG's review of councils' codes of meeting practice noted the following:

- while there are a number of areas of commonality between councils in meetings practice there is significant variability in how this is prescribed in their codes of meeting practice
- a number of councils' codes of meeting practice contain provisions that are inconsistent with the LGA and the Regulation
- there is significant variation in the quality of the drafting of councils' codes of meeting practice
- a number of councils' codes of meeting practice appear to lose sight of the fact that the primary purpose of meetings is to make decisions and contained practices that are not consistent with the efficient conduct of meetings or effective and informed decision-making.

### **What outcomes does the new Model Meeting Code seek to achieve?**

The Model Meeting Code has been designed to achieve a range of outcomes, including:

- promoting, as the principal object of meetings, the making of decisions by the governing bodies of councils that are in the best interests of the council and the community as a whole

- promoting more accessible, orderly, effective and efficient meetings and to provide councils with the tools to achieve these outcomes
- prescribing principles to inform the way in which meetings are conducted and to prescribe meeting rules that are consistent with these principles
- codifying areas of common practice across councils in a way that is clear, efficient, leads to better informed and more effective decision making and that is consistent with the requirements of the LGA
- promoting greater consistency between councils across the State in key areas of meetings practice without losing the ability to allow some variation in practice to meet local needs or expectations
- allowing greater flexibility in the conduct of meetings to accommodate a range of potential scenarios that were not addressed by the previous prescribed meeting rules
- simplifying the language used to make the prescribed meeting rules more accessible and easier to understand
- modernising the rules to accommodate current and emerging technologies (e.g. electronic notice, electronic voting systems and webcasting).

#### **How was the Model Meeting Code developed?**

OLG has consulted extensively in developing the new Model Meeting Code. There have been two rounds of public consultation:

- in late 2016, OLG invited submissions on how the meeting rules prescribed by the Regulation could be improved and any additional areas of meeting practice that should be prescribed
- based on the feedback received from the first round of consultation, a consultation draft of the proposed new Model Meeting Code was developed and issued for comment.

The final version of the Model Meeting Code has been informed by the comment received in response to the consultation draft.

#### **What are the key changes made by the Model Meeting Code?**

The Model Meeting Code contains the following new elements:

- new meetings principles
- optional rules for pre-meeting councillor briefings
- optional rules for public forums
- a new requirement for meetings to be webcast
- new rules limiting the use of mayoral minutes without notice to cases of urgency
- optional rules requiring a staff report for motions seeking decisions that do not align with councils' integrated planning and reporting (IP&R) objectives
- optional rules allowing multiple items to be adopted in a block
- optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error
- optional rules placing time limits on meetings.

#### **Are councils required to adopt the non-mandatory provisions of the Model Meeting Code?**

No. The non-mandatory provisions are indicated in **red font** in the Model Meeting Code. The non-mandatory provisions cover areas of practice that are common to most councils but where there may be a need for some variation in practice between

councils. These are designed to set a benchmark for what OLG considers to be best practice for these areas of practice.

While councils may incorporate these into their adopted codes of meeting practice, they are not required to do so. Councils may also adopt these in an amended form.

**Are joint organisations and county councils required to adopt codes of meeting practice based on the mandatory provisions of the Model Meeting Code?**

Yes. There are some provisions of the Model Meeting Code that are specific to meetings of boards of joint organisations and reflect the unique needs and operating environment of joint organisations. These are indicated in **blue font**. In adopting the Model Meeting Code, joint organisations should also 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”.

**When must councils adopt a new code of meeting practice based on the Model Meeting Code?**

Under the transitional provisions of the LGA, councils **must**, adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after the next ordinary elections. However, for the reasons set out below, councils **should** adopt a new code of meeting practice based on the Model Meeting Code as soon as possible.

Until a council adopts a new code of meeting practice, its existing code of meeting practice will remain in force up until six months from the date on which the new Model Meeting Code was prescribed, (**14 December 2018 – 14 June 2019**). If a council fails to adopt a new code of meeting practice within this period, under transitional provisions contained in the Regulation and the LGA, any provision of the council’s adopted code that is inconsistent with a mandatory provision of the Model Meeting Code prescribed under the Regulation will automatically cease to have any effect to the extent that it is inconsistent with the mandatory provision of the Model Meeting Code.

Irrespective of whether councils have adopted a code of meeting practice based on the Model Meeting Code, all councils (but not joint organisations) will be required to webcast meetings of the council and committees of which all members are councillors from **14 December 2019**. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council’s website.

**Do councils still need to consult with their communities when adopting a new code of meeting practice based on the Model Meeting Code?**

Yes. Before adopting a new code of meeting practice, under section 361 of the LGA, councils are still required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code. This requirement does not apply to joint organisations.

**Are councils required to adopt the provisions of the Model Meeting Code relating to public forums?**

No. These have not been made mandatory in recognition of the fact that there will be a need for some variation in practice to suit local needs. Councils are able to adopt them, adapt or supplement them to meet local need, or to adopt their own provisions governing public forums. However, OLG would strongly recommend that councils make provision in their codes of meeting practice for some form of public access or input into council decision making.

The provisions governing public forums contained in the Model Meeting Code reflect what OLG sees to be best practice and have been informed by the following considerations:

- Councils should have a comprehensive community engagement strategy in place to ensure that the views of affected persons and (where relevant) the community as a whole are considered in council decision making. This will soon be a statutory requirement. Public forums at council meetings are not an appropriate substitute for effective community consultation and councils need to be mindful that the views expressed at public forums will not necessarily be representative of the views of other affected parties or the broader community.
- Public forums should operate as an input into council decision-making at meetings. This means that they should be focussed on the matters under consideration at a council meeting and not permit free ranging discussion of other matters that are not being dealt with at the meeting.
- In the interests of ensuring informed decision making, there should be a gap between the public forum and the meeting to allow councillors the time to properly consider matters raised at the public forum and, if necessary, to seek further input and guidance from staff before being required to make a decision on those matters.
- Council meetings should operate as a forum for debate and decision making by the community's elected representatives. Public forums should not operate in a way that displaces this as the principal purpose of council meetings nor operate as a platform for others to participate in debate with elected officials on matters under consideration at a meeting.
- Participation in a public forum is a privilege not a right. It should be within the discretion of a council to withdraw this privilege where a person fails to respect meeting rules or engages in disorderly conduct.

**Why has the webcasting of meetings been made mandatory?**

The Model Meeting Code provides that all meetings of councils and committees whose membership comprises only of councillors should be webcast to increase the transparency of council decision making and to allow access to those who may not be physically able to attend meetings.

However, following concerns raised by councils in response to the consultation draft of the Model Meeting Code, councils have been provided with an extended transitional period in which to implement the new requirements

Irrespective of whether they have adopted a code of meeting practice based on the Model Meeting Code, all councils will be required to webcast meetings of the council and committees whose membership comprises only of councillors from **14 December 2019**.

This gives councils 12 months in which to make the necessary arrangements to webcast their meetings. The requirement to webcast meetings may be met simply by posting an audio or video recording of the meeting on the council's website meaning that all councils, irrespective of their size, resources and location will be able to comply.

Joint organisations are not required to webcast board meetings.

**Where can I get a Word© version of the Model Meeting Code?**

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

# Policy



<b>Title of Policy</b>	<b>SMRC 72 - Code of Meeting Practice</b>		
<b>Responsible Department</b>	Corporate Governance	<b>Document Register ID</b>	250.2016.1.3
<b>Policy Owner</b>	Governance	<b>Review Date</b>	
<b>Date of Council Meeting</b>	21 February 2019	<b>Resolution Number</b>	200/17
<b>Legislation, Australian Standards, Code of Practice</b>	Local Government Act 1993 Local Government (General) Regulation 2005 Model Code of Conduct for Local Government Councils in NSW December 2019		
<b>Aim</b>	To adopt a Code of Meeting Practice which determines the conduct of Ordinary and Extraordinary meetings of Council, Committees of Council, Sub-Committees, Working Parties, Briefing Sessions and Workshops of Council.		

## Variation

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate.

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## 1 INTRODUCTION

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

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council), Briefing Sessions and Workshops. Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Council is adopting a code of meeting practice that incorporates the mandatory and non mandatory provisions of the Model Meeting Code.

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

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils.

## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

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

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

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

contributes to the orderly conduct of the meeting.

### **3 BEFORE THE MEETING**

#### **Timing of ordinary council meetings**

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

#### **Extraordinary meetings**

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

Note: Clause 3.2 reflects section 366 of the Act.

#### **Notice to the public of council meetings**

- 3.3 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 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, 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.

- 3.5 For the purposes of clause 3.5, notice of more than one (1) meeting may be given in the same notice.

#### **Notice to councillors of ordinary council meetings**

- 3.6 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 3.6 reflects section 367(1) of the Act.

- 3.7 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 3.7 reflects section 367(3) of the Act.

### **Notice to councillors of extraordinary meetings**

- 3.8 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 3.8 reflects section 367(2) of the Act.

### **Giving notice of business to be considered at council meetings**

- 3.9 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 **10** business days before the meeting is to be held.
- 3.10 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.
- 3.11 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.
- 3.12 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**

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 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.

- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 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**

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 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.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.20 reflects section 9(2A)(a) of the Act.

- 3.21 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**

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

Note: Clause 3.22 reflects section 9(2) and (4) of the Act.

- 3.23 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 3.23 reflects section 9(2A)(b) of the Act.

- 3.24 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 3.24 reflects section 9(3) of the Act.

- 3.25 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 3.25 reflects section 9(5) of the Act.

**Agenda and business papers for extraordinary meetings**

- 3.26 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.

- 3.27 Despite clause 3.26, 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.

- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.29 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.

- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

### Pre-meeting briefing sessions

- 3.31 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.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 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.
- 3.35 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## 4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **no later than 2 business days** 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 **1** item of business on the agenda of the council meeting, **unless Council votes otherwise**.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **3 speakers are to be permitted to speak 'for' or 3 speakers 'against' a development application, or 1 speaker 'for' and 1 speaker 'against' any other item of business on the agenda for the council meeting.**

- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs **no less than 2 business days** before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **5** minutes to address the council. This time is to be strictly enforced by the chairperson. **There will be no extensions.**
- 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 **Councillors will not ask questions of a speaker following their address at a public forum.**
- 4.15 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.16 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **2** 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.
- 4.17 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.
- 4.18 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.

- 4.19 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.
- 4.20 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.
- 4.21 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.
- 4.22 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.
- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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

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

### The quorum for a meeting

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

**Note: Clause 5.9 reflects section 368(1) of the Act.**

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

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

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

**Entitlement of the public to attend council meetings**

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

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

- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.18 reflects section 10(2) of the Act.**

### **Webcasting of meetings**

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

**Note: Councils will be required to webcast meetings from 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.**

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for **[council to specify the period of time the recording is to be retained on the website]**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

### **Attendance of the general manager and other staff at meetings**

- 5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.23 reflects section 376(1) of the Act.**

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

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

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

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

- 5.26 The attendance of other council staff at a meeting, (other than as members of the

public) shall be with the approval of the general manager.

## 6 THE CHAIRPERSON

### The chairperson at meetings

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

**Note: Clause 6.1 reflects section 369(1) of the Act.**

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

**Note: Clause 6.2 reflects section 369(2) of the Act.**

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

6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### **Chairperson to have precedence**

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

## **7 MODES OF ADDRESS**

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

## **8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 **At a meeting of the council, the general order of business is as fixed by resolution of the council.**
- 8.2 The order of business as fixed under clause **8.1** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note: If adopted, Part 13 allows council to deal with items of business by exception.**
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## **9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### **Business that can be dealt with at a council meeting**

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and

- (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### **Mayoral minutes**

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided

for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

### **Staff reports**

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

### **Reports of committees of council**

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

### **Questions**

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### **Motions to be seconded**

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

### **Notices of motion**

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

### **Chairperson's duties with respect to motions**

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

### **Motions requiring the expenditure of funds**

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding



source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

### **Amendments to motions**

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

### **Foreshadowed motions**

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

### **Limitations on the number and duration of speeches**

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 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.

### **Voting at council meetings**

11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.5 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.

11.6 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) councillor's rise and call for a division.

11.7 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.

11.8 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.

11.9 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.

11.10 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

### **Voting on planning decisions**

11.11 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.

11.12 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.

11.13 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.

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

**Note: Clauses 11.11–11.14 reflect section 375A of the Act.**

**Note: The requirements of clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.**

## 12 COMMITTEE OF THE WHOLE

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## 13 DEALING WITH ITEMS BY EXCEPTION

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

## **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

### **Grounds on which meetings can be closed to the public**

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

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

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

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

### **Matters to be considered when closing meetings to the public**

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning

particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

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

**Notice of likelihood of closure not required in urgent cases**

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

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

**Representations by members of the public**

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **5pm, 3 business days** 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 **1** speaker 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 **1** speaker to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **3** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

#### **Expulsion of non-councillors from meetings closed to the public**

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

#### **Information to be disclosed in resolutions closing meetings to the public**

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter

concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

### **Resolutions passed at closed meetings to be made public**

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

## **15 KEEPING ORDER AT MEETINGS**

### **Points of order**

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

### **Questions of order**

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

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

### **Motions of dissent**

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

### **Acts of disorder**

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
  - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
  - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

### **How disorder at a meeting may be dealt with**

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

### **Expulsion from meetings**

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person 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.
- 15.15 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 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.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

### **Use of mobile phones and the unauthorised recording of meetings**

- 15.20 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.
- 15.21 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.
- 15.22 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.
- 15.23 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 meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

## 17 DECISIONS OF THE COUNCIL

### Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

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

### Rescinding or altering council decisions

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

**Note: Clause 17.3 reflects section 372(1) of the Act.**

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

**Note: Clause 17.4 reflects section 372(2) of the Act.**

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

**Note: Clause 17.5 reflects section 372(3) of the Act.**

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

or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **1 business day** after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

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

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

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

### **Recommitting resolutions to correct an error**

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

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

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

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

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

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

## 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than **10pm**.
- 18.2 If the business of the meeting is unfinished at **10pm**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **10pm**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



## 19 AFTER THE MEETING

### Minutes of meetings

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

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

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

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

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

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

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

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

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

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed

minutes of its meetings on its website prior to their confirmation.

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

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

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

### **Implementation of decisions of the council**

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

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

## **20 COUNCIL COMMITTEES**

### **Application of this Part**

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

### **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 mayor, or
  - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
  - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

### **Procedure in committee meetings**

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 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**

- 20.18 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.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

### **Disorder in committee meetings**

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

### **Minutes of council committee meetings**

- 20.22 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.
- 20.23 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.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 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.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 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.
- 20.28 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

# MODEL CODE OF MEETING PRACTICE

for Local Councils  
in NSW

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2018



**MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**  
2018

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# 1 Introduction

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

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

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

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

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

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

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

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

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

## 2 Meeting Principles

2.1 Council and committee meetings should be:

<b>Transparent:</b>	Decisions are made in a way that is open and accountable.
<b>Informed:</b>	Decisions are made based on relevant, quality information.
<b>Inclusive:</b>	Decisions respect the diverse needs and interests of the local community.
<b>Principled:</b>	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
<b>Trusted:</b>	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<b>Respectful:</b>	Councillors, staff and meeting attendees treat each other with respect.
<b>Effective:</b>	Meetings are well organised, effectively run and skilfully chaired.
<b>Orderly:</b>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



## 3 Before the Meeting

## Timing of ordinary council meetings

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

**Note:** Councils must use either clause 3.1 or 3.2

**Note:** Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

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

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

## Extraordinary meetings

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

**Note:** Clause 3.3 reflects section 366 of the Act.

## Notice to the public of council meetings

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

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

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

## Notice to councillors of ordinary council meetings

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

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

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

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

## Notice to councillors of extraordinary meetings

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

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

## Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

## Questions with notice

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

## Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- 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 to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when

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

- 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.

**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.**

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## 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.

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## Pre-meeting briefing sessions

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

## 4 Public Forums

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



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



## 5 Coming Together

## Attendance by councillors at meetings

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

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

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

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

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of

such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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

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

## The quorum for a meeting

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

**Note: Clause 5.9 reflects section 368(1) of the Act.**

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

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

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

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

(b) within half an hour after the time designated for the holding of the meeting, or

(c) at any time during the meeting.

5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

(a) by the chairperson, or

(b) in the chairperson's absence, by the majority of the councillors present, or

(c) failing that, by the general manager.

5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

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

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## Entitlement of the public to attend council meetings

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

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

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

5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or

(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.18 reflects section 10(2) of the Act.**

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

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

## Webcasting of meetings

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

**Note: Councils will be required to webcast meetings from 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 [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

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## The chairperson at meetings

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

**Note: Clause 6.1 reflects section 369(1) of the Act.**

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

**Note: Clause 6.2 reflects section 369(2) of the Act.**

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

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

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

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## Chairperson to have precedence

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



## 7 Modes of Address

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

## 8 Order of Business for Ordinary Council Meetings

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

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

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence by councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

**Note: Councils must use either clause 8.1 or 8.2.**

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

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

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

## 9 Consideration of Business at Council Meetings

## Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

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

## Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

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## 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.

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## 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.

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## 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

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## 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.

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## 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.

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## 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.

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## Motions requiring the expenditure of funds

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

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## 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.

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### 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.

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### 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.

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## Participation by non-voting representatives in joint organisation board meetings

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

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

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

## 11 Voting

## Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

## Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

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

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

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

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

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

11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

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

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## Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12-11.14 apply also to meetings that are closed to the public.

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

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





## 12 Committee of the Whole

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

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

## 13 Dealing with Items by Exception

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

## 14 Closure of Council Meetings to the Public

## Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

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

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

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

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

## Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

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

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### Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

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

## Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- Note: Clause 14.9 reflects section 10A(4) of the Act.**
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.



## Expulsion of non-councillors from meetings closed to the public

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

## Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,

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

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

## Resolutions passed at closed meetings to be made public

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



## 15 Keeping Order at Meetings

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## 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.

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## 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.

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## 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.

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## Acts of disorder

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

(d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

## How disorder at a meeting may be dealt with

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

## Expulsion from meetings

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

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

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

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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### **Use of mobile phones and the unauthorised recording of meetings**

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

## 16 Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.



## 17 Decisions of the Council

## Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.**

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

## Rescinding or altering council decisions

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

**Note: Clause 17.3 reflects section 372(1) of the Act.**

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

**Note: Clause 17.4 reflects section 372(2) of the Act.**

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

**Note: Clause 17.5 reflects section 372(3) of the Act.**

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

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5-17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

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

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

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

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## Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

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

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

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

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

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



## 18 Time Limits on Council Meetings

- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 After the Meeting

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## 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.

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## 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.**



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- 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.

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## 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.

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## Chairperson and deputy chairperson of council committees

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

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## Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

## Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

## Disorder in committee meetings

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

## Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

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

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

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

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

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

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 Irregularities

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

**Note: Clause 21.1 reflects section 374 of the Act.**



## 22 Definitions

<b>the Act</b>	means the <i>Local Government Act 1993</i>
<b>act of disorder</b>	means an act of disorder as defined in clause 15.11 of this code
<b>amendment</b>	in relation to an original motion, means a motion moving an amendment to that motion
<b>audio recorder</b>	any device capable of recording speech
<b>business day</b>	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
<b>chairperson</b>	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
<b>this code</b>	means the council's adopted code of meeting practice
<b>committee of the council</b>	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
<b>council official</b>	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
<b>day</b>	means calendar day
<b>division</b>	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
<b>foreshadowed amendment</b>	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
<b>foreshadowed motion</b>	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
<b>open voting</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
<b>planning decision</b>	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
<b>performance improvement order</b>	means an order issued under section 438A of the Act

Model Code of Meeting Practice for Local Councils in NSW

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







### **Changes to the Government Information (Public Access) Regulation 2018 (GIPA Reg 2018) and proposed processing options.**

A recent change in the Government Information (Public Access) Regulation 2018 (GIPA Reg 2018) on the 31 August 2018 relating to Development Application information Pre 1 July 2010 being reclassified from 'Open Access' information to 'Government Information' meaning the information must be obtained via an 'Access Application'

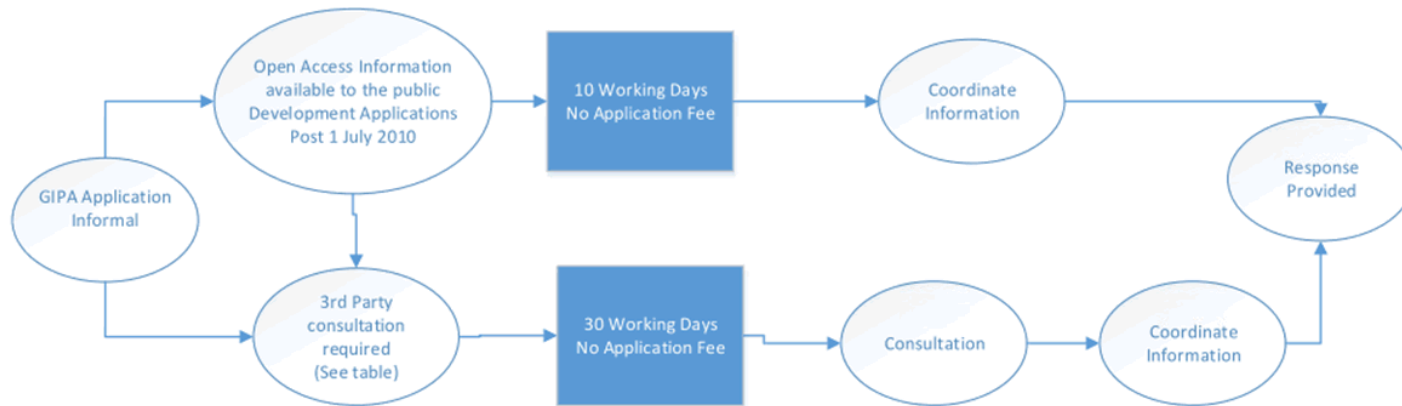
This change has created a significant increase to the volume of administration work required by Council to meet the standards set for Access Applications under (GIPA) and an additional cost and lengthen timelines for the public to receive the information.

Development applications have always been something commonly requested from Council as part of sale/purchase of a property and/or proposed works to existing houses etc. and previously provided informally to the Public under the provision it was 'Open Access' meaning it is publically available information at no cost.

In an attempt to simplify this current process, minimise the cost, improve timelines for the Public and reduce the demand on Council resources it is proposed new applications be managed in accordance with the below categories to meet the requirements under GIPA.

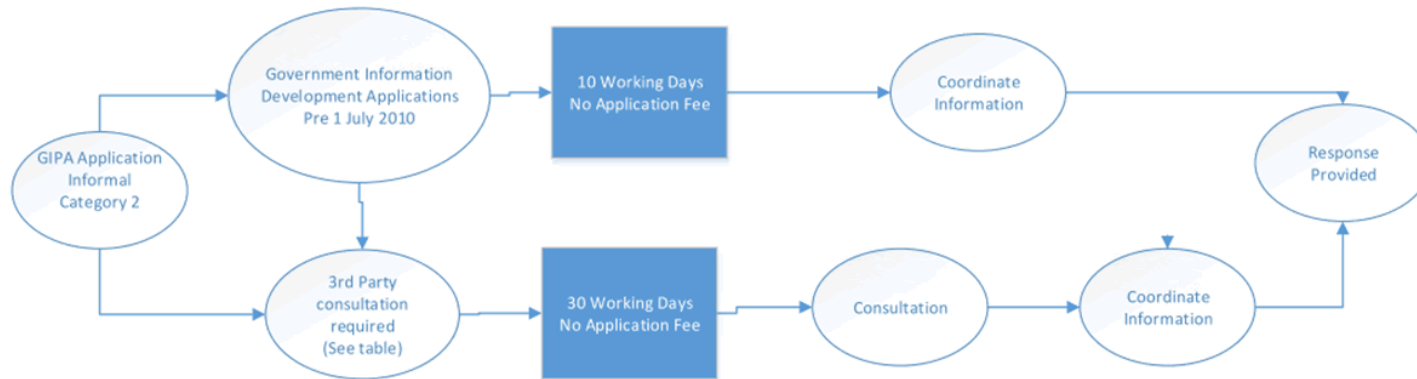


**GIPA Application Informal  
Category 1**





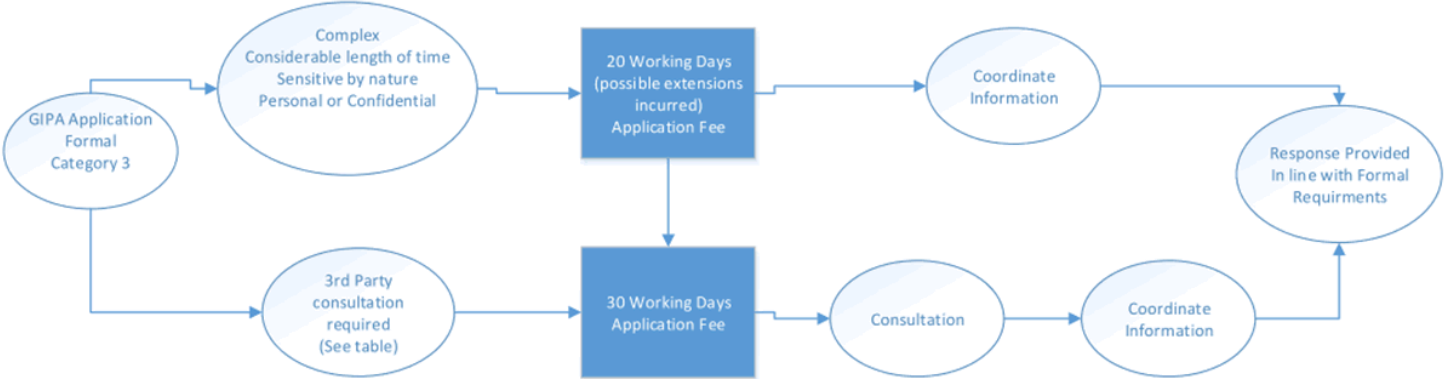
**GIPA Application Informal  
Category 2**







**GIPA Application Formal  
Category 3**





**GIPA Application Categories of commonly requested information**

Category 1 Informal Application	Applicable information examples	Risk	Minimum requirement
'Open Access'  Development Applications made on or after 1 July 2010  Neighbours Contact details  Publically available information	Development Application inc; <ul style="list-style-type: none"> <li>• home warranty insurance documents</li> <li>• construction certificates</li> <li>• occupation certificates</li> <li>• structural certification documents</li> <li>• town planner reports</li> <li>• submissions received on development applications</li> <li>• heritage consultant reports</li> <li>• tree inspection consultant reports</li> <li>• acoustics consultant reports</li> <li>• land contamination consultant reports</li> </ul> 3rd party consultation <ul style="list-style-type: none"> <li>• Plans (Floor and Building)</li> <li>• Contact details</li> </ul>	Nil	Aim to provide access within 10 working days; <ul style="list-style-type: none"> <li>• No Redaction</li> <li>• No Consultation required</li> <li>• Provided via view or copy (digital/hardcopy)</li> <li>• Photocopying charges apply for hardcopy</li> </ul> 3rd Party Consultation; <ul style="list-style-type: none"> <li>• 30 working days</li> </ul>



Category 2 Informal Application	Applicable Information examples	Risk	Process required
<p>'Government Information'</p> <p>Development Applications made before 1 July 2010</p>	<p>Development Application inc;</p> <ul style="list-style-type: none"> <li>• home warranty insurance documents</li> <li>• construction certificates</li> <li>• occupation certificates</li> <li>• structural certification documents</li> <li>• town planner reports</li> <li>• submissions received on development applications</li> <li>• heritage consultant reports</li> <li>• tree inspection consultant reports</li> <li>• acoustics consultant reports and contamination consultant reports</li> </ul> <p>3<sup>rd</sup> party consultation required</p> <ul style="list-style-type: none"> <li>• Plans (Floor and Building)</li> </ul>	<p>Low</p>	<p>Remains Informal Application</p> <ul style="list-style-type: none"> <li>• No Fee</li> <li>• Aim 10 Working Day Completion for simple requests</li> <li>• Provided via view or copy (digital/hardcopy)</li> <li>• Photocopying charges apply for hardcopy</li> <li>• Record of files released kept by Council</li> </ul> <p>3rd Party Consultation</p> <ul style="list-style-type: none"> <li>• Aim 30 working day completion to allow appropriate consultation</li> </ul> <p>5 Working Day initial Assessment Result provided to applicant for more complex applications requiring Formal Request</p>



Category 3 Formal Application	Applicable information examples	Risk	Process required
Complex Considerable length of time Sensitive by nature Personal or confidential	Complaints Significant Development Applications and relating documents	High	Formal Application Required  Processes time in line with the Formal Access to Information Regulations <ul style="list-style-type: none"> <li>• \$30 application fee paid upon lodgement</li> <li>• Include a postal address within Australia</li> <li>• Contain enough detail to allow the required information to be identified</li> <li>• The application fee covers the first hour of processing, subsequent time spent processing the</li> <li>• Application will incur a charge of \$30 per hour.</li> </ul>



## Circular to Councils

<b>Circular Details</b>	18 - 42 / 10 December 2018 / A630402
<b>Previous Circular</b>	18-30 Changes to GIPA – IPC Advice
<b>Who should read this</b>	General Managers / Council governance staff
<b>Contact</b>	Council Governance / (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Recent amendments to the *Government Information (Public Access) Act 2009*

#### What's new or changing

- The NSW Parliament recently passed amendments to the *Government Information (Public Access) Act 2009* (GIPA Act). These changes came into effect on 28 November 2018 and will impact on how councils fulfil their obligations under the GIPA Act.
- The NSW Information and Privacy Commission (IPC) has issued guidance on the changes which can be accessed [here](#). The IPC is also reviewing and updating its guidance material and fact sheets to reflect the amendments to the GIPA Act.
- The IPC has requested that Councils refer to the new guidance and the GIPA Act and Regulation before relying on any guidance materials published prior to December 2018.

#### What this will mean for your council

- Councils should review their practices for dealing with access applications and the exercise of other functions under the GIPA Act in light of the amendments.
- Councils should note the amendment to the definition of 'working day' in the GIPA Act. The NSW Government Christmas Closedown period is now considered as being equivalent to a public holiday for the purpose of processing applications. The closedown period applies to the official decision-making period for applications irrespective of whether or not an agency remains open for any days over the closedown period, and applies to all public sector agencies including local councils.

#### Key points

- Among other things, the amendments will impact on the following:
  - the calculation of the value of contracts for inclusion in the contract register
  - the management of access applications
  - timeframes for internal reviews
  - external reviews by the Information Commissioner
  - administrative reviews by the NSW Civil and Administrative Tribunal
  - submission of the annual GIPA report to the Information Commissioner
  - the circumstances in which there is a conclusive presumption of overriding public interest against disclosure.

**Where to go for further information**

- Contact the IPC by phone 1800 472 679 or email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au).
- Contact OLG's Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)



**Tim Hurst**  
**Chief Executive**



**AUDIT, RISK and IMPROVEMENT COMMITTEE CHARTER**

**1. Objective**

The Objective of the Audit, Risk and Improvement Committee (Committee) is to provide independent assurance and assistance to Snowy Monaro Regional Council (Council), on risk management, the control framework, legislative compliance, internal audit and external accountability responsibilities.

**2. Authority**

Council authorises the Committee within the scope of its role and responsibilities through the Chair to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information)
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations)
- Request of the General Manager the attendance of any employee at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities. Prior discussion must be undertaken with the General Manager who will determine appropriateness of any reimbursement if any by Council.

**3. The Snowy Monaro Regional Council Assurance Environment**

Snowy Monaro Regional Council has a range of activities to provide assurance to Council, the Committee and the General Manager.

Council uses a 'Combined Assurance – 3 Lines of Defence' model to define their assurance environment:

The 1st Line of Defence originates or initiates risk, and is responsible for managing the risks and having in place mechanisms to demonstrate controls are working effectively.

The 2nd Line of Defence monitors, reviews and tests effectiveness of 1st Line control and management of risks.

The 3rd Line of Defence independently evaluates and gives an opinion on the adequacy and effectiveness of both 1st Line and 2nd Line risk management approaches.

This approach demonstrates how assurance activities co-ordinate to provide assurance to the Council, the Committee, and the General Manager.

At Council this can be illustrated as:

Combined Assurance - 3 Lines of Defence		
1 <sup>st</sup> Line of Defence	2 <sup>nd</sup> Line of Defence	3 <sup>rd</sup> Line of Defence
<b>Management Controls</b> Real-Time Focus	<b>Management of Risk</b> Real-Time Focus + Review of 1 <sup>st</sup> Line	<b>Independent Assurance</b> Review of 1 <sup>st</sup> Line and 2 <sup>nd</sup> Line
Management Controls	Risk Management Governance Regulatory Compliance Work Health Safety Environment	Internal Audit External Audit Office of Local Government
Review governance and compliance Implement improvements	Confirm governance and compliance Recommend improvements	Independently confirm governance and compliance Recommend improvements

**4. Composition and Tenure**

The Committee will consist

**4.1. Voting members**

- 1 x Councillor representative
- 4 x Independent external members (one of whom is recruited as Chair)

**4.2. Non-voting members**

- General Manager
- Internal Audit Manager (Head of Internal Audit)

**4.3. Invitees (non-voting) for specific Agenda items**

Representatives of the external auditor  
 Other Council officers may attend by invitation from the Committee through the General Manager.

**4.4. Term of membership external appointments**

Two external members shall be appointed for a maximum term of four years and two external members shall be appointed for a maximum term of three years and shall be appointed as follows:

- Two external members (one of whom shall be the Chair) shall be appointed for an initial period of two years with an additional two year appointment subject to a satisfactory performance assessment of their contribution to the Audit Committee.
- Two external members shall be appointed for an initial period of two years with an additional one year appointment subject to a satisfactory performance assessment of their contribution to the Audit Committee.

The performance review will be undertaken by the Council representative as Committee member in conjunction with the General Manager



External members may be re-appointed at the end of their tenure following a public advertisement and expression of interest processes

Vacancies shall be filled by public advertisement; an evaluation of candidates and a recommendation for appointment to Council.

#### **4.5. Skills**

The external independent members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Council.

At least one external independent member of the Committee shall have accounting or related financial management experience and an understanding of accounting and auditing in a public sector environment.

At least one external independent member of the Committee shall have internal auditing or related auditing experience.

At least one external independent member of the Committee shall have risk management experience.

### **5. Roles and responsibilities**

The Committee has no executive powers but assists the Council by providing independent assurance and assistance to Council on behalf of rate-payers.

The Committee is directly responsible to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council operations rests with the General Manager.

The responsibilities of the Committee may be revised or expanded in consultation with or as resolved by Council.

The Committee's role includes assisting Council in its governance and exercising of due care, diligence and skill in relation to:

- Internal control systems
- Risk management systems
- Business policies and practices
- Protection of Council's assets
- Compliance with applicable laws, regulations, standards and best practice guidelines
- Understand the relevant legislative and regulatory requirements appropriate to Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

#### **5.1. Risk management**

- Review whether management has in place a current and appropriate risk management framework that is consistent with AS/NZS ISO 31000:2009
- Review risk management plans and provide advice to the General Manager
- Seek assurance from management and Internal Audit that risk management processes are

operating effectively

- Seek assurance from management and Internal Audit as to the adequacy and effectiveness of internal controls
- Review risk reports and provide advice to the General Manager
- Review whether a sound and effective approach has been followed in developing risk management plans for major projects or undertakings
- Review the impact of the agency's risk management on its control environment and insurance arrangements
- Review council's fraud control plan and be satisfied that council has appropriate processes and systems in place to capture and effectively investigate fraud related information
- Review whether a sound and effective approach has been followed in establishing council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically.

**5.2. Control framework**

- Review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective
- Review whether management has in place relevant policies and procedures and that these are periodically reviewed and updated
- Determine whether the appropriate processes are in place to assess, at least once a year, whether laws, regulations, policies and procedures are complied with
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations
- Consider how management identifies any required changes to the design or implementation of internal controls
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

**5.3. External accountability**

- Assess the policies and procedures for management review and consideration of the financial position and performance of the agency including the frequency and nature of that review (including the approach taken to addressing variances and budget risks)
- Review procedures around early close and year-end
- Review the financial statements and provide advice to the General Manager (including whether appropriate action has been taken in response to audit recommendations and adjustments), and recommend their signing by the responsible financial officers and Councillors
- Satisfy itself that the financial statements are supported by appropriate management signoff on the statements
- Review cash management policies and procedures
- Review policies and procedures for collection, management and disbursement of grants and tied funding
- Review the processes in place designed to ensure that financial information included in Council's annual report is consistent with the signed financial statements
- Satisfy itself that Council has a performance management framework that is linked to organisational objectives and outcomes.

**5.4. Legislative Compliance**

- Determine whether management has appropriately considered legal and compliance risks as part of Council's risk assessment and management arrangements

- Review the effectiveness of the systems for monitoring compliance with applicable laws and regulations and associated government policies

**5.5. Internal Audit**

- Act as a forum for communications between the General Manager, senior management and internal and external audit
- Review and provide advice to the General Manager on the internal audit policies and procedures
- Review the risk based audit methodology
- Review the internal audit coverage and annual work plan, ensure the plan is based on Council's risk management plan, and recommend approval of the plan
- Advise the General Manager of the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan
- Oversee the coordination of audit programs conducted by internal audit and external audit and other review functions
- Review audit findings and related recommendations that have been assessed as the most significant according to the risk and audit finding represent to Council if the recommendation's related to the finding are not implemented
- Provided advice to the General Manager on significant issues identified in audit reports and action taken on these issues, including identification and dissemination of good practice
- Monitor management's implementation of internal audit recommendations
- Review the internal audit charter to ensure appropriate organisation structures, authority, access and reporting arrangements are in place
- Periodically review the performance of internal audit

**5.6. External audit**

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback of the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor management's implementation of audit recommendations
- Provide advice to the General Manager on action taken on significant issues raised in relevant external audit reports and better practice guides

**5.7. Responsibilities of members**

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Snowy Monaro Regional Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgment; and
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

**6. Reporting**

The Committee will regularly, but at least one a year, report to Council on its operation and activities during the year. The report should include:

- An overall assessment of Council's risk, control and compliance framework, including details of

any significant emerging risks or legislative changes impacting Council

- A summary of the work the Committee performed to fully discharge its responsibilities during the preceding year
- Details of meetings, including the number of meetings held during the relevant period and the number of meeting each member attended
- A summary of Council progress in addressing the findings and recommendations made in internal and external reports
- A summary of the Committee’s assessment in the performance of internal audit

The Committee’s Minutes will be presented to Council for information only through the General Manager’s report to Council.

**6.1. Reporting Lines**

The Committee must at all times ensure it maintains a direct reporting line to and from internal audit and act as a mechanism for internal audit to report to the General Manager on functional matters.

The following reporting line is prescribed:



**7. Administrative arrangements**

**7.1. Meetings**

The Committee will meet at least four times per financial year. A special meeting may be held to review Council’s financial statements.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members or the General Manager may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Charter.

Meetings will follow Councils Code of Meeting practice.

**7.2. Attendance at Meetings and Quorums**

A quorum will consist of a majority of voting members in attendance.

Meetings can be held in person, by telephone or by video conference.

The Internal Audit Manager will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request through the General Manager, for other employees to participate for certain agenda items, as well as the external auditor.

The General Manager may attend each meeting but will permit the Committee to meet separately with the Chief Audit Executive in the absence of management on at least one occasion per year.

**7.3. Secretariat**

The Council will provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member and committee observers as appropriate within three weeks of the meeting being held.

**7.4. Conflicts of Interest**

Councillors, council staff and members of council committees must comply with the applicable provisions of Council's code of conduct in carrying out the functions as council officials.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

**7.5. Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**7.6. Assessment Arrangements**

The Chair of the Committee will initiate a review of the performance of the Committee in full at least once every two years.

The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

**7.7. Review of Audit and Risk Committee Charter**

At least once every year the Committee will review this Charter. The review will include consultation with the Council.

Any substantive changes to this Charter will be recommended by the Committee and formally approved by Council.

**Resolved by Council:** 20 September 2017 (ADA144/17)

**Noted by Audit, Risk and Improvement Committee** 8 December 2017



# Internal Audit Guidelines

**September 2010**

**ACCESS TO SERVICES**

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Website [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

**OFFICE HOURS**

Monday to Friday  
8.30am to 5.00pm  
(Special arrangements may be made if these hours are unsuitable)  
All offices are wheelchair accessible.

**ALTERNATIVE MEDIA PUBLICATIONS**

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

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## **Chief Executive's Foreword**

Internal audit is an essential component of a good governance framework for all councils. At both a management and councillor level, councils must strive to ensure there is a risk management culture. Internal audit can assist in this regard.

Internal audit is widely used in corporate Australia as a key mechanism to assist councils to manage risk and improve efficiency and effectiveness. At Federal and State Government levels there are clear requirements for internal audit and risk management.

There is also growing acceptance of the importance of internal audit and risk management in local government. It is pleasing to see that a number of councils in New South Wales are showing leadership in fully embracing this concept. However, a survey of councils conducted in 2009 by the Division of Local Government designed to assess the progress of councils in implementation of the internal audit function highlighted that while progress is being made, there is still opportunity for improvement. Effective internal audit and risk management processes should become part of the 'business as usual' operations of councils.

With the implementation of Integrated Planning and Reporting, internal audit will play a vital role at ensuring that the strategies adopted by council are being followed.

These guidelines propose oversight of council systems and processes through an audit committee. The combination of an effective audit committee and internal audit function provide a formal means by which councillors can obtain assurance that risk management is working effectively. Similarly the internal audit process is an on-going mechanism to ensure that the recommendations of the Promoting Better Practice reviews undertaken by the Division of Local Government have been fully implemented.

This guide has been designed to help councils and county councils develop and implement internal audit and risk management frameworks that will in turn build community confidence in their managerial performance. I encourage all councils to use this guide to assist them in building their own internal audit capability within their organisations.

**Ross Woodward**  
**Chief Executive, Local Government**  
**A Division of the Department of Premier and Cabinet**

## 1. Introduction

The NSW Division of Local Government (DLG) believes that a professional Internal Audit function is one of the key components of the effective governance of any council. In 2001, the Independent Commission Against Corruption (ICAC) found that while 80% of local council General Managers agreed that internal audit is important, only 20% of councils had an internal audit function or audit committee.

These Internal Audit Guidelines, first released in 2008, are aimed at assisting councils put into place effective internal audit practices.

In 2009 the DLG conducted a survey of councils to assess how they were progressing with the implementation of the recommendations of the Guidelines. While the results of the survey revealed that considerable progress has been made toward the implementation of the Guidelines, with more than 50% of councils reporting that they had an internal audit function, it also identified that there were some areas where some councils appeared to be having difficulties and some areas where the Guidelines needed to be clarified.

These revised Guidelines have been developed to address the issues arising from the survey.

The Guidelines are designed to provide councils with assistance to implement internal audit and risk management. There are already a large number of internal audit standards, guidelines and publications in existence, such as the Institute of Internal Auditors' Internal Audit Framework, Better Practice Guidelines – Local Government Entity Audit Committees and Internal Audit (Victoria) and A Guide to Leading Edge Internal Auditing in the Public Sector (Manitoba).

These Guidelines are Director General's Guidelines for the purposes of section 23A of the *Local Government Act 1993*, issued by the Chief Executive, Local Government under delegated authority. They describe internal audit and risk management systems for Local Government in NSW. The Guidelines also include appropriate structures, functions, charter, and membership of audit and risk management committees.

The Division acknowledges the lead role of the Local Government Internal Audit Network (LGIAN) and the Institute of Internal Auditors in the development of these Guidelines.

### Terminology

The following terms are used throughout this guidance paper:

- Council is used in two contexts. Council can refer to the elected body of councillors, the local government administration and staff and/or the entity as a whole. The term also includes county councils.
- The General Manager is the most senior member of management as per section 335 of the Local Government Act. Chief Financial Officer (CFO) refers to the most senior member of staff within the finance and accounts area of the council.
- Internal Audit Activity is used interchangeably with 'internal audit function' in recognition that there are several methods of resourcing an internal audit function, including outsourcing this to a third party provider or sharing resources with other councils.
- Audit Committee is the name used for the committee which provides independent oversight of both the internal audit function and the external audit function. It provides the council with independent oversight and monitoring of the council's audit processes,

including the council's internal controls activities. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance. It is not uncommon for the committee charged with these responsibilities to be referred to by other names such as governance and risk management committee; audit and risk management committee; internal audit committee.

- External Audit refers to the review and certification of the financial reports as per section 415 of the *Local Government Act 1993*.
- Enterprise Risk Management is the holistic management of all risks within council, not just insurable risks or Occupational Health and Safety.

### **1.1. What is Internal Audit?**

Internal audit is described as *'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations.*

*It helps an organisation accomplish its objectives by bringing a systematic disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.'*<sup>1</sup>

Internal audit's role is primarily one of providing independent assurance over the internal controls and risk management framework of the council.

Management has primary day-to-day responsibility for the design, implementation, and operation of internal controls.

Internal audit has no direct involvement in day-to-day operations, but it has a direct functional relationship with the General Manager and the council. An effective internal audit function should evaluate and monitor the adequacy and effectiveness of the internal control framework as a minimum.

Risk management is also an essential part of a council's management and internal control framework. It looks at what risks the council may face and the best way to address these risks. Assessment and management of risk is central to determining internal audit activities.

Internal audit's core competencies are in the area of internal control, risk and governance. Typically, internal audit's scope will include some or all of the following areas:

- Reliability and integrity of financial and operational information
- Effectiveness and efficiency of operations and resource usage
- Safeguarding of assets
- Compliance with laws, regulations, policies, procedures and contracts
- Adequacy and effectiveness of the risk management framework.

### **1.2. Why my council should have an internal audit function.**

All councils should have an internal audit function for the following reasons:

- it supports good internal governance
- to ensure consistency with other levels of government
- to improve the effectiveness of risk management, control and governance processes
- helps to instil public confidence in an organisation's ability to operate effectively.

When considering an internal audit function, councils should consider the following issues:

- The need to extend council's understanding of risk management beyond traditional areas of public liability and occupational health and safety, into areas such as internal governance, fraud risk and broader regulatory risk.
- Whether council should have a uniform approach to assessing and managing risk, regardless of size or location.
- Whether it is feasible for council to pool resources with like councils or arrange through regional organisations of councils for internal audit services.

<sup>1</sup> *International Professional Practice Framework (IPPF) 2009, The Institute of Internal Auditors, [www.iaa.org.au](http://www.iaa.org.au)*

- Whether small management teams can feasibly conduct audits or internal reviews in the absence of an audit function, with an appropriate degree of independence and objectivity.
- How council can properly resource internal audit and internal control programs.

### **1.3. How does internal audit fit in with other governance functions and activities?**

Good governance requires an organisation to have a proper framework in place to ensure excellence in decision making, and that decisions are implemented efficiently and effectively. Key components of good governance include the use of:

- Audit Committees
- Internal and External Audit
- Enterprise Risk Management

#### **1.3.1. The Audit Committee**

An audit committee plays a pivotal role in the governance framework. It provides councils with independent oversight and monitoring of the council's audit processes, including the council's internal controls activities. This oversight includes internal and external reporting, risk management activities, internal and external audit, and compliance<sup>2</sup>. Given the key role of the Audit Committee, for it to be most effective it is important that it is properly constituted of appropriately qualified independent members.

A strong relationship between the audit committee and internal audit enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the role and direction for internal audit, and maximises the benefits from the internal audit function.

More information on the Division's expectations of audit committees in Local Government is set out in section 4 of this document.

#### **1.3.2. External Audit**

External audit is a statutory function that provides an opinion on the council's annual financial reports, as required under Divisions 2 and 3 of the *Local Government Act 1993*. The primary focus and responsibility is on providing an opinion on the financial report to council and its external stakeholders.

Councils should be aware that the external auditor should not be expected to conduct a deep or thorough review of the adequacy or effectiveness of a council's risk management framework or internal controls. To obtain a deeper understanding of the scope of the external auditor's report it is recommended that you read the disclaimer contained in the external audit report in your council's statutory financial reports. The external auditor may place some reliance on internal audit reviews, monitoring of internal control, including fraud control and risk management as per the Australian Auditing Standards.

An effective internal audit function may contribute to the performance of external audit, as the external auditor may be able to rely on some of the internal audit work performed, and the stronger internal control environment that a strong internal audit function can create. This may have an indirect benefit in reducing audit fees.

<sup>2</sup> *Auditing and Assurance Standards Board, Australian Institute of Company Directors, Institute of Internal Auditors, Audit Committees A guide to good practice 2008*

### **1.3.3. Management**

Management has primary responsibility for the design and operation of the risk management and internal control frameworks of the council. It is separate from the responsibilities of external audit, internal audit and the audit committee. While these functions provide advice and oversight in relation to the risk management and internal controls, they are not responsible for its design or implementation. This responsibility lies solely with management. Good governance in local government relies on a robust independent review of management, finances, risks and operations.

### **1.3.4. Risk Management**

Risk management is an important component of corporate governance. Risk management is the responsibility of management with oversight by council and the audit committee. Internal audit can assist management to identify and evaluate the effectiveness of council's risk management system and contribute to the improvement of risk management and control systems. The annual Internal Audit plan should be developed after consideration of the council's risk registers and those areas that are high risk to the organisation.

Internal audit will usually provide advice and assurance over the risk management and internal control frameworks, but in order to maintain independence, internal audit will not be responsible for its implementation of risk management or making decisions on how risks should be treated. Risk management is an important area that is touched upon in more detail in section 5 of this document.

## 2. Establishing an Internal Audit Function

**Key strategies** aimed at ensuring that internal audit services conform with good practice:<sup>3</sup>

- Establish an audit committee, with a majority of members who are external (independent) to council
- Set up an independent reporting structure for internal audit (i.e report functionally to the audit committee and administratively to the General Manager) and define its functions and responsibilities with an internal audit charter
- Adopt and comply with professional internal auditing standards
- Recruit and retain capable staff
- Establish and communicate a clear internal audit vision and strategy
- Demonstrate the value of internal audit
- Understand council, management and community stakeholder needs
- Focus on risk
- Review internal controls
- Educate management on risks and controls
- Continuously improve the quality of internal audit services.

**Key Attributes** of a good practice internal audit function in local government:<sup>4</sup>

- Maintain independence and objectivity
- Have clear roles and responsibilities
- Comply with the internal auditors International Standards for professional practice of internal auditing in planning and executing work
- Have sufficient and appropriate resources to carry out audit work, as well as the necessary skills, experience and personal attributes to achieve what is expected of internal audit
- Have regular and timely communication of findings and recommendations
- Systematically conduct regular follow-ups on audit recommendations
- Continuously monitor internal audit effectiveness
- Adding value by proactive auditing and advice
- Develop audit plans that are comprehensive and balanced, and are linked to council's management of risks.

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<sup>3</sup> Jeffrey Ridley and Andrew Chambers. Leading Edge Internal Auditing. ICSA Publishing, 1998, pgs. xxxiii, and 10 to 17.

<sup>4</sup> Ridley and Chambers: as above



### **2.1. Internal Audit Charter**

An internal audit charter provides a comprehensive statement of the purpose, authority, responsibilities and reporting relationships of the internal audit function. The audit committee or council should approve the internal audit charter.

The content of an internal audit charter should:

- Identify the purpose, authority and responsibility of the internal audit function
- Establish internal audit's position within the organisational structure
- Define reporting relationships of the internal auditor with the General Manager and the audit committee
- Define internal audit's relationship with the council's external auditor
- Have provisions that authorise access to records, personnel, physical property, and attendance at relevant meetings
- Define the scope of internal audit activities, including any restrictions.

The internal auditor should periodically assess whether the purpose, authority and responsibility, as defined in the charter, are still adequate. Results of the assessment should be communicated to the audit committee.

A sample internal audit charter is contained at Appendix 3. Councils should tailor their charters as considered appropriate for their circumstances.

The audit committee should also have a charter that sets out its roles and responsibilities and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter (Appendix 2). An external quality assessment every 5 years would assist this process.

### **2.2. Professional Standards**

Internal auditors in NSW local government should comply with appropriate professional standards, such as the Institute of Internal Auditors (IIA) Standards and Code of Ethics. A summary of the standards is shown at Appendix 1. The standards should be the basis of policies, procedures, and plans. Internal audit should be performed with integrity, objectivity, confidentiality and competency.

IIA Standards include the expectation that an internal audit function will establish policies and procedures to guide internal staff in carrying out their work. Policies and procedures should be periodically reviewed to ensure they are up to date with changes in professional practice.

The IIA is thanked for their kind permission to reproduce these standards in this document.

### **2.3. Reporting lines**

Generally, the internal audit function is led by a chief audit executive who is the most senior member of staff in the organisation responsible for the internal audit function. The IIA's Standards for the professional practice of internal auditing state that *"The Chief Audit Executive must report to a level within the organisation that allows the internal audit activity to fulfil its responsibilities. The chief audit executive must confirm to the board, at least annually, the organisational independence of the internal audit activity. The internal audit activity must be free from interference in determining the scope of internal auditing, performing work, and communicating results"*.

For local government, the Internal Auditor should report functionally to the audit committee and administratively to the General Manager. If matters involve the conduct of the General Manager, an alternate reporting chain to the Mayor or a protected disclosure to the ICAC, Ombudsman or the Division of Local Government (about serious and substantial waste in local government) should be in place.

It should be remembered that pursuant to section 335 of the Local Government Act the General Manager is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function. The General Manager may choose to delegate this responsibility provided always that the delegation does not directly or indirectly interfere with the ability of the Internal Auditor to conduct an internal audit function free from interference as required by the IIA's Standards, referred to above (see section 3.4 below).

A clear and properly defined reporting relationship ensures that the Internal Auditor is empowered to perform their role working with management. The direct reporting line to the Audit Committee also acts as an adequate safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.

Due to the reporting relationships of this key role, it is important that councils appoint an internal auditor who has credibility, and can build relationships and influence decisions at the most senior levels of council, including the audit committee and the General Manager.

## **2.4. Options for Resourcing Internal Audit**

Regardless of size, councils are encouraged to have an appropriately resourced internal audit function. An internal audit function should have sufficient and appropriate resources to carry out its work, including skilled auditors, appropriate technology tools, budgets and professional development opportunities. Budget allocations should align to the approved audit plans.

While size and complexity of a council's operations will drive the size and overall budget of its internal audit function, a small size of operation does not justify forgoing internal audit altogether. The most efficient and effective means of resourcing the internal audit function depends upon the individual circumstances of the council. It is recognised that smaller councils may not be able to justify a full-time internal auditor. Guidance is provided below on alternative resourcing models that may achieve the required outcomes on a cost effective basis.

### **2.4.1. Appointment of Full-Time or Part-Time Internal Auditor**

Ideally the internal auditor should be an independent position reporting directly to the Audit Committee and administratively to the General Manager, with no other operational or management responsibilities. The role and duties and a sample position description are described in more detail in the appendices.

Depending upon the size and complexity of the organisation, councils may consider appointing an internal auditor or internal audit team. The appointment could be full-time or part-time personnel and may be staffed by more than one auditor if the size of the council demands.

Position descriptions should be set for internal audit staff and should identify required qualifications and competencies, including:

- Proficiency in applying internal audit standards, procedures and techniques
- Proficiency in accounting principles and techniques if working extensively with financial records and reports

- An understanding of management principles required recognising and evaluating the significance of deviations from good business practices
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT
- Effective interpersonal skills
- Skills in oral and written communication
- Ability to identify key issues in any area under review
- Ability to influence senior management as and when required
- Knowledge of key information systems technology risks and controls and available technology-based audit techniques.

### **2.4.2 Outsourced or co-sourced function**

Providing that independence requirements are adhered to, councils can contract their internal audit function to private sector accounting firms or internal audit service providers. If this is the preferred option, then councils need to ensure that the service provided is for a professional internal audit service and not an extension of the financial assurance based external audit.

Councils should note that outsourcing or co-sourcing the internal audit function does not abrogate the council's responsibility to oversee and manage the internal audit function.

In monitoring the performance of the internal audit services provided by accounting firms, councils need to ensure that an appropriately qualified auditor is conducting the internal audit. To ensure an effective and comprehensive internal audit program, contracted internal auditors should have authority to independently set an ongoing audit program, which is not constrained by a narrow scope of audit coverage pre-determined by management.

A co-sourced function is one where a staff internal auditor supplements audit services with an outsourced internal audit service provider. An outsourced internal audit function is one where the service provider assumes all the responsibilities of the internal audit function.

Several options are set out below:

- Private sector accounting firms – most large accounting firms have specialist internal audit divisions, which provide a good service. Internal audit is a specialised skill and hence councils are advised to only use firms who have a specialised internal audit division.
- Boutique firms – a number of boutique firms exist that specialise in internal audit services.
- Internal audit contractors – there a range of experienced internal audit contractors available for this sort of work.
- NSW GTE - IAB Services is a State Government agency that provides internal audit services to the public sector.

Each of these options will have their advantages and can be appropriate for different circumstances. The advantages of using external providers include: flexibility; access to a wide range of expertise; ability to access the service as and when required. Disadvantages include loss of corporate knowledge and possible increased costs.

The NSW State Contracts Control Board has compiled a panel of qualified internal audit service providers at competitive rates through a competitive tender process. Councils are able to access this panel to save them time and effort in the procurement process and are encouraged to do so.

### **2.4.3 Regional or Inter-Council Sharing of Internal Audit Resources**

Councils are also encouraged to consider resourcing their internal audit function via collaborative arrangements with other councils or through a regional organisation of councils (ROC).

A ROC or some other body (such as a strategic council alliance) could agree to jointly employ or contract an appropriately qualified internal auditor. This may have benefits in terms of cross-council benchmarking, reduction in travel costs and access to a bigger resource pool than would be available to a single council.

Each council should nevertheless establish its own independent audit committee and the internal auditor would need to report separately to each council, maintaining confidentiality. A funding model could be established that shares the costs on a user-pays basis between participating councils, with internal audit costs based on an agreed cost sharing basis.

Under this model, the appointed internal auditor would prepare an audit plan for each council, based on individual council requirements. There will be some common systems and shared knowledge and tools, such as audit planning, risk assessment, audit programs and procedures.

A small team of internal auditors directed by a suitably qualified and experienced auditor could be appropriate for serving several smaller councils in adjacent local government areas. This model should result in lower audit costs compared to councils employing separate internal auditors or consultants at various management levels.

Risk assessments and annual audit plans need to be designed with input from senior management of each of the participating councils. The internal audit team will need to retain a high degree of independence from management in the planning and conduct of audits. The reporting framework will need to ensure the independence of the audits and confidentiality of findings. The internal auditor should report directly to the General Manager and the Audit Committee of each council.

#### **2.4.4 Other Resources**

The Local Government Internal Audit Network (LGIAN) represents internal auditors in NSW local government and adds value to local government by promoting better practice internal audit and sharing of information and resources. This group provides sharing of technical expertise by internal audit professionals who are experienced in local government operations, legislation and governance. Member councils host quarterly meetings. Contact details are available from the Division of Local Government.

### 3. Internal Audit Operations

#### 3.1. Adding Value

One of the primary objectives of the internal audit function is to add value to the council operations. Adding value involves taking a proactive approach with a focus on risk, organisational concerns and effective controls at a reasonable cost. By focusing audit work on high risk areas, the organisation will benefit from assessments of their systems and gain independent assurance on whether those systems that are critical to program delivery are operating efficiently and effectively.

This risk approach contributes to preventative auditing, rather than relying on detecting issues and exceptions after they have already eventuated.

#### 3.2. Roles and Responsibilities

An internal audit function should have clear roles and responsibilities. This includes complete and unrestricted access to employees, property and records. Roles and responsibilities should be communicated in the internal audit charter and position descriptions.

#### **Policies and Procedures Checklist**

Councils should establish a manual of policies / procedures that guide internal auditors in their work. The content of these policies / procedures should be consistent with relevant standards, such as the IIA Standards, and cover the following topics:

##### **Attribute Standards**

- Purpose, Authority and Responsibility
- Independence
- Proficiency and Due Care
- Quality Assurance

##### **Performance Standards**

- Managing the Internal Audit Activity
- Nature of the Work
- Engagement Planning
- Performing the Engagement
- Communication of Results
- Monitoring Progress
- Resolution of Management's Acceptance of Risk.

#### 3.3. Independence and Objectivity

An internal audit function should maintain an appropriate level of independence and objectiveness through sound reporting relationships, and by those involved in internal audit activities avoiding bias and conflicts of interest.

##### 3.3.1 Avoidance of Bias and Conflict of Interest

Policies and procedures should be in place to help an internal audit ensure against the risk of bias, particularly arising from perceived familiarity by virtue of long association with persons the subject of internal audit activity.

### **The Avoidance of Bias and Conflict of Interest Checklist**

An internal auditor or person responsible for internal audit should have a process in place to ensure that:

- An internal auditor does not undertake audit work regarding operations / services for which he / she has held responsibility within the last two (2) years.
- An internal auditor who provides consulting services regarding a particular operation / service is not the same auditor who provides assurance on that same operation / service.
- Internal auditors are rotated periodically whenever it is practical to do so; alternatively, some other method is put in place to address the risks associated with having the same auditors responsible for auditing the same unit / functional area over a prolonged period.

### **Position Description Checklist**

The internal audit function should have written position descriptions for each level of audit staff. The position descriptions for audit staff should identify required qualifications and competencies, including:

- Proficiency in applying internal audit standards, procedures and techniques
- Proficiency in accounting principles and techniques
- An understanding of management principles required recognising and evaluating the materiality and significance of deviations from good business practices
- An appreciation of fundamental concepts in areas such as accounting, economics, commercial law, taxation, finance, quantitative methods and IT
- Effective interpersonal skills
- Skills in oral and written communication.

#### **3.4. Reporting Relationships**

Councils establishing an internal audit function must provide appropriate independence for the internal audit function by establishing some degree of separation of the function from management.

In private companies, the internal auditor is accountable to the Board of Directors through the Chairman of the Audit Committee. This approach cannot be directly reproduced under the provisions of the *Local Government Act 1993*. Internal audit is an operational matter that falls within the responsibility of the General Manager. Under section 335(1) of the *Local Government Act*, the General Manager is responsible for the efficient and effective operation of the council's organisation.

The separation of powers between the General Manager and the elected council is a key element to the Act and accordingly both need to ensure that they do not interfere with or control the exercise of each of these functions. It is therefore not appropriate for an internal auditor to report directly to the mayor and/or councillors.

Internal auditors should be mindful of their obligation under section 11 of the ICAC Act to report suspected areas of corrupt activity. Further, they may wish to report their findings under the provisions of the *Protected Disclosures Act 1994*. This may be necessary if concerns are raised in regard to the General Manager or other senior staff.

Councils have the power to appoint an external audit firm to be the internal auditor. Where possible this firm should not be the same one that provides council's external audit services. This does not change the fact that internal audit remains an operational role. It should be remembered that pursuant to section 335 of the Local Government Act the General Manager is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function.

While management employs the internal auditor, the internal auditor is also expected to review the conduct of management. Therefore, the internal auditor should be able to report to a person or body with sufficient authority to implement internal audit recommendations.

It is important for the internal auditor to have direct access to the audit committee to monitor the scope of the work of internal audit and to review the reports issued. This is achieved by having the internal auditor attend meetings of the audit committee.

The appointment of an internal auditor does not give council the ability to direct the performance of the internal audit function. However, councils can use the General Manager's employment contract to ensure that relevant internal audit work is being undertaken as a requirement of the General Manager's performance obligations.

The Internal Auditor should maintain independent reporting relationships with the audit committee, General Manager and management. This requires:

- Reporting functionally to the audit committee and administratively to the General Manager
- Reporting to an audit committee with external members
- Internal audit charter to be approved by the audit committee and the audit committee charter to be approved by council
- Audit committee to approve of internal audit plans, and provide a forum for discussion of areas worthy of internal audit attention
- Audit committee to ensure coordination and cooperation of internal and external auditors
- Audit committee to make enquiries of management to determine if the scope or budgetary limitations impede the internal audit's ability to function properly, and ensure that the internal audit function is properly resourced
- Reporting to the General Manager for budgeting and accounting, human resource administration, internal communications, administration of policies and procedures.

Reporting to an audit committee with a majority of members, who are external and independent to the council, ensures that internal audit operates independently from management and can effectively review risk, control, governance processes and management assertions.

### **Reporting Relationships Checklist**

The audit committee should include persons external to the organisation. In the absence of an audit committee, the internal auditor should report to a level within the organisation that ensures that the internal audit is able to have broad audit coverage and to fulfil its responsibilities independently and objectively.

Reporting functionality to an audit committee means the committee:

- Approves the internal audit charter



- Approves short and long term audit plans
- Comments on the performance of the internal auditor
- Makes enquiries of management to determine if there are scope or budgetary limitations that impede internal audit's ability to function properly
- Ensures that the internal audit function is adequately resourced
- Approves the scope of external assessments of the internal audit
- Provides a forum for discussion to identify areas worthy of examination by internal audit
- Recommends to Council who should be the internal audit provider and/or has input into the selection of the Chief Audit Executive.

Reporting administratively to the General Manager relates to day to day operations of internal audit including:

- Budgeting and accounting
- Human resource administration
- Internal communication / information flow
- Administration of internal policies and procedures.

### **3.5. Internal Audit Plans**

Internal audit should prepare an audit plan that identifies internal audit's objectives and strategies, and the audit work they will undertake.

Good practice internal audit plans will be based on a risk assessment of the council's key strategic and operational areas to determine an appropriate timing and frequency of coverage of each of these areas. Best practice will also include audit judgment of areas that should also be reviewed despite not appearing as a high priority in the council's risk profile.

The annual plan will generally be developed with input from the General Manager and senior management and approved by the audit committee. Generally, such a plan will identify:

- The audit projects that will be carried out during the year and rationale for selecting each
- When each audit project is expected to commence and the time allocated for each
- The performance measures that will be used to evaluate the performance in relation to established goals / objectives and strategies
- Any areas that cannot be covered within existing budgets and additional areas, which in the opinion of the internal auditor, should be reviewed
- Whether the audit projects identified require the use of external expertise.

A rolling three year plan of coverage can be proposed so that it can be readily determined what areas will be covered in any given year, and if their area is not covered in a given year, when it is scheduled for review. The ability of the internal auditor to execute this plan over a three year cycle is a useful method to assess whether internal audit is adequately resourced. However the plan should be reviewed at least annually to ensure that it still aligns with the council's risk profile.

### **Audit Plans Checklist**

The internal auditor should have a long term strategic plan and annual work program to guide their work.

Long term strategic plans that are prepared with input from and approval by the internal audit committee should be risk based. They would generally include:

- A description of the goals / objectives of internal audit
- Key organisational issues and risks of the organisation prepared in consultation with senior management, the audit committee, the external auditor and other relevant parties
- The strategies / priorities in order to address issues and risks.

Mid term operational plans may also be prepared to assist an organisation in the implementation of the key strategies / priorities identified in the strategic plan. Typically these plans would include aspects such as:

- Staffing, competency needs
- Professional development
- Information technology requirements
- Budgeting requirements
- How performance monitoring, measurement, and internal / external assessments will be operationalised.

The annual audit plan is prepared with input from and approval by the audit committee. It should be developed based on the long term strategic plan and the mid term plan. Generally, such a program will identify:

- The audits and other types of projects that will be carried out during the year and the rationale for selecting each
- Staffing for each project, when it is expected to commence and the time allocated for each
- Financial budgets
- The performance measures that will be used to evaluate performance in relation to established goals / objectives and strategies
- As applicable, the plans for internal / external assessments of an internal audit group.

### **3.6. Performing Internal Audits**

Internal Auditors should perform internal audit reviews in accordance with the accepted Institute of Internal Auditors (IIA) Standards and the IIA Code of Ethics for performance standards, practices and guidelines. An outline is shown in the appendices. This includes:

- planning the audit
- defining the audit scope
- identifying sufficient, reliable, relevant, and useful information to achieve the audit's objectives
- identifying and evaluating the risks
- analysis and evaluation of controls
- maintaining proper records of the audit and evidence collected and analysed
- performing tests

- making recommendations
- discussing audit results with relevant staff and management.

Internal Audit may also perform consulting engagements and investigations of allegations, depending on the roles conferred in the Internal Audit Charter. Professional standards should also be applied when conducting these types of reviews.

### 3.7. Communication of Audit Results

Internal audit should regularly communicate its findings and recommendations to the audit committee, General Manager and management of the areas audited. An internal audit report should communicate accurate, objective, clear, concise, constructive, complete and timely information.

Audit reports should normally include background information, the audit objectives, scope, approach, observations/findings, conclusions, recommendations and agreed management actions. Reports should promote better practice options and explain why the recommended changes are necessary and how they add value.

Reports and memos should share internal audit's observations on significant risk exposures, control issues, corporate governance issues, and other related audit matters. By sharing audit criteria, explaining causes and consequences of audit observations, councils can gain an understanding of the implications and impacts of the audit findings.

Depending on the size of the internal audit reports, summaries may be appropriate for the General Manager and the audit committee with full reports available on request.

### Internal Audit Reports Checklist

The following table is based on the IIA Professional Practices Framework.

Background	<ul style="list-style-type: none"> <li>✓ Identifies the organisational units and activities reviewed and provides explanatory information.</li> <li>✓ Indicates why the audit project was conducted, including whether the report covers a scheduled engagement or is responding to a request.</li> <li>✓ Includes the status of observations, conclusions and recommendations from prior audits.</li> </ul>
Objectives	<ul style="list-style-type: none"> <li>✓ Statements that define intended engagement accomplishments.</li> </ul>
Scope	<ul style="list-style-type: none"> <li>✓ Identifies the audited activities.</li> <li>✓ Identifies the time period reviewed.</li> <li>✓ Identifies related activities that are not reviewed.</li> </ul>
Approach	<ul style="list-style-type: none"> <li>✓ Establishes the procedures for identifying, analysing, and evaluating sufficient information to achieve the engagement's objectives.</li> </ul>
Observations / Findings	<ul style="list-style-type: none"> <li>✓ Identifies the standards, measures, or expectations used in making an evaluation and / or verification (criteria).</li> <li>✓ Identifies the factual evidence that the internal auditor found during the examination that supports the conclusions and recommendations (conditions).</li> <li>✓ Identifies the reason for the difference between the expected and actual conditions (causes).</li> </ul>

	<ul style="list-style-type: none"> <li>✓ Identifies the risk or exposure the organisation and / or others encounter because the condition is not consistent with the criteria (effect).</li> </ul>
Conclusions	<ul style="list-style-type: none"> <li>✓ Should be clearly identified.</li> <li>✓ Should be based on appropriate analyses and evaluations.</li> <li>✓ Should encompass the entire scope of an engagement.</li> <li>✓ Should relate directly to objectives.</li> </ul>
Recommendations	<ul style="list-style-type: none"> <li>✓ Should be based on engagement observations and conclusion.</li> <li>✓ Should either be general or specific and call for action to correct existing conditions or improve operations.</li> <li>✓ Should suggest approaches to correct or enhance performance.</li> </ul>
Agreed actions	<ul style="list-style-type: none"> <li>✓ An agreed set of actions proposed by management to address any recommendations. (In some cases the internal audit teams may move straight to agreeing actions and skip recommendations. This is considered good practice.)</li> </ul>

### **3.8. Follow-Up on Audit Reports**

The General Manager and audit committee should systematically review progress against audit recommendations and agreed action plans. This ensures that a clear message is sent to management and staff that these matters are important and are being reviewed at the most senior levels in the organisation.

If management accepts a risk that internal audit believes is unacceptable, then this should normally be discussed at an appropriate level in the organisation, including with the General Manager and the audit committee, as considered appropriate.

### **3.9. Access to Audit Reports**

Internal audit reports are intended for internal use only. Where audit reports have findings that are useful to other areas of council, internal audit may share this information on a limited basis. Internal audit reports should be shared with the council's external auditor to assist them in the course of their work. This permission should be documented in the audit committee charter.

Councillors should also have access to the minutes of the Audit Committee. As the minutes may contain confidential information, broader public access should be controlled. However the council should be mindful of its obligations under the *Government Information (Public Access) Act 2009* to provide greater transparency and accountability.

### **3.10. Annual report from the Audit Committee to Council**

The audit committee should report regularly to the council on the management of risk and internal controls. This may be done following each meeting of the audit committee, but as a minimum, the audit committee should report at least annually to the full council on its oversight role of the internal audit function. The General Manager should also provide an annual report to the audit committee on the performance of the internal audit function.

Council may request the Chairperson of the Audit Committee to address the Council to answer any enquiries about the operation of the Audit Committee.

### **3.11. Performance Measurement**

Internal audit should have performance measures that are based on its specific goals / objectives and performance targets that are derived from the internal audit group's plans / strategies. Quality assurance and review of audit work papers in accordance with Australian Auditing Standards is also an essential requirement to ensure the audit findings are adequately evidenced and documented. The work of internal audit can be used by the external auditors where they are satisfied of its quality as per the Australian Auditing Standards AA610.

#### **Performance Measurement System Checklist**

Performance measures should provide information that enables the internal audit function to determine whether its activities are achieving its charter and planned results (ie, the aims expressed in its various types of plans).

The performance measurement system should be documented and should be clear on:

- Performance data that is to be collected
- The frequency of data collection
- Who is responsible for data collection
- Data quality control
- Who generates performance data reports
- Who receives such reports.

Performance measures may cover aspects such as:

- Stakeholder satisfaction
- Internal audit processes (eg, risk assessment / audit planning, performing the audits, reporting, and value added)
- Innovation and capabilities (training, technology, knowledge of business)
- Control deficiencies identified and resolved by management
- Cost/benefit analysis of internal audit recommendations.

An internal audit function should regularly report to the General Manager and the audit committee on its progress against the annual internal audit plan.

### **3.12. Independent Quality Review of Internal Audit**

Internal audit should be subject to an external quality assessment of its performance using accepted standards for performance measurement and evaluation at least every five years.

This is to provide assurance to the General Manager and council that internal audit is effective and operating in accordance with the International Standards for the Professional Practice of Internal Auditing.

The Institute of Internal Auditors provides a quality assessment framework for this purpose.

### **3.13. Internal Audit and Protected Disclosures**

Where there is otherwise no designated protected disclosures coordinator for the council, the internal auditor can be appointed to fulfil the requirements of the *Protected Disclosures Act 1994* and the provisions of council's internal reporting policy. Alternatively, the General Manager can appoint the internal auditor to conduct an independent investigation of matters arising from a protected disclosure.

Protected disclosures are an important means by which councils can signal commitment to ethical practice. They also can act as an early warning system for management and to assist staff in making any disclosures of alleged corrupt conduct, maladministration or serious and substantial waste of public money under the *Protected Disclosures Act 1994*.

Every public official has a statutory right to make a disclosure under the Protected Disclosure Act to the following external agencies:

- NSW Ombudsman
- Independent Commission Against Corruption (ICAC)
- Audit Office
- Police Integrity Commission or
- Division of Local Government, Department of Premier and Cabinet (about serious and substantial waste in local government).

Councils should inform their councillors, staff and council delegates of the requirements and protections of the *Protected Disclosures Act 1994* through staff and councillor induction and training programs.

## 4. Establishing an Audit Committee

### 4.1. What is an Audit Committee?

An audit committee plays a pivotal role in the governance framework to provide council with independent oversight and monitoring of the council's audit processes, including the council's internal control activities. This oversight includes internal and external reporting, risk management activities, internal and external audit and compliance.<sup>5</sup> A strong relationship between the audit committee and the internal audit function enables the committee to meet its responsibilities and carry out its functions. An audit committee establishes the importance and executive direction for an internal audit function, and ensures that the council achieves maximum value from the internal audit function. The audit committee sets the appropriate tone at the top. Guidelines for establishment and operations of audit committees in local government are set out below.

No two audit committees will function in exactly the same way, nor should they. A dynamic audit committee process is required for each council to cater for the particular internal and external influences impacting upon them. The size and conduct of council audit committees will also vary depending on a council's size and other circumstances.

**Key characteristics** of good practice audit committees are:

- A thorough understanding of the audit committee's position in the legal and governance framework
- Clearly defined roles and responsibilities
- Members with relevant personal qualities, skills and experience, including at least one member with a strong financial and/or audit background
- The ability to maintain effective relationships with key stakeholders
- The ability and capacity to conduct its affairs efficiently and effectively
- A robust and considered process of assessment and continuous improvement.

### 4.2. Independence and Objectivity

The audit committee will achieve its independence by having a majority of independent members external to council and its operations. In addition, it is highly desirable that all members chosen exhibit an independence of mind in their deliberations and do not act as a representative of a particular area of council, or with conflicts of interests. Regular rotation of some or all members is also desirable to keep a fresh approach.

Ideally the audit committee should consist of at least three and preferably no more than five members comprised of independent external members, who should be in the majority, and councillors other than the Mayor (or an Administrator). Staff should not be members of the audit committee.

When selecting committee members it is important to ensure that they have appropriate qualifications and experience to fulfil their role. The following qualities are desirable when appointing members:

Individuals should have:

- Knowledge of local government
- Strong communication skills

<sup>5</sup> Auditing and Assurance Standards Board, Australian Institute of Company Directors, Institute of Internal Auditors, Audit committees, A Guide to Good Practice 2008

- High levels of personal integrity and ethics
- Sufficient time available to devote to their responsibilities as a committee member
- High levels of financial literacy and, if possible accounting; financial; legal compliance and/or risk management experience or qualifications.

The audit committee as a whole should have:

- At least one member with financial qualifications and experience
- Skills and experience relevant to discharging its responsibilities, including experience in business, financial and legal compliance, risk management

#### **Selection and Appointment of Committee Members**

Committee members and the audit committee chair should be appointed by the council. This could be done on the recommendation of a committee which has been convened by council with the power to interview and recommend suitable candidates. It is important that the process used is transparent and accountable.

If the council wishes to use this process then the committee should prepare a written report for the council that provides details of the qualifications and experience of all eligible applicants for the position(s) of independent audit committee member(s) or audit committee chair from which the council can select the most suitable appointees.

Sufficient funds need to be allocated to the audit committee for it to operate effectively. Council should resolve to provide a budget and funds for the audit committee, this should include fees payable to the audit committee members.

#### **Independent and councillor members**

Independent and councillor members must be free from any management, business or other relationships that could be perceived to interfere with their ability to act in the best interests of the council.

When considering whether an individual has the necessary independence from council it is common to examine the individual's past and current relationships with the council. Some of the following are relationships that might affect the independent status of an independent and/or councillor:

- Is a substantial shareholder; an owner, officer or employee of a company; or a consultant, that is a material provider of professional advice, or goods, or services to the council;
- Is employed by or has previously been employed by a council and there has not been a period of at least two years between ceasing such employment;

To maximise both the real and perceived independence of the committee individuals currently employed by a council cannot be considered as an independent member of a council audit committee.

This list is not exhaustive and if one or more of the above examples is exhibited by an independent or councillor it is possible that their status as an "independent" member of the committee might be compromised.

Members and potential members of an audit committee need to ensure that they disclose to the council any relationships that could be viewed by other parties as creating conflicts of interests that impair either the individual's or the audit committee's actual or perceived independence.

In order to maximise the effectiveness of the audit committee it is important for members to be both independent and to be seen to be independent.



#### **Audit committee chair**

The chair of the audit committee is critical to the overall effectiveness of the committee. The chair of the committee should be independent and should not be the mayor or a member of council. The council should select an audit committee chair who:

- Is knowledgeable of the duties and responsibilities of the position as outlined in the audit committee charter; especially about local government, financial reporting and auditing requirements;
- Has the requisite local government, financial and leadership skills;
- Has the ability to build good relationships; and
- Has strong communication skills

The term of appointment of the chair should be specified by the council.

### **4.3. Structure and Membership**

The structure and membership of an audit committee in the NSW local government environment will depend on the size of the council. Membership should have a majority of independent members and councillors (excluding the Mayor), with between 3 and 5 members. Good practice in governance is that council staff should not be members of the committee. However, this may not be practical for some councils. The chair should be an independent member. A suggested membership is:

- 1 or 2 councillors (excluding the mayor)
- 2 or 3 independent members, at least one with financial expertise and one of whom should be the chair.

The internal auditor and Chief Financial Officer should be invited to attend all meetings. The external auditor should also be invited to attend as an independent advisor.

To preserve the independence of the Audit Committee the General Manager should not be a voting member of the Audit Committee. In accordance with section 376(2) of the Local Government Act the General Manager is entitled to attend meetings of the Audit Committee. Furthermore pursuant to Section 376(3) of the Local Government Act the General Manager may only be excluded from the meeting while the 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. However, the General Manager is not automatically entitled to be, nor should the General Manager be, a member of the audit committee.

General Managers are strongly encouraged to enable the audit committee to conduct its activities without undue influence from the General Manager.

It is recommended that, even though, pursuant to the Local Government Act, the General Manager is entitled to attend all meetings, in line with better practice, the General Manager should allow the audit committee to meet separately with each of the internal auditor and the external auditor without the presence of management on at least one occasion per year.

A suggested structure for smaller councils is as follows:

- 1 councillor (excluding the Mayor)
- 2 independents – at least one with financial expertise

A structure for bigger councils could be:

- 1 or 2 councillors (excluding the Mayor)
- 2 or 3 independents – at least one with financial expertise and/or one with financial, legal or business expertise

The audit committee should also have its own charter that sets out the roles and responsibilities of the audit committee and its oversight of the internal and external audit functions, including any statutory duties. The elected council should approve the audit committee charter.

An example charter for audit committees is included in Appendix 2. Councils should not use this example verbatim but should tailor it according to their specific circumstances.

#### **4.4. Audit Committee Operations**

##### **4.4.1. Meetings**

The audit committee should meet with sufficient frequency to meet its responsibilities.

The number of meetings and their duration will vary depending on the range and complexity of the council and the committee's responsibilities. The audit committee should decide the number of meetings needed for the year after taking into consideration:

- The roles and responsibilities of the committee
- Maturity of the committee and audit arrangements
- The level and/or volume of internal and external audit activity
- Key reporting deadlines
- Significant developments or emerging risks for the entity, for example, restructuring, policy initiatives or new programs
- The potential resource implications versus the benefit to the committee and the entity of more frequent meetings.

Generally, the audit committee should meet at least four times a year. It is also appropriate to have meetings dedicated to considering the annual external audit plan, external management letters and council's audited annual financial reports. Where significant issues arise during the year, committees should consider the need to schedule additional meetings.

Where possible, the dates for audit committee meetings should be established 12 months in advance, particularly where the committee has independent members with other commitments. Each year the committee should agree a forward meeting plan, including meeting dates, location and agenda items. When developing the forward meeting plan, the committee should ensure it covers all the responsibilities outlined in its charter.

The audit committee charter should require the chair of the committee to hold a meeting if asked to do so by another committee member or by the council or the General Manager. There should also be provision for both the internal and external auditors to meet privately with the chair of the audit committee if required, and this should be documented in the audit committee charter.

##### **4.4.2. Functions**

Clear roles and responsibilities should be given to an audit committee, and documented in the audit committee charter (see Appendix 2 for a model charter). The broad responsibilities for best practice include the following:

- Risk management
- The control framework
- External accountability (including the council's annual audited financial reports)
- Legislative compliance
- Internal audit

- External audit
- Approving the internal audit charter that will guide the activities of an internal audit group
- Having input into and approving an internal audit's long-term strategic plan and annual audit plan
- Having input into the appointment and remuneration of the internal auditor
- Making enquiries of management and the internal audit to determine if there are scope or budgetary limitations that impede an internal auditor's ability to function properly
- Approving the scope of an external assessment or equivalent internal assessment of internal audit to be undertaken every 5 years; and internal assessments which can be undertaken in intervening years if desired.

An audit committee, as a crucial component of corporate governance, is fundamental to assisting the General Manager and council with their oversight function to:

- Ensure all key controls are operating effectively
- Ensure all key controls are appropriate for achieving corporate goals and objectives
- Meet their statutory and fiduciary duties
- Provide a forum for discussing problems and issues that may affect the operations of the internal audit group and acting as a forum for discussion
- Provide a forum for discussion to identify areas worthy of examination by an internal audit group
- Review the implementation of the annual audit plan and implementation of audit recommendations.

#### **4.4.3. Conflict of Interests**

Councillors, council staff and members of council committees must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the council's code of conduct and regularly review their personal circumstances with this in mind.

There will in all likelihood be times where matters to be considered by the Committee raise a conflict of interests for a member of the committee. To preserve the integrity and independence of the Audit Committee it is of utmost important that any conflict of interests is appropriately managed.

This can be done by Committee members declaring any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interests should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interests, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interests may exist. The final arbiter of such a decision is the Chair of the Committee.

## 5. Enterprise Risk Management

### 5.1. What is Risk Management

Internal audit is not responsible for designing or implementing risk management in councils, but is required to consider the risk management framework in planning and conducting audits.

Risk management is an essential part of effective corporate governance. It is defined as “the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects.”<sup>6</sup> Enterprise Risk Management is the holistic management of all risks within council, not just insurable risks or occupational health and safety.

The concept of risk has two elements, the likelihood of something happening and the consequences if it happens. It is recommended that councils refer to the International Standard “*Risk Management – Principles and Guidelines*” ISO 31000:2009(E) for detailed guidance on risk management.

Risk can arise from internal or external sources, and might include exposure to such things as economic or financial loss or gain, physical damage, failure of a project to reach its objectives, ratepayer dissatisfaction, unfavourable publicity, a threat to physical safety or breach of security, mismanagement, failure of equipment, corruption and fraud. Risks should not necessarily be avoided. If managed effectively, they allow us to seize opportunities for improving services and business practices.

Risks can be categorised according to the goals, objectives or outcomes in the council’s strategic, management or business plans. At the highest level, these represent risks to the council’s ability to implement policy and deliver outcomes to the community. Risks also can be categorised into:

- Strategic risks (risks to the council’s direction, external environment and to the achievement of its plans)
- Commercial risks (risks of commercial relationships, such as failed contractual relationships)
- Operational risks (risks to core business activities, such as inadequate human resources, disasters or threats to physical safety)
- Technical risks (risks of managing assets, such as equipment failure or structure collapse)
- Financial and systems risks (risks with financial controls and systems, such as fraud)
- Compliance risks (risks to meeting regulatory obligations).

Risk management is a logical and systematic process that can be used when making decisions and in managing performance. It is a means to an end and should be integrated into everyday work. Good risk management is forward-looking and helps to improve business decisions. It is not just about avoiding or minimising losses, but also about dealing positively with opportunities. It is a powerful tool for local government managers.

Good risk management is based on a well-planned, logical, comprehensive and documented strategy. This strategy provides general policy guidance, and plans and procedures that can be used as part of the organisation’s everyday work to manage risk.

Good risk management must be based on a strategy, but a strategy itself doesn’t manage risks. Leadership, effort by all levels of management and staff, and careful monitoring by councillors and risk committees, are needed to make the strategy a success.

<sup>6</sup> “*Risk Management – Principles and Guidelines*” ISO 31000:2009(E)

Focus should be on embedding a risk management philosophy into organisational decision making and providing tools to enable this process. Where major risks are identified then managerial effort should be directed to managing those risks. Overly complex approaches to risk management will divert resources from the main objective of better management performance, and hence a common sense approach is encouraged.

### **5.2. Why Implement Risk Management?**

Increasingly, risk management is a mainstream activity embedded into good management in both the private and public sectors. Through better understanding of risks, and their likelihood and consequences, councils and their staff will be better prepared to anticipate these risks and take appropriate action.

By utilising risk management principles, councils are able to maximise the likelihood of successfully achieving their goals through proactive treatment of risks resulting in the following outcomes:

- Higher level of service delivery
- Efficient and effective allocation of resources
- Improved responsiveness and flexibility
- Increased accountability and transparency
- Reduced stress to council staff and management.

It is also hoped that effective risk management will result in fewer surprises and unanticipated negative events.

### **5.3. Risk Management in New South Wales Local Government**

The *Local Government Act 1993* was enacted in an era before enterprise risk management was a widely accepted element of good governance. The Act nevertheless requires councils, among other things, to:

*“provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community **and to ensure that those services and facilities are managed efficiently and effectively**”.*<sup>7</sup>

The Act also requires Councillors:

*“to review the performance of the council and its delivery of services, and the management plans and revenue policies of the council”*<sup>8</sup>

and that the General Manager:

*“is generally responsible for the **efficient and effective operation** of the council’s organisation and for ensuring the implementation, without undue delay, of decisions of the council”.*<sup>9</sup>

While there is currently no specific reference to risk management in the Act, it is implicit in each of the above broader requirements for efficiency, effectiveness and oversight.

The Division of Local Government’s Promoting Better Practice Program reviews have frequently made recommendations to actively encourage councils to undertake a comprehensive risk management plan across all functions of council to proactively identify and manage risk exposures.

<sup>7</sup> Local Government Act 1993 – Section 8

<sup>8</sup> Local government Act 1903 Section 232(1)

<sup>9</sup> Local government Act 1903 Section 335(1)

One of the key roles of the internal auditor is to provide advice and assurance over the risk management and internal control frameworks. To maintain independence, internal audit will not normally be responsible for the implementation of risk management or making decisions on how risks should be treated.

#### **5.4. Risks Inherent Within Local Government**

While each council will have different sizes and complexities in its structure and operations, and these in turn will generate different risks, there are a number of risks that will be common to the sector and be applicable in some form to most councils.

As a first step, councils may wish to identify material risks to the achievement of the council's goals, objectives and desired outcomes of the council's strategic, management and/or business plans. At the highest level, these represent risks to the council's ability to implement policy and deliver outcomes to the community.

A number of common risks for local government are set out in Appendix 5, which may assist in this process.

#### **5.5. Whole-Of-Government Risk Management**

Councils often face risks that significantly influence other risks (such as inadequate staff skills or low morale that influence productivity). These links between risks are important - a risk may not look significant in isolation, but is significant when its flow-on effect is considered.

As whole-of-government approaches become more common, state-sector risks – risks that affect the state as a whole – are becoming better understood and therefore can be better managed.

Councils will increasingly need to understand state-sector risks, and to pay greater attention to identifying and working with other layers of government to manage them. There are 3 types of state-sector risk, each of which calls for a different response:

- Council-level risks (such as the risks above). These can become risks to the State because of their size and significance, because of the wider impact of measures to manage them, or because of poor management by councils.
- Inter-agency risks, which if unmitigated by one agency, become risks for other agencies (such as the link between meeting the educational and social needs of teenagers and anti-social behaviour).
- State-wide risks, which are beyond the boundaries of any one council and call for a response across councils coordinated by a central council (such as bushfires, floods and other emergencies).

There is no such thing as a risk-free environment, but many risks can be avoided, modified or shared through good risk management. Similarly it is not desirable to attempt to create a risk-free environment and not all risks should be reduced. It may be appropriate in some circumstances to retain the risk, or even look at increasing the level of risk taken.

Risk management is an effective tool to identify, evaluate and manage both risks and opportunities at all levels of the organisation. Good risk management also takes advantage of opportunities while analysing and dealing with risks.

Risks should not necessarily be avoided. If managed effectively, they allow councils to seize opportunities for improving services and business practices and avoiding unexpected negative impacts.

### 5.6. Other Guidance

Risk management is a common sense, yet highly evolved discipline. This guide aims to provide grounding on some of the key principles and practices councils should embrace. For those seeking a deeper understanding of risk management principles and practice, the Division recommends:

- International Standard ISO 31000:2009(E) risk management – Principles and guidelines
- ISO Guide 73:2009 Risk Management – Vocabulary
- IS/IEC 31010 Risk Management – Risk Assessment Techniques

These important publications provide detailed and authoritative guidance about risk management practices. They constitute a step-by-step guide for councils wanting to develop and implement risk management frameworks.

Although not all organisations use this approach, public sector risk management continues to expand beyond a financial focus to encompass all parts of an organisation's business and services. The Commonwealth Government based its *Guidelines for Managing Risk in the Australian Public Service* on this standard. See [www.apsc.gov.au/mac/index.htm](http://www.apsc.gov.au/mac/index.htm).

The Australian National Audit Office describes the key components of effective risk management, as well as the importance of developing a risk management culture, in its better practice guide, *Public Sector Governance Volume 16*. See [www.anao.gov.au](http://www.anao.gov.au).

CPA Australia has a number of publications relating to public sector risk management. They include *Case Studies in Public Sector Risk Management: Better Practice Guide*; *Enterprise-wide Risk Management: Better Practice Guide*; *Public Sector Risk Management: A State of Play*; and *Research Report on Public Sector Risk Management*. See [www.cpaaustralia.com.au/20\\_cpastore](http://www.cpaaustralia.com.au/20_cpastore).

## **Appendix 1 - Summary of Internal Audit Standards and Professional Practices Framework**

### **The Institute of Internal Auditors**

#### **International Standards for the Professional Practice of Internal Auditing**

*Reprinted with permission of the Institute of Internal Auditors, Australia. Note that these standards are under continuous development and hence while correct at the time of publication, readers should obtain the latest version of the standards from IIA Australia.*

The purpose of the *Standards* is to:

1. Delineate basic principles that represent the practice of internal auditing, as it should be.
2. Provide a framework for performing and promoting a broad range of value-added internal audit activities.
3. Establish the basis for the evaluation of internal audit performance.
4. Foster improved organisational processes and operations.

The structure of the *Standards* is divided between Attribute and Performance *Standards*. Attribute *Standards* address the attributes of organisations and individuals performing internal auditing. The Performance *Standards* describe the nature of internal auditing and provide quality criteria against which the performance of these services can be measured. The Attribute and Performance *Standards* are also provided to apply to all internal audit services.

Implementation *Standards* are also provided to expand upon the Attribute and Performance *standards*, by providing the requirements applicable to assurance (A) or consulting (C) activities.

The *Standards* are part of the International Professional Practices Framework (IPPF). The IPPF includes the Definition of Internal Auditing, the Code of Ethics, the *Standards*, and other guidance. Guidance regarding how the *Standards* might be applied is included in Practice Advisories that are issued by the Professional Issues Committee.



## Attribute Standards

### **Attribute Standards**

#### **1000 – Purpose, Authority, and Responsibility**

The purpose, authority, and responsibility of the internal audit activity must be formally defined in an internal audit charter, consistent with the Definition of Internal Auditing, the Code of Ethics, and the *Standards*. The chief audit executive must periodically review the internal audit charter and present it to senior management and the board for approval.

#### **Interpretation:**

*The internal audit charter is a formal document that defines the internal audit activity's purpose, authority, and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities. Final approval of the internal audit charter resides with the board.*

**1000.A1** – The nature of assurance services provided to the organisation must be defined in the internal audit charter. If assurances are to be provided to parties outside the organisation, the nature of these assurances must also be defined in the internal audit charter.

**1000.C1** – The nature of consulting services must be defined in the internal audit charter.

#### **1010 – Recognition of the Definition of Internal Auditing, the Code of Ethics, and the Standards in the Internal Audit Charter**

The mandatory nature of the Definition of Internal Auditing, the Code of Ethics, and the *Standards* must be recognized in the internal audit charter. The chief audit executive should discuss the Definition of Internal Auditing, the Code of Ethics, and the *Standards* with senior management and the board.

#### **1100 – Independence and Objectivity**

The internal audit activity must be independent, and internal auditors must be objective in performing their work.

#### **Interpretation:**

*Independence is the freedom from conditions that threaten the ability of the internal audit activity or the chief audit executive to carry out internal audit responsibilities in an unbiased manner. To achieve the degree of independence necessary to effectively carry out the responsibilities of the internal audit activity, the chief audit executive has direct and unrestricted access to senior management and the board. This can be achieved through a dual-reporting relationship. Threats to independence must be managed at the individual auditor, engagement, functional, and organisational levels.*

*Objectivity is an unbiased mental attitude that allows internal auditors to perform engagements in such a manner that they believe in their work product and that no quality compromises are made. Objectivity requires that internal auditors do not subordinate their judgment on audit matters to others. Threats to objectivity must be managed at the individual auditor, engagement, functional, and organisational levels.*

**1110 – Organisational Independence**

The chief audit executive must report to a level within the organisation that allows the internal audit activity to fulfil its responsibilities. The chief audit executive must confirm to the board, at least annually, the organisational independence of the internal audit activity.

**1110.A1** – The internal audit activity must be free from interference in determining the scope of internal auditing, performing work, and communicating results.

**1111 – Direct Interaction with the Board**

The chief audit executive must communicate and interact directly with the board.

**1120 – Individual Objectivity**

Internal auditors must have an impartial, unbiased attitude and avoid any conflict of interest.

**Interpretation:**

*Conflict of interest is a situation in which an internal auditor, who is in a position of trust, has a competing professional or personal interest. Such competing interests can make it difficult to fulfil his or her duties impartially. A conflict of interest exists even if no unethical or improper act results. A conflict of interest can create an appearance of impropriety that can undermine confidence in the internal auditor, the internal audit activity, and the profession. A conflict of interest could impair an individual's ability to perform his or her duties and responsibilities objectively.*

**1130 – Impairment to Independence or Objectivity**

If independence or objectivity is impaired in fact or appearance, the details of the impairment must be disclosed to appropriate parties. The nature of the disclosure will depend upon the impairment.

**Interpretation:**

*Impairment to organisational independence and individual objectivity may include, but is not limited to, personal conflict of interest, scope limitations, restrictions on access to records, personnel, and properties, and resource limitations, such as funding.*

*The determination of appropriate parties to which the details of an impairment to independence or objectivity must be disclosed is dependent upon the expectations of the internal audit activity's and the chief audit executive's responsibilities to senior management and the board as described in the internal audit charter, as well as the nature of the impairment.*

**1130.A1** – Internal auditors must refrain from assessing specific operations for which they were previously responsible. Objectivity is presumed to be impaired if an internal auditor provides assurance services for an activity for which the internal auditor had responsibility within the previous year.

**1130.A2** – Assurance engagements for functions over which the chief audit executive has responsibility must be overseen by a party outside the internal audit activity.

**1130.C1** – Internal auditors may provide consulting services relating to operations for which they had previous responsibilities.

**1130.C2** – If internal auditors have potential impairments to independence or objectivity relating to proposed consulting services, disclosure must be made to the engagement client prior to accepting the engagement.

**1200 – Proficiency and Due Professional Care**

Engagements must be performed with proficiency and due professional care.

**1210 – Proficiency**

Internal auditors must possess the knowledge, skills, and other competencies needed to perform their individual responsibilities. The internal audit activity collectively must possess or obtain the knowledge, skills, and other competencies needed to perform its responsibilities.

**Interpretation:**

*Knowledge, skills, and other competencies is a collective term that refers to the professional proficiency required of internal auditors to effectively carry out their professional responsibilities. Internal auditors are encouraged to demonstrate their proficiency by obtaining appropriate professional certifications and qualifications, such as the Certified Internal Auditor designation and other designations offered by The Institute of Internal Auditors and other appropriate professional organisations.*

**1210.A1** – The chief audit executive must obtain competent advice and assistance if the internal auditors lack the knowledge, skills, or other competencies needed to perform all or part of the engagement.

**1210.A2** – Internal auditors must have sufficient knowledge to evaluate the risk of fraud and the manner in which it is managed by the organisation, but are not expected to have the expertise of a person whose primary responsibility is detecting and investigating fraud.

**1210.A3** – Internal auditors must have sufficient knowledge of key information technology risks and controls and available technology-based audit techniques to perform their assigned work. However, not all internal auditors are expected to have the expertise of an internal auditor whose primary responsibility is information technology auditing.

**1210.C1** – The chief audit executive must decline the consulting engagement or obtain competent advice and assistance if the internal auditors lack the knowledge, skills, or other competencies needed to perform all or part of the engagement.

**1220 – Due Professional Care**

Internal auditors must apply the care and skill expected of a reasonably prudent and competent internal auditor. Due professional care does not imply infallibility.

**1220.A1** – Internal auditors must exercise due professional care by considering the:

- Extent of work needed to achieve the engagement's objectives;
- Relative complexity, materiality, or significance of matters to which assurance procedures are applied;
- Adequacy and effectiveness of governance, risk management, and control processes;
- Probability of significant errors, fraud, or noncompliance; and
- Cost of assurance in relation to potential benefits.

**1220.A2** – In exercising due professional care internal auditors must consider the use of technology-based audit and other data analysis techniques.

**1220.A3** – Internal auditors must be alert to the significant risks that might affect objectives, operations, or resources. However, assurance procedures alone, even when performed with due professional care, do not guarantee that all significant risks will be identified.

**1220.C1** – Internal auditors must exercise due professional care during a consulting engagement by considering the:

- Needs and expectations of clients, including the nature, timing, and communication of engagement results;
- Relative complexity and extent of work needed to achieve the engagement's objectives; and
- Cost of the consulting engagement in relation to potential benefits.

**1230 – Continuing Professional Development**

Internal auditors must enhance their knowledge, skills, and other competencies through continuing professional development.

**1300 – Quality Assurance and Improvement Program**

The chief audit executive must develop and maintain a quality assurance and improvement program that covers all aspects of the internal audit activity.

**Interpretation:**

*A quality assurance and improvement program is designed to enable an evaluation of the internal audit activity's conformance with the Definition of Internal Auditing and the Standards and an evaluation of whether internal auditors apply the Code of Ethics. The program also assesses the efficiency and effectiveness of the internal audit activity and identifies opportunities for improvement.*

**1310 – Requirements of the Quality Assurance and Improvement Program**

The quality assurance and improvement program must include both internal and external assessments.

**1311 – Internal Assessments**

Internal assessments must include:

- Ongoing monitoring of the performance of the internal audit activity; and
- Periodic reviews performed through self-assessment or by other persons within the organisation with sufficient knowledge of internal audit practices.

**Interpretation:**

*Ongoing monitoring is an integral part of the day-to-day supervision, review, and measurement of the internal audit activity. Ongoing monitoring is incorporated into the routine policies and practices used to manage the internal audit activity and uses processes, tools, and information considered necessary to evaluate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards.*

*Periodic reviews are assessments conducted to evaluate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards.*

*Sufficient knowledge of internal audit practices requires at least an understanding of all elements of the International Professional Practices Framework.*

**1312 – External Assessments**

External assessments must be conducted at least once every five years by a qualified, independent reviewer or review team from outside the organisation. The chief audit executive must discuss with the board:

- The need for more frequent external assessments; and
- The qualifications and independence of the external reviewer or review team, including any potential conflict of interest.

**Interpretation:**

*A qualified reviewer or review team consists of individuals who are competent in the professional practice of internal auditing and the external assessment process. The evaluation of the competency of the reviewer and review team is a judgment that considers the professional internal audit experience and professional credentials of the individuals selected to perform the review. The evaluation of qualifications also considers the size and complexity of the organisations that the reviewers have been associated with in relation to the organisation for which the internal audit activity is being assessed, as well as the need for particular sector, industry, or technical knowledge.*

*An independent reviewer or review team means not having either a real or an apparent conflict of interest and not being a part of, or under the control of, the organisation to which the internal audit activity belongs.*

**1320 – Reporting on the Quality Assurance and Improvement Program**

The chief audit executive must communicate the results of the quality assurance and improvement program to senior management and the board.

**Interpretation:**

*The form, content, and frequency of communicating the results of the quality assurance and improvement program is established through discussions with senior management and the board and considers the responsibilities of the internal audit activity and chief audit executive as contained in the internal audit charter. To demonstrate conformance with the Definition of Internal Auditing, the Code of Ethics, and the Standards, the results of external and periodic internal assessments are communicated upon completion of such assessments and the results of ongoing monitoring are communicated at least annually. The results include the reviewer's or review team's assessment with respect to the degree of conformance.*

**1321 – Use of “Conforms with the International Standards for the Professional Practice of Internal Auditing”**

The chief audit executive may state that the internal audit activity conforms with the *International Standards for the Professional Practice of Internal Auditing* only if the results of the quality assurance and improvement program support this statement.

**1322 – Disclosure of Nonconformance**

When nonconformance with the Definition of Internal Auditing, the Code of Ethics, or the *Standards* impacts the overall scope or operation of the internal audit activity, the chief audit executive must disclose the nonconformance and the impact to senior management and the board.

### **Performance Standards**

#### **2000 – Managing the Internal Audit Activity**

The chief audit executive must effectively manage the internal audit activity to ensure it adds value to the organisation.

#### **Interpretation:**

*The internal audit activity is effectively managed when:*

- *The results of the internal audit activity's work achieve the purpose and responsibility included in the internal audit charter;*
- *The internal audit activity conforms with the Definition of Internal Auditing and the Standards; and*
- *The individuals who are part of the internal audit activity demonstrate conformance with the Code of Ethics and the Standards.*

#### **2010 – Planning**

The chief audit executive must establish risk-based plans to determine the priorities of the internal audit activity, consistent with the organisation's goals.

#### **Interpretation:**

*The chief audit executive is responsible for developing a risk-based plan. The chief audit executive takes into account the organisation's risk management framework, including using risk appetite levels set by management for the different activities or parts of the organisation. If a framework does not exist, the chief audit executive uses his/her own judgment of risks after consultation with senior management and the board.*

**2010.A1** – The internal audit activity's plan of engagements must be based on a documented risk assessment, undertaken at least annually. The input of senior management and the board must be considered in this process.

**2010.C1** – The chief audit executive should consider accepting proposed consulting engagements based on the engagement's potential to improve management of risks, add value, and improve the organisation's operations. Accepted engagements must be included in the plan.

#### **2020 – Communication and Approval**

The chief audit executive must communicate the internal audit activity's plans and resource requirements, including significant interim changes, to senior management and the board for review and approval. The chief audit executive must also communicate the impact of resource limitations.

#### **2030 – Resource Management**

The chief audit executive must ensure that internal audit resources are appropriate, sufficient, and effectively deployed to achieve the approved plan.

#### **Interpretation:**

*Appropriate refers to the mix of knowledge, skills, and other competencies needed to perform the plan. Sufficient refers to the quantity of resources needed to accomplish the plan. Resources are effectively deployed when they are used in a way that optimizes the achievement of the approved plan.*

**2040 – Policies and Procedures**

The chief audit executive must establish policies and procedures to guide the internal audit activity.

**Interpretation:**

*The form and content of policies and procedures are dependent upon the size and structure of the internal audit activity and the complexity of its work.*

**2050 – Coordination**

The chief audit executive should share information and coordinate activities with other internal and external providers of assurance and consulting services to ensure proper coverage and minimize duplication of efforts.

**2060 – Reporting to Senior Management and the Board**

The chief audit executive must report periodically to senior management and the board on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan. Reporting must also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management and the board.

**Interpretation:**

*The frequency and content of reporting are determined in discussion with senior management and the board and depend on the importance of the information to be communicated and the urgency of the related actions to be taken by senior management or the board.*

**2100 – Nature of Work**

The internal audit activity must evaluate and contribute to the improvement of governance, risk management, and control processes using a systematic and disciplined approach.

**2110 – Governance**

The internal audit activity must assess and make appropriate recommendations for improving the governance process in its accomplishment of the following objectives:

- Promoting appropriate ethics and values within the organisation;
- Ensuring effective organisational performance management and accountability;
- Communicating risk and control information to appropriate areas of the organisation; and
- Coordinating the activities of and communicating information among the board, external and internal auditors, and management.

**2110.A1** – The internal audit activity must evaluate the design, implementation, and effectiveness of the organisation's ethics-related objectives, programs, and activities.

**2110.A2** – The internal audit activity must assess whether the information technology governance of the organisation sustains and supports the organisation's strategies and objectives.

**2110.C1** – Consulting engagement objectives must be consistent with the overall values and goals of the organisation.

**2120 – Risk Management**

The internal audit activity must evaluate the effectiveness and contribute to the improvement of risk management processes.

**Interpretation:**

*Determining whether risk management processes are effective is a judgment resulting from the internal auditor's assessment that:*

- *Organisational objectives support and align with the organisation's mission;*
- *Significant risks are identified and assessed;*
- *Appropriate risk responses are selected that align risks with the organisation's risk appetite; and*
- *Relevant risk information is captured and communicated in a timely manner across the organisation, enabling staff, management, and the board to carry out their responsibilities.*

*Risk management processes are monitored through ongoing management activities, separate evaluations, or both.*

**2120.A1** – The internal audit activity must evaluate risk exposures relating to the organisation's governance, operations, and information systems regarding the:

- Reliability and integrity of financial and operational information.
- Effectiveness and efficiency of operations.
- Safeguarding of assets; and
- Compliance with laws, regulations, and contracts.

**2120.A2** – The internal audit activity must evaluate the potential for the occurrence of fraud and how the organisation manages fraud risk.

**2120.C1** – During consulting engagements, internal auditors must address risk consistent with the engagement's objectives and be alert to the existence of other significant risks.

**2120.C2** – Internal auditors must incorporate knowledge of risks gained from consulting engagements into their evaluation of the organisation's risk management processes.

**2120.C3** – When assisting management in establishing or improving risk management processes, internal auditors must refrain from assuming any management responsibility by actually managing risks.

**2130 – Control**

The internal audit activity must assist the organisation in maintaining effective controls by evaluating their effectiveness and efficiency and by promoting continuous improvement.

**2130.A1** – The internal audit activity must evaluate the adequacy and effectiveness of controls in responding to risks within the organisation's governance, operations, and information systems regarding the:

- Reliability and integrity of financial and operational information;
- Effectiveness and efficiency of operations;
- Safeguarding of assets; and
- Compliance with laws, regulations, and contracts.

**2130.A2** – Internal auditors should ascertain the extent to which operating and program goals and objectives have been established and conform to those of the organisation.



**2130.A3** – Internal auditors should review operations and programs to ascertain the extent to which results are consistent with established goals and objectives to determine whether operations and programs are being implemented or performed as intended.

**2130.C1** – During consulting engagements, internal auditors must address controls consistent with the engagement's objectives and be alert to significant control issues.

**2130.C2** – Internal auditors must incorporate knowledge of controls gained from consulting engagements into evaluation of the organisation's control processes.

#### **2200 – Engagement Planning**

Internal auditors must develop and document a plan for each engagement, including the engagement's objectives, scope, timing, and resource allocations.

#### **2201 – Planning Considerations**

In planning the engagement, internal auditors must consider:

- The objectives of the activity being reviewed and the means by which the activity controls its performance;
- The significant risks to the activity, its objectives, resources, and operations and the means by which the potential impact of risk is kept to an acceptable level;
- The adequacy and effectiveness of the activity's risk management and control processes compared to a relevant control framework or model; and
- The opportunities for making significant improvements to the activity's risk management and control processes.

**2201.A1** – When planning an engagement for parties outside the organisation, internal auditors must establish a written understanding with them about objectives, scope, respective responsibilities, and other expectations, including restrictions on distribution of the results of the engagement and access to engagement records.

**2201.C1** – Internal auditors must establish an understanding with consulting engagement clients about objectives, scope, respective responsibilities, and other client expectations. For significant engagements, this understanding must be documented.

#### **2210 – Engagement Objectives**

Objectives must be established for each engagement.

**2210.A1** – Internal auditors must conduct a preliminary assessment of the risks relevant to the activity under review. Engagement objectives must reflect the results of this assessment.

**2210.A2** – Internal auditors must consider the probability of significant errors, fraud, noncompliance, and other exposures when developing the engagement objectives.

**2210.A3** – Adequate criteria are needed to evaluate controls. Internal auditors must ascertain the extent to which management has established adequate criteria to determine whether objectives and goals have been accomplished. If adequate, internal auditors must use such criteria in their evaluation. If inadequate, internal auditors must work with management to develop appropriate evaluation criteria.

**2210.C1** – Consulting engagement objectives must address governance, risk management, and control processes to the extent agreed upon with the client.

**2220 – Engagement Scope**

The established scope must be sufficient to satisfy the objectives of the engagement.

**2220.A1** – The scope of the engagement must include consideration of relevant systems, records, personnel, and physical properties, including those under the control of third parties.

**2220.A2** – If significant consulting opportunities arise during an assurance engagement, a specific written understanding as to the objectives, scope, respective responsibilities, and other expectations should be reached and the results of the consulting engagement communicated in accordance with consulting standards.

**2220.C1** – In performing consulting engagements, internal auditors must ensure that the scope of the engagement is sufficient to address the agreed-upon objectives. If internal auditors develop reservations about the scope during the engagement, these reservations must be discussed with the client to determine whether to continue with the engagement.

**2230 – Engagement Resource Allocation**

Internal auditors must determine appropriate and sufficient resources to achieve engagement objectives based on an evaluation of the nature and complexity of each engagement, time constraints, and available resources.

**2240 – Engagement Work Program**

Internal auditors must develop and document work programs that achieve the engagement objectives.

**2240.A1** – Work programs must include the procedures for identifying, analysing, evaluating, and documenting information during the engagement. The work program must be approved prior to its implementation, and any adjustments approved promptly.

**2240.C1** – Work programs for consulting engagements may vary in form and content depending upon the nature of the engagement.

**2300 – Performing the Engagement**

Internal auditors must identify, analyse, evaluate, and document sufficient information to achieve the engagement's objectives.

**2310 – Identifying Information**

Internal auditors must identify sufficient, reliable, relevant, and useful information to achieve the engagement's objectives.

**Interpretation:**

*Sufficient information is factual, adequate, and convincing so that a prudent, informed person would reach the same conclusions as the auditor. Reliable information is the best attainable information through the use of appropriate engagement techniques. Relevant information supports engagement observations and recommendations and is consistent with the objectives for the engagement. Useful information helps the organisation meet its goals.*

**2320 – Analysis and Evaluation**

Internal auditors must base conclusions and engagement results on appropriate analyses and evaluations.

**2330 – Documenting Information**

Internal auditors must document relevant information to support the conclusions and engagement results.

**2330.A1** – The chief audit executive must control access to engagement records. The chief audit executive must obtain the approval of senior management and/or legal counsel prior to releasing such records to external parties, as appropriate.

**2330.A2** – The chief audit executive must develop retention requirements for engagement records, regardless of the medium in which each record is stored. These retention requirements must be consistent with the organisation's guidelines and any pertinent regulatory or other requirements.

**2330.C1** – The chief audit executive must develop policies governing the custody and retention of consulting engagement records, as well as their release to internal and external parties. These policies must be consistent with the organisation's guidelines and any pertinent regulatory or other requirements.

**2340 – Engagement Supervision**

Engagements must be properly supervised to ensure objectives are achieved, quality is assured, and staff is developed.

**Interpretation:**

*The extent of supervision required will depend on the proficiency and experience of internal auditors and the complexity of the engagement. The chief audit executive has overall responsibility for supervising the engagement, whether performed by or for the internal audit activity, but may designate appropriately experienced members of the internal audit activity to perform the review. Appropriate evidence of supervision is documented and retained.*

**2400 – Communicating Results**

Internal auditors must communicate the engagement results.

**2410 – Criteria for Communicating**

Communications must include the engagement's objectives and scope as well as applicable conclusions, recommendations, and action plans.

**2410.A1** – Final communication of engagement results must, where appropriate, contain internal auditors' overall opinion and/or conclusions.

**2410.A2** – Internal auditors are encouraged to acknowledge satisfactory performance in engagement communications.

**2410.A3** – When releasing engagement results to parties outside the organisation, the communication must include limitations on distribution and use of the results.

**2410.C1** – Communication of the progress and results of consulting engagements will vary in form and content depending upon the nature of the engagement and the needs of the client.

**2420 – Quality of Communications**

Communications must be accurate, objective, clear, concise, constructive, complete, and timely.

**Interpretation:**

*Accurate communications are free from errors and distortions and are faithful to the underlying facts. Objective communications are fair, impartial, and unbiased and are the result of a fair-minded and balanced assessment of all relevant facts and circumstances. Clear communications are easily understood and logical, avoiding unnecessary technical language and providing all significant and relevant information. Concise communications are to the point and avoid unnecessary elaboration, superfluous detail, redundancy, and wordiness. Constructive communications are helpful to the engagement client and the organisation and lead to improvements where needed. Complete communications lack nothing that is essential to the target audience and include all significant and relevant information and observations to support recommendations and conclusions. Timely communications are opportune and expedient, depending on the significance of the issue, allowing management to take appropriate corrective action.*

**2421 – Errors and Omissions**

If a final communication contains a significant error or omission, the chief audit executive must communicate corrected information to all parties who received the original communication.

**2430 – Use of “Conducted in Conformance with the *International Standards for the Professional Practice of Internal Auditing*”**

Internal auditors may report that their engagements are “conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing*”, only if the results of the quality assurance and improvement program support the statement.

**2431 – Engagement Disclosure of Nonconformance**

When nonconformance with the Definition of Internal Auditing, the Code of Ethics or the *Standards* impacts a specific engagement, communication of the results must disclose the:

- Principle or rule of conduct of the Code of Ethics or *Standard(s)* with which full conformance was not achieved;
- Reason(s) for nonconformance; and
- Impact of nonconformance on the engagement and the communicated engagement results.

**2440 – Disseminating Results**

The chief audit executive must communicate results to the appropriate parties.

**Interpretation:**

*The chief audit executive or designee reviews and approves the final engagement communication before issuance and decides to whom and how it will be disseminated.*

**2440.A1** – The chief audit executive is responsible for communicating the final results to parties who can ensure that the results are given due consideration.

**2440.A2** – If not otherwise mandated by legal, statutory, or regulatory requirements, prior to releasing results to parties outside the organisation the chief audit executive must:

- Assess the potential risk to the organisation;
- Consult with senior management and/or legal counsel as appropriate; and
- Control dissemination by restricting the use of the results.

**2440.C1** – The chief audit executive is responsible for communicating the final results of consulting engagements to clients.

**2440.C2** – During consulting engagements, governance, risk management, and control issues may be identified. Whenever these issues are significant to the organisation, they must be communicated to senior management and the board.

**2500 – Monitoring Progress**

The chief audit executive must establish and maintain a system to monitor the disposition of results communicated to management.

**2500.A1** – The chief audit executive must establish a follow-up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action.

**2500.C1** – The internal audit activity must monitor the disposition of results of consulting engagements to the extent agreed upon with the client.

**2600 – Resolution of Senior Management's Acceptance of Risks**

When the chief audit executive believes that senior management has accepted a level of residual risk that may be unacceptable to the organisation, the chief audit executive must discuss the matter with senior management. If the decision regarding residual risk is not resolved, the chief audit executive must report the matter to the board for resolution.

## **Glossary**

### **Add Value**

Value is provided by improving opportunities to achieve organisational objectives, identifying operational improvement, and/or reducing risk exposure through both assurance and consulting services.

### **Adequate Control**

Present if management has planned and organised (designed) in a manner that provides reasonable assurance that the organisation's risks have been managed effectively and that the organisation's goals and objectives will be achieved efficiently and economically.

### **Assurance Services**

An objective examination of evidence for the purpose of providing an independent assessment on governance, risk management, and control processes for the organisation. Examples may include financial, performance, compliance, system security, and due diligence engagements.

### **Board**

A board is an organisation's governing body, such as a board of directors, supervisory board, head of an agency or legislative body, board of governors or trustees of a non-profit organisation, or any other designated body of the organisation, including the audit committee to whom the chief audit executive may functionally report.

### **Charter**

The internal audit charter is a formal document that defines the internal audit activity's purpose, authority, and responsibility. The internal audit charter establishes the internal audit activity's position within the organisation; authorizes access to records, personnel, and physical properties relevant to the performance of engagements; and defines the scope of internal audit activities.

### **Chief Audit Executive**

Chief audit executive is a senior position within the organisation responsible for internal audit activities. Normally, this would be the internal audit director. In the case where internal audit activities are obtained from external service providers, the chief audit executive is the person responsible for overseeing the service contract and the overall quality assurance of these activities, reporting to senior management and the board regarding internal audit activities, and follow-up of engagement results. The term also includes titles such as general auditor, head of internal audit, chief internal auditor, and inspector general.

### **Code of Ethics**

The Code of Ethics of The Institute of Internal Auditors (IIA) are Principles relevant to the profession and practice of internal auditing, and Rules of Conduct that describe behaviour expected of internal auditors. The Code of Ethics applies to both parties and entities that provide internal audit services. The purpose of the Code of Ethics is to promote an ethical culture in the global profession of internal auditing.

### **Compliance**

Adherence to policies, plans, procedures, laws, regulations, contracts, or other requirements.

### **Conflict of Interest**

Any relationship that is, or appears to be, not in the best interest of the organisation. A conflict of interest would prejudice an individual's ability to perform his or her duties and responsibilities objectively.

**Consulting Services**

Advisory and related client service activities, the nature and scope of which are agreed with the client, are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation, and training.

**Control**

Any action taken by management, the board, and other parties to manage risk and increase the likelihood that established objectives and goals will be achieved. Management plans, organises, and directs the performance of sufficient actions to provide reasonable assurance that objectives and goals will be achieved.

**Control Environment**

The attitude and actions of the board and management regarding the significance of control within the organisation. The control environment provides the discipline and structure for the achievement of the primary objectives of the system of internal control. The control environment includes the following elements:

- Integrity and ethical values
- Management's philosophy and operating style
- Organisational structure
- Assignment of authority and responsibility
- Human resource policies and practices
- Competence of personnel.

**Control Processes**

The policies, procedures, and activities that are part of a control framework, designed to ensure that risks are contained within the risk tolerances established by the risk management process.

**Engagement**

A specific internal audit assignment, task, or review activity, such as an internal audit, control self-assessment review, fraud examination, or consultancy. An engagement may include multiple tasks or activities designed to accomplish a specific set of related objectives.

**Engagement Objectives**

Broad statements developed by internal auditors that define intended engagement accomplishments.

**Engagement Work Program**

A document that lists the procedures to be followed during an engagement, designed to achieve the engagement plan.

**External Service Provider**

A person or firm outside of the organisation that has special knowledge, skill, and experience in a particular discipline.

**Fraud**

Any illegal act characterized by deceit, concealment, or violation of trust. These acts are not dependent upon the threat of violence or physical force. Frauds are perpetrated by parties and organisations to obtain money, property, or services; to avoid payment or loss of services; or to secure personal or business advantage.

**Governance**

The combination of processes and structures implemented by the board to inform, direct, manage, and monitor the activities of the organisation toward the achievement of its objectives.

**Impairment**

Impairment to organisational independence and individual objectivity may include personal conflict of interest, scope limitations, restrictions on access to records, personnel, and properties, and resource limitations (funding).

**Independence**

The freedom from conditions that threaten objectivity or the appearance of objectivity. Such threats to objectivity must be managed at the individual auditor, engagement, functional, and organisational levels.

**Information Technology Controls**

Controls that support business management and governance as well as provide general and technical controls over information technology infrastructures such as applications, information, infrastructure, and people.

**Information Technology Governance**

Consists of the leadership, organisational structures, and processes that ensure that the enterprise's information technology sustains and supports the organisation's strategies and objectives.

**Internal Audit Activity**

A department, division, team of consultants, or other practitioner(s) that provides independent, objective assurance and consulting services designed to add value and improve an organisation's operations. The internal audit activity helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management and control processes.

**International Professional Practices Framework**

The conceptual framework that organises the authoritative guidance promulgated by The IIA. Authoritative Guidance is comprised of two categories – (1) mandatory and (2) strongly recommended.

**Must**

The *Standards* use the word "must" to specify an unconditional requirement.

**Objectivity**

An unbiased mental attitude that allows internal auditors to perform engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Objectivity requires internal auditors not to subordinate their judgment on audit matters to others.

**Residual Risk**

The risk remaining after management takes action to reduce the impact and likelihood of an adverse event, including control activities in responding to a risk.

**Risk**

The possibility of an event occurring that will have an impact on the achievement of objectives. Risk is measured in terms of impact and likelihood.

**Risk Appetite**

The level of risk that an organisation is willing to accept.



**Risk Management**

A process to identify, assess, manage, and control potential events or situations to provide reasonable assurance regarding the achievement of the organisation's objectives.

**Should**

The *Standards* use the word "should" where conformance is expected unless, when applying professional judgment, circumstances justify deviation.

**Significance**

The relative importance of a matter within the context in which it is being considered, including quantitative and qualitative factors, such as magnitude, nature, effect, relevance, and impact. Professional judgment assists internal auditors when evaluating the significance of matters within the context of the relevant objectives.

**Standard**

A professional pronouncement promulgated by the Internal Audit Standards Board that delineates the requirements for performing a broad range of internal audit activities, and for evaluating internal audit performance.

**Technology-based Audit Techniques**

Any automated audit tool, such as generalized audit software, test data generators, computerized audit programs, specialized audit utilities, and computer-assisted audit techniques (CAATs).

## Appendix 2 - Sample Audit Committee Charter

### AUDIT COMMITTEE CHARTER

#### 1. Objective

The objective of the Audit Committee (Committee) is to provide independent assurance and assistance to the NAME OF COUNCIL on risk management, control, governance, and external accountability responsibilities.

#### 2. Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Request the attendance of any employee or councillor at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities.

#### 3. Composition and Tenure

The Committee will consist of:

##### 3.1 Members (voting)

- Councillor
- Independent external member (not a member of the Council).
- Independent external member (not a member of the Council to be the chairperson).

##### 3.2 Attendee (non-voting)

- General Manager
- Head of Internal Audit
- Chief Financial Officer

##### 3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

The independent external member will be appointed for the term of council, after which they will be eligible for extension or re-appointment following a formal review of their performance.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of NAME OF COUNCIL. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

#### **4. Role and Responsibilities**

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

##### 4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

##### 4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

##### 4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
- To consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

#### 4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

#### 4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan.
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of internal audit recommendations by management.
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
- Periodically review the performance of Internal Audit.

#### 4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

#### 4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to NAME OF COUNCIL.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

## **5. Reporting**

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

The Committee will report regularly, and at least annually, to the governing body of council on the management of risk and internal controls.

## **6. Administrative arrangements**

### 6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

### 6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member. Meetings can be held in person, by telephone or by video conference.

The Head of Internal Audit will be invited to attend each meeting unless requested not to do so by the Chair of the Committee. The Committee may also request the Chief Finance Officer or any other employees to participate for certain agenda items, as well as the external auditor.

The General Manager may attend each meeting but will permit the Committee to meet separately with each of the Head of Internal Audit and the External Auditor in the absence of management on at least one occasion per year.

### 6.3 Secretariat

The Committee has appointed the Head of Internal Audit to be responsible for ensuring that the Committee has adequate secretariat support. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

### 6.4 Conflict of Interests

Councillors, council staff and members of council committees must comply with the applicable provisions of Council's code of conduct in carrying out the functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code of conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

6.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.7 Review of Audit Committee Charter

At least once every two years the Audit Committee will review this Audit Committee Charter.

The Audit Committee will approve any changes to this Audit Committee Charter.

**Approved:**                      Audit Committee Meeting                      Date:

## Appendix 3 - Sample Internal Audit Charter

The mission of internal auditing is to provide an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Internal Audit at NAME OF ORGANISATION is managed by the TITLE OF INTERNAL AUDIT MANAGER who is the designated Head of Internal Audit within the organisation. The Head of Internal Audit is the top position within an organisation for internal audit activities, as defined in The International Standards for the Professional Practice of Internal Auditing (Standards) issued by the Institute of Internal Auditors.

### 1. Introduction

This Internal Audit Charter is a formal statement of purpose, authority and responsibility for an internal auditing function within NAME OF ORGANISATION.

- It establishes Internal Audit within NAME OF ORGANISATION and recognises the importance of such an independent and objective service to the organisation.
- It outlines the legal and operational framework under which Internal Audit will operate.
- It authorises the Head of Internal Audit to promote and direct a broad range of internal audits across NAME OF ORGANISATION and, where permitted, external bodies.

Mandate for Internal Audit THIS WILL VARY FROM ORGANISATION TO ORGANISATION AND MAY INCLUDE LEGISLATIVE OR REGULATORY REQUIREMENTS).

### 2. Role and Authority

The Head of Internal Audit is authorised to direct a comprehensive program of internal audit work in the form of reviews, previews, consultancy advice, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks in the context of the achievement of business objectives.

For this purpose, all members of Internal Audit are authorised to have full, free and unrestricted access to all functions, property, personnel, records, information, accounts, files, monies and other documentation, as necessary for the conduct of their work.

### 3. Objectivity, Independence and Organisational Status

Objectivity requires an unbiased mental attitude. As such, all Internal Audit staff shall perform internal audit engagements in such a manner that they have an honest belief in their work product and that no significant quality compromises are made. Further, it requires Internal Audit staff not to subordinate their judgment on internal audit matters to that of others.

To facilitate this approach, Internal Audit shall have independent status within NAME OF ORGANISATION, and for this purpose shall be responsible directly through the Head of Internal Audit to the Audit Committee and administratively to the General Manager. Internal Audit shall be independent of the activities reviewed, and therefore shall not undertake any operating responsibilities outside internal audit work. Neither shall Internal Audit staff have any executive or managerial powers, authorities, functions or duties except those relating to the management of Internal Audit. Internal Audit staff and contractors shall report to the Head of Internal Audit any situations where they feel their objectivity may be impaired. Similarly, the Head of Internal Audit should report any such situations to the Audit Committee.

The work of Internal Audit does not relieve the staff of NAME OF ORGANISATION from their accountability to discharge their responsibilities. All NAME OF ORGANISATION staff are responsible for risk management and the operation and enhancement of internal control. This includes responsibility for implementing remedial action endorsed by management following an internal audit.

Internal Audit shall not be responsible for operational activities on a daily basis, or in the detailed development or implementation of new or changed systems, or for internal checking processes.

#### **4. Scope of Work**

The scope of services provided by Internal Audit shall encompass:

- The examination and evaluation of the adequacy and effectiveness of systems of internal control, risk management, governance, and the status of ethical behaviour.
- Ascertaining conformity with the goals and objectives of NAME OF ORGANISATION.
- Assessment of the economic and efficient use of resources.
- The examination of compliance with policies, procedures, plans and legislation.
- Assessment of the reliability and integrity of information.
- Assessment of the safeguarding of assets.
- Any special investigations as directed by the Audit Committee.
- All activities of NAME OF ORGANISATION, whether financial or non-financial, manual or computerised.

#### **5. The scope of work may include**

- **Assurance services** – objective examination of evidence for the purpose of providing an independent assessment on risk management, control, or governance processes for the organisation. Examples may include financial, performance, operational, compliance, system security, and due diligence engagements.
- **Consulting services** – advisory and related client service activities, the nature and scope of which are agreed with the client and which are intended to add value and improve an organisation's governance, risk management, and control processes without the internal auditor assuming management responsibility. Examples include counsel, advice, facilitation and training.

#### **6. Internal Audit Methodology**

Internal Audit shall use the most appropriate methodology for each internal audit engagement, depending on the nature of the activity and the pre-determined parameters for the engagement. Generally, internal audits will include:

- Planning.
- Reviewing and assessing risks in the context of the audit objectives.
- Examination and evaluation of information.
- Communicating results.
- Following up on implementation of audit recommendations.

#### **7. Operating Principles**

Internal Audit shall conform with:

- The Standards and Code of Ethics issued by the Institute of Internal Auditors.
- Where relevant, the Statement on Information Systems Auditing Standards issued by the Information Systems and Control Association.
- Relevant auditing standards issued by the Auditing and Assurance Standards Board.

#### **8. Internal Audit shall:**

- Possess the knowledge, skills, and technical proficiency essential to the performance of internal audits.



- Be skilled in dealing with people and in communicating audit issues effectively.
- Maintain their technical competence through a program of continuing education.
- Exercise due professional care in performing internal audit engagements.

**9. Internal Audit staff shall:**

- Conduct themselves in a professional manner.
- Conduct their activities in a manner consistent with the concepts expressed in the Standards and the Code of Ethics.

**10. Reporting Arrangements**

The Head of Internal Audit shall at all times report to the Audit Committee. At each Audit Committee meeting the Head of Internal Audit shall submit a report summarising all audit activities undertaken during the period, indicating:

- ✓ Internal audit engagements completed or in progress.
- ✓ Outcomes of each internal audit engagement undertaken.
- ✓ Remedial action taken or in progress.

On completion of each internal audit engagement, Internal Audit shall issue a report to its audit customers detailing the objective and scope of the audit, and resulting issues based on the outcome of the audit. Internal Audit shall seek from the responsible senior executive an agreed and endorsed action plan outlining remedial action to be taken, along with an implementation timetable and person responsible. Responsible officers shall have a maximum of ten working days to provide written management responses and action plans in response to issues and recommendations contained in internal audit reports.

The Head of Internal Audit shall make available all internal audit reports to the Audit Committee. However, the work of Internal Audit is solely for the benefit of NAME OF ORGANISATION and is not to be relied on or provided to any other person or organisation, except where this is formally authorised by the Audit Committee or the Head of Internal Audit.

In addition to the normal process of reporting on work undertaken by Internal Audit, the Head of Internal Audit shall draw to the attention of the Audit Committee all matters that, in the Head of Internal Audit's opinion, warrant reporting in this manner.

**11. Planning Requirements**

Internal Audit uses a risk-based rolling program of internal audits to establish an annual Internal Audit Plan to reflect a program of audits over a 12 month period. This approach is designed to be flexible, dynamic and more timely in order to meet the changing needs and priorities of NAME OF ORGANISATION.

The Head of Internal Audit shall prepare an annual Internal Audit Plan for review and approval by the Audit Committee, showing the proposed areas for audit. The annual Internal Audit Plan shall be based on an assessment of the goals, objectives and business risks of NAME OF ORGANISATION, and shall also take into consideration any special requirements of the Audit Committee and senior executives.

The Head of Internal Audit has discretionary authority to adjust the Internal Audit Plan as a result of receiving special requests from management to conduct reviews that are not on the plan, with these to be approved at the next meeting of the Audit Committee.

**12. Quality Assurance & Improvement Program**

The Head of Internal Audit shall oversee the development and implementation of a quality assurance and improvement program for Internal Audit, to provide assurance that internal audit work conforms to the Standards and is focused on continuous improvement.

**13. Co-ordination with External Audit**

The Head of Internal Audit shall periodically consult with the external auditor, to discuss matters of mutual interest, to co-ordinate audit activity, and to reduce duplication of audit effort.

**14. Review of the Internal Audit Charter**

The Head of Internal Audit shall periodically review the Internal Audit Charter to ensure it remains up-to-date and reflects the current scope of internal audit work.

**15. Evaluation of Internal Audit**

The Head of Internal Audit shall develop performance measures (key performance indicators) for consideration and endorsement by the Audit Committee, as a means for the performance of Internal Audit to be periodically evaluated.

Internal Audit shall also be subject to an independent quality review at least every five years. Such review shall be in line with the Standards of Professional Practice in Internal Audit and be commissioned by and report to the Audit Committee.

**16. Conflict of Interests**

Internal auditors are not to provide audit services for work for which they may previously have been responsible. Whilst the Standards provide guidance on this point and allow this to occur after 12 months, each instance should be carefully assessed.

When engaging internal audit contractors, the Head of Internal Audit shall take steps to identify, evaluate the significance, and manage any perceived or actual conflicts of interest that may impinge upon internal audit work.

Instances of perceived or actual conflicts of interest by the Head of Internal Audit or Internal Audit staff and contractors are to be immediately reported to the Audit Committee by the Head of Internal Audit.

Any changes to this Internal Audit Charter will be approved by the Audit Committee.

**Approved:**                      Audit Committee Meeting                      Date:

### Appendix 4 - Risk Management Assessment Tool

*This tool is designed to assist the Audit Committee's consideration of risk management, through the review of material, and discussion or presentations from senior management.*

*The Committee's charter will determine the extent to which the Audit Committee needs to consider risk management or whether this is to be overseen by a separate Risk Committee.*

*The tool consists of a series of questions, or high level prompts, which should be tailored to meet the Council's particular circumstances. The extent and nature of the Committee's consideration of risk will largely be dependent on whether or not the Council has in place a formal and structured risk management framework.*

*Some elements, for example, questions on risk strategy and structure, could be addressed on an annual basis while others could be considered on a more regular basis, depending on Council's individual risk management activities, and the Committee charter.*

*A 'no' answer does not necessarily indicate a failure or breakdown in Council's risk management framework but may indicate where more detailed discussion or consideration by the Committee is warranted.*

<b>Risk Strategy</b>	<b>Yes</b>	<b>No</b>
Is Council's risk management framework clearly articulated and communicated to all staff?	<input type="checkbox"/>	<input type="checkbox"/>
Is Council's risk posture clear? (i.e. the amount of risk Council is willing to take)	<input type="checkbox"/>	<input type="checkbox"/>
Has the 'tone at the top' from the General Manager's perspective permeated the risk culture of the Council?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a clear link between risk management, the control environment and business planning?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Risk Structure</b>	<b>Yes</b>	<b>No</b>
Is responsibility and accountability for risk management clearly assigned to individual managers?	<input type="checkbox"/>	<input type="checkbox"/>
Are risk management activities/responsibilities included in job descriptions, where appropriate?	<input type="checkbox"/>	<input type="checkbox"/>
Are the primary risk management activities (for example, business continuity planning, fraud control plan, annual risk assessment, and so on) across Council, clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
Is responsibility for co-ordinating and reporting risk management activity to the Audit Committee, or other relevant committee clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a risk management support capability to assist the development of emerging risk management practices?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a common risk management language/terminology across Council?	<input type="checkbox"/>	<input type="checkbox"/>

Does management have a formal business continuity plan incorporating a disaster recovery plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Risk Identification and Assessment</i></b>	<b>Yes</b>	<b>No</b>
Are risk assessments undertaken at both strategic and operational levels?	<input type="checkbox"/>	<input type="checkbox"/>
Have the risks associated with cross-agency governance arrangements been identified?	<input type="checkbox"/>	<input type="checkbox"/>
Does a comprehensive risk profile exist?	<input type="checkbox"/>	<input type="checkbox"/>
Is a risk assessment undertaken for all significant organisational changes/projects?	<input type="checkbox"/>	<input type="checkbox"/>
Does management have effective processes for ensuring risk assessments have been performed in each major business area?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a process in place to identify emerging risks and to incorporate these into the Council's risk management plan?	<input type="checkbox"/>	<input type="checkbox"/>
Do the Council's policies appropriately address relevant operational and financial risks?	<input type="checkbox"/>	<input type="checkbox"/>
Have any frauds, material irregularities or possible illegal acts been identified?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a current fraud control policy and plan in place which identifies all fraud related risks?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Risk Mitigation and Improvement</i></b>	<b>Yes</b>	<b>No</b>
Has management assessed the effectiveness of controls over the highest priority risks?	<input type="checkbox"/>	<input type="checkbox"/>
Does management consider the controls to mitigate risks to within Council's risk tolerance to be adequate?	<input type="checkbox"/>	<input type="checkbox"/>
Have all significant recommendations that impact on risk or the effective operation of controls, made by Council's internal and external auditors, been addressed in a timely manner?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a response plan for prompt and effective action when fraud or an illegal act is discovered?	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Monitoring and Assurance</i></b>	<b>Yes</b>	<b>No</b>
Are systems in place for measuring and monitoring risk, including consideration of common risk themes across Council?	<input type="checkbox"/>	<input type="checkbox"/>
Are risks, including suspected improprieties, escalated to the appropriate levels of management within Council?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a formal process by which senior management periodically assure the General Manager/Council that key control strategies are operating effectively?	<input type="checkbox"/>	<input type="checkbox"/>

<b>Continuous Improvement</b>	<b>Yes</b>	<b>No</b>
Do Council's management practices reflect the concept of risk management?	<input type="checkbox"/>	<input type="checkbox"/>
Does Council have a culture of continuous improvement? (for example does Council 'learn' from past risk exposures)	<input type="checkbox"/>	<input type="checkbox"/>
Does management periodically review its risk profile?	<input type="checkbox"/>	<input type="checkbox"/>
Is risk a priority consideration whenever business processes are improved?	<input type="checkbox"/>	<input type="checkbox"/>

Name		
Position	<i>(To be completed by the most senior executive responsible for risk management within council)</i>	
Signed		Date

## Appendix 5 - Common risks in the council environment

This appendix lists some of the more significant risk exposures which are likely to be faced in the council environment.

*Warning - This list is provide as an aid to check completeness. It should only be used after a thorough risk identification process is conducted and should not be used as a substitute for an effective risk identification process. Not adhering to this advice is likely to result in significant risks which are specific to your council not being identified, which may have significant consequences if that risk were to eventuate.*

### Governance

- Advocacy processes ineffective at State and Federal Government level leading to unwanted results/lack of funding etc.
- Governance training processes (Code of Conduct, Protected Disclosures, Conflict of Interests, councillor interaction with staff, identifying fraud) not undertaken/ineffective leading to higher risk of fraud and corruption.
- Corruption (development applications/rezonings/election funding) leading to loss of reputation of Council.
- Lack of cohesion of Councillors leading to lack of strategic direction/poor decision making.
- Complaints handling processes ineffective leading to legal disputes/lack of transparency.
- Misuse of personal information leading to penalties under Privacy legislation or loss of confidence in Council.
- Poor processes for the disclosure and management of staff conflicts of interest leading to partial decision making.
- Inappropriate delegations or delegations not properly exercised.
- Failure to implement council resolutions leading to breakdown of council/staff relationships.

### Planning and Regulation

- Unanticipated population growth leading to unsustainable natural environment/infrastructure demand.
- Planning strategies not developed in timely manner leading to delayed delayed/inappropriate development/community angst.
- Population decrease leading to community breakdown.
- Planning controls outdated, leading to poor urban design.
- Legislation not complied with leading to legal disputes/penalties
- Poor planning controls leading to poor planning decisions

### Assets and Finance

- Adequate asset management processes not being in place, leading to substantial additional long term financial burdens to council.
- Adequate long term financial management processes not being in place leading to poor decision making by council.
- Limited opportunities to increase rates and user charges, leading to increasing reliance on grants/one off funding.
- Cost of infrastructure to be funded under section 94 contributions underestimated/unaffordable, leading to funding shortfalls/reduced level of infrastructure.
- Limited regional collaboration between councils, leading to on-going inefficiencies and additional costs to regional residents.

- Operational unit business plans not effectively in place, leading to poor decision making/performance monitoring.
- Inadequate disaster/crisis management processes, leading poor response in real situation.
- Community assets under-utilised leading to closure in longer term.
- Quasi commercial operations of Council (child care/tourist parks/airports/cultural centres etc) not operated effectively leading to higher than appropriate council subsidisation.
- Project management practices not effectively in place, leading to cost over run/quality issues.
- Appropriate procurement processes not undertaken, leading to value for money issues/questions of probity.
- Council assets under insured leading to financial exposure to Council
- Plant fleet under utilised leading to additional costs to Council.
- Minor road condition unable to be maintained at satisfactory level leading to community dissatisfaction.
- Mismanagement of Council supported community entities leading additional financial burden to Council/cessation of service.
- Knowledge management processes not effectively in place leading to poor decision making.
- Inadequate information security leading to issues of confidentiality or legal/financial penalties to Council.

**Community and Consultation**

- Inability to maintain/increase employment base leading to adverse socio/economic consequences.
- Poor issues management, leading to sustained loss of public support for council in media and/or public.
- Unnecessary bureaucratic processes/red tape leading to additional costs to those dealing with Council.

**Workforce Relations**

- Productivity levels of council below industry/commercial benchmarks or not measured, leading to additional costs/perpetuation of inefficiencies.
- Skill shortages in professional areas, leading to inability to maintain standards/deliver services.
- Loss of trained staff with specific knowledge, leading to loss of knowledge, ability and experience.
- Inadequate/insufficient staff training leading to reduced skills, currency of knowledge, errors and omissions, turnover of staff.
- Information technology systems outdated leading to on-going inefficiencies..
- OHS not appropriately embedded in operational processes leading to major injury/death or penalty against Council or Council staff.





**13.1 TRANSFER OF CROWN ROADS IN THE TOWNSHIP OF DALGETY TO COUNCIL**

Record No:

Responsible Officer:	Director Operations & Infrastructure
Author:	Property Officer
Key Theme:	3. Environment Outcomes
CSP Community Strategy:	9.1 Transportation corridors throughout the region are improved and maintained
Delivery Program Objectives:	9.1.2 Our local road network is planned, built and repaired to improve movement across the region
Attachments:	1. Streets within Dalgety Township
Cost Centre:	1822 – Sealed rural roads : local 1830 – Unsealed rural roads : local

**EXECUTIVE SUMMARY**

For some time the Crown Lands Department has been requesting that Snowy Monaro Regional Council (and Snowy River Shire Council pre-amalgamation) assume ownership of the Crown roads/streets within the township of Dalgety.

Over the years Council has maintained these roads through agreement with Crown Lands and with the following restrictions:

*“Your request to maintain Crown reserve roads in Dalgety is approved on the following conditions:  
The works will be limited to:*

- *Light grading of the natural terrain;*
- *Slightly crowning of the surface to establish cross fall drainage;*
- *Establishing cross-banks and or mitre drains or comparative devices to control water and sediment run-off;*
- *Placement of gravel, road base or stones to stabilise the surface of fill potholes; and*
- *Compaction of the road surface.*

*The works will not involve:*

- *Construction of structures such as pipe culverts, concrete causeways or bridges; and*
- *Any works outside the Crown road corridor.*

This practice, together with complaints from the public to the Crown concerning the deteriorating condition of Dalgety roads, has led to the Crown writing to Council requesting that Council take over the ownership of the roads.

The following officer’s recommendation is submitted for Council’s consideration.

**OFFICER’S RECOMMENDATION**

That Council

A. Write to the Crown requesting the following roads be transferred to Council:

- Brierly Street – 400m - Sealed;
- Bradley Street – 350m - Unsealed;

- Rutherford Street – 350m - Unsealed;
- Bloomfield Street – 350m – Sealed/Unsealed;
- Wyndeyer Street – 450m - Unsealed;
- Hamilton Street – 1.3km – Sealed/Unsealed;
- Cooma Street – 400m – Sealed/Unsealed/Unconstructed;
- Emma Street – 200m - Unconstructed.

B. Include the roads in Council’s roads assets register

C. Provide the budget for the construction and maintenance of the roads

## BACKGROUND

For some time the Crown has been requesting that Council take over the ownership of the Crown roads within the township of Dalgety.

Over the years Council has maintained the Crown roads within the township albeit without the consent of the Crown. This practice has led to the Crown writing to Council requesting that Council take over the ownership of the roads.



**Dalgety Roads/Streets**

Roads and approximate lengths to be acquired are as follows:

- Brierly Street – 400m;
- Bradley Street – 350m;
- Rutherford Street – 350m;
- Bloomfield Street – 350m;
- Wyndeyer Street – 450m;
- Hamilton Street – 1.3km;
- Cooma Street – 400m;
- Emma Street – 200m.

However, Rutherford, Bloomfield and Hamilton Streets have no drainage, kerb and gutter, footpath or stormwater and these works would need to be costed for future projects in order to decrease the costs of maintenance. If the construction issues on Rutherford, Bloomfield and Hamilton Streets are not addressed then Council will incur significantly higher costs in maintenance when the gravel is washed away during each rain event.

Hamilton Street from the intersection of Campbell Street to the intersection of Wyndeyer Street and Brierly Street between the intersection of Campbell Street and Windeyer Street are bitumen sealed. The rest of the roads are gravel roads which, in the past, were always maintained by Council.

The process to have the Crown roads transferred to Council is for Council to write to the Department of Industry – Roads and request that the roads be gazetted to Council.

The advantage of having roads within the Dalgety township transferred to Council lies in the fact that Council could programme construction works and maintenance within future Delivery & Operational Plans with a long term aim of ensuring all Dalgety roads were constructed to acceptable road standards. However the disadvantages (and therefore a consideration when determining whether to gazette Dalgety Roads as Council Public Roads) include:

- potential impact on Council's road maintenance grading budget should Council agree to gazette Dalgety Roads/Streets as Council Public Roads;
- increased frustration by residents of Dalgety knowing this is the only township within the Region where main streets are not Council Public Roads and therefore not maintained to agreed service levels by Council;
- managing the public's expectation that all existing issues will be resolved quickly; and
- the lack of any Dalgety Landscape Masterplan that presents a vision and strategy for the future of Dalgety i.e. any effort would be reactive not scheduled.

## **QUADRUPLE BOTTOM LINE REPORTING**

### **1. Social**

Whilst the roads within the township of Dalgety remain in the ownership of the Crown, Council can only carry out the bare minimum work to maintain the surface of the road in a trafficable condition.

Council receives ongoing complaints from residents in Dalgety who complain that they cannot access their properties safely because of the poor condition of the roads within the township.

Council's roads network should include the roads within our townships, particularly those which are bitumen sealed.

### **2. Environmental**

There are considerable environmental impacts on the Snowy River when gravel from Dalgety Streets is flushed into the river during severe weather events. Without suitable drainage and maintenance strategies the potential for environmental harm increases. Currently this risk lies with the Crown but would become Councils' once the roads were gazetted as Council Public Roads.

### **3. Economic**

It is estimated that the annual cost to maintain Dalgety Streets on a single road maintenance strategy per annum would be \$13,296 approximately. Gravel re-sheeting is estimated at \$170,000 if all streets were scheduled for re-sheeting at the same time. Surveys and designs

would be required to understand the additional costs associated with construction of stormwater, footpaths, drainage and possible sealing of the main streets.

#### **4. Civic Leadership**

The option exists for Crown Lands to assign Dalgety Roads to Council without Councils' consent (although an unlikely outcome) and the continued "impass" between Council and Crown Lands requires a resolution so the residents of Dalgety have assurance that Dalgety roads will be maintained and upgraded as per any township across the region.

The ability for Council to maintain Dalgety Roads under current restrictions (imposed by Crown Lands) does not allow for suitable maintenance strategies to be employed that would reduce the cost to Council for any works conducted. In addition, the lack of any drainage results in road gravel moving towards the Snowy River during and following severe weather events.

<b>COUNCIL RESOLUTION</b>	<b>309/18</b>
That Council	
A. Write to the Crown requesting the following roads be transferred to Council:	
<ul style="list-style-type: none"><li>• <u>Brierly</u> Street – 400m - Sealed;</li><li>• Bradley Street – 350m - Unsealed;</li><li>• Rutherford Street – 350m - Unsealed;</li><li>• Bloomfield Street – 350m – Sealed/Unsealed;</li><li>• <u>Wyndever</u> Street – 450m - Unsealed;</li><li>• Hamilton Street – 1.3km – Sealed/Unsealed;</li><li>• Cooma Street – 400m – Sealed/Unsealed/Unconstructed;</li><li>• Emma Street – 200m - Unconstructed.</li></ul>	
B. Include the roads in Council's roads assets register	
C. Provide the budget for the construction and maintenance of the roads	
<b>Moved Deputy Mayor Miners</b>	<b>Seconded Councillor Beer</b> <b>CARRIED</b>

**Note 11: Motions Without Debate**

The above officer's recommendation became a resolution of Council as a result of resolution 299/18 above as there was no challenge by Councillors.

**ROADS ACT 1993**

**ORDER**

**Transfer of Crown Road to a Council**

In pursuance of the provisions of Section 152I of the *Roads Act 1993*, the Crown Road specified in Schedule 1 is transferred to the roads authority specified in Schedule 2 hereunder as from the date of publication of this notice and as from that date the road specified in Schedule 1 ceases to be a Crown road.

The Hon Paul Toole, MP  
Minister for Lands and Forestry

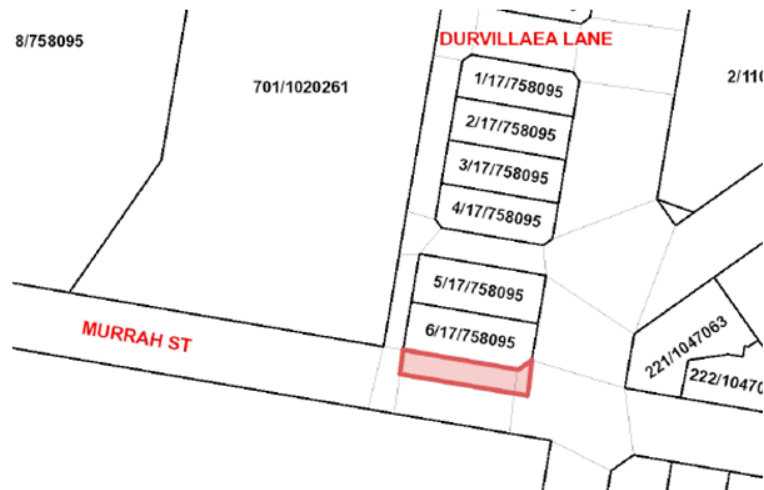
SCHEDULE 1

Parish: Bermagui  
County: Dampier  
Land District: Bega  
LGA: Bega Valley Shire Council

DESCRIPTION: Road as shown by red colour on diagram below.

SCHEDULE 2

Roads Authority: Bega Valley Shire Council  
Council's Ref:  
Dol Ref: 18/08437#03



SCHEDULE 1

Town: Eden  
Parish: Eden  
County: Auckland  
Land District: Bega

Government Notices



SCHEDULE 1

Town: Dalgety  
Parish: Bobundara  
County: Wallace  
Land District: Cooma  
LGA: Snowy Monaro Regional Council

DESCRIPTION: Roads within the township of Dalgety as shown by red colour on diagram below.

SCHEDULE 2

Roads Authority: Snowy Monaro Regional Council  
Council's Ref: ECM:3107405  
DoI Ref: 18/00700#03

Government Notices



[n2018-4358]