

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

Meeting commenced at 3.00pm.

BUSINESS:

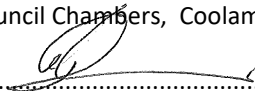
- 1) Apology.
- 2) Mayoral Minute.
- 3) Declarations of Interest.
- 4)
 - a. Confirmation of Minutes of the Meeting held 13th January 2022.
 - b. Matters arising out of Minutes. (Not elsewhere reported)
- 5) Correspondence
 - a. Agenda A (Information Only)
 - b. Agenda B
- 6) General Manager's Report
 - 6.1 General Manager's Report
 - 6.2 Executive Manager, Corporate & Community Services' Report
 - 6.3 Executive Manager, Engineering & Technical Services' Report
 - 6.4 Executive Manager, Development & Environmental Services' Report
- 7) Minutes of the Audit, Risk & Improvement Committee Meeting held 3rd November 2021.
- 8) Minutes of the Noxious Weeds Meeting of Coolamon, Junee & Temora Councils held 7th December, 2021.
- 9) Reports: Delegates/Mayor/Councillors.


PRESENT: Clr Jeremy Crocker, Clr Bronwyn Hatty, Clr Bruce Hutcheon, Clr Wayne Lewis, Clr David McCann, Clr Colin McKinnon, Clr Garth Perkin and Clr Alan White.

STAFF: Tony Donoghue, General Manager;
Courtney Armstrong, Executive Manager, Corporate & Community Services;
Tony Kelly, Executive Manager, Engineering & Technical Services;
Colby Farmer, Executive Manager, Development & Environmental Services.

APOLOGY: Clr Kathy Maslin.

This is Page No. 1 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

.......... MAYOR

.......... GENERAL MANAGER.

1) APOLOGY

RESOLVED on the motion of Clr White and seconded by Clr Crocker that the apology of Clr Kathy Maslin be received and accepted. 14/02/2022

2) MAYORAL MINUTE

PAUL JOHNSTONE

This morning the General Manager and myself attended the funeral of Paul Johnstone. Paul was a valuable member of the Coolamon Shire Council Staff and partner to Samantha Jennings.

We pass our condolences on to the Johnstone and Jennings families and will now hold a Minutes Silence to acknowledge Paul's passing.

Council observed a Minutes Silence in recognition of the passing of the Late Paul Johnstone.

RESOLVED on the motion of Clr McCann that the Mayoral Minute be adopted.
14a/02/2022

3) DECLARATIONS OF INTEREST

Clr Bruce Hutcheon declared a non-pecuniary interest in (GM1). Clr Hutcheon is the author of the letter and owner of the land, the subject of the report for notation.

4a) CONFIRMATION OF MINUTES OF THE MEETING HELD 13TH JANUARY 2022,

RESOLVED on the motion of Clr Hatty and seconded by Clr Crocker that the Minutes of the Meeting held 13th January 2022 as circulated be confirmed and adopted. 15/02/2022

4b) MATTERS ARISING OUT OF THE MINUTES

There were no matters arising out of the Minutes.

5) CORRESPONDENCE

AGENDA A (FOR INFORMATION ONLY)

1a) ACTIVITY REPORTS

- 1) Operating Statistics of the Coolamon Shire Library for November 2021, December 2021 and January 2022. Attachment No. 1.1
- 2) Road Safety Officer's Report for November/December 2021 and January 2022. Attachment No. 1.2
- 3) Allawah Community Care Report for January 2022. Attachment No. 1.3
- 4) Community Development Officer's Report for December 2020 and January 2021. Attachment No. 1.4

General Manager's Note

- ➔ The above reports are operating reports only for use by Senior Staff. They are submitted to Council as part of Agenda A for information only.

2a) INFORMATION PAPERS

- ➔ The following papers have been **distributed** with Council's supplementary material as being matters of information/interest to Councillors. If Councillors desire any further information on the matters distributed, then that can be raised with the General Manager.

- 1) Minutes of the AGM and Ordinary Meeting of the Riverina Eastern Regional Organisation of Councils (REROC) held 12th November 2021. Attachment No. 2.1
- 2) Minutes of the Riverina Joint Organisation (RIVJO) Meeting held 12th November 2021. Attachment No. 2.2
- 3) Minutes of the Advance Matong Committee Meeting held 23rd November 2021. Attachment No. 2.3
- 4) Minutes of the Advance Ganmain Committee Meeting held 1st December 2021. Attachment No. 2.4

- 5) Minutes of the Advance Matong Committee Meeting held 11th January 2022. [Attachment No. 2.5](#)
- 6) Minutes of the Advance Ganmain Committee Meeting held 2nd February 2022. [Attachment No. 2.6](#)
- 7) Minutes of the Advance Ardlethan Committee Meeting held 7th February 2022. [Attachment No. 2.7](#)

Note: The Minutes of the Section 355 Committees are for notation only and this does not necessarily mean any action recommended has been endorsed by Council. The Section 355 Committee will need to follow the appropriate due process to action any recommendations.

3a) GOLDENFIELDS WATER (W.01-02, SC433)

Advising that following their Meeting held 27th January 2022, the below elected representatives have been elected for the ensuing term:

- Cr Matthew Stadtmiller - Chairperson
- Cr Bob Callow - Deputy Chairperson

RESOLVED on the motion of Clr White and seconded by Clr Lewis that the Correspondence listed in Agenda A be received. [16/02/2022](#)

6) GENERAL MANAGER'S REPORT

6.1 GENERAL MANAGER REPORTS

GM1) SUBDIVISION – BRUCE HUTCHEON (RT104423)

→ Coolamon Shire Council has received correspondence from Councillor Bruce Hutcheon requesting that the details and process of a Subdivision he undertook in 2021 be presented to the full Council. Please see attached. [Attachment No. 3.1](#)

- **History of the Land**

This land and lot configuration was identified in the original outskirts to the Coolamon Township as early as a 1911 gazettal.

In 1994, Council undertook the initial planning for the Local Environmental Plan (LEP) that was ultimately endorsed in 1995. The permissible activities were based on a determination of land ownership in 1993. At that time the land was owned by a GL & FL Hutcheon.

→ This LEP 1995 zoned some portions of this land as 1(c) large rural lots that had house right entitlements and other portions were zoned 1(a) farmland. These building entitlements and subdivision rights have followed through with all subsequent Local Environment Plans. [Attachment No. 3.2](#)

The existing allotments, as gazetted in 1911, were no longer relevant for current infrastructure provision and in 2016 negotiations were held with a Planning Consultant on behalf of the Hutcheons, to better manage and utilise the permissible activity to the benefit of both Council and the landowner.

- **Land Ownership**

A check of land ownership throughout this period, has indicated it remained in the Hutcheon Family through family estate transfers:

- GL & FL Hutcheon (1965 to 1967)
- GL & FL Hutcheon transfer to FL Hutcheon (2012)
- FL Hutcheon transfer to GB Hutcheon (2017)

→ A subdivision of land occurred in 2017. Development Application 2017/18 reconfigured the historical lot layout to better reflect the current zoning and future use of the area as per the 2016 negotiations. Some of these new lots were subsequently sold for housing. [Attachment No. 3.3](#)

- **Development Application 2021/97 – Lot 47, DP 1252259**

This property was subject of a Development Application in August 2021. This property was zoned both RU1 primary production and RU4 primary production small lots. The application was to create 2ha (5 acre) lots in the appropriate zone and leave the remainder as RU1 land.

- Coolamon Shire Council undertook the development assessment process in accordance with the requirements of the Environmental Planning & Assessment Act 1979 and the Local Government Act 1993. The matter was brought before Council for consideration at the September Meeting and the Applicant, being an Elected Representative, declared a Pecuniary Interest and left the meeting. The outcome of this decision is on public record from that meeting and it includes the assessment and conditions of consent. Details of the assessment process that was followed is attached. **Attachment No. 3.4**

In all matters associated with this development, Coolamon Shire Council staff have acted with integrity and followed the processes and procedures required by the relevant Acts and Council Policies.

The applicant has complied with all requirements associated with the submission of documents and providing information to support the assessment process.

Recommendation

For Council information.

RESOLVED on the motion of Clr White and seconded by Clr Perkin that the report be received. **17/02/2022**

GM2) AUSTRALIA DAY 2022 (A.13-16, SC1394)

The 2022 Australia Day Awards were conducted in Marrar and all involved should be congratulated on a great morning. Those of special mention were the MC for the event, Chris O'Donnell and the Marrar Community who supported the day.

Robina Beard OAM was the Australia Day Ambassador and the following award recipients were honoured:

- Citizen of the Year: **Karen Wood**
- Young Citizen of the Year: **Hannah Walker**
- Shane Till Memorial Award for Sportsperson of the Year: **Stuart Dunbar**
- Young Sportsperson of the Year: **Chloe Clark**

- Council will now need to determine where the Australia Day celebrations will be held for 2023. A list of previous communities to hold the event has been attached together with the draft future locations. **Attachment No. 4**

NAMING CONSIDERATION

Further to this matter there was some discussion at the December Meeting about naming the Citizen of the Year Award, the '**Bill Thompson Citizen of the Year Award**'. Bill Thompson was the local Coolamon Solicitor and Partner at Commins Hendriks in Coolamon. He was a big part of maintaining local services within local communities and consistently advocated for Rural and Regional Australia.

Bill was a big supporter of the Australia Day Awards and regularly submitted applications for worthy recipients. He was always observing local people doing good things and bringing them to the attention of the community.

Another suggestion in regard to remembering the contribution of Bill Thompson was to create an Award for people who do exceptionally well in their field of work and go above and beyond as part of their work in the Shire.

Whilst these are both worthy suggestions, Council need to be wary of a couple of issues, firstly the number of nominees across six categories that are required regularly to ensure a robust field of potential award winners. Secondly, choosing an individual to have such an honour, needs to be representative of the whole Shire and the naming honour reflect the status of the Award.

In bringing these two considerations to the attention of Council, this in no way is detrimental to the idea of naming this or any Award after Bill Thompson, but rather things to think about in the deliberation.

Regardless of Council's ideas, it should also be something that the family are happy with.

There is no requirement to make this decision today and on some occasions a period of time may galvanise ideas or support for any such idea.

Recommendation

That Council choose a location for the 2023 Australia Day Event.

RESOLVED on the motion of Clr White and seconded by Clr Hutcheon that Council propose to hold the 2023 Australia Day Event in Ardlethan and that the tentative order for future Australia Day locations be: **18/02/2022**

- 2024 – Matong
- 2025 – Beckom
- 2026 – Ganmain
- 2027 – Coolamon

RESOLVED on the motion of Clr Hutcheon and seconded by Clr White that a report be developed by the General Manager regarding Council/Shire Awards, and that it be presented to a future meeting of Council. 19/02/2022

GM3) DELEGATIONS IN LAST MONTHS REPORT – AUDIT, RISK & IMPROVEMENT COMMITTEE (C.11-01, SC137)

At the January Meeting, Council inadvertently left the Alternate Delegate to the Audit, Risk & Improvement Committee as Clr Dave McCann. A title he previously held, as Councillor McCann is now the Mayor the guidelines do not permit the Mayor to sit on an ARIC Board. For this reason Council will need to elect a new Alternate Delegate.

It is noted that the current delegates are Clr Bruce Hutcheon and Clr Alan White.

Recommendation

That an Alternate Delegate be elected to the Audit, Risk & Improvement Committee (ARIC).

RESOLVED on the motion of Clr Hatty and seconded by Clr Hutcheon that Clr Maslin be the Alternate Delegate to the Audit, Risk & Improvement Committee. 20/02/2022

GM4) MATONG HALL (C.09-49, SC1410)

On Thursday, 10th February 2022, members of the Matong Hall Committee, (or their replacements) undertook a tour of local halls to obtain ideas in regard to the design, construction and layout of the Matong Hall.

Present on the day were:

- Lesley Greenwell
- Bill Karlburg
- Dennis Ashcroft
- Tony Donoghue
- Col McKinnon

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- Wayne Lewis
- Allan Thompson

We attended the Ardlethan and Beyond Museum, the Binya Town Hall and the Brookdale Hall. A big thank you goes to Karen Wood of Ardlethan, Julie Geddes and Tania Ellis at Binya and Trent Gooden at Brookdale for kindly showing us their facilities.

These halls were excellent examples of how the community had managed improvements, obtained funding and received community support for their meeting place.

Council's Architect, Allan Thompson will now provide plans that can be considered by the Committee.

Recommendation

For Council information.

RESOLVED on the motion of Clr McKinnon and seconded by Clr White that the report be received. 21/02/2022

6.2 EXECUTIVE MANAGER, CORPORATE & COMMUNITY SERVICES' REPORTS

CS1) FINANCE REPORT

DATE INVESTED	INSTITUTION	RATING	INVESTMENT TYPE	AMOUNT INVESTED	TERMS (days)	RATE	MATURITY DATE
3/08/2021	ME Bank	A1/A+	Term Deposit	\$ 1,000,000	182	0.45%	1/02/2022
11/02/2021	AMP	A2/BBB+	Term Deposit	\$ 2,000,000	365	0.75%	11/02/2022
2/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,001,512	181	0.50%	2/03/2022
9/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	365	0.50%	9/03/2022
10/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	181	0.50%	10/03/2022
19/03/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	304	0.60%	19/03/2022
29/03/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 2,000,000	304	0.60%	29/03/2022
5/05/2021	Macquarie Bank	A1/A+	Term Deposit	\$ 1,000,000	365	0.40%	5/05/2022
21/07/2021	Judo Bank	NR (Govt Guarantee)	Term Deposit	\$ 250,000	365	0.85%	21/07/2022
24/11/2021	Bank of Queensland	A2/BBB+	Term Deposit	\$ 1,000,000	240	0.60%	22/07/2022
3/08/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	0.75%	3/08/2022
23/09/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	0.60%	23/09/2022
1/10/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 1,000,000	365	0.60%	1/10/2022
30/09/2021	AMP	A2/BBB	Term Deposit	\$ 1,000,000	369	0.80%	4/10/2022
19/10/2021	Beyond Bank	A2/BBB	Term Deposit	\$ 750,000	365	0.60%	19/10/2022
8/11/2021	Bank of Queensland	A2/BBB+	Term Deposit	\$ 1,000,000	365	0.55%	8/11/2022
19/01/2022	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	303	1.00%	18/11/2022
25/11/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.00%	25/11/2022
25/11/2021	AMP	A2/BBB+	Term Deposit	\$ 500,000	365	1.00%	25/11/2022
10/12/2021	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.10%	10/12/2022
14/01/2022	AMP	A2/BBB+	Term Deposit	\$ 500,000	365	1.10%	16/01/2023
17/01/2022	AMP	A2/BBB+	Term Deposit	\$ 1,000,000	365	1.10%	17/01/2023
TOTAL INVESTED				\$ 23,001,512			

I hereby certify that the above investments have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy.



(Samantha Jennings, Finance Manager)

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS (as at 30 June 2021)

External Restrictions - included in liabilities	
Specific purpose unexpended grants	1,550,611.83
Allawah Lodge Bonds & Payments	4,667,532.85
Allawah Village Loan Licences	3,622,432.44
Home Care Packages	544,964.06
	10,385,541.18
External Restrictions - other	
Developer contributions - general	67,613.37
Specific purpose grants (recognised as revenue)	475,265.77
Sewerage Services	1,598,022.28
Domestic Waste Management	750,153.46
Stormwater Management	64,569.62
Other - Community Transport	230,864.00
	3,186,488.50
Internal Restrictions	
Plant & vehicle replacement	1,000,000.00
Employees Leave Entitlements	1,499,000.00
Deferred Works	219,960.00
Ardlethan Preschool (non-grant)	39,155.28
Asset management/replacement	3,500,000.00
Financial Assistance Grant Advance	2,063,337.00
Swimming Pools	55,000.00
Rehabilitation of Gravel Pits	168,000.00
Coolamon Early Childhood Centre	361,222.45
Allawah Lodge	706,001.68
Allawah Village	578,588.69
	10,190,265.10
TOTAL RESTRICTIONS	23,762,294.78
UNRESTRICTED	985,659.43
TOTAL CASH, CASH EQUIVALENTS & INVESTMENTS	24,747,954.21

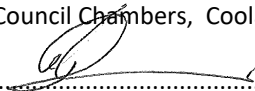
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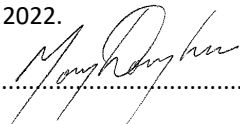
COOLAMON SHIRE COUNCIL
INCOME STATEMENT

for the period 1st July 2021 to 30th June 2022

	JANUARY 2022	DECEMBER 2021	NOVEMBER 2021	2021/2022 BUDGET	2020/2021 ACTUAL
Income from continuing operations					
Rates & annual charges	4,040,020.79	4,045,475.94	3,973,810.54	4,042,000.00	3,958,280.47
User charges & fees	3,093,282.27	2,656,677.59	2,144,130.49	4,785,000.00	5,072,093.97
Other revenues	161,970.27	135,483.49	104,767.30	363,000.00	583,429.79
Grants & contributions provided for operating purposes	3,186,626.20	2,600,921.85	2,367,043.88	4,598,000.00	7,322,392.31
Grants & contributions provided for capital purposes	1,509,205.76	1,510,660.40	1,495,199.44	3,581,000.00	2,396,269.47
Interest and investment revenue	21,189.48	14,790.40	5,600.43	114,000.00	270,638.20
Other income	219,935.57	195,001.36	164,491.60	382,000.00	371,469.25
Net gain from the disposal of assets	153,815.26	153,815.26	134,524.70	61,000.00	-110,943.76
Internals	0.00	0.00	0.00		0.00
Total income from continuing operations	12,386,045.60	11,312,826.29	10,389,568.38	17,926,000.00	19,863,629.70
Expenses from continuing operations					
Employee benefits and on-costs	3,923,800.67	3,370,511.39	2,854,037.94	6,665,000.00	6,740,916.96
Materials & services	2,971,782.89	2,729,717.89	2,235,039.30	5,120,000.00	4,719,276.22
Borrowing costs	10,960.16	8,410.76	8,410.76	45,000.00	26,510.03
Depreciation, amortisation & impairment	2,131,580.23	2,131,580.23	1,178,203.15	4,240,000.00	4,095,962.48
Other expenses	189,332.03	189,332.03	132,914.27	362,000.00	481,694.29
Net loss from the disposal of assets					
Total expenses from continuing operations	9,227,455.98	8,429,552.30	6,408,605.42	16,432,000.00	16,064,359.98
Operating result from continuing operations	3,158,589.62	2,883,273.99	3,980,962.96	1,494,000.00	3,799,269.72
Net operating result for the year before grants and contributions provided for capital purposes	1,649,383.86	1,372,613.59	2,485,763.52	-2,087,000.00	1,403,000.25

This is Page No. 11 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.


..... MAYOR


..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

COOLAMON SHIRE COUNCIL
INCOME STATEMENT BY FUND

	January 2021		
	CONSOLIDATED		
	GENERAL FUND	SEWERAGE FUND	TOTAL
Income from continuing operations			
Rates & annual charges	3,290,794.81	749,225.98	4,040,020.79
User charges & fees	3,093,282.27	0.00	3,093,282.27
Other revenues	161,388.38	581.89	161,970.27
Grants & contributions provided for operating purposes	3,175,532.30	11,093.90	3,186,626.20
Grants & contributions provided for capital purposes	1,176,205.76	333,000.00	1,509,205.76
Interest and investment revenue	20,037.03	1,152.45	21,189.48
Other income	219,935.57		219,935.57
Net gain from the disposal of assets	153,815.26	0.00	153,815.26
Internals	0.00	0.00	0.00
Total income from continuing operations	11,290,991.38	1,095,054.22	12,386,045.60
Expenses from continuing operations			
Employee benefits and on-costs	3,809,895.51	113,905.16	3,923,800.67
Materials & services	2,870,779.06	101,003.83	2,971,782.89
Borrowing costs	10,960.16		10,960.16
Depreciation & amortisation	2,001,386.25	130,193.98	2,131,580.23
Other expenses	189,332.03	0.00	189,332.03
Total expenses from continuing operations	8,882,353.01	345,102.97	9,227,455.98
Operating result from continuing operations	2,408,638.37	749,951.25	3,158,589.62
Net operating result for the year before grants and contributions provided for capital purposes	1,232,432.61	416,951.25	1,649,383.86

This is Page No. 12 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

BALANCE SHEET

for the period 1st July 2021 to 30th June 2022

	JANUARY 2022	DECEMBER 2021	NOVEMBER 2021	2021/2022	
				BUDGET (ADJ FOR OPENING BALS)	2020/2021 ACTUAL
ASSETS					
Current assets					
Cash and cash equivalents	1,994,547.75	2,619,177.38	3,131,797.50	(662,574.97)	3,746,441.88
Investments	23,001,512.33	23,001,512.33	23,001,512.33	21,001,511.33	21,001,512.33
Receivables	1,251,560.98	1,270,784.69	1,357,836.93	767,516.46	767,845.79
Inventories	87,413.56	75,225.32	77,839.21	1,240,551.62	60,806.06
Other					
Total current assets	26,335,034.62	26,966,699.72	27,568,985.97	22,347,004.44	25,576,606.06
Non-current assets					
Investments					
Receivables	280,092.35	280,092.35	280,092.35	248,247.60	280,092.35
Inventories	1,136,866.84	1,136,866.84	1,136,866.84	1,136,698.42	1,136,866.84
Infrastructure, property, plant & equipment	241,132,256.54	240,373,362.54	239,783,340.75	246,977,705.63	238,042,200.34
Accumulated Dep'n - Infrastructure, PP&E	(49,344,390.70)	(49,344,390.70)	(48,416,244.63)	(51,810,366.77)	(47,569,655.61)
Accumulated Imp't - Infrastructure, PP&E	0.00	0.00	0.00	0.00	0.00
Total non-current assets	193,204,825.03	192,445,931.03	192,784,055.31	196,552,284.88	191,889,503.92
Total assets	219,539,859.65	219,412,630.75	220,353,041.28	218,899,289.32	217,466,109.98
LIABILITIES					
Current liabilities					
Payables	8,185,281.05	8,316,636.49	8,161,093.14	9,046,081.69	9,311,685.38
Contract Liabilities	1,598,035.27	1,598,035.27	1,598,035.27		
Borrowings	0.00	0.00	0.00	0.00	0.00
Employee benefit provisions	1,971,763.10	1,988,424.52	1,986,619.56	2,135,131.52	1,975,675.24
Provisions	28,578.00	28,578.00	28,578.00	0.00	28,578.00
Other	3,838.39	3,908.26	3,978.13	5,785.31	5,785.31
Total current liabilities	11,787,495.81	11,935,582.54	11,778,304.10	11,186,998.52	11,321,723.93
Non-current liabilities					
Payables	3,856.18	3,856.18	3,856.18	3,466.23	3,856.18
Borrowings	0.00	0.00	0.00	0.00	0.00
Employee benefit provisions	135,342.63	135,342.63	135,342.63	135,342.63	135,342.63
Provisions	390,052.54	390,052.54	390,052.54	435,377.90	390,052.54
Total non-current liabilities	529,251.35	529,251.35	529,251.35	574,186.76	529,251.35
TOTAL LIABILITIES	12,316,747.16	12,464,833.89	12,307,555.45	11,761,185.28	11,850,975.28
Net assets	207,223,112.49	206,947,796.86	208,045,485.83	207,138,104.04	205,615,134.70
EQUITY					
Retained earnings	104,202,315.31	103,926,999.68	105,024,688.65	104,117,184.31	101,043,725.69
Reserves	103,020,797.18	103,020,797.18	103,020,797.18	103,020,919.73	103,020,797.18
Internal Assets/Liabilities	0.00	0.00	0.00		0.00
Trust Transfer					
Total equity	207,223,112.49	206,947,796.86	208,045,485.83	207,138,104.04	204,064,522.87

This is Page No. 13 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

COOLAMON SHIRE COUNCIL
BALANCE SHEET BY FUND

	January 2021		COOLAMON SHIRE TOTAL
	CONSOLIDATED GENERAL FUND	SEWERAGE FUND	
ASSETS			
Current assets			
Cash and cash equivalents	(257,093.22)	2,251,640.97	1,994,547.75
Investments	23,001,512.33		23,001,512.33
Receivables	968,840.99	282,719.99	1,251,560.98
Inventories	87,413.56		87,413.56
Other			0.00
Total current assets	23,800,673.66	2,534,360.96	26,335,034.62
Non-current assets			
Investments			0.00
Receivables	280,092.35		280,092.35
Inventories	1,136,866.84		1,136,866.84
Infrastructure, property, plant & equipment	220,899,171.54	20,233,085.00	241,132,256.54
Accumulated Depreciation	(42,082,314.49)	(7,262,076.21)	(49,344,390.70)
Accumulated Impairment	0.00		0.00
Total non-current assets	180,233,816.24	12,971,008.79	193,204,825.03
Total assets	204,034,489.90	15,505,369.75	219,539,859.65
LIABILITIES			
Current liabilities			
Payables	8,185,281.05	0.00	8,185,281.05
Contract Liabilities	1,598,035.27		1,598,035.27
Interfunding			0.00
Interest bearing liabilities	0.00		0.00
Employee benefit provisions	1,971,763.10		1,971,763.10
Provisions	28,578.00		28,578.00
Other	3,838.39	0.00	3,838.39
Total current liabilities	11,787,495.81	0.00	11,787,495.81
Non-current liabilities			
Payables	3,856.18		3,856.18
Interest bearing liabilities	0.00		0.00
Employee benefit provisions	135,342.63		135,342.63
Provisions	390,052.54		390,052.54
Total non-current liabilities	529,251.35	0.00	529,251.35
TOTAL LIABILITIES	12,316,747.16	0.00	12,316,747.16
Net assets	191,717,742.74	15,505,369.75	207,223,112.49
EQUITY			
Retained earnings	94,562,217.11	9,640,098.20	104,202,315.31
Reserves	97,155,525.63	5,865,271.55	103,020,797.18
Internal Assets & Liabilities			0.00
Trust Transfer			0.00
Total equity	191,717,742.74	15,505,369.75	207,223,112.49

This is Page No. 14 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.

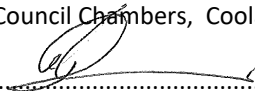
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

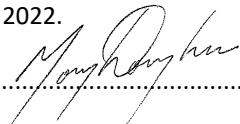
COOLAMON SHIRE COUNCIL
INTERNAL & EXTERNAL RESTRICTIONS

for the period 1st July 2020 to 30th June 2021

	JANUARY 2022	DECEMBER 2021	NOVEMBER 2021	2021/2022 BUDGET (ADJ FOR OPENING BALS)	2020/2021 ACTUAL
<i>EXTERNALLY RESTRICTED</i>					
Contract Liabilities	1,140,401.71	1,381,318.28	1,371,531.75	1,283,762.23	1,550,611.83
Allawah Lodge Accommodation Payments	4,359,351.94	4,456,040.76	4,456,040.76	4,667,532.85	4,667,532.85
Allawah Village Loan-Licence	3,764,970.44	3,872,432.44	3,622,432.44	3,787,585.44	3,622,432.44
Home Care Packages	445,518.02	488,400.64	488,400.64	544,964.06	544,964.06
Developer Contributions	92,791.83	92,791.83	77,330.87	28,289.49	67,613.37
Grant Revenues	334,799.48	336,694.47	352,927.11	475,265.77	475,265.77
Sewerage Fund	2,251,640.97	2,240,646.41	2,233,653.42	1,649,557.95	1,598,022.28
Waste Management	931,242.36	967,851.18	943,545.53	753,961.79	750,153.46
Stormwater Management Reserve	67,887.59	69,087.59	72,757.32	46,344.62	64,569.62
Other - Community Transport	257,990.47	257,990.47	260,773.78	230,864.00	230,864.00
	13,646,594.81	14,163,254.07	13,879,393.62	13,468,128.20	13,572,029.68
<i>INTERNALLY RESTRICTED</i>					
Plant Replacement Reserve	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00
Employees Leave Entitlements Reserve	1,499,000.00	1,499,000.00	1,499,000.00	1,619,237.00	1,499,000.00
Deferred Works Reserve	167,483.31	180,737.30	180,737.30	162,170.00	219,960.00
Ardlethan Preschool	48,886.28	48,886.28	39,155.28	48,444.28	39,155.28
Asset Management	3,500,000.00	3,500,000.00	3,500,000.00	1,678,812.00	3,500,000.00
Financial Assistance Grant	0.00	0.00	0.00	120,568.00	2,063,337.00
Swimming Pools Reserve	55,000.00	55,000.00	55,000.00	75,000.00	55,000.00
Gravel Pits Rehabilitation Reserve	168,000.00	168,000.00	168,000.00	188,000.00	168,000.00
CECC Asset Mgt Reserve	509,683.44	514,733.43	485,908.38	333,288.45	361,222.45
Allawah Lodge Asset Mgt Reserve	983,210.28	931,509.05	898,665.43	714,360.27	706,001.68
Allawah Village Asset Mgt Reserve	452,318.78	474,141.39	465,095.10	260,790.33	578,588.69
	8,383,582.09	8,372,007.45	8,291,561.49	6,200,670.33	10,190,265.10
Unrestricted	2,965,883.18	3,085,428.19	3,962,354.72	670,263.95	985,659.43
TOTAL CONSOLIDATED CASH	24,996,060.08	25,620,689.71	26,133,309.83	20,339,062.47	24,747,954.21

This is Page No. 15 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.


..... MAYOR

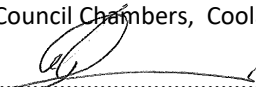

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.


RATE COLLECTIONS

	ARREARS BFWD	LEVIES INC. INTEREST	TOTAL	COLLECTIONS TO DATE	% TO TOTAL	ADJUSTMENTS INC. PENS CONCESSIONS	ADJ. TOTAL	% TO TOTAL	COLLECTABLE BALANCE
31/01/2004	280,098.47	2,038,863.52	2,318,961.99	1,262,114.26	54.43%	102,495.38	2,216,466.61	56.94%	954,352.35
31/01/2005	181,374.69	2,104,337.22	2,285,711.91	1,258,569.85	55.06%	107,103.03	2,178,608.88	57.77%	920,039.03
31/01/2006	163,566.58	2,165,474.95	2,329,041.53	1,278,687.89	54.90%	107,525.68	2,221,515.85	57.56%	942,827.96
31/01/2007	185,519.90	2,256,574.24	2,442,094.14	1,286,131.54	52.67%	107,745.97	2,334,348.17	55.10%	1,048,216.63
31/01/2008	236,912.33	2,417,978.98	2,654,891.31	1,421,584.70	53.55%	122,118.92	2,532,772.39	56.13%	1,111,187.69
31/01/2009	277,343.62	2,500,042.11	2,777,385.73	1,434,257.81	51.64%	120,754.39	2,656,631.34	53.99%	1,222,373.53
31/01/2010	239,371.45	2,604,207.38	2,843,578.83	1,481,885.68	52.11%	121,526.61	2,722,052.22	54.44%	1,240,166.54
31/01/2011	309,194.09	2,727,260.28	3,036,454.37	1,591,018.64	52.40%	170,684.21	2,865,770.16	55.52%	1,274,751.52
31/01/2012	239,162.46	2,872,136.49	3,111,298.95	1,707,518.03	54.88%	128,328.62	2,982,970.33	57.24%	1,275,452.30
31/01/2013	207,935.41	3,039,030.53	3,246,965.94	1,785,058.35	54.98%	127,676.03	3,119,289.91	57.23%	1,334,231.56
31/01/2014	230,807.22	3,146,217.89	3,377,025.11	1,833,571.94	54.30%	124,098.48	3,252,926.63	56.37%	1,419,354.69
31/01/2015	263,562.88	3,299,613.19	3,563,176.07	1,923,354.96	53.98%	122,124.24	3,441,051.83	55.89%	1,517,696.87
31/01/2016	335,520.44	3,415,118.68	3,750,639.12	2,082,168.57	55.52%	124,157.23	3,626,481.89	57.42%	1,544,313.32
31/01/2017	300,944.76	3,502,917.40	3,803,862.16	2,161,576.14	56.83%	123,399.10	3,680,463.06	58.73%	1,518,886.92
31/01/2018	303,728.87	3,571,577.54	3,875,306.41	2,121,682.19	54.75%	117,563.53	3,757,742.88	56.46%	1,636,060.69
31/01/2019	319,410.16	3,684,008.34	4,003,418.50	2,203,946.62	55.05%	117,886.86	3,885,531.64	56.72%	1,681,585.02
31/01/2020	368,193.86	3,790,224.11	4,158,417.97	2,290,636.20	55.08%	116,176.68	4,042,241.29	56.67%	1,751,605.09
31/01/2021	342,642.82	4,027,743.89	4,370,386.71	2,462,393.01	56.34%	123,988.81	4,246,397.90	57.99%	1,784,004.89
2021/2022									
31/07/2021	190,868.79	4,113,117.16	4,303,985.95	478,276.41	11.11%	121,612.50	4,182,373.45	11.44%	3,704,097.04
31/08/2021	190,868.79	4,114,260.21	4,305,129.00	1,493,306.90	34.69%	122,659.36	4,182,469.64	35.70%	2,689,162.74
30/09/2021	190,868.79	4,114,650.96	4,305,519.75	1,725,384.52	40.07%	122,659.36	4,182,860.39	41.25%	2,457,475.87
31/10/2021	190,868.79	4,114,469.66	4,305,338.45	1,830,243.25	42.51%	122,237.48	4,183,100.97	43.75%	2,352,857.72
30/11/2021	190,868.79	4,108,690.93	4,299,559.72	2,337,839.98	54.37%	122,871.86	4,176,687.86	55.97%	1,838,847.88
31/12/2021	190,868.79	4,108,193.52	4,299,062.31	2,523,488.75	58.70%	122,053.10	4,177,009.21	60.41%	1,653,520.46
31/01/2022	190,868.79	4,097,865.57	4,288,734.36	2,627,103.83	61.26%	122,493.73	4,166,240.63	63.06%	1,539,136.80

RESOLVED on the motion of Clr Crocker and seconded by Clr Hutcheon that the report be received. 22/02/2022



MAYOR



GENERAL MANAGER.

CS2) DELIVERY PROGRAM REVIEW (S.11-06, SC516)

→ Attached please find a copy of the Delivery Program Progress Report for the period 1st July 2021 to 31st December 2021. **Attachment No. 5**

Recommendation

That the Delivery Program Progress Report for the period 1st July 2021 to 31st December 2021 be received.

RESOLVED on the motion of Clr White and seconded by Clr Hatty that the Delivery Program Progress Report for the period 1st July 2021 to 31st December 2021 be received. **23/02/2022**

CS3) POLICY REVIEW (P.12-01, SC316)

As part of Council's policy review following the election of a new Council, the following policies are presented by staff for adoption: **Attachment No. 6**

- Model Code of Conduct (**update of legislation reference**)
- Model Code of Meeting Practice (**update of legislation reference**)
- Councillor Expenses & Facilities Policy (**newly formatted and written**)
- Related Party Policy (**update of legislation reference**)
- Statement of Business Ethics (re-adoption no changes proposed)
- Annual Prize Giving Night Donation Policy (re-adoption no changes proposed)
- Art Acquisition Policy (re-adoption no changes proposed)
- Biosecurity Weed Management Policy (re-adoption no changes proposed)
- Firebreaks Policy (re-adoption no changes proposed)
- Enterprise Risk Management Policy (**update of legislation reference**)
- Prudential Standards Policy (**inclusion of 10 years most recent accommodation payment information**)
- Agency Information Guide 2022 (**yearly version update and list of committees updated**)
- Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (**legislation reference updated**)

Recommendation

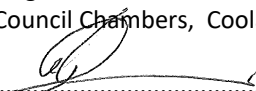
That the following policies as presented be adopted:

- Model Code of Conduct
- Model Code of Meeting Practice

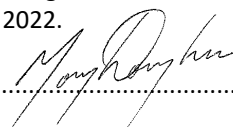
- Councillor Expenses & Facilities Policy
- Related Party Policy
- Statement of Business Ethics
- Annual Prize Giving Night Donation Policy
- Art Acquisition Policy
- Biosecurity Weed Management Policy
- Firebreaks Policy
- Enterprise Risk Management Policy
- Prudential Standards Policy
- Agency Information Guide 2022
- Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

RESOLVED on the motion of Cllr Lewis and seconded by Cllr Perkin that the following policies as presented be adopted: 24/02/2022

- **Model Code of Conduct**
- **Model Code of Meeting Practice**
- **Councillor Expenses & Facilities Policy**
- **Related Party Policy**
- **Statement of Business Ethics**
- **Annual Prize Giving Night Donation Policy**
- **Art Acquisition Policy**
- **Biosecurity Weed Management Policy**
- **Firebreaks Policy**
- **Enterprise Risk Management Policy**
- **Prudential Standards Policy**
- **Agency Information Guide 2022**
- **Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW**


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MAYOR


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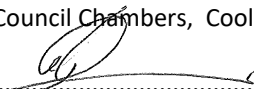
GENERAL MANAGER.



The Model Code of Conduct for Local Councils in NSW

2022

ADOPTED: 17 February 2022

.......... MAYOR

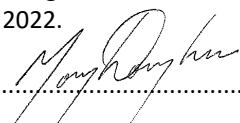
.......... GENERAL MANAGER.

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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 2021* ("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:

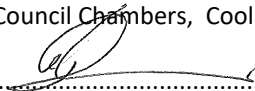
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

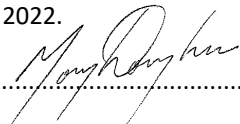
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

5

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 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</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

This is Page No. 23 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.


..... MAYOR


..... GENERAL MANAGER.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

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

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- 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 WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

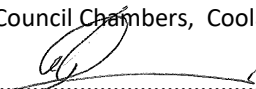
- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

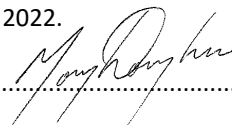
- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

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).



..... MAYOR



..... GENERAL MANAGER.

- 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

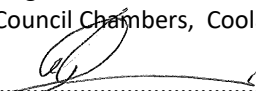
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of 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:

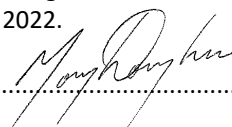
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest 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



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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) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - 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 \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

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

associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

"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 or administrator 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.

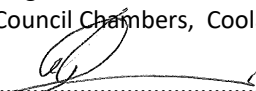
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the 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

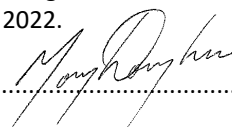
- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage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

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



..... MAYOR



..... GENERAL MANAGER.

whether the original intention was to create the information for personal purposes.

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

Councillor access to council buildings

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

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

9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

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

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

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

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
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:
- 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
 - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

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

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

Discretionary disclosures

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

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

'Disclosures by councillors and designated persons' return

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

Important information

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

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

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

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

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

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

as at [return date]

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

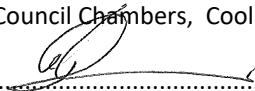
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

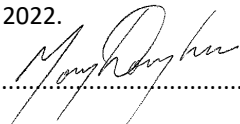
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

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

This is Page No. 60 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

.......... MAYOR

.......... GENERAL MANAGER.

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.

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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

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

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

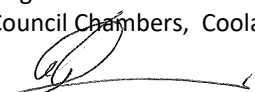
which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

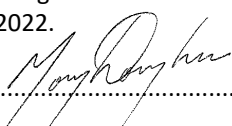
to be held on the day of 20 .

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 ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <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>	

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.

.......... MAYOR

.......... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
 HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

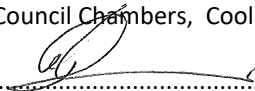
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial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

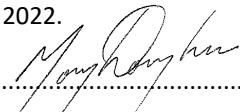
[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

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]

.......... MAYOR

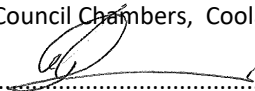
.......... GENERAL MANAGER.



MODEL CODE OF MEETING PRACTICE 2022

ADOPTED: 17 February 2022

This is Page No. 66 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

.......... MAYOR

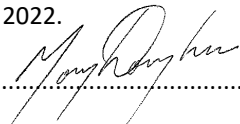
.......... GENERAL MANAGER.

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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 2021* (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.

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 Clause left blank.
- 3.2 The council shall, by resolution at the September Meeting, set the frequency, time, date and place of its ordinary meetings.

Meetings of Committees, other than the Committee of a Whole, may be held at places and times as determined by Council, provided that in absence of a determination to the contrary, all such meetings shall be held in the Council Chambers, Coolamon.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

- 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 five (5) 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 Clause left blank.

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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Availability of the agenda and business papers to the public

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

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

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

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

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

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

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

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

Agenda and business papers for extraordinary meetings

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

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

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

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

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

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

Pre-meeting briefing sessions

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

- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.

- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

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

4 DEPUTATIONS TO COUNCIL

- 4.1 The council may receive a deputation prior to the 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. Deputations may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Any deputation is to be chaired by the mayor or their nominee. Deputations are specific to identified issues and are not an open invite to discuss matters of general interest to individuals or groups. Deputations can be invited or by application.
- 4.3 To speak to Council, a person must first make an application to the council in the approved form. Applications to speak at the meeting must be received five (5) business days before the date on which the Council Meeting 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 *Clause left blank.*
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a Council Meeting unless they identify their status as a legal representative when applying to speak.
- 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 two (2) 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.

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- 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 meeting 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 meeting, and to identify any equipment needs no more than three (3) days before the meeting. 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.
- 4.12 Each speaker will be allowed three (3) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at meetings 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 to the Meeting. 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 two (2) minutes.
- 4.16 Speakers 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 three (3) minutes in response to an address to the council, after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made as a result of a deputation 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 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 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 Council Meetings 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 Council Meetings 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, 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 and how the conflict of interest was managed by the councillor who made the declaration.

Note: Deputations 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 deputation 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 *Clause left blank.*
- 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.

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- 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.

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- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

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

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

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

- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.18 reflects section 10(2) of the Act.

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

Webcasting of meetings

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

Webcasting will be via an audio only recording of the meeting, uploaded to council's website a maximum of one week after the meeting is held. This will commence after the 14th December, 2019.

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- 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 twelve (12) months. 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.

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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.

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 A member shall on all occasions when in the Council, address and speak of the other members by their official designation, as Mayor, Chairperson or Councillor, as the case may be.

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 *Clause left blank.*

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- 8.2 For all Ordinary Meetings of Council, except the meeting held in September for the election of Mayor, the general order of business shall be:-
- a) (i) Confirmation of Minutes
 - (ii) Matters arising out of Minutes
 - b) Apologies
 - c) Mayoral Minute
 - d) Correspondence
 - (i) Agenda A (Information Only)
 - (ii) Agenda B
 - e) General Manager's Report
 - Executive Manager, Corporate & Community Services
 - Executive Manager, Engineering & Technical Services
 - Manager, Planning & Environmental Services
 - (f) Reports: Delegates/Mayor/Councillors
 - (g) Notice of Motion
 - (h) Recommendations of Committee of a Whole Meeting
- 8.3 The order of business as fixed under clause 8.2 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.
- 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, or
 - (e) is identified as items of late business, as warranted by the Mayor or General Manager, for information or expediency in the operation of Council.

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- 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 *Clause left blank.*

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.

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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

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.

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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.

Motions requiring the expenditure of funds

- 10.9 *Clause left blank.*

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

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- 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.

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- 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.
- 11.4 *Clause left blank.*

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.

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- 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 *Clause left blank.*

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.

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- 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,

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- (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.

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- 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.

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- 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 three (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 two (2) 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 two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five (5) 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.

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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.

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- 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

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- (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 *Clause left blank.*
- 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.
- 15.16 Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at 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.

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- 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 seven (7) days 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 *Clause left blank.*

- 17.13 *Clause left blank.*

- 17.14 *Clause left blank.*

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 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 *Clause left blank.*
- 18.2 *Clause left blank.*
- 18.3 *Clause left blank.*
- 18.4 *Clause left blank.*
- 18.5 *Clause left blank.*

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.

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- 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.

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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

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- 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.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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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 *Clause left blank.*

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 *Clause left blank.*

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

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

- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

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

Note: Clause 21.1 reflects section 374 of the Act.

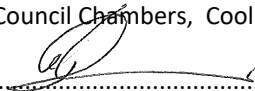
22 DEFINITIONS

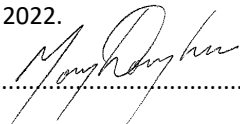
the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any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

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quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</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

This is Page No. 103 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.


..... MAYOR


..... GENERAL MANAGER.



COUNCILLOR EXPENSES & FACILITIES POLICY?

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 8		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

POLICY SUMMARY

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

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

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

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

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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PART A – INTRODUCTION

1. Introduction

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

2. Policy objectives

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

3. Principles

- 3.1. Council commits to the following principles:
 - **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
 - **Equity:** there must be equitable access to expenses and facilities for all Councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to Councillors.

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4. Private or political benefit

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

PART B – EXPENSES

5. General expenses

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

6. Specific expenses

General travel arrangements and expenses

- 6.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Each Councillor may be reimbursed for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.

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Interstate, overseas and long distance intrastate travel expenses

- 6.4. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship communities.
- 6.5. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the General Manager prior to travel.
- 6.6. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 6.7. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.8. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.9. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.10. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.11. Bookings for approved air travel are to be made through the General Manager's office.
- 6.12. For overseas or interstate air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

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

Accommodation and meals

- 6.14. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 6.15. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.16. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 6.19.
- 6.17. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council related meetings

- 6.18. Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.

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- 6.19. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

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

Conferences and seminars

- 6.25. Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 6.26. Council will provide a budget annually to facilitate Councillor attendance at conferences and seminars. This allocation is for all Councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.27. Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.28. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.14-6.17.

Information and communications technology (ICT) expenses

- 6.29. Council will provide appropriate ICT devices and services for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.
- 6.30. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor.

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Special requirement and carer expenses

- 6.31. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.32. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.33. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.34. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.35. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.36. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 8.2. In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

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- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

PART C – FACILITIES

9. General facilities for all Councillors

Facilities

- 9.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- access to shared car parking spaces while attending Council offices on official business
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or deputy Mayor.
- 9.2. Councillors may book meeting rooms for official business at the Council Chambers or Allawah Community Centre.
- 9.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 9.4. Council will provide the following stationery to Councillors as required:
- business cards

Administrative support

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

10. Additional facilities for the Mayor

- 10.1. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.

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PART D – PROCESSES

11. Approval, payment and reimbursement arrangements

- 11.1. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3. Approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
- 11.4. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

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

Reimbursement

- 11.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Executive Manager, Corporate & Community Services.

Notification

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

Reimbursement to Council

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

Timeframe for reimbursement

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

Electronic version in Council's EDMS (SC617) is the controlled version.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 8

This is Page No. 111 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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12. Disputes

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

13. Return or retention of facilities

- 13.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 13.2. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 13.3. The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14. Publication

- 14.1. This policy will be published on Council's website.

15. Reporting

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

16. Auditing

- 16.1. The operation of this policy, including claims made under the policy, will be included in Council's general audit program.

17. Breaches

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

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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PART E – APPENDICES

Appendix I: Related legislation, guidance and policies

Relevant legislation and guidance:

- Local Government Act 1993, Sections 252 and 253
- Local Government (General) Regulation 2021, Clauses 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- Code of Conduct

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Appendix II: Definitions

The following definitions apply throughout this policy.

Term	Definition
appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole • meetings of committees facilitated by Council • civic receptions hosted or sponsored by Council • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)

Version 8 Adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 7 Re-Adopted: Council Meeting held 17 November 2016 (Minute No. 254/11/2016)

Version 7 Re-Adopted: Council Meeting held 19 November 2015 (Minute No 253/11/2015)

Version 7 Adopted: Council Meeting held 20 November 2014 (Minute No 296/11/2014)

Version 6 Adopted: Council Meeting held 19 September 2013 (Minute No 231/09/2013)

Version 5 Adopted: Council Meeting held 10 November 2011 (Minute No 322/11/2011)

Version 4 Re-Adopted: Council Meeting held 21 October 2010 (Minute No 305/10/2010)

Version 4 Adopted: Council Meeting held 19 November 2009 (Minute No. 357/11/2009)

Version 3 Re-Adopted: Council Meeting held 24 September 2009 (Minute No.292/09/2009)

Version 3 Adopted: Council Meeting held 16 October, 2008 (Minute No. 285/10/2008)

Version 2 Adopted: Council Meeting held 18 October, 2007 (Minute No. 331/10/2007)

Version 1 Adopted Council Meeting held 15 March, 2007 (Minute No. 65/03/2007)

Electronic version in Council's EDMS (SC617) is the controlled version.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

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This is Page No. 114 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.



RELATED PARTY DISCLOSURES POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 3		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 Years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

POLICY STATEMENT

The Related Party Disclosure Policy will assist Council in complying with disclosure requirements concerning Key management Personnel (KMP), their close family members and entities controlled or jointly controlled by an of them stipulated under the *Australian Accounts Standard AASB124 Related Party Disclosures*.

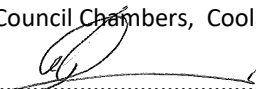
SCOPE

This policy is to be applied in:

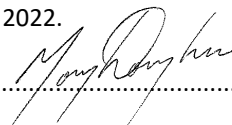
1. Identifying related party relationships, related party transactions and ordinary citizen transaction concerning key management personnel, their close family members and entities controlled or jointly controlled by any of them; and
2. Identifying information about the related party transaction for disclosure; and
3. Establishing systems to capture and record the related party transactions and information about those transactions; and
4. Identifying the circumstances in which disclosures of the items in paragraphs 1 and 2 are required; and
5. Determining the disclosures to be made about those items in the General Purpose Financial Statements for the purpose of complying with AASB 124.

OBJECTIVE

The objective of the policy is to ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the financial statements are properly identified, recorded in Council's systems and disclosed in Council's General Purpose Financial Statements in compliance with *the Local Government Act 1993*, AASB 124, *the Privacy and Personal Information Protection Act 1998* and *the Government Information (Public Access) Act 2009*.

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MAYOR

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GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

STATEMENT OF PROCEDURES

1 AASB 124 DISCLOSURE REQUIREMENTS

1.1 Disclosures

To comply with AASB 124, for annual periods beginning on or after 1 July 2016, Council will disclose in its General Purpose Financial Statements the information specified in 1.2 for related party transactions with, amongst others, the following persons during the periods covered by the Financial Statements

- a) Council subsidiaries;
- b) Entities who are associates of Council or of a Council subsidiary;
- c) Joint ventures in which Council or a Council subsidiary is a joint venture;
- d) Council's Key Management Personnel (KMP);
- e) Other related parties, comprising:
 - i. A close family member of a KMP of Council;
 - ii. Entities controlled or jointly controlled by a KMP of Council;
 - iii. Entities controlled or jointly controlled by a close family member of a KMP of Council
 - iv. Other entities as specified in AASB 124, paragraph 9 (b)(iii), (iv), (v) and (viii).

1.2 Disclosed Information

For each category of related party transactions specified in Section 1.1, Council will disclose the following information in Council's General Purpose Financial Statements:

- a) the nature of the related party relations;
- b) The amount of the transactions;
- c) The amount of outstanding balances, including commitments; and
 - i. Their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - ii. Details of any guarantees given or received
- d) provisions for doubtful debts related to the amount of outstanding balances; and
- e) the expense recognized during the period in respect of bad or doubtful debts due from related parties.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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1.3 Disclosed in Aggregate or Separate

For each related party category specified in Section 1.1, Council will disclose information specified in Section 1.2 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transaction on the financial statements of council, having regard to the following criteria:

- a) the nature of the related party relationship;
- b) the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
- c) whether the transaction is carried out on non-arm's length terms;
- d) whether the nature of the transaction is outside normal day-to-day business operations;
- e) based on the factors and thresholds under the direction of the Responsible Accounting Officer in consultation with Council's Audit Committee and External Auditor.

2 IDENTIFYING RELATED PARTY RELATIONSHIPS AND TRANSACTIONS

2.1 Identification

The Responsible Accounting Officer is responsible for identifying Council subsidiaries, associates and joint ventures (incorporated and unincorporated)

2.2 Control or Joint Control

To determine whether Council has control or joint control of an entity, the Responsible Accounting Officer is responsible for applying Australian Account Standards AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements

2.3 Associate of Joint Venture

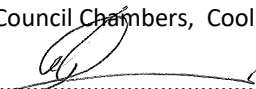
To determine whether an entity is an associate or, or in a joint venture with, Council or a Council subsidiary the Responsible Accounting Officer is responsible for applying AASB 128 Investments in Associates and Joint Ventures.

2.4 Electronic Investigation

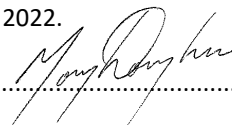
The Responsible Accounting Officer is responsible for investigating through Council's business system whether any identified Council subsidiaries, associates or joint ventures have an existing related party transaction with Council.

2.5 Information Extraction

The Responsible Accounting Officer is responsible for identifying and extracting information in Section 1.2 against each existing related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.



..... MAYOR



..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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2.6 Manual Investigation and Recording of Information

For related party transactions that are not captured by Council's business systems, the Responsible Accounting Officer is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.

3 IDENTIFYING RELATED PARTY TRANSACTIONS WITH KMP AND THEIR CLOSE FAMILY MEMBERS

3.1 Related Party Disclosures

Key Management Personnel (KMP) must provide a related party disclosure in the form set out in Attachment A, notifying any existing related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to Section 3.6, to the General Management by no later than the following periods during a financial year (**specified notification period**):

- a) 30 days after a KMP commences their term or employment with Council;
- b) 30 November each year;
- c) 30 June each year.

3.2 Related Party Disclosure Form

At least 30 days before a specified notification period, the General Manager will provide Key Management Personnel (KMP) with a Related Party Disclosure Form (Attachment A) and a Privacy Collection Notice (Attachment B).

3.3 Suspected Related Party Transaction

If a Key Management Personnel (KMP) suspects that a transaction may constitute a related party transaction, the KMP should provide a Related Party Disclosure to the General Management for consideration and determination.

3.4 Other Notifications

The notification requirements in Section 3 are in addition to the notifications a Key Management Personnel (KMP) must make to comply with:

- a) for Councillors, the *Code of Conduct*; and
- b) for the General Manager and other senior executive officers who are KMP, the *Code of Conduct*; and
- c) the disclosure of interest in a written return pursuant to Section 450A of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

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3.5 Exclusions

The notification requirements in Section 3 do not apply to:

- a) related party transactions that are ordinary citizen transactions under Section 4; and
- b) the Mayor and Councillor expenses incurred and facilities provided during a financial year under Council's *Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy*, the particulars of which are contained in Council's Annual Report pursuant to the *Local Government (General) Regulation 2005, clause 217*.

3.6 Other Sources of Information

To ensure all related party transactions are captured and recorded, the Responsible Accounting Officer is responsible for reviewing, if required, other sources of information held by Council including, but not limited to:

- a) a Disclosure of Interests Return (under Section 449 of the *Local Government Act 1993*) of a Key Management Personnel (KMP) and of persons related to the KMP
- b) minutes of Council and committee meetings;
- c) Council's Contracts Register

4 ORDINARY CITIZEN TRANSACTIONS

4.1 Non-material in Nature

A Key Management Personnel (KMP) is not required to notify in a related party disclosure and Council will not disclose in its Financial Statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.

4.2 Material in Nature

A Key Management Personnel (KMP) is required to notify in a related party disclosure and Council will disclose in its Financial Statements in accordance with Section 1, related party transactions that are ordinary citizen transactions assess to be material in nature

4.3 Materiality Assessment

The Responsible Accounting Officer is responsible for reviewing and assessing the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the Financial Statements having regard to the criteria set in Section 1.3.

As a general rule, Council will utilise \$10,000 as the threshold for materiality.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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4.4 Information Extraction

The Responsible Accounting Officer is responsible for identifying information specified in Section 1.2 against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

5 REGISTER OF RELATED PARTY TRANSACTIONS

5.1 Maintain a Register

The Responsible Accounting Officer is responsible for maintaining a current register of related party transactions that captures and records the information specified in Section 1.2 for each existing or potential related party transaction during a financial year.

5.2 Contents of Register

The contents of the register of related party transactions must details for each related party transaction:

- a) the description of the related party transaction;
- b) the name of the related party;
- c) the nature of the related party's relationship with Council;
- d) whether the notified related party transaction is existing or potential;
- e) a description of the transactional documents the subject of the related party transaction
- f) the information specified in Section 1.2

The Responsible Accounting Officer is responsible for ensuring that the information specified in Section 1.2 is disclosed in Council's Financial Statement to the extent, and in the manner, stipulated by AASB 124, subject to Section 1.3.

6 INFORMATION PRIVACY

6.1 Confidential

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a *Government Information (Public Access) Act (GIPAA)* application:

- a) information (including personal information) provide by a Key Management Personnel (KMP) in a related party disclosure; and
- b) personal information contained in a register of related party transactions

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

6.2 When Consent is Required

Except as specified in this Policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a Key Management Personnel (KMP) or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

6.3 Permitted Recipients

The following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of related party transactions for the purposes specified in Section 6.4:

- a) the General Manager,
- b) the Responsible Account Officer,
- c) the Executive Manager, Corporate & Community Services,
- d) an Auditor of Council (including an Auditor from or contracted by the NSW Auditor General's Office)
- e) Other Officers as delegated by the General Manager

6.4 Permitted Purposes

A persons specified in Section 6.3 may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of related party transactions for the following purposes:

- a) to access and verify a notified related party transaction;
- b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- c) to comply with the disclosure requirements of AASB 124;
- d) to verify compliance with the disclosure requirements of AASB 124.

6.5 Personal Access

An individual may access their personal information provided by a Key management Personnel in a related party disclosure or contained in a register of related party transactions in accordance with Council's *Privacy Management Plan*.

7. GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT (GIPA) STATUS

7.1 No Public Inspection

The following documents are not open to or available for inspection by the public:

- a) related party disclosures provided by a Key Management Personnel (KMP); and
- b) a register of related party transactions.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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7.2 Not GIPA - accessible

A GIPA application seeking access to:

- a) a document or information (including personal information) provided by a Key Management Personnel (KMP) in a related party disclosure; or
- b) personal information contained in a register of related party transactions;

will be refused on the grounds the document or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of the *Government Information (Public Access) Act*.

7.3 Transactional Documentation

A GIPA Application seeking access to and release of transactional information and documentation the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under the *Government Information (Public Access) Act*.

8 DEFINITIONS

Each of the following expressions in bold bears the meaning shown opposite

Expression	Meaning
arm's length transaction	Terms between parties that are reasonable in the circumstances of the transaction that would result from: <ul style="list-style-type: none"> a) neither party bearing the other any special duty of obligation, and b) the parties being unrelated and uninfluenced by the other, and each party having acted in it's own interest
associate	In relation to an entity (the first entity), an entity over which the first entity has significant influence
Close family members or close members of the family	In relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include: <ul style="list-style-type: none"> a) that person's children and spouse or domestic partners b) children of that person's spouse or domestic partner c) dependants of that person or that person's spouse or domestic partner. For the purposes of ASSB 124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) <i>if</i> they could be expected to influence, or be influenced by, the KMP in their dealings with Council

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

Expression	Meaning
Control	Control of an entity is present when there is: <ol style="list-style-type: none"> power over the entity; and exposure or rights to variable returns from involvement with the entity; and the ability to use power over the entity to affect the amount of returns received as determined in accordance with AASB 10 <i>Consolidated Financial Statements, Paragraph 5 to 18, Appendices A (Defined Terms) and B (Application Guide)</i>
Joint Control	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Joint venture	An arrangement of which two or more parties have joint control and have right to the net assets of the arrangement.
Joint venture	A party to a joint venture that has joint control of that joint venture.
Key Management Personnel (KMP)	Person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specifically, KMP of Council are the: <ol style="list-style-type: none"> Mayor Councillors General Manager Executive Managers
Ordinary Citizen Transactions	Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities. Examples of ordinary citizen transactions assessed to be not material in nature are: <ol style="list-style-type: none"> Paying rates and charges Using Council's public facilities after paying the corresponding fees
Related Party	A person or entity that is related to Council pursuant to the definition contained in AASB 124, paragraph 9. Examples of related parties of Council are: <ol style="list-style-type: none"> Council subsidiaries; Key Management Personnel (KMP) Close family members of KMP; Entities that are controlled or jointly controlled by KMP or their close family members.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

Expression	Meaning
Related party transaction	A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. Examples of related party transactions are: <ol style="list-style-type: none"> Purchases or sales of goods; Purchases or sales of property and other assets, Rendering or receiving of services Rendering or receiving of goods Leases Transfers under licence agreements Transfers under finance agreements (example loans) Provision of guarantees (given or received) Commitments to do something if a particular event occurs or does not occur in the future Settlement of liabilities on behalf of Council or by Council on behalf of that related party
Related Party disclosure	A document entitled <i>Related Party Disclosure by Key Management Personnel</i> in the form set out in Attachment A
Significant influence	The power to participate in the financial and operating policy decisions of another entity but is not control or joint control of those polices, as determined in accordance with Australian Accounting Standard AASB 128 <i>Investments in associates and Joint Ventures, Paragraph 3, 5 & 6.</i>

9 ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Local Government Act 1993 and Local Government (General) Regulation 2021</i> <i>Accounting Standard AASB 124 July 2015 Related Party Disclosures</i> <i>Privacy and Personal Information Protection Act 1998 (PPIPA)</i> <i>Government Information (Public Access) Act 2009 (GIPA)</i>
Policies	<i>Code of Conduct</i> <i>Privacy Management Plan</i> <i>Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy</i>
Procedures/Protocols, Statements, Documents	

10 REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council

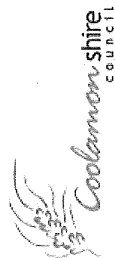
Version 3 Re-adopted : Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 3 Adopted Council Meeting held 21 October 2021 (Minute No. 198/10/2021)

Version 2 Adopted Council Meeting held 14 December 2017 (Minute No. 235/12/2017)

Version 1 Adopted Council Meeting held 18 May 2017 (Minute No. 72/05/2017)

Attachment A



RELATED PARTY DISCLOSURE BY KEY MANAGEMENT PERSONNEL

[Note: This document is confidential and is not GIPA-accessible. See Council's Related Party Disclosure Policy]

Name of Key Management Personnel: _____

Position of Key Management Personnel: _____

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which Council will be collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family:

- a) Has previously entered into and which will continue in the ##insert relevant financial year ## financial year;
- b) Has entered into, or is reasonably likely to enter into, the ##insert relevant financial year ## financial year.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (individual's or entity's name)	Related Relationship/Reasons related	Party's why	Description of Transaction Documents or Changes to the Related Party Relationship

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MAYOR

.....

GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (individual's or entity's name)	Related Relationship/Reasons related	Party's why	Description of Transaction Documents or Changes to the Related Party Relationship

Notification

I _____, _____ notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the ##insert relevant financial year## financial year.

I make this notification after reading the Privacy Collection Notice provided by Coolamon Shire Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interest of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Personnel: _____ Date: _____

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

ATTACHMENT B

**PRIVACY COLLECTION NOTICE
RELATED PARTY DISCLOSURES BY KEY MANAGEMENT PERSONNEL**

Purpose of Collection, Use and Disclosure

Effective for annual periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its General Purpose Financial Statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's Key Management Personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

Notification by Key Management Personnel

In order to comply with AASB 124, Council has adopted a policy that requires all key Management Personnel (KMP) to periodically provide notifications to the General Manager of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party transaction relevant to the subject financial year.

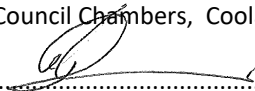
To this end, each KMP must provide a Related Party Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the General Manager by no later than the following periods during a financial year:

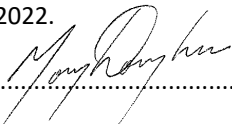
- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council;
- 30 November each year;
- 30 June each year.

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to make to comply with:

- For Councillors, the conflicts of interest obligations in the *Local Government Act 1993* and the Code of Conduct and
- For other KMPs, the Code of Conduct and
- The return disclosing interests required to be kept under Section 449 of the *Local Government Act 1993*

This is Page No. 127 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

.......... MAYOR

.......... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

The Audit Office of NSW may audit related party information as part of the annual external audit. For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

Who are Key Management Personnel (KMP)?

KMPs are person having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly. For Council, KMPs include:

- The Mayor
- Councillors
- The General Manager
- Executive Managers

Who are close family members of a Key Management Personnel (KMP) Person?

Close family members, or close members of the family of a KMP are family members who may be expect to influence, or be influenced by, that person in their dealings with Council and include:

- a) That persons' children and spouse or domestic partner;
- b) Children to that person's spouse or domestic partner; and
- c) Dependants of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings etc) *if* they could be expected to influence, or be influenced by the KMP in their dealings with Council.

For a related party transaction the related party and the relationship must be disclose by both the KMP and their close family member even if the same related party entity is held jointly or in common by them.

The following table may assist you in identifying your close family members:

Definitely a close family member	Possibly a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependants	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependants of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced by, you in their dealings with Council

What is an entity that I, or my close family member, control or jointly control?

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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Entities include companies, trusts, incorporate and unincorporated associations such as clubs and charities, joint ventures and partnerships.

Control

You control an entity if you have:

- a) Power over the entity;
- b) Exposure, or rights, to variable returns from your involvement with the entity; and
- c) The ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayo of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights.

Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company.

Fred will need to include the company on his related party disclosure.

Joint Control

To jointly control an entity there must be contractually agreed sharing of control fo the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

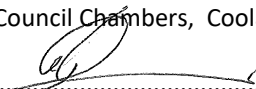
Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party disclosure and the entity's related party relationship with Fred and Stan.

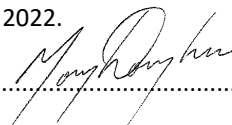
In some cases, it will be obvious that you or a family member control or have joint control over any entity. In other cases it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting officer for a confidential discussion.

[End of Privacy Collection Notice]

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MAYOR

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GENERAL MANAGER.



STATEMENT OF BUSINESS ETHICS

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 5		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

BUSINESS PRINCIPLE

Council will use as its core, for all business relationships with private sector suppliers of goods and services, the principle of best value for money.

However, best value for money does not automatically mean the lowest price. Council will balance the various factors in assessing the best value for money. These factors include initial cost, quality, reliability, whole of life running costs and timeliness in determining the true value for money.

Council will ensure all its business relationships are honest, ethical, fair and consistent in obtaining a best value for money. Council business dealings will be transparent and opened to public scrutiny wherever possible.

Council is committed to the purchase of goods, equipment and services through established suppliers where possible and reasonably practical.

What Can Be Expected From Council

Council will ensure that all its policies, procedures and practices relating to tendering contract in the purchases of goods and services are consistent with best practice and the highest standards of ethical conduct. Council's staff is bound by its code of conduct when doing business with the private sector.

1. Council staff are expected to abide by the law and all relevant policies and procedures;
2. Staff are accountable for their actions and are expected to act in the public interest;
3. Staff are always expected to act with due care and diligence;
4. Staff are expected to use public resources effectively and efficiently;
5. Avoid any conflicts of interest (whether real or perceived).

In addition to Council procurement, activities are guided by the following core business principles:

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1. All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids;
2. All procurement activities and decisions will be fully and clearly documented to provide an effective audit trail and to allow for effective performance review of contracts;
3. Tenders will not be called unless Council has a firm intention to proceed to contract. Council will not disclose confidential or proprietary information.

What Council Asks of the Private Sector?

Council requires all private sector providers of goods and services to observe the following principle when doing business with the Coolamon Shire Council:

1. Provide accurate and reliable advice and information when required;
2. Declare actual or perceived conflicts of interest as soon as you become aware of the conflict;
3. Respect for the obligation of Council's staff to act in accordance with the Statement;
4. Act ethically, fairly and honestly in all dealings with Council;
5. A commitment not to exert pressure on Council staff to act in ways that contravene the business ethics or code of conduct of your organization;
6. Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the performance of their duties.
7. Commitment to not offer Council staff inducements or incentives such as money, gifts, benefits, entertainment or employment opportunities;
8. Assist Council to prevent unethical practices in its business relationship.

Why Should the Private Sector Comply with the Statement?

By complying with Council's Statement of Business Ethics you will be able to advance your business such as the opportunity to bid for public sector work on a level playing field and enhance your capacity to undertake public sector work with similar compliance requirements in future. As all Council suppliers of goods and services are required to comply with this statement, no provider will be disadvantaged in any way.

By complying with Council's principles this will also prepare your business for dealing with the ethical requirements of other government agencies, should you wish to do business with them.

Consequences for not complying with the principles of business ethics as outlined in this statement can be significant for both public officials and people doing business with the organisation which needs to be made clear.

Consequences for Council staff include investigation, disciplinary action, dismissal or potential criminal charges.

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This is Page No. 131 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

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..... MAYOR

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..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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Consequences for private sector contractor/partners could lead to:

1. Investigation for corruption or other offences;
2. Possible loss of work;
3. Damage to reputation;
4. Termination of contracts;
5. Loss of rights
6. Matters being referred for criminal investigation.

Incentives – Gifts, Benefits, Hospitality, Meals, Travel and Accommodation

In general, Council expects its staff to decline gifts, benefits, hospitality, travel and accommodation offered during the course of their work. The private sector should refrain from offering any such incentives to Council staff. All such offers will be promptly reported.

Council staff must not:

1. Seek or accept a bribe or other improper inducement;
2. By virtue of their position acquire a personal profit or advantage which has a monetary value other than a token value;
3. Must not seek or accept payment, gift or benefit intended or likely to influence or that could be reasonably perceived by an impartial observer as intended or likely to influence them to act in a particular way, fail to act in a particular circumstance, otherwise deviate from the proper exercise of their official duties.

Council staff may only accept gifts if they are token and of a nominal value and if they do so they must abide with Council's Code of Conduct and the Acceptance of Donations Policy.

Generally speaking token gifts and moderate acts of hospitality could include:

1. Gifts of single bottles of reasonably priced alcohol to Council officials at end of year functions;
2. Free or subsidised meals of a modest nature and/or beverages provided infrequently that have been arranged primarily for, or in connection with discussion of official business;
3. Free meals of a modest nature and/or beverages provided to Council staff who formally represent their Council at work related events such as training, education sessions, workshops;
4. Refreshments of a modest nature provided at conferences where the Councillor or staff may be a speaker;
5. Ties, scarves, coasters, pins, tiepins, diaries, chocolates, flowers and small amounts of beverages;

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..... MAYOR

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If a gift is accepted the Council requires the staff member to provide a written report to the General Manager to ensure that any gifts received are recorded in a gifts register.

Conflicts of Interest

All Council staff are required to disclose any potential conflicts of interest. Council also extends this requirement to its business partners, contractors and suppliers. A conflict of interest can be two types:

1. Pecuniary – A pecuniary interest is an interest that a person or company has in a matter because of a reasonable likelihood or expectation of a financial gain or loss to the person. A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or the partner or employer of the person, or a company or other body of with the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter
2. Non-Pecuniary – Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined by the Local Government Act 1993. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

Any complaints about possible conflicts of interest should be directed to Council's General Manager for attention.

Confidentiality

Information that is considered sensitive and may have commercial implications for Council together with staff matters of personal nature will be considered as confidential.

Under the *Government Information (Public Access) Act 2009*, confidential information may be accessed upon payment of the appropriate application fees and application to Council's Privacy Officer.

Communications between Parties/Organisations

Communication should be clear, direct and accountable to minimise a risk of perception of inappropriate influence being bought to bear on any business relationship.

If communication needs to be confidential for commercial in confidence or other personal reasons the communication shall still abide by the principles of clear direct and accountability.

Use of Council Resources

All Council resources must be used ethically, effectively, efficiently and carefully in the course of official business and must not be used for private purposes (except when supplied by part of a contract of employment) unless this is lawfully authorised and proper payment is made where appropriate.

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Secondary Employment

Under the *Local Government Act 1993* all Council staff must obtain the consent of the General Manager for any secondary employment that relates to business of Council or might conflict with their Council duties. The General Manager will make the final determination whether to grant or refuse consent. Secondary employment will not be approved if it has the potential to create a real or perceived conflict of interest between the staff members public official role and their private interest.

Private organisations shall not make offers of employment to Council's staff that may be construed to obtain an unfair advantage in the public eye.

Contractors and Sub-Contractors

All contracted and sub-contracted employees are to comply with the Council's Statement of Business Ethics. If you employ sub-contractors in your work for Council you must make them aware of this statement.

Intellectual Property Rights

In business relationships with Council, parties will respect each others intellectual property rights and will formally negotiate any access, license or use of intellectual property.

Who to Contact

If you are concerned about a possible breach of this statement or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds please contact the General Manager, Coolamon Shire Council either by:

Letter: PO Box 101, Coolamon NSW 2701;
Phone: 02 6930 1800
Fax: 02 6927 3168 or
Email: council@coolamon.nsw.gov.au.

People reporting corrupt conduct are protected by the Protected Disclosures Act 1994. This Act protects individuals disclosing corruption/related matters from reprisal or detrimental action and ensures that disclosures are properly investigated and dealt with.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 5 Re-adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 5 Re-adopted: Council Meeting held 21 June 2018 (Minute No. 121/06/2018)

Version 5 Adopted: Council Meeting held 15 May 2014 (Minute No. 105/05/2014)

Version 4 Adopted: Council Meeting 19 September 2013 (Minute No 232/09/2013)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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ANNUAL PRIZE GIVING NIGHT DONATION POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 4		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 Years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

POLICY STATEMENT

That the donation to Schools within the Shire for their Annual Prize giving be \$75.00 and be awarded in the name of the Coolamon Shire Council for Academic Excellence.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required, the policy will be reviewed at least once during a term of Council.

Version 4 Re-adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)
Version 4 Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)
Version 3 Re-adopted: Council Meeting held 18 October 2012 (Minute No 289/10/2102)
Version 3 Adopted: Council Meeting held 19 March 2009 (Minute No.64/03/2009)
Version 2 Adopted: Council Meeting held 13 December 2007 (Minute No. 398/12/2007)
Version 1 Adopted Council Meeting held 19 August 2004 (Minute No. 277/8/2004)

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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ART ACQUISITION POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 4		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 Years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

OBJECTIVE

To support local Art Shows and Artists in the pursuit of their artistic talents by the purchase of artworks for display in Council buildings.

SCOPE OF POLICY

- 1) This policy shall apply to the purchase of artwork on an annual basis from:
 - a) the Annual Up2Date Art Exhibition; and
 - b) the Ardlethan Art Show.
- 2) The artwork will be selected after judging by the Mayor / General Manager or their delegates of Council.
- 3) The acquisition will be titled:
 - a) "Coolamon Shire Council Acquisition Prize" for the Up2Date Art Exhibition; and
 - b) "Coolamon Shire - Ardlethan Art Prize" for the Ardlethan Art Show.
- 4) The value of the artwork will be at the discretion of the Mayor and General Manager.

ELIGIBILITY

For:

- a) The Up2Date Art Exhibition - Eligible local Artists shall be persons who reside in the Coolamon Shire Local Government Area.
- b) The Ardlethan Art Prize – A piece of artwork that appropriately reflects the Ardlethan District.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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REVIEW

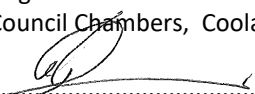
This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

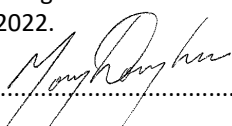
Version 4 Re-adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)
Version 4 Adopted: Council Meeting held 20 February 2020 (Minute No 06/02/2020)
Version 3 Re-Adopted: Council Meeting held 21 September 2017 (Minute No 175/09/2017)
Version 3 Adopted: Council Meeting held 16 October 2014 (Minute No 264/10/2014)
Version 2 Adopted: Council Meeting held 16 December 2008 (Minute No.359 /12/2008)
Version 1 Adopted: Council Meeting held 16 August 2007 (Minute No. 261/8/2007)

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..... MAYOR


..... GENERAL MANAGER.



BIOSECURITY WEED MANAGEMENT POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 1		
Policy Responsibility	Engineering & Technical Services		
Review Timeframe	4 Years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

1.0 Purpose

The goal of this policy is to control the impact of all listed priority weeds on the community, industry, environment and economy within the Coolamon Shire Council Local Government Area (LGA) in line with the Riverina Regional Strategic Weed Management Plan.

2.0 Scope

The control of weeds in NSW is specified by the NSW Biosecurity Act 2015. This policy has been developed to set out the actions required by land managers or occupiers and Local Control Authorities to fulfil their obligations under the Act.

It aims to provide standardised, tenure neutral and prioritised approaches to weed management planning, investment and delivery across the region.

This policy applies to all land owners and land managers in the Local Government Area including, but not limited to:

- Private landowners/occupiers
- Council, and
- Public Authorities

Council's main focus is on controlling priority weeds in agricultural areas and along high risk pathways.

Council is responsible for implementing the NSW Biosecurity Act 2015 within its Local Government Area as follows:

- Control of priority weeds on land owned or occupied by the local control authority and on certain roads and watercourses, rivers or inland waters as provided by the Act.
- To ensure, so far as practicable, that owners and occupiers of land (other than public authorities or other local control authorities) carry out obligations to control priority weeds imposed under the Act.
- To develop, implement, co-ordinate and review weed control policies and weed control programs.
- To inspect land within the local area in connection with its weed control functions.
- To report, at the request of the Minister, on the carrying out of the local control authority's functions under the Act.
- To co-operate with local control authorities of adjoining areas to control priority weeds, where appropriate.
- Any other functions that are conferred or imposed on the local control authority by or under the Act.

3.0 Policy Provisions

3.1 General Provisions

Council will:

- Implement an Inspection Program, focusing on early identification to aid control.
- Educate and advise landholders and the community so they are aware, willing and able to assist in weed identification and control.
- Serve notices or litigate against people whose actions (or failure to act) adversely affect other landholders, or who fail to take advice.
- Control weeds, where needed and able, with available resources on lands owned and controlled by Council. Control works will be targeted to make the best use of resources.
- Continue to evaluate and assess practices to ensure that strategies used are appropriate and reasonable.

4.0 Policy Implementation Guidelines

The implementation of this policy will set out Council's weed control program and its commitments to achieve the requirements for weed control work as agreed by the Riverina Regional Weeds Committee. Council will maintain membership and active involvement in the Riverina Regional Weeds Committee in delivering on the objectives of this policy and the outcomes and objectives of the Riverina Regional Strategic Weed Management Plan and its associated supplementary plans and policies.

The Inspection Policy, Rapid Response Plan and New Incursion Plan established by the Committee will be followed as part of this.

Given that financial resources for weed control are limited, Council will place greater emphasis on those weeds that pose greatest risks to human health, the environment, livestock or the agricultural industry. The highest priority in implementation of this policy is given to the control of weeds in the following hierarchy as identified in the Riverina Regional Strategic Weed Management Plan.

1. State-determined Priority Weeds for the Riverina Region- PREVENTION
2. State-determined Priority Weeds for the Riverina Region- ERADICATION
3. Region-determined Priority Weeds for the Riverina Region- PREVENTION
4. Region-determined Priority Weeds for the Riverina Region- ERADICATION
5. Region-determined Priority Weeds for the Riverina Region- CONTAINMENT
6. Other regional weeds – CONTAINMENT

4.1 PREVENTION applies to those weeds that are currently not found in some parts of the state, pose significant biosecurity risk, and prevention of the biosecurity risk posed by these weeds is a reasonably practical objective for the Riverina region.

4.2 ERADICATION applies to those weeds that are present in limited distribution and abundance in some parts of the state. Elimination of the biosecurity risk posed by these weeds is a reasonably practical objective within the Riverina region.

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..... MAYOR

..... GENERAL MANAGER.

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4.3 CONTAINMENT applies to weeds where broad scale elimination is not practicable, but minimisation of the biosecurity risk posed by these weeds is reasonably practicable.

The list of priority weeds for the Riverina region can be found in the Riverina Regional Strategic Weed Management Plan.

5.0 Legislative Context

The control of weeds in NSW is specified by the NSW Biosecurity Act 2015 and associated regulations.

Coolamon Shire Council has obligations under the Act as a landholder, and as a Local Control Authority.

Under the Act, Council Authorised Officers are able to enter and inspect any land to which this Act applies for the purposes of inspection. A Biosecurity Undertaking, a General Biosecurity Direction or an Individual Biosecurity Direction may be issued under the Act to require control works to be undertaken by the land owner.

Failure to comply with a Biosecurity Undertaking or Biosecurity Direction can result in Council instituting court proceedings, or the issue of a penalty infringement notice under section 138 and 145 of the Act. Following this, Council may enter onto the property to carry out the work at the owners' expense.

5.1 Related Documents

- NSW Biosecurity Act 2015 and associated regulations
- NSW Local Government Act 1993 and associated regulations
- NSW Local Land Services Act 2017 and associated regulations
- NSW Biosecurity Strategy 2013-2021
- Australian National Weeds Strategy 2017-2027
- Riverina Local Land Services Strategic Plan 2016-2021
- Riverina Regional Strategic Weed Management Plan 2017-2022

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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6.0 Staff

6.1 Weeds Advisory

Council is a member of the Riverina Eastern Noxious Weeds Authority (RENWA)

RENWA is a cooperative arrangement between Coolamon, Temora and Junee Shires to facilitate efficient and cost-effective weed management across the three local government areas

RENWA staff are responsible for fulfilling Council's statutory requirements under the Biosecurity Act 2015

RENWA's responsibilities are:

- To adhere to Council's Biosecurity Weed Management Policy.
- To implement the Coolamon Local Weed Management Plan
- To apply for, manage and maintain records of any relevant available grant funding.
- To report regularly to Council and maintain such records as to provide public and legislative accountability for Council's actions and activities dealing with weeds.

Through RENWA Council is committed to:

- Inspect all properties within the Council area with a view to locate, map and encourage control of noxious weeds infestations by the relevant Land Manager.
- Advise all land managers of their responsibilities under the NSW Biosecurity Act 2015
- Enforce the NSW Biosecurity Act 2015 as required.
- Inform and educate land managers and the community as to identifying priority and emerging weeds within the Shire and those weeds that are close to and threatening the Shire.
- To liaise and cooperate with Federal, State and Regional Organisations and Authorities involved in Priority weeds management.
- The reduction of existing priority weeds infestations and the prevention or limiting of establishment of new priority weeds within the Shire.
- To plan and manage the operational control of priority weeds on Council controlled lands.

6.2 Other Staff

RENWA employs contract staff to carry out control activities. Contractors are required to carry all relevant insurances and certificates –

- Public liability
- Workers compensation
- Registered/permitted equipment
- Current relevant pesticide usage certification.

Operations contractors are required to use only Australian Pesticides and Veterinary Medicines Authority registered and approved products. All products are to be applied strictly according to label recommendations and all pesticide usage regulation and legislation is to be adhered to.

6.3 Contractors

Where required, contractors may be engaged to assist in control programs during peak control periods. Contractors will be engaged under Council's Specification for Plant and Equipment Hire.

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..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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7.0 Work Methods

7.1 Inspections - Notices – Records

Property inspections will be carried out properly appointed Biosecurity Officers carrying identity cards.

- i) Council will issue notices of Intent to Inspect to property owners/managers prior to carrying out general private property weeds inspections.
- ii) Inspections may be carried out without the land owner/ manager being on site
- iii) Any issues requiring action on the part of the land owner/manager will be explained to the land owner/manager by a Council appointed Biosecurity officer
- iv) Each property inspection will have an electronic record created for that inspection

8.0 TECHNICAL ADVICE

RENWA's Biosecurity Officer -Weeds can assist by advising landholders of methods of treatment to suite each infestation (eg: cultivation, pasture or chemical means). Staff being in regular contact with the DPI regarding latest recommended control measures, however the property owner will be advised the information provided for general information only and any landholder should not act on anything without considering, and if necessary, seeking appropriate specialist advice.

9.0 WEED CONTROL PROGRAM

The priority weeds control program within Coolamon Shire area will operate with reference to regional priorities, (Riverina Regional Strategic Weed Management Plan 2017-2022) and local priorities that protect the environmental, business and social values of the Coolamon Shire rate payers and residents.

Council will liaise with other local control authorities to ensure effective control of priority weeds on areas of common interest such as boundaries and shared catchments.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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10.0 Definitions

Definitions used in Biosecurity legislation and associated documentation shall apply.

Term	Definition
Authorised Officer	A person who is appointed as an authorised officer under this Act and authorised by that appointment to exercise the function in relation to which the expression is used.
Biosecurity Impact	A biosecurity impact means an adverse effect on the economy, the environment or the community that arises, or has the potential to arise, from biosecurity matter, a carrier or dealing with biosecurity matter or a carrier, being an adverse effect that is related to: <ul style="list-style-type: none"> • The introduction, presence, spread or increase of a disease or disease agent into or within the State or any part of the State, or • The introduction, presence, spread or increase of a pest into or within the State or any part of the State, or • Stock food or fertilisers, or • Animals, plants or animal products becoming chemically affected, or • Public nuisance caused by bees, or a risk to public safety caused by bees or non-indigenous animals, or • Anything declared by the regulations to be a biosecurity impact.
Biosecurity Matter	Biosecurity matter is: <ul style="list-style-type: none"> • Any living thing, part of a living thing or product of a living thing (other than a human), • A disease, prion or contaminant, or • A disease agent that can cause disease in a living thing (other than a human) or that can cause disease in a human via transmission from a non-human host (i.e. zoonosis).
Biosecurity Undertaking	An Authorised Officer may accept undertakings as follows: <ul style="list-style-type: none"> • An Authorised Officer may accept a written undertaking (a Biosecurity Undertaking) given by a person if the person has contravened or the authorised officer suspects that the person has contravened or is likely to contravene a requirement imposed by the Act. • An Authorised Officer may accept a biosecurity undertaking from a person instead of giving the person a Biosecurity Direction. • The giving of an undertaking does not constitute an admission of guilt by the person giving it in relation to the contravention, suspected contravention or likely contravention to which the undertaking relates. • A Biosecurity Undertaking must specify: <ul style="list-style-type: none"> o The contravention, suspected contravention or likely contravention to which the biosecurity undertaking relates, and o The measures that the person has agreed to implement to remedy or prevent the contravention, suspected contravention or likely contravention, o The period or periods by the end of which the measures must be implemented.
Carrier	A carrier means anything (whether alive, dead or inanimate, and including a human) that has, or is capable of having, any biosecurity matter on it, attached to it or contained in it.
General Biosecurity Direction	An Authorised Officer may give a General Biosecurity Direction to the public generally or to a specified class of persons, if the officer reasonably believes it is necessary to do so for any of the following purposes: <ul style="list-style-type: none"> • To prevent, eliminate or minimise a biosecurity risk • To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur • To enforce, administer or execute the Biosecurity Act 2015 (including any instrument made under the Act)

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This is Page No. 144 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

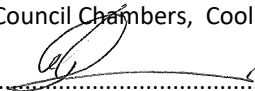
Term	Definition
Individual Biosecurity Direction	An Authorised Officer may give an Individual Biosecurity Direction to a particular person if the officer reasonably believes it is necessary to do so for any of the following purposes: <ul style="list-style-type: none">• To prevent the person from contravening or continuing to contravene a requirement imposed by or under the Act,• To prevent, eliminate or minimise a biosecurity risk• To prevent, manage or control a biosecurity impact that has occurred, is occurring or is likely to occur• To enforce, administer or execute the NSW Biosecurity Act 2015 (including any instrument made under the Act).

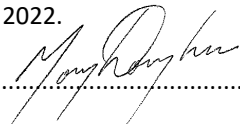
Version 1 Adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

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.......... MAYOR

.......... GENERAL MANAGER.

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HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.



FIRE BREAKS POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 5		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 Years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

POLICY STATEMENT

Council shall require the owner or occupier of any land within the Shire:

- 1) Between four (4) hectares and two hundred (200) hectares in area to make and maintain fire breaks surrounding the entire property or as near as practicable thereto by ploughing or maintaining bare earth to a width of not less than **3 metres**;
- 2) Property under crop or pasture in excess of two hundred (200) hectares in area to make and maintain fire breaks surrounding the entire property or as near as practicable thereto by ploughing or maintaining bare earth to a width of not less than **4 metres**;

Such work must be completed by the 31 October, and where land is under crop by the 30 November. Where harvesting is carried out prior to the 30 November, fire breaks must be established prior to such harvest.

Where it is intended to carry out clover harvesting and the clover paddock to be harvested is located on the boundary of a property, landholders are required to establish a fire break by ploughing to a width of not less than 10 metres (33ft) along such boundary.

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 5 Re-adopted: : Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 5 Re-Adopted: Council Meeting held 18 March 2021 (Minute No. 34/03/2021)

Version 4 Adopted: Council Meeting held 20 October 2016 (Minute No. 232/10/2016)

Version 3 Adopted: Council Meeting held 18 September 2014 (Minute No.246/09/2014)

Version 2 Re-Adopted: Council Meeting held 19 March 2009 (Minute No.64/03/2009)

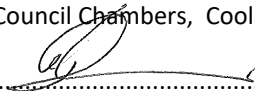
Version 2 Adopted: Council Meeting held 13 December 2007 (Minute No. 398/12/2007)

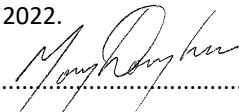
Version 1 Adopted Council Meeting held 19 August 2004 (Minute No. 277/8/2004)

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.......... MAYOR

.......... GENERAL MANAGER.



ENTERPRISE RISK MANAGEMENT POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 1		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

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..... MAYOR

..... GENERAL MANAGER.

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OBJECTIVE

The objectives of this policy are to:

- Outline Coolamon Shire Council's commitment to an integrated approach to the management of risk in all forms, which may have an adverse effect on achieving Council's objectives.
- Acknowledgement, that managing risk is part of governance and leadership, and is fundamental to how the Council is managed at all levels.
- Integrate risk management into Council's decision-making to assist in making informed choices for the benefit of the organisation, the Coolamon Shire Community and our stakeholders.
- Promote an atmosphere of risk awareness and willingness to manage risk at all levels of the organisation.

The Risk Management approach utilised by Coolamon Shire Council in the development of the Risk Management Systems is ISO 31000:2018 together with the requirements of the Work Health and Safety Act 2011 (NSW), and will be incorporated into the Planning, Governance, Assets Management, and Operational Processes of Coolamon Shire Council.

POLICY STATEMENT

Coolamon Shire Council is committed to achieving a consistently high standard of risk management. The purpose of this document is to establish and communicate to Council's staff, contractors, volunteers, and stakeholders Council's Enterprise Risk Management Policy and Framework. The purpose of this Policy is to provide reasonable assurance that decisions are being made based on a sound and consistent approach to considering the risks to achieving objectives and to ensure that appropriate actions are taken to mitigate risks and take advantage of opportunities.

The Policy and Framework confirms that the use of risk management by all staff members, Councillors, contractors, and volunteers is mandatory in their day-to-day activities.

RESPONSIBILITIES

Roles and Responsibilities for Risk Management

The General Manager has overall responsibility for risk management, and for ensuring compliance with ISO31000:2018.

Council's Audit, Risk & Improvement Committee is responsible for the ongoing monitoring and review of the risk management framework, including the actions agreed to in this Risk Management Plan.

Council Management, at all levels must exhibit to staff a genuine and strong commitment to risk management as an essential element of good business management and corporate governance. They are responsible for promoting risk management policies and practices, and for managing individual business risks and for implementing the treatments identified in this Risk Management Plan.

Senior Management Team is responsible for ensuring that the appropriate processes are in place to ensure that the enterprise and business risks in Council are well managed.

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..... MAYOR

..... GENERAL MANAGER.

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All Council staff, Councillors, volunteers and contractors have the responsibility of ensuring that decisions are made with risk management in mind. Risk is to be part of day-to-day operations. In addition, all staff are required to familiarise themselves with the risk management policies, procedures, plans and strategies that are in place to enable the achievement of organisational objectives.

Risk management will form part of the business planning and budgeting cycles and will contribute to business performance through the minimisation of Council's risks. It provides Council's senior management and the Audit, Risk & Improvement Committee with solid evidence that risk management is occurring within Council, which, in turn makes the achievement of strategic objectives more likely.

RISK APPETITE

Council's risk appetite, or risk tolerance, is the degree to which Council is prepared to accept risk as part of day-to-day business. It is the criteria against which risk is measured in order to determine whether the risk is acceptable to the organisation or, whether additional mitigation strategies need to be developed and implemented to bring that risk within acceptable levels.

The risk appetite developed as part of this framework is to be used when identifying and managing all risks across Council.

The risk appetite developed by Council considers the likelihood of risks occurring and the consequences should that risk occur, particularly in terms of the impact on people, reputation, business processes and systems, and the financial management of Council.

AREAS OF RISK

Strategic risk

Strategic risks have the potential to affect Council's strategic direction, usually (but not always) from a source external to Council. These risks could have an adverse or beneficial impact on Council's pursuit of its objectives and should be continually addressed and monitored.

Operational risk

Operational risks have the potential to disrupt Council's pursuit of its objectives through the day-to-day operations of the Council. The disruption could be adverse or beneficial and should be continually addressed and monitored.

Project risk

Project risk exists within the confines of a given project or program of multiple projects. They may be at a level to affect the project/program as a whole or arise from aspects within the project. These risks should be identified at project planning stage and updated, addressed and monitored throughout the project, and signed-off or transferred to the appropriate department at the end of the project.

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..... GENERAL MANAGER.

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RISK MANAGEMENT TOOLS AND TRAINING

Risk Register

Council's strategic and operational risks are recorded in a singular Master Risk Register. Project risks will be recorded in project or program specific registers that are structured identically to the Council Master Risk Register. Project risks left over from projects or that arise as a result of projects will be transferred into the Master Risk Register at the closure of the project.

The General Manager will delegate custody and maintenance responsibilities for the Master Risk Register to a suitably trained Council staff member. As they are identified, appropriate risks will be added to the register by the risk management delegate.

The Master Risk Register will be held in Council electronic document management system.

Reporting

The performance of the risk management framework is to be reported annually to the Council's Audit, Risk and Improvement Committee and the community. A standardised reporting template will be used as the basis of all risk reporting.

ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Local Government Act (NSW) 1993 Local Government (General) Regulation 2021 NSW Work Health Safety Act 2011 ISO 31000:2018 Risk management – Guidelines (the standard) COSO – Enterprise Risk Management: Integrating with Strategy and Performance,</i>
Policies	<i>Work Health & Safety Consultation Policy</i>
Procedures/Protocols, Statements, Documents	<i>Risk Management Framework Risk Appetite Statement Risk Registers</i>

REVIEW

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 1 Re-adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 1 Adopted: Council Meeting held 20 August 2020 (Minute No. 151/08/2020)



PRUDENTIAL STANDARD POLICY

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	Version 3		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Every 4 years		
Last Review Date	January 2022	Next Scheduled Review	January 2026

Purpose

Coolamon Shire Council as an approved residential aged care provider is required to comply with four (4) prudential standards, which are set out in the *Fees and Payments Principles 2014 (No. 2)* (the Principles).

The standards are:-

1. The **Liquidity Standard** - An approved provider must maintain sufficient liquidity to ensure the approved provider can refund any refundable deposit balances, accommodation bond balances or entry contribution balances that can be expected to fall due in the following 12 months in accordance with the *Aged Care Act 1997* and the Principles, Part 5 Division 2.
2. The **Records Standard** - An approved provider must establish and maintain a register (the refundable deposit register) as required by the Principles Part 5 Division 3.
3. The **Governance Standard** - An approved provider that holds one or more refundable deposit balances or accommodation bond balances must implement and maintain a governance system as required by the Principles Part 5 Division 4.
4. The **Disclosure Standard** - An approved provider must disclose information about refundable deposits and accommodation bonds held to the Department of Health and to the resident or the resident's representative as by the Principles Part 5 Division 5.

This Policy outlines Council's process for implementing each component of the required Standards as outlined in the Prudential Standards - Part 5 in the *Fees and Payments Principles 2014 (No.2)*.

Scope

This policy applies to the operation of Coolamon Shire Council's residential aged care facility, Allawah Lodge.

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Policy

Legislative Framework

The principle objectives of the above prudential standards are to assist the financial management practices, enhance financial sustainability and reduce the risk of default on the refund of refundable deposits and accommodation bond balances or bonds used for other than permitted uses.

The *Aged Care Act 1997* and the Principles set out the requirements for approved providers holding refundable deposits, accommodation bonds or pre-1997 entry contributions.

Liquidity Standard

Purpose

To apply a systematic approach to determine the level of funding that will be required to meet expected refundable deposits and accommodation bond balance refunds as they fall due. This should include a nominated minimum level of funding that will be maintained in liquid form.

The key purpose of the Liquidity Standard is to ensure that Coolamon Shire Council has access to sufficient liquidity to allow Coolamon Shire Council to meet expected refundable deposits and accommodation bond and entry contribution refunds (exclusive of retention amounts and any outstanding interest liabilities) as they fall due over the next 12 months.

Requirements for Sufficient Liquidity

Maintain sufficient liquidity to ensure that Coolamon Shire Council can refund balances as they fall due over the following 12 months.

Coolamon Shire Council Requirements

Maintain at all times access to all refundable deposits and bond monies required to be refunded. The minimum amount to be held at all times is 80% of deposit holdings.

To comply with this Standard Coolamon Shire Council will maintain the minimum level of liquidity as cash and/or deposits that meet Council's Investment Policy.

Factors considered in determining minimum level of liquidity

1. Council has always endeavoured to "cash back" refundable deposits and bonds paid by residents of Allawah Lodge.
2. Over the past 10 years the net difference between the closing and opening balances of all refundable deposits and bonds and the bond repayments have been as follows:

Year	Opening Balance	Closing Balance	Net Difference	Repayments
2020/2021	\$ 4,148,285.63	\$ 4,667,532.85	\$ 519,247.22	\$ 1,386,067.27
2019/2020	\$ 4,096,670.11	\$ 4,148,285.63	\$ 51,615.52	\$ 949,145.25
2018/2019	\$ 4,049,012.71	\$ 4,096,670.11	\$ 47,657.40	\$ 832,299.49
2017/2018	\$ 3,706,673.19	\$ 4,049,012.71	\$ 342,339.52	\$ 919,358.34
2016/2017	\$ 3,535,278.12	\$ 3,706,673.19	\$ 171,395.07	\$ 563,433.00
2015/2016	\$ 2,751,503.00	\$ 3,535,278.12	\$ 783,775.12	\$ 562,015.00
2014/2015	\$ 1,477,881.29	\$ 2,751,503.00	\$ 1,273,621.71	\$ 550,920.75
2013/2014	\$ 1,229,723.33	\$ 1,477,881.29	\$ 247,495.96	\$ 106,744.00
2012/2013	\$ 879,730.82	\$ 1,229,723.33	\$ 349,992.51	\$ 150,562.00
2011/2012	\$ 882,853.50	\$ 879,730.82	-\$ 3,122.68	\$ 105,238.50

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..... MAYOR

..... GENERAL MANAGER.

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Records Standard

Purpose

The purpose of the Records Standard is to ensure that accurate, comprehensive and up to date information of refundable deposits and accommodation bond holdings (including pre-1997 entry contributions) is collected and maintained. This record will be in the form of an 'Accommodation Payment Register'.

The Accommodation Payment Register provides a powerful management reporting tool and also provides the basis for compliance based monitoring and reporting as well as reporting to residents on refundable deposits and accommodation bond balances.

Requirements

All providers must establish and maintain a Refundable Deposits Register as outlined in Part 5 Division 3 of the Principles. Coolamon Shire Council's Accommodation Payment Register is maintained in eRAD (a software package to manage the refundable deposits and accommodation bonds) and excel and is available on application in electronic or hard copy form.

Governance Standard

Purpose

The Governance Standard requires approved providers who hold refundable deposits and accommodation bonds to have in place a governance system for refundable deposits and accommodation bonds. It does not prescribe the particular type of system, instead it describes the key outcomes that need to be achieved. They are designed to assist approved providers develop sound governance systems to ensure refundable deposits and accommodation bonds are only used for permitted uses and are refunded in accordance with the timeframes required by the *Aged Care Act 1997* and sound business practices.

The Governance Standard also requires approved providers that invest in particular financial products to implement and maintain an Investment Management Strategy (IMS).

Requirements

Requirements of the Governance Standard are outlined in Part 5 Division 4 of the Principles.

Organisational Approval Processes and Permitted Uses

Legislative reference: s49 and s63 and s64 the Principles; s52N-1 of the *Aged Care Act 1997* (the Act):-

- i) Who can negotiate Refundable Deposits and Accommodation Bonds
- ii) Who can sign resident agreements
- iii) Permitted Uses for Refundable Deposits and Accommodation Bonds
- iv) Review Process.

Coolamon Shire Council has delegated authority to the General Manager for the purposes of negotiating refundable deposits and accommodation bonds with new residents or their representatives.

Coolamon Shire Council has delegated authority to the General Manager for the purposes of signing resident agreements and refundable deposit or accommodation bond agreements on behalf of the Coolamon Shire Council.

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Any subsequent delegation by the General Manager to other Council officers to negotiate Refundable Deposits and Accommodation Bonds and to sign resident agreements will be listed in the Coolamon Shire Council Delegations Register.

Permitted Uses for Refundable Deposits and Accommodation Bonds

Coolamon Shire Council holds all refundable deposits and accommodation bonds as cash and/or deposits that meet Council's Investment Policy, ensuring the use of refundable deposits and accommodation bonds is in accordance with the permitted uses as identified within the *Aged Care Act 1997* and *Fees and Payments Principles 2014 (No. 2)*.

Coolamon Shire Council has delegated authority to the General Manager for the purposes of authorising use of refundable deposits and accommodation bonds on permitted uses.

Any subsequent delegation by the General Manager to other Council officers to authorise the use of refundable deposits and accommodation bonds will be listed in the Coolamon Shire Council Delegations Register.

Investment Management Strategy (IMS)

Coolamon Shire Council has a separate Investment Policy that provides a framework for the investing of Council's funds at the most favourable rate of return available at the time whilst having due consideration of risk and security for that investment type and ensuring that liquidity and legislative requirements are being met.

Responsible Personnel Training

Staff receive refundable deposit and accommodation bond related training when the need is triggered by a change in legislation affecting refundable deposit and accommodation bond management, or when a change in position or responsibility for existing staff members occurs.

Review of Governance System

Key compliance (and non-compliance) requirements are able to be identified through an effective review process of the provider's governance system. The following governance framework has been implemented by Coolamon Shire Council:-

- i. Policy review process
- ii. Delegated Authority - monitoring and controlling - Delegations Register reviewed at least annually in line with legislation changes affecting delegations of authority; and changes in responsibilities of Officers with delegated authority.

Disclosure Standard

Compliance with Disclosure Standard

Approved providers will be required to confirm that they comply with the Governance Standard as part of annual reporting to the Department of Health through the completion of Annual Prudential Compliance Statement.

Council complies with this standard ensuring all disclosures are given to existing and prospective care recipients and the completion of an audited annual compliance statement.

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Associations & Relationships

Legislation	<i>Aged Care Act 1997</i> <i>Fees and Payments Principles 2014 (No. 2)</i>
Policies	<i>Coolamon Shire Council Investment Policy</i>
Procedures/Protocols, Statements, Documents	<i>eRAD</i>

Review

This policy may be reviewed at any time or as required in the event of legislative changes. Unless otherwise required the policy will be reviewed at least once during a term of Council.

Version 3: Adopted: Council Meeting held 17 February 2022 (Minute No. 24/02/2022)

Version 2: Adopted Council Meeting held 18 June 2020 (Minute No. 112/6/2020)

Version 1 Adopted Council Meeting held 14 December 2017 (Minute No. 235/12/2017)

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AGENCY INFORMATION GUIDE 2022

Date Adopted	17 February 2022		
Council Minute	24/02/2022		
Version	2022 Version		
Policy Responsibility	Corporate & Community Services		
Review Timeframe	Annually		
Last Review Date	January 2022	Next Scheduled Review	January 2026

INTRODUCTION

The Coolamon Shire Council Agency Information Guide has been prepared in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

By describing Council's functions, responsibilities and organizational structure, the Guide aims to promote a better understanding of Council's work in the community. It also describes the various types of information held by Council, how that information can be accessed and how members of the public can participate in Council's decision making processes.

THE STRUCTURE & FUNCTION OF THE COOLAMON SHIRE COUNCIL

The Coolamon Shire was proclaimed in 1906. The Shire covers an area of 2,433 square kilometres and is located in the Riverina bounded by the neighbouring Shires of Narrandera, Bland, Temora, Junee and the City of Wagga Wagga.

The Coolamon Shire Council is incorporated under the *Local Government Act 1993*. Section 8 of the *Local Government Act* sets out Council's Charter. Section 222 of the *Local Government Act* provides that representatives called 'Councillors' comprise the governing body of Council. The Coolamon Shire Council has nine Councillors who are elected by the residents and ratepayers of the Shire every four years. These Councillors elect a Mayor and Deputy Mayor for the two year terms.

Section 232 of the *Local Government Act* provides that the role of a Councillor is to:

- Be an active and contributing member of the governing body;
- Make considered and well informed decisions as a member of the governing body;
- Participate in the development of the integrated planning and reporting framework;
- Represent the collective interests of residents, ratepayers and the local community;
- Facilitate communication between the local community and the governing body;
- Uphold and represent accurately the policies and decisions of the governing body;
- Make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

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..... MAYOR

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..... GENERAL MANAGER.

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A Councillor is accountable to the local community for the performance of the Council.

Section 226 of the *Local Government Act* provides that the role of the Mayor is to:

- Be the leader of the council and a leader in the local community;
- Advance community cohesion and promote civic awareness;
- Be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities;
- Exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council;
- Preside at meetings of the council;
- Ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act;
- Ensure the timely development and adoption of the strategic plans, programs and policies of the council;
- Promote the effective and consistent implementation of the strategic plans, programs and policies of the council;
- Promote partnerships between the council and key stakeholders;
- Advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council;
- In conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- Carry out the civic and ceremonial functions of the mayoral office;
- Represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- In consultation with the councillors, lead performance appraisals of the general manager;
- Exercise any other functions of the council that the council determines.

The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of the decisions of Council.

Section 335 provides that the General Manager has the following functions:

- To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council;
- To implement, without undue delay, lawful decisions of the council;
- To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council;
- To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council;
- To prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- To ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
- To exercise any of the functions of the council that are delegated by the council to the general manager;
- To appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council;

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..... MAYOR


..... GENERAL MANAGER.

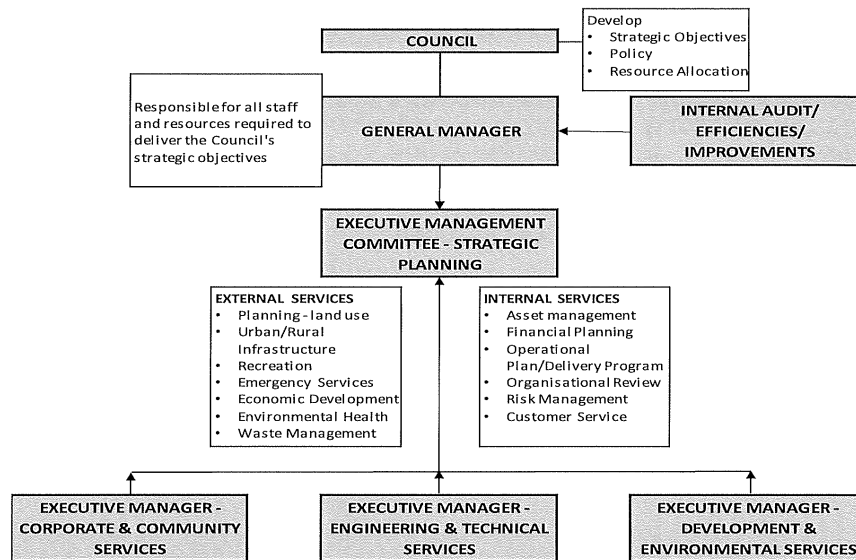
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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- To direct and dismiss staff;
- To implement the council's workforce management strategy;
- Any other functions that are conferred or imposed on the general manager by or under this or any other Act.

To assist the General Manager in the exercise of these functions, there are 3 departments of Council. These departments are Corporate & Community Services, Development & Environmental Services and Engineering & Technical Services. Each of these departments is headed by an Executive Manager.

Within these departments, Council employs staff such as Engineers, Building Surveyors, Finance Officers, Rangers, Child-care and Aged-care workers who carry out the day-to-day operations of the Council and implement Council policies and other decisions as directed by the General Manager.

ORGANISATIONAL STRUCTURE



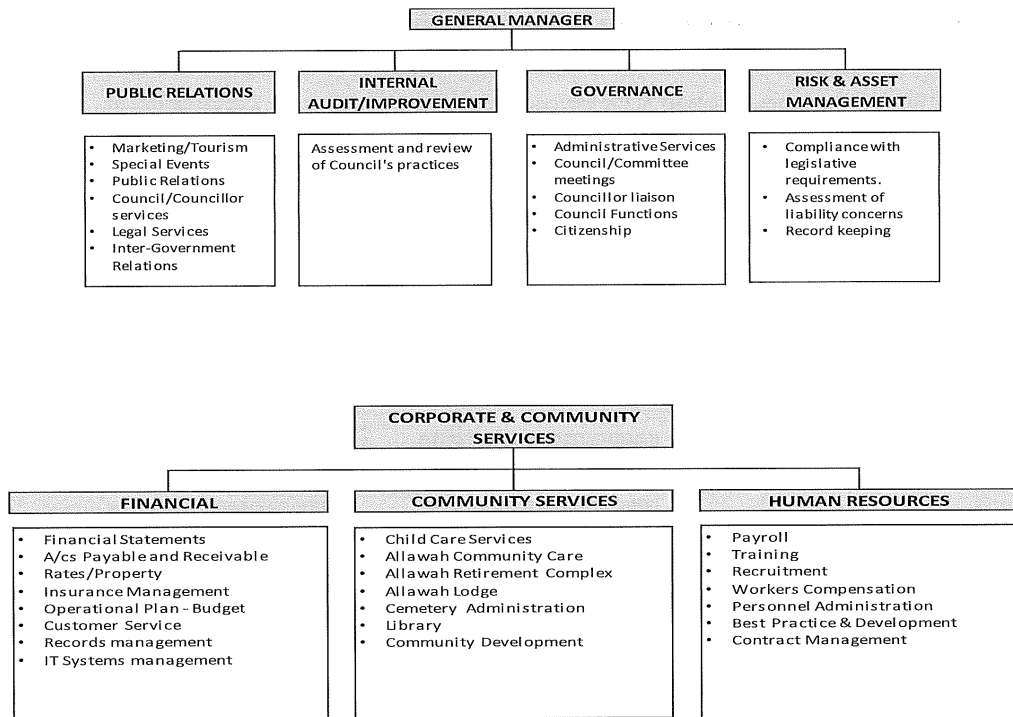
Council reviews and adopts its organisational structure as part of the annual review of the Delivery Program and development of the annual Operational Plan. Council adopted the structure on 24 June 2021.

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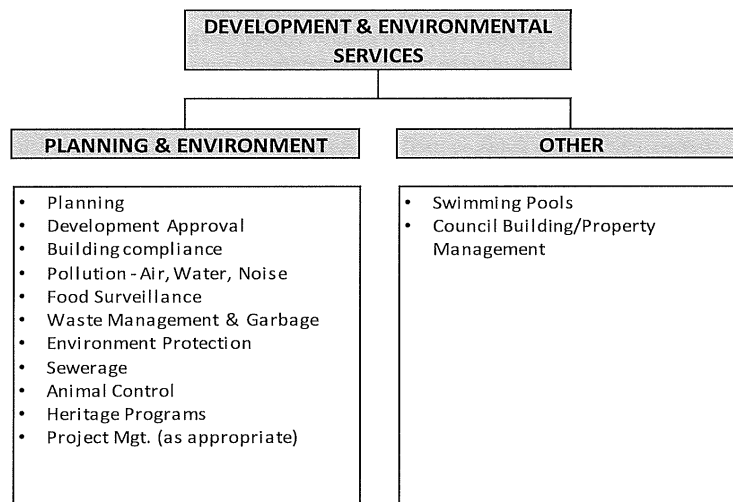
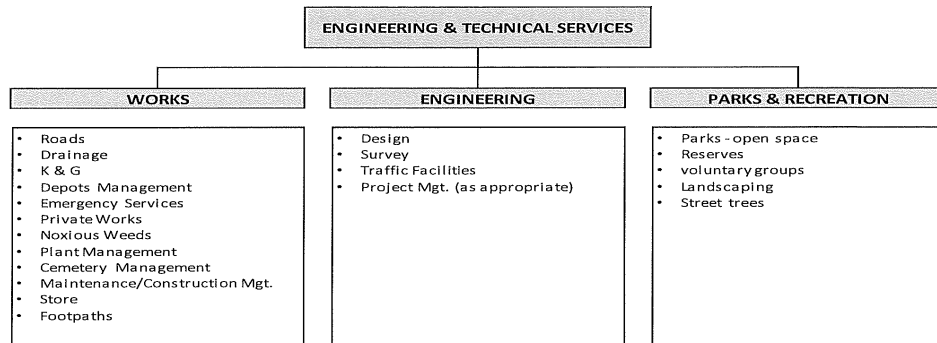
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AFFECT OF COUNCIL FUNCTIONS ON MEMBERS OF THE PUBLIC

The Coolamon Shire Council is a governing body, therefore every decision it makes affects members of the public. Council is a planning body for the future that manages infrastructural and community services of past, current and future residents.

The functions imposed on Council by the *Local Government Act* are as follows:

- Service Functions - affect the public as Council provides services and facilities to the public. These include the provision of human services such as child care services and local libraries, halls and community centres, sport and recreation facilities and programs, infrastructure and the removal of garbage.
- Regulatory Functions - place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives or safety of members of the public. Members of the public must be aware of, and comply with, such regulations.
- Ancillary Functions - affect only some members of the public. These functions include, for example, the resumption of land or Council's power to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
- Revenue Functions - affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
- Administrative Functions - do not necessarily affect members of the public directly but do have an indirect impact on the community through the efficiency and effectiveness of the services provided by Council.
- Enforcement Functions - only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered animals, and parking offences.
- Community Planning & Development functions - affect areas such as cultural development, social planning and community profile

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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In addition, various other Acts and associated Regulations confer or imposed functions on Council including (but not limited to):

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- *Aged Care Act 1997*
- *Biodiversity Conservation Act 2016*
- *Building Professionals Act 2005*
- *Children and Young Persons (Care & Protection) Act 1998*
- *Civil Liabilities Act 2002*
- *Community Land Development Act 1989*
- *Companion Animals Act 1998*
- *Contaminated Land Management Act 1997*
- *Conveyancing Act 1919*
- *Crown Lands Management Act 2016*
- *Crown Lands Act 1989*
- *Dividing Fences Act 1991*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning & Assessment Amendment Act 1997*
- *Firearms Act 1996*
- *Fire Brigades Act 1989*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Health Records and Information Privacy Act 2002*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Independent Commission Against Corruption Act 1998*
- *Library Act 1939*
- *Local Land Services Amendment Act 2016*
- *Noxious Weeds Act 1993*
- *Pesticides Act 1999*
- *Plumbing & Drainage Act 2011*
- *Privacy & Personal Information Protection Act 1998*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Public Interest Disclosures Act 1994*
- *Recreation Vehicles Act 1983*
- *Roads Act 1993*
- *Roads Transport Act 2013*
- *Smoke Free Environment Act 2000*
- *State Emergency & Rescue Management Act 1989*
- *State Emergency Service Act 1989*
- *State Records Act 1998*
- *Strata Schemes Development Act 2015*
- *Strata Schemes Management Act 1996*
- *Swimming Pools Act 1992*
- *Transport Administration Act 1988*
- *Unclaimed Money Act 1995*
- *Waste Avoidance and Resource Recovery Act 2001*
- *Water Management Act 2010*
- *Work Health & Safety Act 2011*
- *Workplace Injury Management & Workers Compensation Act 1998*

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PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

There are a number of ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their Local Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four years. The next general elections are to be held in September, 2021 after being delayed due to the COVID-19 pandemic.

At each election, voters elect 9 Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Councillors are the elected representatives of the residents and ratepayers of a local government area and make decisions on behalf of their constituents. Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

Council meetings are open to the public and are usually held in the Council Chambers on the third Thursday of each month. Business papers are available from Council before meetings and the minutes can be access on Council's website.

Public exhibitions are a key way for the community to participate in local government. Members of the community can submit feedback on proposed policies, plans, projects or development that Council is considering. Members of the public can, either personally or in writing, address any matter that falls within Council jurisdiction.

Information provided to Council in correspondence, submissions or requests, including personal information such as names and addresses, may be made publicly available in accordance with the GIPA Act.

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There are several Committees to which Council has delegated a function of Council to under Section 355 of the *Local Government Act* that allow direct community input into the decision making process. In performing their role on the Committees, members of the public exercise some of the functions of Council. These committees include

- Advance Ardlethan Committee
- Advance Ganmain Committee
- Advance Marrar Committee
- Advance Matong Committee
- Beckom Hall & Community Committee
- Ardlethan Showground Management Committee
- Community Drug Action Team
- Coolamon Shire Community Benefit Fund Committee
- Coolamon Shire Photographic Competition
- Coolamon Showground Management Committee
- Friends of the Up-to-Date Cultural Precinct Committee
- Local Heritage Fund Committee
- Matong Hall Committee
- Kindra Bike & Walking Trail-Management Committee
- Rannock Community Centre – Reserve 89397 Committee

INFORMATION HELD BY THE COOLAMON SHIRE COUNCIL

Council holds information in various formats in respect to the wide range of functions undertaken by it as well as information that is pertinent to different issues relating to the Coolamon Shire Local Government area.

The GIPA Act provides the public with a general right of access to information held by Council as long as it does not infringe privacy or other laws or there aren't public interest considerations against disclosure.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- This information guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- Council's Policy documents
- Council's Disclosure Log of Access Applications
- Council's Register of Government Contracts
- A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.

Council holds a range of information in various formats that relate to a number of different issues concerning the Coolamon Shire Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a Formal Access to Information application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

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In addition, pursuant to Schedule 1 of the *Government Information (Public Access) Regulation 2018*, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with Council's Fees and Charges.

Open Access information includes:

Information about Council

- 1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
 - a) the model code prescribed under section 440 (1) of the *Local Government Act* and the code of conduct adopted under section 440 (3) of the *Local Government Act*,
 - b) code of meeting practice,
 - c) annual report,
 - d) annual financial reports,
 - e) auditor's report,
 - f) management plan,
 - g) Equal Employment Opportunity management plan,
 - h) policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors,
 - i) annual reports of bodies exercising functions delegated by Council,
 - j) any codes referred to in the *Local Government Act*.
- 2) Information contained in the following records (whenever created) is prescribed as open access information:
 - a) returns of the interests of Councillors, designated persons and delegates,
 - b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public),
 - c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
 - d) reports by the Chief Executive of the Office of Local Government presented at a meeting of Council in accordance with section 433 of the *Local Government Act*.
- 3) Information contained in the current version of the following records is prescribed as open access information:
 - a) land register,
 - b) register of investments,
 - c) register of delegations,
 - d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*,
 - e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the *Local Government Act*,
 - f) the register of voting on planning matters kept in accordance with section 375A of the *Local Government Act*.

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Plans and Policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by Council concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Coolamon Shire Local Government area.

Information about development applications

(1) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - i. home warranty insurance documents,
 - ii. construction certificates,
 - iii. occupation certificates,
 - iv. structural certification documents,
 - v. town planner reports,
 - vi. submissions received on development applications,
 - vii. heritage consultant reports,
 - viii. tree inspection consultant reports,
 - ix. acoustics consultant reports,
 - x. land contamination consultant reports,
- (b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by subclause (2).

(2) However, this clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
- (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

(3) Council must keep the record referred to in subclause (1) (c).

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Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the *Local Government Act* and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the *Local Government Act*, and any reasons given under section 136 of the *Local Government Act*,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the *Environmental Planning and Assessment Act 1979*,
- (g) plans of land proposed to be compulsorily acquired by Council
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land,
- (j) performance improvement orders issued to a council under Part 6 of Chapter 13 of the *Local Government Act*.

HOW TO ACCESS INFORMATION HELD BY COUNCIL

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public. A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with sections 7 to 9 of the GIPA Act. There are four ways to obtain access to information held by Council:

Mandatory Proactive Release (open access)

- Under legislation Council must release certain information unless there is an overriding public interest against doing so.
- Council's website is the central reference point where members of the public can search for this information.
- This type of information includes Council policies, meeting agendas and minutes, media releases, annual reports, register of government contracts and disclosures log of access applications.

Authorised Proactive Release

- Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in Council's Fees and Charges.

Informal Access Applications

- Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.
- Applications for informal release can be made in writing to the Access to Information Officer at council@coolamon.nsw.gov.au or PO Box 101, Coolamon NSW 2701.
- There is no fee required for an informal access application, however photocopying fees may apply as specified in Council's Fees and Charges.

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- Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.

Formal Access Applications

A formal access application may be required where the information requested is not available by proactive or authorised release or informal access, and the information sought:

- Is of a sensitive nature that requires careful consideration of the public interest test;
 - Contains confidential information;
 - Contains personal information of third parties who must be consulted;
 - Contains business information of third parties who must be consulted; or
- Would involve a significant diversion of Council resources
- Formal access applications must be made in writing by completing a Formal Access Application form which is available on Council's website.
- Processing charges as outlined in Division 5 of the GIPA Act apply to formal access applications, and additional processing costs, such as photocopying costs, may apply as outlined in Council's Fees and Charges.
- Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

ADDITIONAL INFORMATION

Copyright

Some information may be subject to copyright laws and the consent of the copyright owner will be required before releasing copies of such information. Alternatively, Council may grant 'view only' access to such material.

Council will advise if the information is subject to copyright.

Privacy and Personal Information Protection

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

The PPIP Act and HRIP Act provide for the protection of personal and health information and for the protection of the privacy of individuals generally.

In accordance with the PPIP Act and the HRIP Act, Council has adopted a Privacy Management Plan which outlines Council's practice for dealing with privacy and personal information in accordance with Information Protection Principles contained within the PPIP Act and the Health Protection Principles contained within the HRIP Act.

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Public Interest Considerations in Favour of Disclosure

The GIPA Act provides a presumption in favour of disclosure of government information but allows for consideration of **any** public interest in favour of disclosure.

The GIPA Act lists the following examples of interests Council might consider (but is not limited to):

- Promoting open discussion of public affairs
- Enhancing Government accountability or contributing to positive and informed debate on issues of public importance
- Informing the public about the operations of Council and, in particular, policies and practices for dealing with members of the public
- Ensuring effective oversight of the expenditure of public funds
- The information is the personal information of the person to whom it is to be disclosed
- Revealing or substantiating that an agency (or member of an agency) has engaged in misconduct, or in negligent, improper, or unlawful conduct

Public Interest Considerations Against Disclosure

The GIPA Act provides an exhaustive list of public interest considerations against disclosure under s 14. These are the only considerations against disclosure that Council may consider in applying the public interest test.

Considerations are grouped under the following headings:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes, and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy, and general matters
- Secrecy provisions
- Exempt documents under interstate freedom of information legislation

Review of Decisions

Where an applicant is refused access to information under a formal application pursuant the GIPA Act, Council will provide details of the reasons for refusal in writing. If the applicant is dissatisfied with Council's determination of their application, they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has eight weeks from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has eight weeks from receiving notice of a decision from Council to ask for a review, or four weeks after the completion of a review by the Information Commissioner.

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Third Party Consultation

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information
- Business interests
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

Disclosure Log

Council's Disclosure Log lists information released under a formal access application under the GIPA Act that is considered to be of interest to the wider public.

It should be noted that applicants can object to inclusion in Council's Disclosure Log.

Public Officer

The *Local Government Act* requires Council to appoint a Public Officer. The Public Officer may:

- Deal with requests from the public concerning Council's affairs;
- Accept service of documents on behalf of Council;
- Receive submissions made to Council;
- Assist the public to gain access to public documents.

NSW Information and Privacy Commission

The NSW Information and Privacy Commission is responsible for overseeing the application of the PPIP Act, HRIP Act and the GIPA Act.

Further information about the right to information can be sourced from the Information & Privacy Commission New South Wales:

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

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ASSOCIATIONS & RELATIONSHIPS

Legislation	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulation 2018</i> <i>Privacy & Personal Information Protection Act 1998</i> <i>Privacy & Personal Information Protection Regulation 2014</i> <i>Health Records & Information Privacy Act 2002</i> <i>Health Records & Information Privacy Regulation 2012</i> <i>Local Government Act 1993</i> <i>Graffiti Control Act 2008</i>
Policies	<i>Coolamon Shire Council Records Management Policy</i> <i>Coolamon Shire Council Privacy Management Plan</i> <i>Coolamon Shire Council Community Engagement Strategy</i>
Procedures/Protocols, Statements, Documents	

REVIEW

This guide may be reviewed at any time or as required in the event of legislative changes. Council is required to review and adopt a new agency information guide at intervals of not more than 12 months.

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..... MAYOR

..... GENERAL MANAGER.

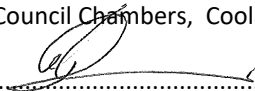


Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

2022

ADOPTED: 17 February 2022

This is Page No. 173 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held in the Council Chambers, Coolamon on the 17th February 2022.

.......... MAYOR

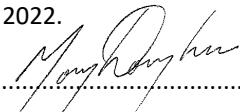
.......... GENERAL MANAGER.

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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 2021* (“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.

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PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the

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	boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <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
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</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 establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - 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. 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:
- coordinate the management of complaints made under the council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office, and
 - arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

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the standards of conduct prescribed under the council's code of conduct.

- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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

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

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

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person

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

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

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

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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.

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

- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
 - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct

complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation,

5.31 Where the complaint is resolved by counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour.
5.32 The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

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

Disclosure of the identity of complainants

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

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

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

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

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

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

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

Code of conduct complaints made as public interest disclosures

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

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

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

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

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

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

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
a) a panel of conduct reviewers established by the council, or
b) a panel of conduct reviewers established by an organisation approved by the 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

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- 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.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

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- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - 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 formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

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

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6.26 Where appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:

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

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - 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
 - 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 a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

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

Written and oral submissions

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

investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

7.16 Investigations are to be undertaken in the absence of the public and in confidence.

7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, 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.

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- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

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7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
 - 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.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

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

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

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- 7.52 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.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - 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.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

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8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. 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.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

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

**PART 11 REPORTING STATISTICS ON CODE OF CONDUCT
COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL
MANAGER**

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

- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

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

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

CS4) QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2021 (F.02-02, SC178)

- Enclosed with the attachments is the Quarterly Budget Review Statements to the 31st December 2021 for Council's information. The Review reveals a change in Council's anticipated operating result after capital amounts from an original surplus of \$1,494,202 to a surplus of \$1,499,854. **Attachment No. 8**

Council's anticipated nett cash position has decreased from an original deficit of \$4,408,892 to a deficit of \$6,087,685 being an unfavourable variance of \$1,678,793.

The following items have been subject to material forecast changes:

Income

General Purpose Revenues

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Interest on Overdue Rates	20,000	3,495	6,000	-14,000	70.00 U
Abandoned Rates	-500	-5,533	-13,000	-12,500	2500.0 U

Interest on Overdue Rates – The budgeted income has been reduced based on the year to date income.

Abandoned Rates – the finalization of the sale of land for unpaid rates in the current financial year has resulted in this unfavourable variance.

Administration

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Insurance Premium Incentives	0	22,671	22,671	22,671	F

Insurance Premium Incentives – Council's original budget did not allow for the receipt of Insurance Premium Incentives.

Community Services & Education

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Ardlethan Preschool Funding	139,000	119,315	185,955	46,955	33.78 F
Home Care Packages Income	864,000	468,294	1,124,000	260,000	30.09 F

Ardlethan Preschool Funding – Council has received additional COVID and Fee Free Preschool Funding which has resulted in this favourable variance. As a result of the additional funding, operating days will be increased from 2 to 3.

Home Care Packages Income – An increase in the number of HCP clients has resulted in this favourable variance. This will be offset by an increase in expenditure.

Transport & Communication

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Regional Roads Repair Program	200,000	0	233,309	33,309	16.65 F

Regional Roads Repair Program – Transport for NSW has approved the Repair Program allocation of \$233,309. This will be offset by an increase to the repair program expenditure.

Economic Affairs

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Caravan Park Rents & Fees	74,659	20,532	40,000	-34,659	46.42 UF

Caravan Park Rents & Fees – based on year to date income, the budget has been reduced. COVID restrictions have affected patronage at the Caravan Park over the past six months.

Expenditure

Administration

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Sundry Office Expenditure	20,000	16,658	70,000	50,000	250.00 U

Sundry Office Expenditure – council has engaged contractors to undertake a review of the Salary System used for employees. This review was not included in Council's original budget.

Governance

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Community Consultation	25,000	0	60,000	35,000	140.0 U

Community Consultation – An amended quotation for the development of a new CSP and DIAP was received that exceeded Council's original allocation.

Environment

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
DWM Plant Hire	0	0	-20,000	20,000	F

DWM Plant Hire – Staff have made some internal accounting changes to better reflect the plant attributed to Council’s Waste Services which will result in this favourable variance.

Community Services & Education

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Ardlethan Preschool Expenditure	133,155	87,513	183,7515	-50,596	38.00 UF
Home Care Packages Expenditure	860,000	474,239	1055,062	-195,062	22.68 UF

Ardlethan Preschool Funding –As a result of the additional funding, operating days will be increased from 2 to 3.

Home Care Packages Income – An increase in the number of HCP clients has resulted in this unfavourable variance which is offset by additional income.

Sewerage

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Ardlethan Sewerage – Supervision Contract	0	25,313	25,313	-25,313	U

Ardlethan Sewerage – Supervision Contract – As a result of the finalization of the project being delayed, Council’s original budget did not allow for the final payments to the contractor.

Recreation & Culture

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
UTDS Maintenance	15,000	19,645	25,000	-10,000	66.67 UF

UTDS Maintenance – Additional cleaning and maintenance expenditure to date has resulted in this unfavourable variance.

Transport & Communication

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Regional Roads Block Grant Expenditure	300,000	271,127	542,000	-242,000	80.67 UF

Regional Roads Block Grant Expenditure – based on year to date expenditure, operating expenditure has been increased. This will be offset by a decrease in capital expenditure on regional roads.

Economic Affairs

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Allawah Lodge Wages	1,392,000	564,092	1,250,000	142,000	10.00 F

Allawah Lodge Wages – based on year to date expenditure, the budget allocation has been reduced.

Capital Expenditure

Item	Original Budget	YTD 31/12/2021	Amended Budget	Variance (\$)	Variance (%)
Regional Road Repair Program	400,000	0	466,618	-66,618	16.65 U
Regional Road Block Grant	680,000	24,212	371,382	308,618	45.39 F

Regional Road Repair Program – the increased grant approved has resulted in a subsequent increase in the capital expenditure.

Regional Road Block Grant – matching the Repair funding and a reallocation to operating expenditure has resulted in this favourable variance.

Responsible Accounting Officer Statement

It is my opinion that the Quarterly Budget Review as presented to Council for the quarter ended 31st December 2021 indicates that Council's projected financial position at 30th June 2022 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Recommendation

That the Quarterly Budget Review Statements as at 31st December 2021 be received and noted and the revised budgeted income and expenditure be voted.

RESOLVED on the motion of Clr White and seconded by Clr Hatty that the Delivery Program Progress Report for the period 1st July 2021 to 31st December 2021 be received. 25/02/2022

6.3 EXECUTIVE MANAGER, ENGINEERING & TECHNICAL SERVICES REPORTS

ES1) SHIRE ROAD RESHEETING, STABILISATION AND MAINTENANCE

The following roads have received maintenance and resheeting attention:

1) MAINTENANCE

- Bredins Lane (Seal to Briah Bush Lane)
- Johnsons Hill Road (Briah Bush Lane to McNabbs Lane)
- McNabbs Lane (Johnsons Hill Road to D McCallum gate)
- Old Wagga Road (Springwood Road to East West Road)
- Briah Bush lane (Johnsons Hill Road to Bootheys Lane)
- Bootheys lane (Briah Bush Lane to Rannock Road)
- Williamsons Lane (Millwood Road to Tooyal Road)
- Parmenters Lane (Tooyal Road to Coolamon Road)
- Berry Jerry Lane (Marrar North Road to Rannock Road)
- Marrarvale Lane (Marrar South Road to Coolamon Road)
- Brushwood North Road (Canola Way to Ardlethan Road)
- Hodges Lane (Emerald Seal to Marrar Seal)
- Murphys Lane (Dullah Road to Brushwood North Road)
- Ashbridge School Lane (Matong North Road to Ashbridge Road)
- Ashbridge Road (Seal to Poverty Lane)
- Foxs Lane (Marrar North Road to end.
- Hayes Lane (Mirrool South road to Gilberts Lane)
- Pattisons Lane (Mary Gilmore Way to Carlisle Park Road)
- McPhails Lane (Wallerroobie Road to London Hill Road)
- Maslins Lane (Wallerroobie Road to London Hill Road)
- Devlin Road (Ashbridge Road to Poverty Lane)

2) RESHEETING

- Williamsons Lane (Millwood Road to Tooyal Road)

Following recent wet weather and extended large harvest, sections of Council's Unsealed Road Network are displaying rawness. A list of roads for attention has been retained, prioritized accordingly and maintenance will be provided when plant and staff are available around this busy construction window.

ES2) COOLAMON BUSINESS PARK

Contractors are continuing with levelling of site and importation of suitable material. Communications conduits have been placed, NBN cable laid and cut-in. Some delays have been experienced with Telstra due to availability of materials (ie. Cable and joiners) and it is hoped works can recommence early March.

Electricity Contractors are experiencing similar material supply issues and been scheduled for early April. Stormwater and sewer design is near finalized, tender for concrete works has been advertised and will be presented to the March Meeting of Council for decision. Negotiations regarding purchase of additional rear easement is continuing with TfNSW and JHR.

ES3) LRCIP

- Langham Street (Ford to Camp Street) North side – Kerb and Gutter

Installation of 130m of K&G, backfilling and sealing is now completed.

- Orr Street, Coolamon – Kerb and Gutter

Work involving drainage installation, foundation preparation, installation of 670m K&G and sealing have been completed around the block of Orr Street, Methul Street, Booth Street and Bruce Street.

- York Street (Wood to Lyne Street) South Side, Marrar – Kerb and Gutter

240m of K&G works have been completed with backfilling and seal applied.

ES4) TOWN WORKS

- Bruce Street (Fire Station to Mann Street) East Side, Coolamon – Kerb and Gutter

165m of K&G works have been completed with backfilling and sealing applied.

- William Kelly Drive (Mirrool to Wallace Street) North & South Side, Coolamon – Kerb and Gutter

Council Staff and Contractor have commenced excavation and preparation of kerb foundations. Pouring of K&G is scheduled to occur on 14th February 2022 but will be dependent on Contractor COVID case.

- Orr Street, Coolamon – Lighting

Following design, submission to Essential Energy and approval, Contractors have installed three outreach arm and LED lights at the three intersection of:

- Orr Street/Cowabbie Street
- Orr Street/Methul Street
- Orr Street/Bruce Street

- December/January Storm Clean-up

Over the Christmas/New Year break, Council received ongoing rain and isolated cell storm events with Ardlethan the recipient of one particular intense event. With a skeleton staff available after the New Year break, Council addressed closed roads due to fallen limbs and water crossing, in addition to clean-up of Ardlethan Township with support of Arborist Contractor. Extent of damage was not to a level which triggered a natural disaster declaration and Resilience Australia have been advised.

ES5) SAVING LIVES ON COUNTRY ROADS PROGRAMME (SLCRP)

- Mary Gilmore Way Stage 1 (16.1 to 19.2kms) 3.1kms

Council have completed the bulking out of roadside shoulders, pavement establishment and seal widening to a total width of 9.6m.

Stage 2 (0.14 to 7.53kms) is schedule to commence late March 2022.

ES6) FIXING LOCAL ROADS

- Warners and Gradys Lane, Coolamon (1.8km) – Sealing

Due to extended wet weather, final table drain maintenance works are now occurring. These works follow vegetation clearing, road realignment, culvert installation, stabilisation and sealing and will bring this project to a conclusion.

ES7) REPAIR PROGRAMME 2021/2022

- Ardlethan Road (7.10 to 9.30kms) 2.20kms – Reconstruction

Council have commenced reconstruction of this section of its Regional Road Network. Formation corrections are to follow with importation of suitable material in addition to stabilisation and seal scheduled for late February.

ES8) SEALED RURAL LOCAL ROADS – RESEALS

Bituminous reseals have occurred on the following Sealed Rural Local Roads:

- Methul Road (10.02 to 13.59kms) 3.57km
- Ashbridge Road (6.5 to 11.88kms) 5.38kms

Recommendation

That the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES8) be noted.

RESOLVED on the motion of Clr McKinnon and seconded by Clr Crocker that the Executive Manager, Engineering & Technical Services' Reports (ES1 to ES8) be noted. 26/02/2022

ES9) BIOSECURITY WEEDS REPORT (N.02-01, SC284)

Biosecurity Weeds Officer Reports

Activities

- High risk roadways inspected across the Shire.
- Coolatai infestations at Marrar and Ardlethan inspected and treated.
- Silverleaf Nightshade inspected and be treated.
- Large amounts of Bathurst burr have been observed, treatment is ongoing.
- Inspections in Coolamon/Berry Jerry areas.
- Operations Manager invited to participate in development of new Weedsan App. A joint venture between NSW DPI and CSIRO.
- Operations Manager elected to Regional Weeds Committee Executive Board.

WAP Targets Addressed:

- 1.1 High risk species and pathways identified and managed
- 1.22 Discussion of High Risk Weeds list at Regional level
- 2.1 Timely detection of new incursions
- 2.11 Regional inspection program implemented. High risk sight inspection
- 3.22 Impacts reduced, (control applied) to priority pathways.

Recommendation

For Council information.

RESOLVED on the motion of Clr White and seconded by Clr Perkin that the report be noted. 27/02/2022

6.4 EXECUTIVE MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES REPORTS

HS1) DEVELOPMENT ACTIVITY REPORT THE PERIOD ENDING 31ST JANUARY, 2021

Summary

This report advises of the Development Application activity for the months of December 2021 and January 2022.

Development Activity Table

Application Number	Type	Address	Determination	Value
DA 2021/75	Construction of a New Shed / Garage	Bourke Street, Matong	Approved	\$10,000.00
DA 2021/76	Installation of Shipping Container	26 Bygoo Street, Ardlethan	Approved	\$3,000.00
DA 2021/117	Construction of Grain Bunker Storage with associated Civil Works (road, drainage and dam augmentation)	Lyne Street, Marrar	Approved	\$297,000.00
DA 2021/121	Construction of a shed for storage purposes and home workshop	5 Garland Street, Coolamon	Approved	\$32,000.00
DA 2021/133	Erection of Shed	109 Mirrool Street North, Coolamon	Approved	\$32,000.00
DA 2021/138	Alterations & Additions to Dwelling	32 Cowabbie Street, Coolamon	Approved	\$69,000.00
DA 2021/141	Removal of 2 Existing Sheds & Construction of 2 New Sheds	1 Loughnan Street, Coolamon	Approved	\$18,000.00
DA 2021/142	New Storage Shed & New Machinery Shed	31-33 Cave Street, Ganmain	Approved	\$40,000.00
DA 2021/144	Construction of New Shed	10 Hakea Drive, Coolamon	Approved	\$30,000.00
DA 2021/147	Proposed 38m x 38m Bowling Green at the Ganmain & District Sports Club	1734 Roping Pole Road, Ganmain	Approved	\$300,000.00
DA 2021/148	Shed & Carport	43 Mirrool Street South, Coolamon	Approved	\$15,000.00
DA 2021/152	New Single Dwelling & Attached Garage	130 Mirrool Street North, Coolamon	Approved	\$432,100.00
DA 2021/154	Erection of a Carport in front of a Shed in the back yard	34 Mann Street, Coolamon	Approved	\$10,600.00
DA 2022/01	Residential Subdivision of 4 Lots into 7 Lots	Loch Street, Ganmain	Approved	\$80,000.00
DA 2022/02	Subdivision of 1 Lot into 2 Lots	45-47 Mimosa Street, Coolamon	Approved	\$5,000.00
DA 2022/04	Construction of a Single Storey 4 Bedroom Dwelling	29-31 Logan Street, Coolamon	Approved	\$392,261.00
TOTAL: 16			16	\$1,765,961.00

Financial Implications

There are nil financial implications to Council as a result of this report.

Consultation

Applications have been notified and exhibited in accordance with Council's Development Control Plan as required.

Recommendation

That Council receive and note this report on development activity for the period up to 31st January, 2022.

RESOLVED on the motion of Clr Crocker and seconded by Clr Perkin that Council receive and note this report on development activity for the period up to 31st January, 2022. 28/02/2022

HS2) EXHIBITION AND ADOPTION OF THE DRAFT GENERIC COMMUNITY LAND PLAN OF MANAGEMENT (S.11-05, SC391)

Summary

This report provides to Council a draft Community Land Plan of Management for land categorised as General Community Use, Parks and Sportsgrounds, reporting on the outcomes of the public exhibition of the document and recommends the adoption of the Plan of Management by Council.

Plans of Management

The Local Government Act 1993 (the 'Act') requires all Council-owned land to be classified as either 'Community' land or 'Operational' land. Land classified as 'Community' land is to be managed and used in accordance with an adopted PoM.

A Plan of Management (PoM) is an important management tool, which is developed by Council in consultation with the community. A PoM outlines the land's features, and clarifies how Council will manage, use or develop the land in the future. A PoM provides a transparent and co-ordinated approach to public land management.

Community land may include a wide variety of properties, ranging from small recreation reserves to iconic parks, and in some instances buildings.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

Community land supports important aspects of community life, and is valued and appreciated by residents, workers, and visitors to the Coolamon Local Government Area.

The Local Government Act 1993 requires that community land be categorised as; natural area, park, sportsground, area of cultural significance, or general community use.

A PoM can be prepared for more than one parcel of land (Generic or Geographic) or for a single property Significant or Specific).

The draft Plan of Management has been created for 14 parcels of community land within the Coolamon LGA. The table below identifies the community land and the proposed categorisation for the land:

Name	Location	Legal Description	Categorisation
Lions and Bicentennial Parks	Ardlethan	Lot 1, DP 1171790	General Community Use and Park
Stewart Park	Ardlethan	Lot 23, 750867	General Community Use and Park
Ardlethan Cemetery	Ardlethan	Lots 7005-7006, DP 94894	General Community Use
Beckom Park	Beckom	Part of Lot: 3011 DP: 1204047, Railway Land Lease 83308	Park
Beckom Hall and RSL	Beckom	Lots 1-3, Section 3, DP 5799	General Community Use
Berry Jerry Cemetery	Berry Jerry	Lots 11-13, DP 114846 and Lot 7300, DP 1159821	General Community Use
Coolamon Cemetery	Coolamon	Lot 7009, DP 94476 and Lot 7003, DP 94475	General Community Use
Lions Park	Coolamon	Lot 2, DP 1221837 (Part of)	General Community Use and Park
Ganmain Cemetery	Ganmain	Lot 7302, DP 1154625 and Lot 709, DP 94349	General Community Use
Logan Park	Ganmain	Lot 53, DP 654497	General Community Use and Park
Victory Gardens	Ganmain	Lots 67-71, DP 6626	Park
Marrar Cemetery	Marrar	Lot 7007, DP 96256 and Lot 7004, DP 96257	General Community Use
Marrar York Street Park	Marrar	Lot 2, DP 819501 Lease 95.0560	Park
Rannock Cemetery	Rannock	Lot 7003, DP 94525, and Lot 7001, DP 1003448	General Community Use

Table 1: Community Land and Proposed Categorisation

The purpose of this PoM is to:

- Contribute to Coolamon Shire Councils broader strategic goals and vision as set out in the Community Strategic Plan 2013;
- Ensure compliance with the Local Government Act 1993; and
- Provide clarity in the future development, use and management of the community land.

Consultation

Section 38 of the Local Government Act 1993 (LG Act) requires that:

A Council must give public notice of a draft PoM for a period of not less than 28 days.

- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
- The Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter, which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.
- In accordance with Section 38 of the LG Act, Council exhibited the draft PoM from 25 October until 7th December 2021.

No submissions were received in relation to the draft PoM.

Consultation has also occurred with relevant internal Council stakeholders in respect to the creation of the Draft Plan of Management.

Financial Implications

There are no adverse financial implications resulting from this report.

Attachments

- ➔ Coolamon Shire Council Draft Generic Plan of Management for Community Land for General Community Use, Parks and Sportsgrounds. Attachment No. 7

Recommendation

- 1) That Council note the Report titled Coolamon Shire Council Exhibition and Adoption of the Draft Generic Community Land Plan of Management;

- 2) That Council note that there were no public submissions made in relation to the Draft Community Land Plan of Management; and
- 3) That Council adopt the Generic Plan of Management for Community Land for General Community Use, Parks and Sportsgrounds.

RESOLVED on the motion of Clr Hutcheon and seconded by Clr Hatty: 29/02/2022

- 1) That Council note the Report titled Coolamon Shire Council Exhibition and Adoption of the Draft Generic Community Land Plan of Management; and
- 2) That Council note that there were no public submissions made in relation to the Draft Community Land Plan of Management; and
- 3) That Council adopt the Generic Plan of Management for Community Land for General Community Use, Parks and Sportsgrounds.

HS3) 2021 DEVELOPMENT STATISTICS (B.05-03, SC58)

Summary

- Attached is a summary of development activity undertaken in the Coolamon Shire Council area throughout 2021. A summary of the development activity in the Council area for 2019 and 2020 are also attached for comparison. Attachment No. 9

The total combined applications (Development Applications & Complying Development Applications) for 2021 was 157 compared to the 101 approvals issued in 2019 and 125 approvals issued in 2020. The amount of new dwellings constructed in the Shire were similar to the two previous years. There were increases in the amount of alterations and additions to dwellings, new outbuildings (i.e. sheds, carports, etc.), new swimming pools and commercial/industrial development.

Recommendation

That the report be noted.

RESOLVED on the motion of Clr Lewis and seconded by Clr White that the report be noted. 30/02/2022

7) MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD 3RD NOVEMBER 2021.

RESOLVED on the motion of Clr White and seconded by Clr McKinnon that the Minutes of the Audit, Risk & Improvement Committee Meeting held 3rd November 2021 be noted and endorsed. 31/02/2022

8) MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNE & TEMORA COUNCILS HELD 7TH DECEMBER 2021.

RESOLVED on the motion of Clr Perkin and seconded by Clr Hatty that the Minutes of the Noxious Weeds Meeting of Coolamon, June & Temora Councils held 7th December 2021 be noted and endorsed. 32/02/2022

9) REPORTS: DELEGATES/MAYOR/COUNCILLORS

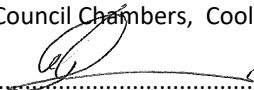
- Clr White reported on his attendance at the Goldenfields Water County Council meeting held to elect Chairperson and Deputy Chairperson.
- Clr McCann reported on a visit from Steph Cooke MP announcing the awarding of funding to undertake a Flood Study. Ms Cooke also announced funding for the Coolamon Men's Shed and Kindra Park Trustees.
- Clr McCann reminded Councillors regarding the upcoming Community Strategic Plan Community Consultation in March, encouraging Councillors to refer the public to engage with the Consultants.
- Clr McKinnon advised that the Light Horse is expected in Matong in March. Mr Donoghue and Mr Kelly advised that Council had received correspondence and that additional information has been requested.
- Clr Hatty commended Council staff on the farewell for John Seymour. Clr Crocker commented on the attendance of other Shire Mayors, Councillors and General Managers as an indication of the esteem that John Seymour is held across the region.

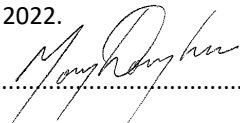
Meeting Closed at 3.44pm.

Confirmed and signed during the Meeting held this 17th day of March 2022.

.....

MAYOR

.......... MAYOR

.......... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COUNCIL
CHAMBERS, COOLAMON ON WEDNESDAY 3RD NOVEMBER 2021 AT 2.00PM.

BUSINESS:

- 1) Apologies.
- 2) Confirmation of Minutes (5 July 2021)
- 3) Matters Arising from previous Minutes
- 4) External Audit
- 5) Internal Audit
- 6) Risk Management
- 7) Notification of Incidents of Fraud or Investigation involving Coolamon Shire Council
- 8) General Business
- 9) Next Meeting

PRESENT: R Smith (Bland Shire Council), A Balind (Bland Shire Council), Clr B Hutcheon and
Clr A White

STAFF: T Donoghue, General Manager
C Armstrong, Executive Manager, Corporate & Community Services

INTERNAL AUDIT: G Mottau

EXTERNAL AUDIT: D MacKenzie (Crowe)

APOLOGIES: N Mani (NSW Audit Office)

1) **APOLOGIES**

Apology of N Mani was received and noted.

2) **CONFIRMATION OF MINUTES (5 JULY 2021)**

Recommendation

That the Minutes of the Meeting held 5 July 2021 as circulated be confirmed and adopted.

3) **MATTERS ARISING FROM MINUTES (5 JULY 2021)**

Nil

4) **EXTERNAL AUDIT**

D MacKenzie spoke to the FY2021 Auditors Reports for the year ending 30 June 2021 and the Final Management Letter issues relating to recognition of RFS equipment, Revenue Masterfile Changes and Related Party Register.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COUNCIL
CHAMBERS, COOLAMON ON WEDNESDAY 3RD NOVEMBER 2021 AT 2.00PM.

5) **INTERNAL AUDIT**

- a. Current Internal Audit Topics
i. IT

G Mottau spoke to his report regarding IT Health.

C Armstrong spoke to the report from Cyber Security Audit report undertaken by Telstra advising the committee that staff, together with Council's network support contractors were working on the issues highlighted in previous management letters, G Mottau's report and the Telstra report.

Recommendation

That the "IT Health – external audit issues" report and Telstra – Cyber Security Audit reports be noted..

- ii. Contributions Plans

T Donoghue advised that a contractor was in the process of being engaged to undertake an audit on Council's Contributions Plan.

- b. Report on Actions taken since last meeting.

A report showing the recommendations relating to the previous audits was presented to the committee, specifically actions undertaken relating to the GIPA Performance & Compliance.

6) **RISK MANAGEMENT**

Following the resignation of N Johnson, a report relating to Risk Management was not presented to the meeting.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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CHAMBERS, COOLAMON ON WEDNESDAY 3RD NOVEMBER 2021 AT 2.00PM.

7) **NOTIFICATION OF INCIDENTS OF FRAUD OR INVESTIGATIONS INVOLVING COOLAMON
SHIRE COUNCIL**

- a. Incidents of Fraud
Nil reported.
- b. NSW Ombudsman's Reports
Nil reported.
- c. ICAC Enquiries involving Coolamon Shire Council
Nil reported.
- d. Office of Local Government
Nil reported.

8) **GENERAL BUSINESS**

T Donoghue advised that the OLG had released a "*New risk management and internal audit framework for councils and joint organisations*" including Draft risk management and internal audit Guidelines in August 2021. T Donoghue further advised that the Audit Alliance members would be meeting to discuss the guidelines and determine any appropriate submission points.

9) **NEXT MEETING**

The next meeting of the Audit, Risk & Improvement Committee to be scheduled in the first of second week of March 2022 subject to the timetabling of all committee meetings for participating Internal Audit Alliance Councils.

Meeting closed at 2.44 pm.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNEE & TEMORA HELD AT
TEMORA SHIRE COUNCIL ON TUESDAY, 7 DECEMBER 2021 AT 2.00PM.

BUSINESS:

- 1) Apologies.
- 2) Confirmation of the Minutes of the Meeting held 28 September 2021.
- 3) Matters arising from Previous Minutes.
- 4) Correspondence
- 5) Agenda Items:
 - 1) Rob Ferguson Management Pty Ltd – Quarterly Report
 - 2) WAP – Report/Funding
 - 3) Riverina Regional Weeds Committee/LLS
 - 4) Rail Corridor Maintenance/UGL
 - 5) Travelling Stock Routes
 - 6) Inspection Areas
 - 7) RENWA Committee Chair
 - 8) General Business
 - 9) Next Meeting

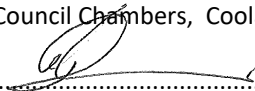
PRESENT:

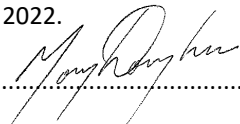
Tony Kelly, Coolamon Shire Council
Robert Ferguson – Robert Ferguson Management Pty Ltd
Kris Dunstan – Temora Shire Council
Jeremy Crocker -RENWA

- 1) **APOLOGIES** - Clr John Seymour, Coolamon Shire Council,
- 2) **CONFIRMATION OF THE MINUTES OF THE MEETING HELD 28 September 2021.**
RESOLVED that the Minutes of the Meeting held 28 September 2021 be received.
- 3) **MATTERS ARISING FROM THE MINUTES HELD 28 September 2021.**
There were no matters arising.
- 4) **CORRESPONDENCE**
Nil.
- 5) **AGENDA ITEMS**

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This is Page No. 226 of the Minutes of the Ordinary Meeting of the Council of the Shire of Coolamon held
in the Council Chambers, Coolamon on the 17th February 2022.

..........
MAYOR

..........
GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
HELD IN THE COUNCIL CHAMBERS, COOLAMON ON THE 17TH FEBRUARY 2022.

MINUTES OF THE NOXIOUS WEEDS MEETING OF COOLAMON, JUNEE & TEMORA HELD AT
TEMORA SHIRE COUNCIL ON TUESDAY, 7 DECEMBER 2021 AT 2.00PM.

5.1) RENWA Report

- Coolatai Grass controlled in Old Junee/Marrar, Ardlethan and Mirrool areas.
- St John's Wort treated across the three Shires, focus paid to main roads, highly trafficked local roads and previously identified hot spots. This year has seen a massive germination. We are working hard to prioritise areas to best spend available funds.
- Inspections – private property inspections on ad-hoc basis. A full program will run out in the new year after harvest.
- High risk pathways patrolled and logged into Biosecurity Information System.
- No new incursions of previously unknown weeds discovered.
- Road shoulder spraying completed in Coolamon, Junee Shires and State roads in Temora Shire.
- Lands Department grants successful for follow-up money for Ardlethan Prickly Pear and Tree of Heaven in Temora. Will continue to work with Local Lands officer to identify potential sites in Junee Shire for the next round.
- WAP funding – still no payment or advice on level of funding for this financial year other than the LLS co-ordinator saying we expect similar as last year.
- Jeremy to represent RENWA Councils on the Executive Team for the Regional Committee.
- We are still investigating new chemistry and researching timings etc for our road shoulder spraying. We will also be developing a spraying system to go around the new guard railing.
- LLS Regional Weed Committee meeting moved to 14/12/2021.
- RENWA staff will be on leave for the usual Council shut-down over Christmas. Available for contact if necessary.

5.2) WAP Report Funding

- Weed action plan funding has been confirmed and has been advised that it will be the same as last year.

5.3) Riverina Regional Weeds Committee/LLS

With LLS Regional Weeds Committee meeting moved to the 14 December 2021 no real updates are available. The Regional Weeds Committee operates essentially an advisory committee to the LLS for Board approval. The meetings serve as a good opportunity for representatives from the region to discuss operations, treatments and effectiveness.

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..... MAYOR

..... GENERAL MANAGER.

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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5.4) Rail Corridor Maintenance/UGL

UGL are taking over the Country Rail Network from the 29 January 2022. RENWA staff have attempted to make contact with UGL representatives with little success. RENWA staff are to continue to approach UGL to ensure the co-operative and unified approach is achieved in addressing weed issues in the rail corridor. RENWA will try and work with UGL but ultimately if they do not address weed issues within their corridor like any landholder they will be issued with notices but this will be the last resort.

5.5) Travelling Stock Routes

Following initial approach from LLS, all Councils have now received correspondence advising that the travelling stock route grazing area pilot project will not be proceeding in 2021/2022. Whilst it is thought that this project would have benefited the management of weeds in the region there were many diverse issues raised from the community and LLS have decided to put it on hold.

5.6) Inspection Areas

As per RENWA monthly report.

5.7) RENWA Committee Chairman

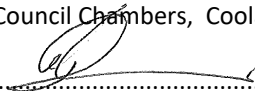
After many years of Coolamon Shire representatives chairing the RENWA committee meetings it is suggested that this position be shared between the three Council members on a 12 monthly basis. Temora Shire Council's Kris Dunstan has kindly accepted the position for the first 12 months which will then be followed by Junee Shire Council's representative.

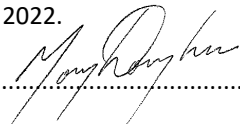
5.8) General Business

With the resignation of the Junee Shire Council Manager of Engineering and RENWA Committee representative, Junee are asked to advise who is the committee contact will be until the vacancy is filled.

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MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF COOLAMON
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5.9) NEXT MEETING

Meeting dates for 2022 are as follows:

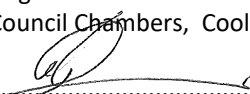
22 February 2022	Junee Shire Council
21 June 2022	Coolamon Shire Council
20 September 2022	Temora Shire Council
6 December 2022	Junee Shire Council

All meetings will commence at 2.00 pm

Meeting Closed at 3.10 pm

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.......... MAYOR

.......... GENERAL MANAGER.

ATTACHMENTS FOR THE MEETING HELD 17TH FEBRUARY, 2022

ITEMS DISTRIBUTED WITH THE AGENDA

- 1) ACTIVITY REPORTS
 - 1) Operating Statistics of the Coolamon Shire Library for November 2021, December 2021 and January 2022.
 - 2) Road Safety Officer's Report for November/December 2021 and January 2022.
 - 3) Allawah Community Care Report for January 2022.
 - 4) Community Development Officer's Report for December 2020 and January 2021.Refer Correspondence Item (1a).

- 2) INFORMATION PAPERS
 - 1) Minutes of the AGM and Ordinary Meeting of the Riverina Eastern Regional Organisation of Councils (REROC) held 12th November 2021.
 - 2) Minutes of the Riverina Joint Organisation (RIVJO) Meeting held 12th November 2021.
 - 3) Minutes of the Advance Matong Committee Meeting held 23rd November 2021.
 - 4) Minutes of the Advance Ganmain Committee Meeting held 1st December 2021.
 - 5) Minutes of the Advance Matong Committee Meeting held 11th January 2022.
 - 6) Minutes of the Advance Ganmain Committee Meeting held 2nd February 2022.
 - 7) Minutes of the Advance Ardlethan Committee Meeting held 2nd February 2022.Refer Correspondence Item (2a).

- 3) Correspondence in regard to the report regarding Subdivision – Bruce Hutcheon.
Refer General Manager's Report (GM1), [File No. RT1004423].

- 4) A copy of the previous and current Australia Day Event locations.
Refer General Manager's Report (GM5), [File No. A.13-15].

- 5) A copy of the 2021/2025 Delivery Program Progress Report for the Period 1st July 2021 to 31st December 2021.
Refer Executive Manager, Corporate & Community Services Report (CS2), [File No. S.11-06]

- 6) A copy of the Policies in relation to the report on Policy Review.
Refer Executive Manager, Corporate & Community Services Report (CS3), [File No. P.12-01]

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- 7) A copy of the Coolamon Shire Council Draft Generic Plan of Management for Community Land for General Community Use, Parks and Sportsgrounds.
Refer Executive Manager, Development & Environment Services Report (HS2), [File No. S.11-05].
- 8) A copy of the Quarterly Budget Review as at 31st December 2021.
Refer Executive Manager, Corporate & Community Services Report (CS4), [File No. F.02-02]
- 9) A copy of the summary of development activity undertaken in the Coolamon Shire Council area throughout 2019, 2020 and 2021.
Refer Executive Manager, Development & Environment Services Report (HS3), [File No. B.05-03].