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    - 13.1.5. Councillors and Chairpersons Fees for 2019-2020
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    - 13.1.7. Write off of Sundry Debtors Charges
  - 13.2. MATTERS SUBMITTED BY OPERATIONS MANAGER
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  - 13.3. MATTERS SUBMITTED BY PRODUCTION AND SERVICES MANAGER

**13.3.1. Water Production Report**

**13.3.2. Mandamah Rural Water Supply Scheme Stages 2-4**

**13.4. MATTERS SUBMITTED BY ENGINEERING MANAGER**

**13.4.1. Mandamah Rural Water Supply Scheme Progress Report**

**13.5. MATTERS SUBMITTED BY THE GENERAL MANAGER**

**13.5.1. Related Party Transaction Notifications**

**13.5.2. Concealed Leak Detection Policy**

**13.5.3. Adoption of 2019-2020 Operational Plan**

**13.5.4. Code of Meeting Practice**

**13.5.5. Code of Conduct**

**13.5.6. Local Government NSW Annual Conference**

**13.5.7. Local Government NSW Water Management Conference**

**14. NEXT MEETING**

**15. QUESTIONS AND STATEMENTS**

**16. CLOSE OF BUSINESS**

**LEAVE OF ABSENCE/APOLOGIES**

At the time of preparation of the business paper no apologies have been received.

**ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to their people both past and present and extend that respect to other Aboriginal Australians who are present.

**PRESENTATIONS**

No presentations are scheduled for this meeting.

## **DECLARATION OF PECUNIARY INTERESTS**

### **Declaration of Interest**

Councillors and senior staff are reminded of their obligation to declare their pecuniary interest in any matters listed before them.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

## **DECLARATION OF NON PECUNIARY INTERESTS**

### **Declaration of non Pecuniary Interest**

Councillors and senior staff are reminded of their obligation to declare their interest in any matters listed before them.

In considering your interest you are reminded to include non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.

Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.

Councillors must state their reasons in declaring any type of interest.

**CONFIRMATION OF MINUTES**

It is recommended that the minutes of the meeting held 02 May 2019 having been circulated to members be confirmed as a true and accurate record.



**BUSINESS ARISING FROM MINUTES**

At the time of preparation of the business paper no business was arising from minutes.

**CORRESPONDENCE**

At the time of preparation of the business paper no relevant correspondence had been received for inclusion.

### **ADMISSION OF LATE REPORTS**

In accordance with clause 241 (3) of the Local Government (General) Regulations 2005 business may be transacted at a meeting without due notice only if:

- a) A motion is passed to have the business transacted at the meeting, and
- b) The business is proposed to be brought forward is ruled by the chairperson to be of great urgency.

**NOTICES OF MOTION/RESCISSION MOTIONS**

At the time of preparation of the Business Paper no Notices of Motion or Rescission Motions have been received.

**CHAIRPERSONS MINUTE**

At the time of preparation of the Business Paper the Chairperson had not issued a report for publication.

**PUBLIC PARTICIPATION - CONFIDENTIAL SESSION**

*In accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005, in the opinion of the General Manager the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in part of the meeting closed to the media and public.*

*It is recommended that Council move into CONFIDENTIAL SESSION.*

## **OURA HIGH VOLTAGE ELECTRICAL ASSET UPGRADE**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:*

- d) Commercial information of a confidential matter that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it**

**EXITING CONFIDENTIAL**

There being no further confidential items it is recommended that Council revert back to Open Session and that the resolutions made in Confidential Session be made public.

*The General Manager is to read out any resolutions made in Confidential Session.*



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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**COUNCIL INVESTMENTS**

**Report prepared by Accountant**

**COUNCIL OFFICER RECOMMENDATION**

That the report detailing Council Investments as at 31<sup>st</sup> May 2019 be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

A report on Council's Investments is required to be presented for Council's consideration in accordance with Clause 212 of the Local Government (General) Regulation 2005.

**REPORT**

This report is presented for information on Council Investments as at 31<sup>st</sup> May 2019.

Council's investment portfolio increased by \$2,500,000.00 from \$48,750,000.00 as at 31<sup>st</sup> March 2019 to \$51,250,000.00 as at 31<sup>st</sup> May 2019.

For the month of May, the deposit portfolio provided a solid return of +0.25% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.10% (actual). The strong performance continues to be driven by those deposits still yielding above 3% p.a. However, some of these deposits are fast maturing and may be reinvested at lower prevailing rates unless a longer duration is maintained.

Over the past year, the deposit portfolio returned +3.04% p.a., strongly outperforming bank bills by 1.05% p.a., and more than double the official cash rate. This is considered very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.

As at the end of May 2019, Council's deposit portfolio was yielding 2.98% p.a. (down 5bp from the previous month), with an average duration of around 470 days (~1.3 years).

With an expected increase in Capital Expenditure, the portfolio will see an increase in short term investments, generally of 12 months at \$1,000,000. The intent is to have these investments maturing on a monthly basis.

**FINANCIAL IMPACT STATEMENT**

Council's investment portfolio increased by \$2,500,000.00 from \$48,750,000.00 as at 31<sup>st</sup> March 2019 to \$51,250,000.00 as at 31<sup>st</sup> May 2019.

**ATTACHMENTS:** Council Investments Report as at 31<sup>st</sup> May 2019.

**TABLED ITEMS:** Nil.

**COUNCIL INVESTMENTS REPORT AS AT 31st MAY 2019**

Council's investment portfolio increased by \$2,500,000.00 from \$48,750,000.00 as at 31st March 2019 to \$51,250,000.00 as at 31st May 2019..

**INVESTMENT PORTFOLIO:**

Type	Rating	Issuer	Allocation	Frequency	Principal	Purchase	Maturity	Rate
TD	NR	Australian Military Bank	GENERAL	At Maturity	\$1,000,000	10/07/2018	10/07/2019	3.11
TD	BBB	Members Equity Bank	GENERAL	At Maturity	\$1,000,000	16/05/2019	17/07/2019	2.19
TD	A-	AMP Bank	GENERAL	Annual	\$1,000,000	20/03/2019	16/09/2019	2.75
TD	A-	AMP Bank	GENERAL	At Maturity	\$1,000,000	16/05/2019	12/11/2019	2.60
TD	A-	AMP Bank	GENERAL	At Maturity	\$2,000,000	16/05/2019	12/11/2019	2.60
TD	A	ING Direct	GENERAL	Annual	\$3,000,000	11/12/2017	9/12/2019	2.91
TD	A	ING Direct	GENERAL	Annual	\$3,000,000	20/12/2017	23/12/2019	2.87
TD	BBB+	Rural Bank	GENERAL	Annual	\$3,000,000	14/02/2018	14/02/2020	2.86
TD	A-	AMP Bank	GENERAL	At Maturity	\$1,000,000	26/02/2019	26/02/2020	2.75
TD	A-	AMP Bank	GENERAL	At Maturity	\$1,000,000	20/03/2019	19/03/2020	2.75
TD	NR	Police Credit Union SA	GENERAL	Annual	\$1,000,000	21/03/2018	23/03/2020	3.02
TD	A-	AMP Bank	GENERAL	Annual	\$1,000,000	16/05/2019	15/05/2020	2.35
FRTD	BBB	Newcastle Permanent	GENERAL	Quarterly	\$2,000,000	8/06/2017	9/06/2020	3.21
TD	BBB	Auswide Bank	GENERAL	At Maturity	\$1,000,000	20/06/2018	22/06/2020	3.00
TD	AA-	Westpac	GENERAL	Annual	\$2,000,000	12/07/2017	13/07/2020	3.01
TD	AA-	Westpac	GENERAL	Quarterly	\$1,000,000	25/09/2017	28/09/2020	3.06
TD	BBB+	BOQ	GENERAL	Annual	\$3,000,000	7/11/2017	9/11/2020	3.00
TD	BBB+	Rural Bank	GENERAL	Annual	\$3,000,000	6/12/2017	7/12/2020	2.95
TD	BBB+	Rural Bank	GENERAL	Annual	\$3,000,000	9/01/2018	11/01/2021	3.10
TD	NR	Police Credit Union SA	GENERAL	Annual	\$2,000,000	21/03/2018	22/03/2021	3.15
TD	NR	Australian Military Bank	GENERAL	Annual	\$1,000,000	29/03/2018	29/03/2021	3.20
TD	AA-	Westpac	GENERAL	Quarterly	\$3,000,000	24/04/2018	27/04/2021	3.13
TD	BBB	P&N Bank	GENERAL	Annual	\$3,000,000	27/06/2018	28/06/2021	3.15
TD	BOQ	BOQ	GENERAL	Annual	\$2,000,000	12/07/2017	12/07/2021	3.45
TD	BBB+	BOQ	GENERAL	Annual	\$3,000,000	29/10/2018	29/10/2021	3.00
TD	BBB+	BOQ	GENERAL	Annual	\$1,000,000	12/07/2018	12/07/2022	3.50
CASH	AA-	CBA	GENERAL	Monthly	\$2,250,000	30/06/2016		1.45
<b>TOTAL:</b>					<b>\$51,250,000</b>			

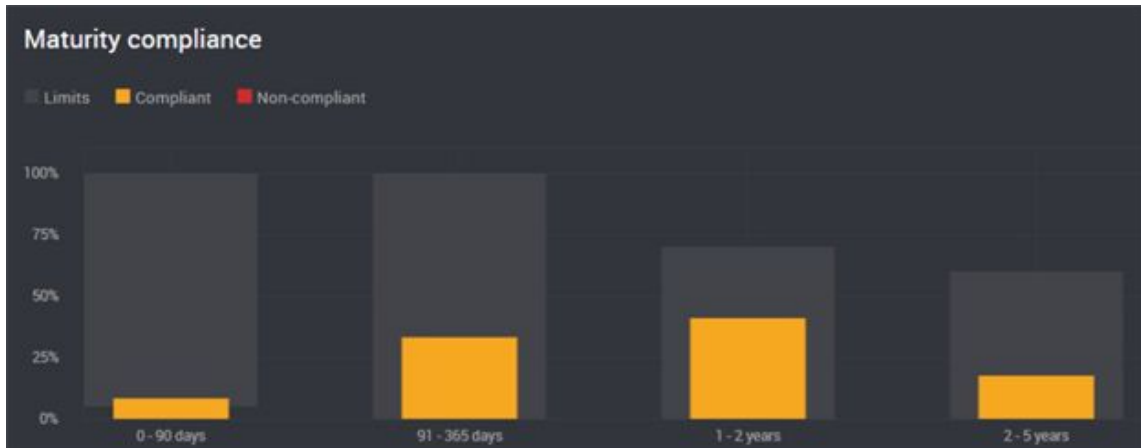
For the month of May, the deposit portfolio provided a solid return of +0.25% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.10% (actual). The strong performance continues to be driven by those deposits still yielding above 3% p.a. However, some of these deposits are fast maturing and may be reinvested at lower prevailing rates unless a longer duration is maintained.

Over the past year, the deposit portfolio returned +3.04% p.a., strongly outperforming bank bills by 1.05% p.a., and more than double the official cash rate. This is considered very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 3 years.

With an expected increase in Capital Expenditure, the portfolio will see an increase in short term investments, generally of 12 months at \$1,000,000. The intent is to have these investments maturing on a monthly basis

**TERM TO MATURITY**

The percentage of investments maturing over the next ten (10) years is detailed below:



**COUNTER PARTY COMPLIANCE**

As at the end of May, Council did not have an overweight position to any single ADI although BoQ (BBB+) and Bendigo (BBB+) remain close to capacity. The capacity limits are also dependent on the balances in the overnight cash accounts.

Overall, the portfolio is mainly diversified across the entire credit spectrum, including some exposure to unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	CBA	AA-	\$2,250,000	4.39%	45%	\$20,812,500
✓	WBC (St George)	AA-	\$6,000,000	11.71%	45%	\$17,062,500
✓	AMP	A	\$7,000,000	13.66%	40%	\$13,500,000
✓	ING Bank	A	\$6,000,000	11.71%	40%	\$14,500,000
✓	BOQ	BBB+	\$9,000,000	17.56%	20%	\$1,250,000
✓	Bendigo	BBB+	\$9,000,000	17.56%	20%	\$1,250,000
✓	Auswide	BBB	\$1,000,000	1.95%	20%	\$9,250,000
✓	ME Bank	BBB	\$1,000,000	1.95%	20%	\$9,250,000
✓	Newcastle PBS	BBB	\$2,000,000	3.90%	20%	\$8,250,000
✓	P&N Bank	BBB	\$3,000,000	5.85%	20%	\$7,250,000
✓	Australian Military	Unrated	\$2,000,000	3.90%	10%	\$3,125,000
✓	Police CU SA	Unrated	\$3,000,000	5.85%	10%	\$2,125,000
			<b>\$51,250,000</b>	<b>100.00%</b>		

**CREDIT QUALITY COMPLIANCE**

The portfolio remains well diversified from a credit ratings perspective. The portfolio is predominately invested amongst the investment grade ADIs (rated BBB- or higher), with a smaller allocation to the unrated ADIs (~9.76%).

Council’s adopted investment policy does not impose aggregate limits across the various ratings spectrum.

The table below is based on typical investment diversification by NSW local councils, as adopted as part of their policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AA Category	\$8,250,000	16.10%	100%	\$43,000,000
✓	A Category	\$13,000,000	25.37%	80%	\$28,000,000
✓	BBB Category	\$25,000,000	48.78%	60%	\$5,750,000
✓	Unrated ADIs	\$5,000,000	9.76%	10%	\$125,000
		<b>\$51,250,000</b>	<b>100.00%</b>		

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**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

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**PROGRESS REPORT - CAPITAL WORKS EXPENDITURE**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the report detailing Council's Capital Works Program as at 31<sup>st</sup> May 2019 be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Capital Works represents an important part of Councils activities and expenditure. This report details progress year to date on programmed and emergent capital works. Water mains are a significant part of the annual program and are also reported in more detail.

**REPORT**

This report is presented for information on the progress of Council's Capital Works Program as at 31<sup>st</sup> May 2019.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Capital Works Progress Report as at 31<sup>st</sup> May 2019.

**TABLED ITEMS:** Nil.

Goldenfields Water County Council CAPITAL WORKS PROGRESS										
AS AT 31st MAY 2019	2018/19 BUDGET	2017/18 CARRYOVER	QBR's & AMENDMENTS	2018/19 TOTAL BUDGET	ACTUAL YTD	COMMITTED YTD	TOTAL ACTUAL & COMMITTED YTD	VARIANCE YTD	% ACTUAL TO BUDGET	% PROJECT COMPLETION
<b>CAPITAL INCOME:</b>	\$	\$	\$	\$	\$	\$	\$	\$	%	
Sale of Plant	(1,066,000)	-	-	(1,066,000)	(672,906)	-	(672,906)	(393,094)		
<b>Total Capital Income:</b>	<b>(1,066,000)</b>	<b>-</b>	<b>-</b>	<b>(1,066,000)</b>	<b>(672,906)</b>	<b>-</b>	<b>(672,906)</b>	<b>(393,094)</b>	<b>63%</b>	<b>70%</b>
<b>CAPITAL EXPENDITURE:</b>										
<b>NEW SYSTEM ASSETS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	%	
Plant & Equipment	170,000	300,000	22,000	492,000	426,691	-	426,691	65,309	87%	95%
Future Capital Project Investigations	250,000	-	-	250,000	156,101		156,101	93,899	62%	80%
Developer Paid Mains	40,000	-	-	40,000	175,390	1,328	176,718	(136,718)	442%	
Capital Easement Compensation	20,000	-	-	20,000	-	-	-	20,000	0%	75%
AutoCard Refilling Stations	120,000	-	60,000	180,000	118,073	9,386	127,459	52,541	71%	90%
Nangus	175,000	-	-	175,000	-	-	-	175,000	0%	5%
Boorowa	100,000	-	-	100,000	-	-	-	100,000	0%	0%
Chlorine Analysers	75,000	-	-	75,000	50,781	84,180	134,961	(59,961)	180%	80%
Matong Bore 1	300,000	-	(190,000)	110,000	43,775	2,944	46,719	63,281	42%	20%
Mag Flow and Bulk Meters	150,000	-	(150,000)	-	-	-	-	-		
Backflow Devices	750,000	-	-	750,000	372,290	121,563	493,853	256,147	66%	70%
Mandamah	1,800,000	1,605,000	(500,000)	2,905,000	2,342,611	991,811	2,956,436	(51,436)	102%	90%
Intangibles	-	146,500	-	146,500	169,341	1,550	170,891	(24,391)	117%	90%
Jugiong Filtration Turbidity Meters	-	-	120,000	120,000	16,022	52,339	68,361	51,639	57%	60%
CIVICA	100,000	242,345	-	342,345	145,189	-	145,189	197,156	42%	30%
<b>TOTAL NEW SYSTEM ASSETS:</b>	<b>4,050,000</b>	<b>2,293,845</b>	<b>(638,000)</b>	<b>5,705,845</b>	<b>4,016,264</b>	<b>1,265,101</b>	<b>4,903,379</b>	<b>802,466</b>	<b>86%</b>	
<b>RENEWALS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	%	
Mains - Renewal	250,000	-	(250,000)	-	-	-	-	-		

Goldenfields Water County Council CAPITAL WORKS PROGRESS										
AS AT 31st MAY 2019	2018/19 BUDGET	2017/18 CARRYOVER	QBR's & AMENDMENTS	2018/19 TOTAL BUDGET	ACTUAL YTD	COMMITTED YTD	TOTAL ACTUAL & COMMITTED YTD	VARIANCE YTD	% ACTUAL TO BUDGET	% PROJECT COMPLETION
Mains - Rehab- Uley Lane	-	498,100	(448,100)	50,000	-	-	-	50,000	0%	20%
Mains - Replacement	375,000	-	440,000	815,000	627,901	64,875	692,776	122,224	85%	100%
Pipeline - Thanowring Road	600,000	-	(550,000)	50,000	6,672	26,893	33,565	16,435	67%	50%
Pipeline - Jugiong Road	1,000,000	-	(670,000)	330,000	127,288	12,273	139,561	190,439	42%	85%
Reservoir Rehab	100,000	-	(50,000)	50,000	-	-	-	50,000	0%	
Reservoir Recoating	1,010,000	304,000	(100,000)	1,214,000	1,164,644	1,560	1,166,204	47,796	96%	100%
Reservoir Re-Roofing	100,000	-	-	100,000	95,046	-	95,046	4,954	95%	100%
Pumps - Major Maintenance	250,000	-	-	250,000	209,899	6,199	216,098	33,902	86%	90%
SCADA	1,000,000	-	(500,000)	500,000	453,462	36,941	490,403	9,597	98%	95%
Pump Station Mech/Elec	500,000	11,050	-	511,050	343,045	121,149	464,194	46,856	91%	90%
Meter and Taggle Renewal	100,000	-	-	100,000	44,196	20,482	64,678	35,322	65%	90%
Service Renewals	45,000	-	40,000	85,000	110,214	1,954	112,168	(27,168)	132%	98%
IT Equipment	100,000	-	-	100,000	20,824	-	20,824	79,176	21%	50%
Plant	1,516,000	-	-	1,516,000	1,195,021	81,154	1,276,175	239,825	84%	90%
Land & Buildings	50,000	18,360	(22,000)	46,360	13,224	-	13,224	33,136	29%	50%
<b>TOTAL RENEWALS ASSETS:</b>	<b>6,996,000</b>	<b>831,510</b>	<b>(2,110,100)</b>	<b>5,717,410</b>	<b>4,411,436</b>	<b>373,480</b>	<b>4,784,916</b>	<b>932,494</b>	<b>84%</b>	
<b>TOTAL CAPITAL EXPENDITURE:</b>	<b>11,046,000</b>	<b>3,125,355</b>	<b>(2,748,100)</b>	<b>11,423,255</b>	<b>8,427,700</b>	<b>1,638,581</b>	<b>9,688,295</b>	<b>1,734,960</b>	<b>85%</b>	

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**UTILITY BILLING UPDATE**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the update on Goldenfields Water's Utility Billing Module be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Goldenfields Water Financial Software was commissioned as of the 1 July 2018 utilising Civica Authority Version 7.0. However in late May 2018, Civica and Goldenfields agreed to postpone Utility Billing Module implementation as the software required some modifications.

Subsequent postponements of Go-Live Dates in October 2018 and then again in January 2019 have hampered full implementation of the Authority Software.

This necessitated Goldenfields levying Water Accounts in its legacy system, while receipting payments in the new Financial System which required regular data transfers from new to old.

Goldenfields Water is also the first Council in New South Wales to operate Civica Authority's Utility Billing Module. Other users include one Victorian Water Utility and a Queensland Council operating its Gas business.

**REPORT**

The final Quarterly Billing for the period 1<sup>st</sup> January to 31 March 2019 was levied in our legacy software 2000Plus on Tuesday 9<sup>th</sup> April 2019. Successful Data conversion to Civica Authority Utility Billing Module occurred from Wednesday 10 April to Saturday 14<sup>th</sup> April 2019. The data conversion processes included validation between each system's water account trial balances.

Utility Billing's Go-Live occurred as programmed 9:00am Monday 15<sup>th</sup> April 2019.

Monthly water accounts for April and May have been completed using the new software as well as day to day water account adjustments, section 603 certificate creation and issue and property transfers. Reminder notices for the 1<sup>st</sup> January to 31<sup>st</sup> March 2019 quarter were also successfully processed in the new software.

Fourth quarter billing for the period 1<sup>st</sup> April to 30<sup>th</sup> June 2019 is programmed for the week commencing 8<sup>th</sup> July 2019.

Customers will encounter a new eight digit water account number which is an unavoidable consequence of adopting the new software. This will have a dual function of also being the electronic payment reference number. This will be the only real change they will encounter with water accounts issued.

Direct payment facilities will also be progressively introduced. Firstly for debt recovery processes from late June, but it's expected that the first quarterly water accounts issued in mid-October 2019 that all customers will be offered direct payment facilities.



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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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Like other Civica Authority programmes Utility Billing has seen significant changes to our day to day processes, achieved utilising our existing staff resources.

Concurrent to Utility Billing, is the Backflow Register which will be utilised in Goldenfields Rural Backflow Installation project. This register is progressing well, likely to become operational the week commencing 24 June 2019.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil.

**TABLED ITEMS:** Nil.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**DEBT RECOVERY UPDATE**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the update on Goldenfields Water's debt recovery be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Goldenfields Water has been using Outstanding Collections to assist in the recovery of overdue monies in line with Council's Debt Recovery & Financial Hardship Policy. Legal action through our external debt collection agency is still utilised in a vacant property situation.

**REPORT**

Goldenfields issued 2049 reminder notices valued at \$1,474,411.39 on the 7<sup>th</sup> June 2019 which are a similar level of reminders notices as per previous quarterly billings.

These reminders were issued from the Civica Authority – Utility Billing module.

It is anticipated that Final Notices will be issued the week commencing 24<sup>th</sup> June 2019, after which the unpaid accounts will be assigned to the Authority Debt Recovery Module for action.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil.

**TABLED ITEMS:** Nil.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**


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**COUNCILLORS AND CHAIRPERSON FEES FOR 2019/2020**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That:

1. Councillors and Chairpersons Fees be increased by 2.5% for the 2019/2020 financial year as per the Local Government Remuneration Tribunal Determination dated 15 April 2019.
2. The annual remuneration for 2019/2020 is: Councillor \$9,891.25 and Chairperson \$16,246.25.

**BACKGROUND.**

The Local Government Remuneration Tribunal Determinations provide the minimum and maximum amounts of fees for Councillors and Chairpersons for the coming year. The determination is pursuant to s239 and s241, while the setting of the fees are contained within s248 and s249 of the Local Government Act 1993.

**REPORT**

The Local Government Remuneration Tribunal Annual Report and Determination dated 15 April 2019 determined an increase of 2.5% to mayoral and councillor fees for the 2019/20 financial year, with effect from 1 July 2019.

For **Table 3: County Councils** - Water the fees are as follows:

	<b>Minimum</b>	<b>Maximum</b>
Councillor	\$1,820	\$10,140
Chairperson-additional	\$3,920	\$16,660

The Board resolved at its June 2018 meeting (Minute 18/048) *“that Councillors and Chairpersons fees be retained at 2017/18 levels”*.

The table below sets out those fees:

	<b>2017/18</b>	<b>2018/19</b>
Councillor	\$9,650	\$9,650
Chairperson	\$15,850	\$15,850

**FINANCIAL IMPACT STATEMENT**

Allocation is included in the budget for increases in councillors and chairpersons fees.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**


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**STORES (INVENTORY) UPDATE**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That;

1. The update on Goldenfields Water's stores (Inventory) be received and noted,
2. That the Board authorise Capital Expenditure of \$25,000 for the purchase of additional pallet racking and multipurpose pallet cages.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Goldenfields Water now operates three Stores

- Temora Workshop Store
- Temora Critical Spares and
- Cootamundra Critical Spares

As of 27 June 2018 and just prior to the store's inventory data transfer from Goldenfields legacy 2000Plus into Civica Authority software, Goldenfields closed its previous stores at Coolamon, Junee, Temora and Wyalong Depots. Store item re-numbering and re-naming were also carried out during the 2018/19 data transfer. It was also intended that the 28<sup>th</sup> June 2018 stocktakes would be reconciled in Authority Inventory Module in the 2018/19 year.

**REPORT**

Firstly, in the preparation for the data transfer, a disparity was discovered between the Stores Master Table and the Stores Table which was isolated to data for the Temora Workshop Store. The Master Table was reporting \$20,599.54 more than the calculated total of the individual Stores Table. An adjustment should have occurred in the 2017/18 Financial Statements however this did not occur.

Further, the 2017/18 stocktakes could not be reconciled in the new software, and once the 2017/18 balances were brought forward into Authority's General Ledger in May 2019, fresh stocktakes were carried out for the Temora Workshop and Cootamundra Critical Spares Stores.

With only very limited use, Temora Critical Spares Store did not warrant a review at this time.

The outcome of the adjustment for the 2017/18 Year and the results of the stocktakes of the Temora Workshop Store, and the Cootamundra Critical Spares Store is an overall increase in Inventory of \$6,484.87 assumed to have occurred as a result of capital items surplus to requirement being placed in store.

Total Inventory is presently \$524,403.76 as detailed below:

Trial Balance	Temora Workshop	Coota Critical Spares	Temora Critical Spares
11/06/2019	\$ 389,429.48	\$ 95,395.48	\$ 39,578.80

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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End of Financial Year stocktakes and reconciliation of all stores will be conducted in the last week of June 2019.

The stocktakes highlighted a significant improvement in item identification, however it also identified that additional resources are required to adequately separate store and non-store (Capital Project) items in the Temora Workshop Store where space is at a premium. Large diameter stores at our Cootamundra depot will also benefit with the use of multipurpose pallet cages allowing storage in the existing container.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil.

**TABLED ITEMS:** Nil.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**WRITE OFF OF SUNDRY DEBTOR CHARGES**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board write-off \$1,497.00 of sundry debtor charges of August 2011 of sundry debtor account number 027 (previously number 0143).

**BACKGROUND**

In moving the sundry debtor balances into the new Authority Financial System, a 2011 debt of \$1,497.00 came to attention. It had been understood that this should have been previously reported to the Board for their consideration to write-off the charges that were considered had been raised in error.

**REPORT**

The limited details are, that in late 2010 a letter of offer was issued for a new water service connection for a property in Marrar. A water main extension was required, which the owners arranged to construct at their expense. The owners paid a total of \$11,954.00, \$3,454.00 for contributions water main cut-ins, \$7,500.00 for developer infrastructure charges and \$1,000.00 tapping service and meter charge.

A new water account was created and become operational from 1 July 2011.

The sundry debtor record shows the \$1,497.00 were raised in August 2011 to contributions mains cut-ins.

With developer infrastructure contributions being required to be paid before a water service connection was completed lead to the conclusion that these charges at the time were raised in error.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**BUSSENSCHUTTS LANE MARRAR – MAINS REPLACEMENT**

**Report prepared by Operations Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the progress report on the Bussenschutts lane mains renewal be received and noted

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

01 Excellence in Service Provision

07 Efficient Operations

**BACKGROUND**

The Bussenschutts pipeline renewal has been high on Council's priority list due to poor condition and age. In 2018 there was 30 reported bursts equating to 6.5 bursts/km. This section of pipeline is one the highest problematic pipelines within our system.

The pipeline in this area traverses private property, mainly crop land. The frequent pipeline breaks are a constant problem for the landholders, who suffer inconvenience and loss of revenue, especially during cropping season

**REPORT**

Resources were allocated in March 2019 to replace this pipeline prior to landholders sowing. The pipeline renewal consists of 2.4 kilometers of 100mm OPVC and 3.4 kilometres of 63mm PE.

The job commenced on Tuesday 15<sup>th</sup> May 2019 and is on track and due for completion prior to 30<sup>th</sup> June 2019, weather permitting.

**FINANCIAL IMPACT STATEMENT**

As resolved at the May Council meeting, these works were funded by reallocating existing budget. The initial budget, including 10% contingency for this project was \$370,000 based on the NSW Reference Rates produced by the Department of Primary Industries. To this date the project is on time and significantly under budget with the final works expecting to cost below \$150,000. The implementation of Civica is providing improved cost tracking against projects, particularly those completed internally. This will provide valuable data for improving the cost estimation of future renewal projects.

**ATTACHMENTS:** Photos

**TABLED ITEMS:** Nil.

**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**



Reports to the Goldenfields Water Council meeting to be held on 27 June 2019



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**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

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**WATER PRODUCTION REPORT**

**Report prepared by Production and Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Water Production Report be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

03 Strategic Water Management

**BACKGROUND**

Goldenfields Water provides the essential water requirements of about 40,000 people spread over an area in excess of 20,000 square kilometres between the Lachlan & Murrumbidgee Rivers in the South West of NSW.

Goldenfields Waters' supply system consists of five separate water schemes, Jugiong, Oura, Mt Arthur, Mt Daylight and Hylands Bridge. Goldenfields Water carries out water supply functions within the Local Government areas of Bland, Coolamon, Cootamundra, Hilltops, Junee, Temora, and parts of Narrandera and Wagga Wagga.

Hilltops Shire Council, Cootamundra Gundagai Shire Council and Riverina Water County Council are retailers, who purchase bulk water from Goldenfields and supply the water to retail customers in their respective local government areas.

**REPORT**

**Jugiong drinking Water Scheme**

The Jugiong drinking water scheme sources water from the Murrumbidgee River and has an extraction licence entitlement of 5590ML per annum. Water from the Murrumbidgee River is treated through a 40ML/day, conventional Water Treatment Plant that consists of: Coagulation, Flocculation, Clarification, Filtration, Disinfection and Fluoridation.

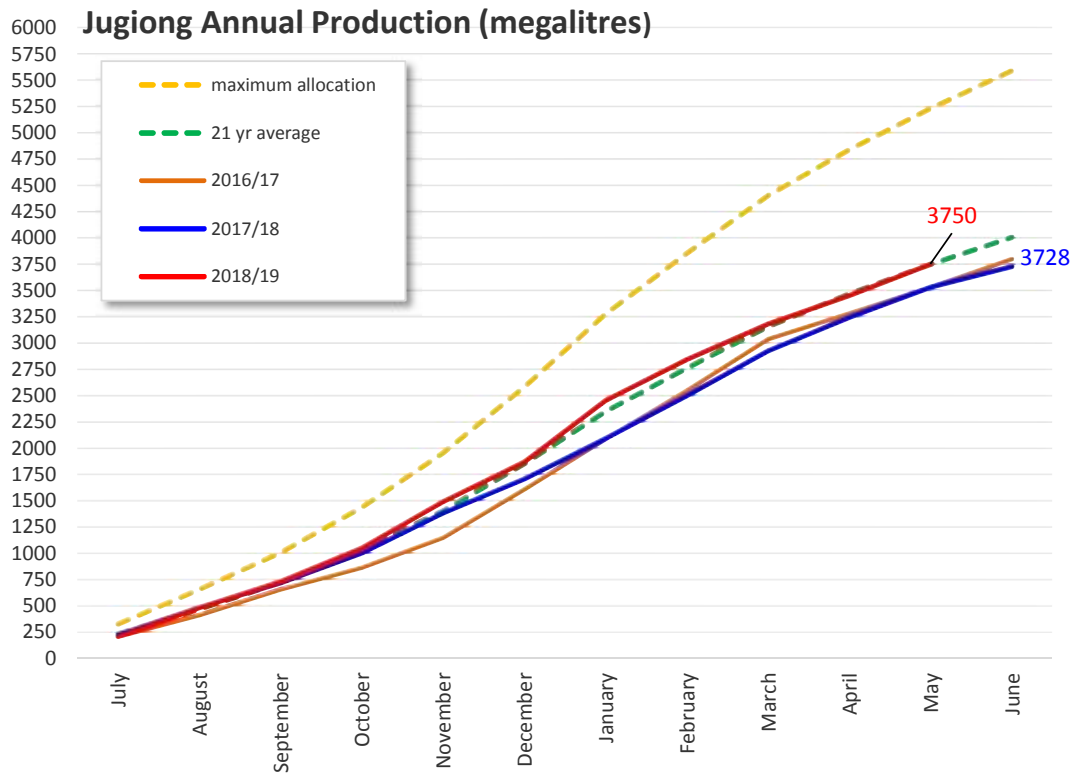
The Jugiong Scheme has 14 sets of reservoirs and 8 pumping stations. The Jugiong Scheme supplies bulk water to the Hilltops and Cootamundra-Gundagai Regional Councils for supply to the townships of Cootamundra, Harden and Young with a population of approximately 6800, 2200 and 8000 respectively.

Goldenfields Water also provides additional retail supply to approximately 600 customers in the villages of Stockinbingal, Wallendbeen and Springdale.

**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

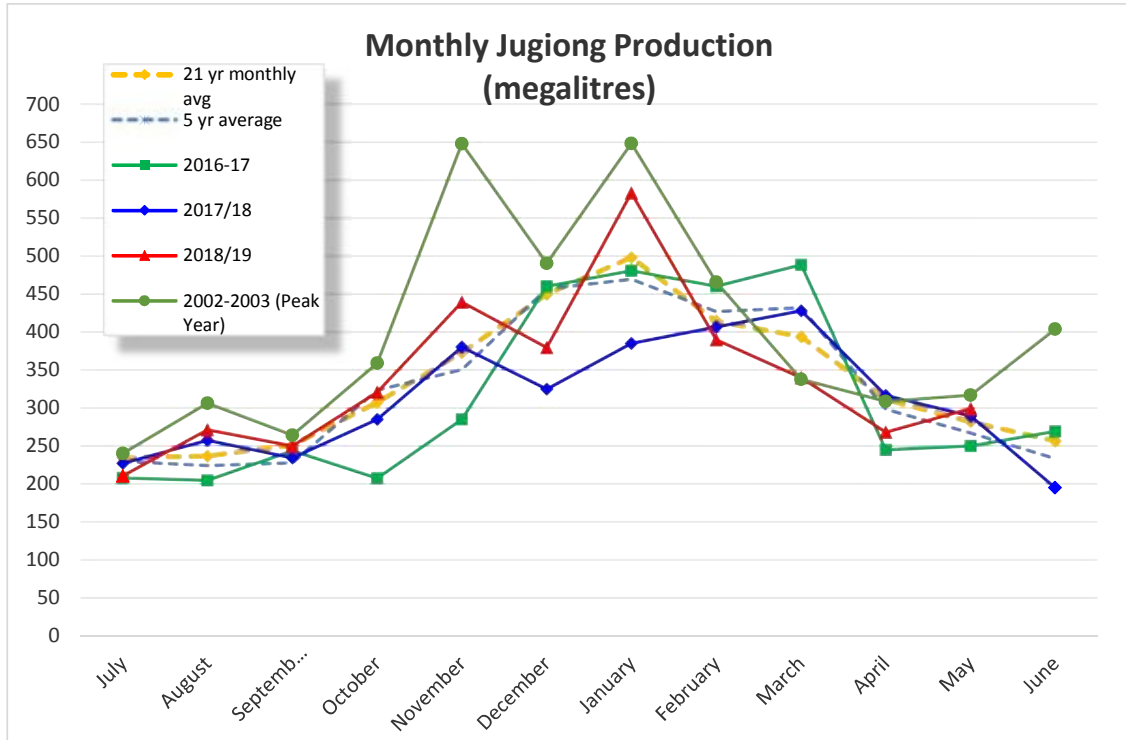
Jugiong annual water production is trending in a similar fashion to previous years.

Up until May 28<sup>th</sup> 2019. Water production was 3750 ML, this is 217 ML higher than the same period last year which was 3533ML. An increase of 6.15%.



**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

Jugiong monthly water production for April was 267.78ML and for May was 299ML. A total of 566ML for the 2 month period. This indicates a decrease of 39 ML compared to the same period last year (605ML).



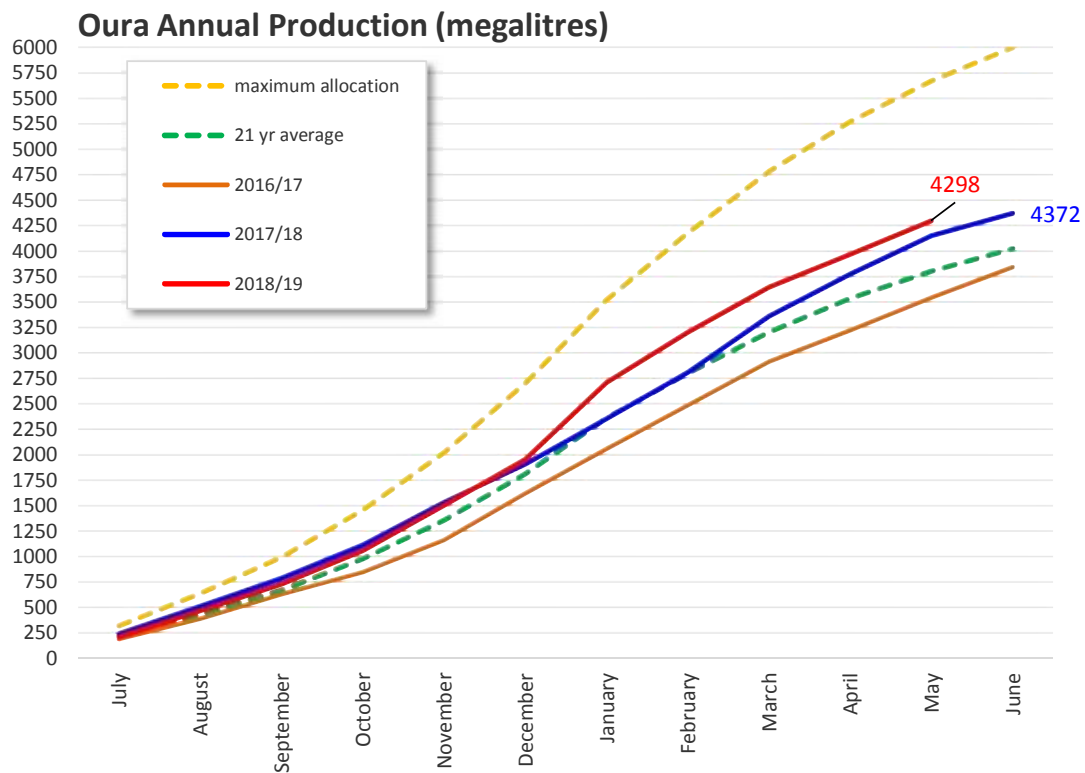
**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

**Oura Drinking Water Scheme**

The water source at Oura is the Murrumbidgee inland alluvial aquifer, this water is extracted from 3 bores namely: Bores 3, 4 and 6. The raw water then goes through a treatment process at the Oura Water Treatment Plant that includes Aeration, Disinfection and Fluoridation.

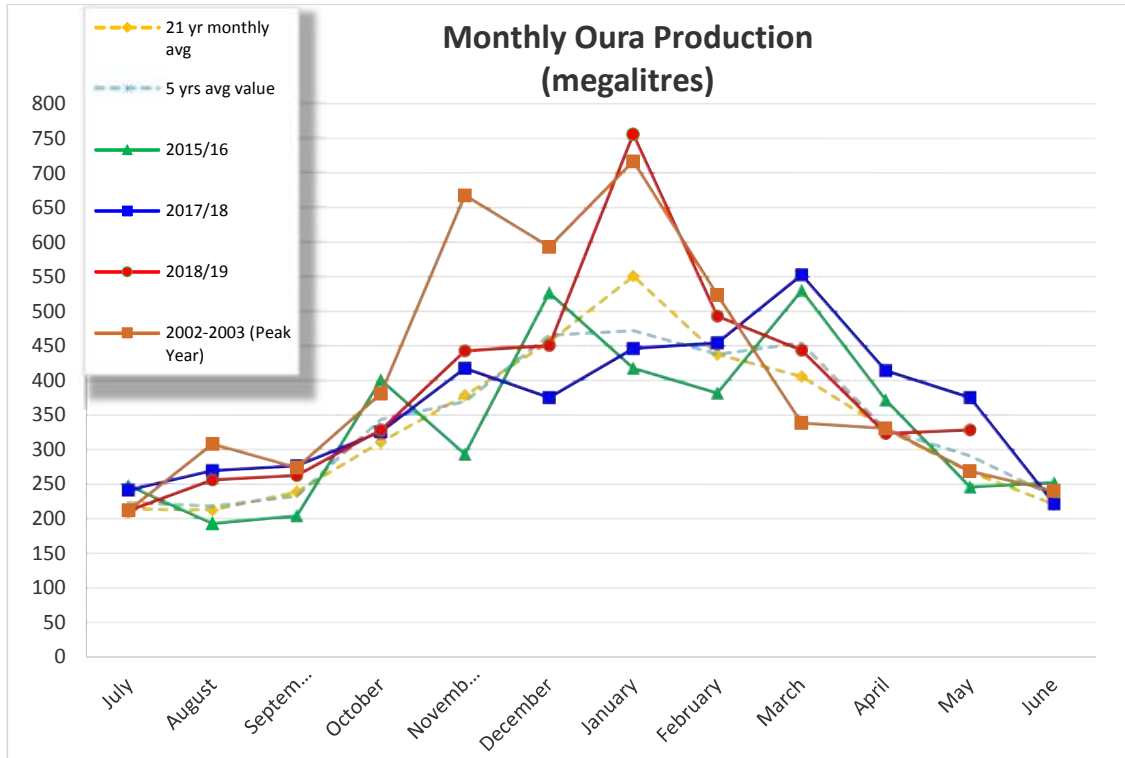
The Oura scheme has 33 sets of reservoirs and 19 pumping stations, produces drinking water for approximately 14,600 people in the Bland, Coolamon, Junee, Narrandera and Temora Shires. The Oura scheme can also supply water to the Northern side of the rural area of Wagga Wagga City when required.

Up until the 28<sup>th</sup> May 2019. Water production from the Oura bores was 4298 ML, this is 148ML more, than the same period last year which was 4150ML. An increase of 3.55%.



**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

Oura monthly water production for the period April and May 2019. Production for April was 323ML and for May was 328ML a total of 651ML a decrease of 138ML as compared to the period (April/May) in 2018, where production was 789ML.



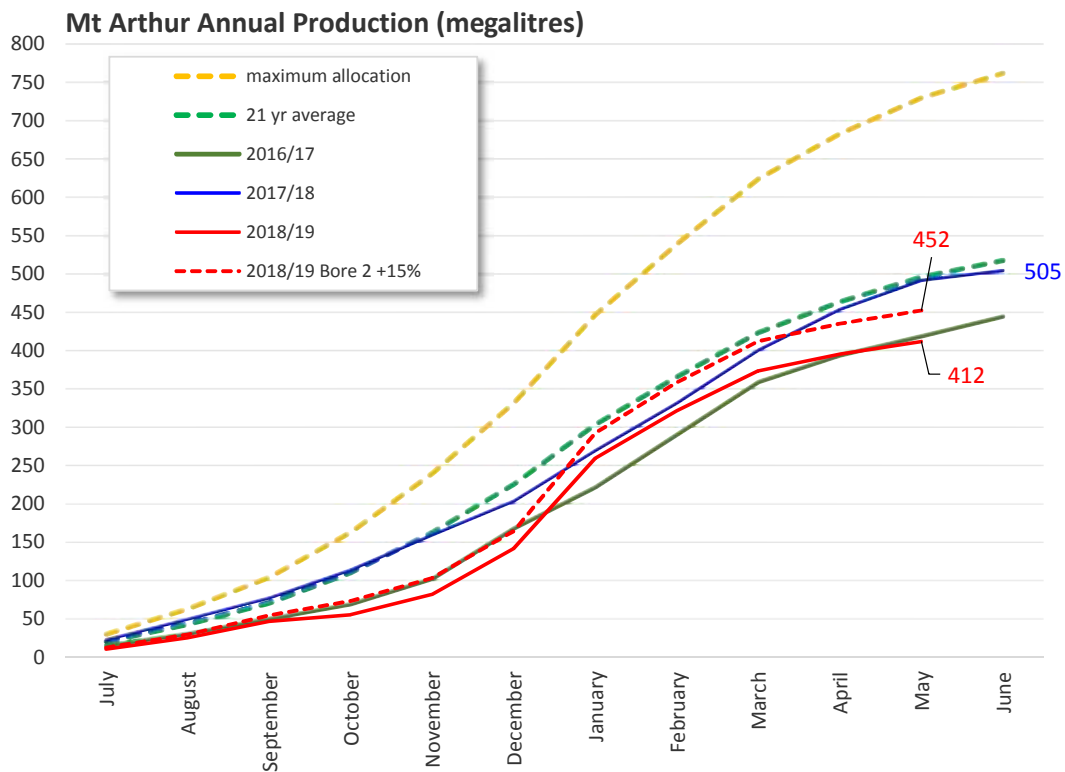
**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

**Mount Arthur Drinking Water Scheme**

The Mount Arthur Water Source is from the Lachlan Fold belt Aquifer System. The water is extracted via two bores, bores 1 and 2 located in the Wagga Wagga City Council area South of Matong. The water is disinfected before distribution through 9 sets of reservoirs supplying approximately 2400 people with water in the Coolamon shire.

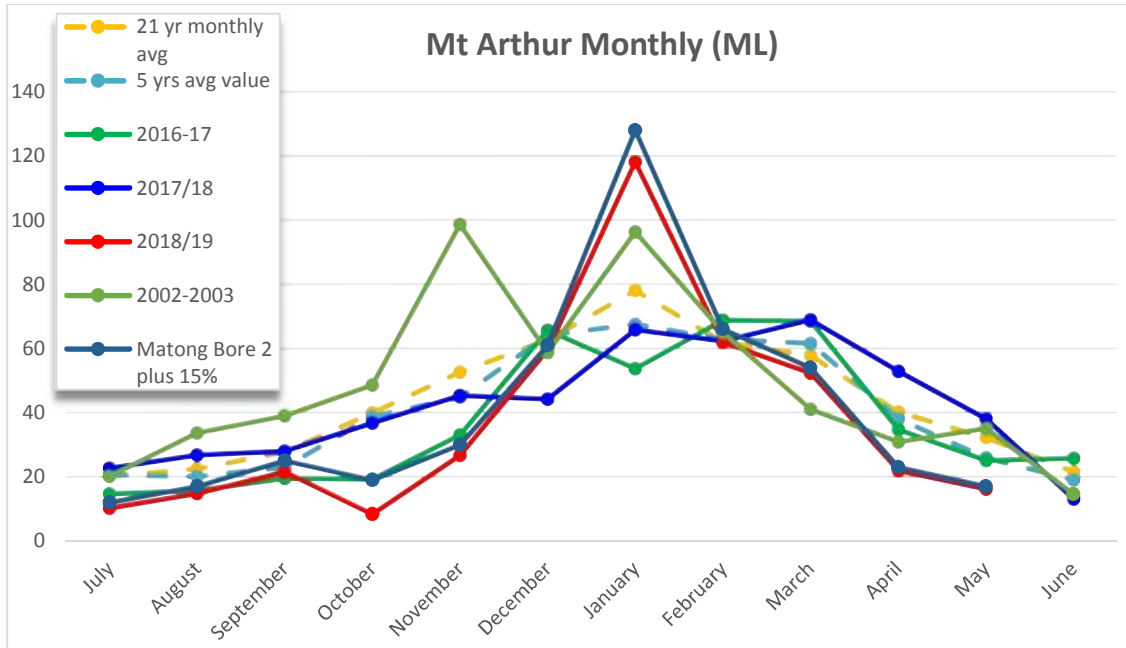
To the end of May 2019, 412ML of water has been extracted from the Mt Arthur Bores this is fractionally lower than for the same period in 2017/18 (492ML).

It should be noted that Staff have recognised that Bore 2 flow meter appears to be reading lower than expected. Initial investigations have identified that there is a potential decrease of 9l/s when compared to a portable ultrasonic meter that was utilised to validate flows. This means that there is an estimated 15% potential variation of production in Bore 2. The below graphs have included the differences in production for the same year as a comparison to previous year’s production. The replacement of a new production meter and new pipeline arrangement will commence in the 2019/20 financial year.



**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

Mount Arthur monthly water production for the period April and May 2019 was 22ML and 16ML respectively, a total of 38 ML as compared to the same period (April/May) in 2018 where production was 91ML. A decrease of 53ML.



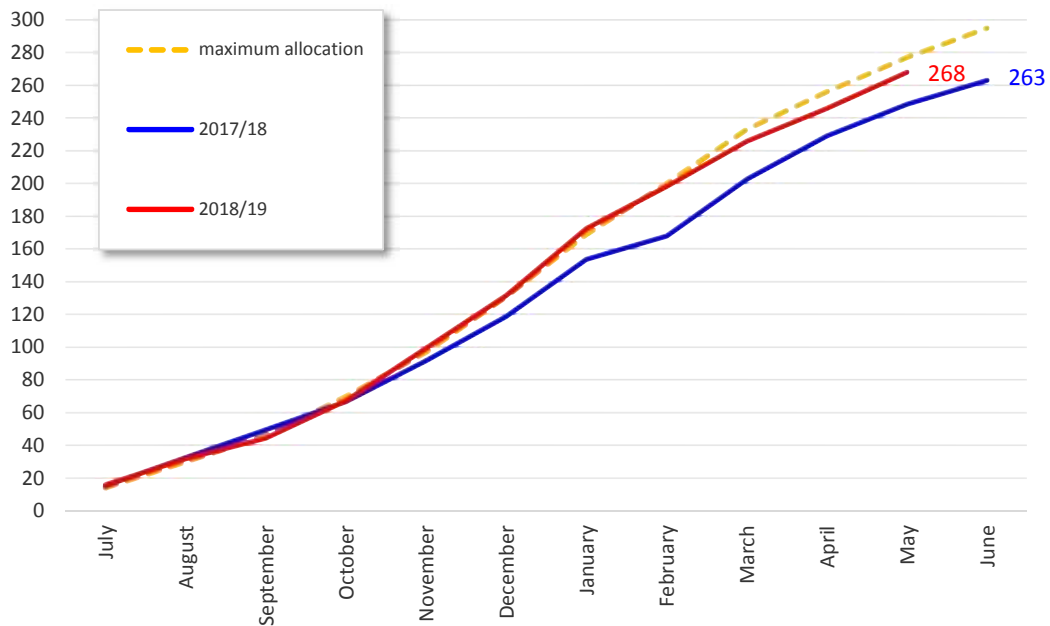
**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

**Mount Daylight Drinking Water Scheme**

The Mount Daylight water source is from the Lower Lachlan alluvium aquifer. The Mount Daylight bores are jointly operated with Carathool Shire Council. Carathool Shire Council is responsible for bore management. There are 7 sets of reservoirs in the Mt Daylight scheme. Mt Daylight supplies water to approximately 125 people in the villages of Naradhan Weethalle and Tallimba in the Bland Shire Council

To the end of May 2019, 268ML of water has been extracted from the Mt Daylight Bores. This is higher than the same period in 2017/18 (248ML). Indicating an increase of 20ML.

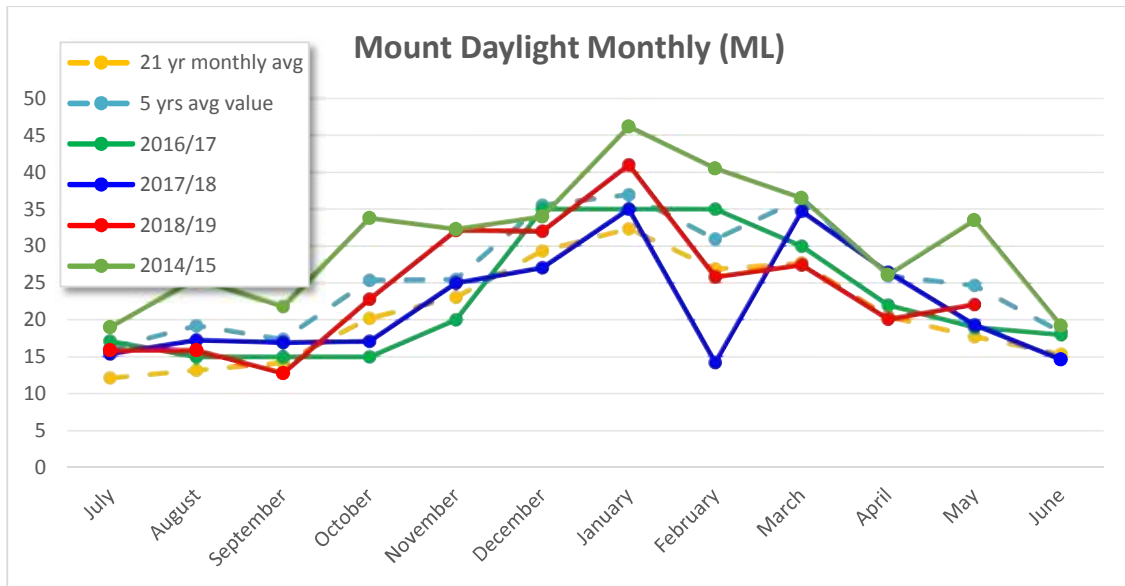
**Daylight Annual Volume (megalitres)**





**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

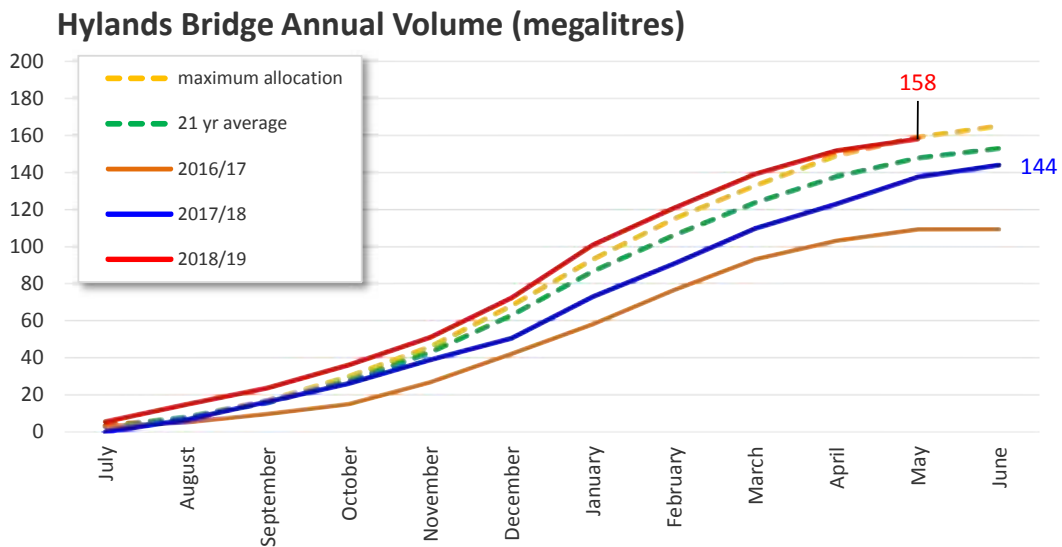
Mount Daylight monthly water production for April was 20ML and May was 22ML. Production for the period was 42ML, a decrease of 3ML compared to the same period in 2018 where production was 45ML.



**Hylands Bridge - Non Potable**

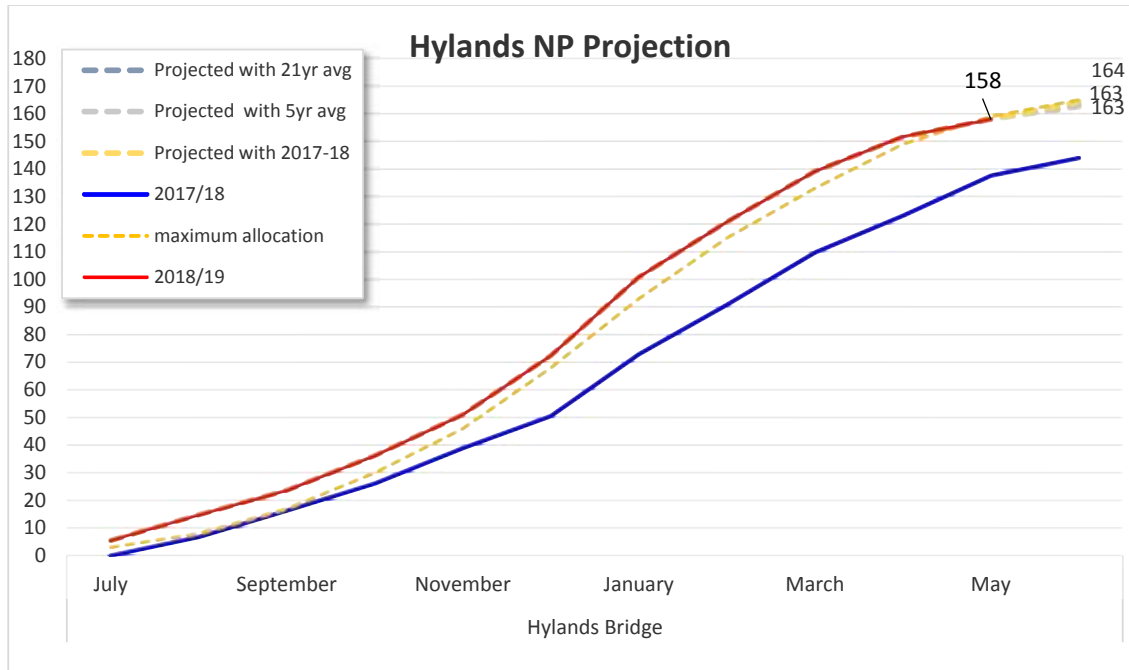
Hylands Bridge supplies Non Potable water to Barellan and Binya.

For the period April and May 2019, 158ML of water has been extracted from Hylands Bridge scheme, this is higher than for the same period in 2017/18 (138ML). An increase in production of 20ML compared to the same period last year.



**GOLDENFIELDS WATER COUNTY COUNCIL – June 2019**

Hylands Bridge Projections are as per the graph below.



**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council’s financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**MANDAMAH STAGES 2 - 4**

**Report prepared by Production & Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board:

1. Note the information provided within the report
2. Approve the construction of stages 2-4
3. Approve the General Manager or his delegate to formally notify customers who have not met the conditions of the agreement.
4. Note that any future connection applications to Mandamah infrastructure will only be assessed upon commissioning of the scheme.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

- 01 Excellence in Service Provision
- 02 Maximising Regional Water Supply
- 03 Strategic Water Management
- 04 Best Practice Pricing
- 09 Financially Sustainable

**BACKGROUND**

At Council's December 2017 Closed Session meeting, Council resolved to:

1. Note the information provided within this report
2. Accept commencement date of constructions as of 27<sup>th</sup> November 2017
3. Approve detailed designs for stages 2, 3 & 4
4. Approve staff to issue all remaining customers for stages 2, 3 & 4, land access and connection agreements with a requirement of 10% deposit as discussed within the body of the report.

**REPORT**

This report provides an update on the Mandamah Water Supply Scheme stages 2 to 4. The design contract has been awarded to Kellogg Brown & Root Pty Ltd (KBR), whom have completed the design of the pump station and preliminary designs for all remaining stages. The detailed designed stage has commenced (10% completed) with an expectation of completion for all stages by December 2019.

As previously resolved at the December 2017 Council meeting, all customers proposed for connection throughout stages 2-4 were issued with agreements and requested to pay a non-refundable deposit of 10% to secure the projects investment for the remaining stages.

Letters/agreements were issued to customers of stages 2-4 clearly outlining all charges and conditions of the connections. The letter required both a signed confirmation of agreement to the conditions and payment of the 10% deposit by the 13<sup>th</sup> August 2018.

A number of customers were late in meeting the deadline and as such, a follow up letter was issued to customers extending the timeframe to pay their deposit by the 12<sup>th</sup> of December 2018 and providing an option for customers to apply for financial hardship if they were unable to pay the deposit but still wanted to be included in the scheme.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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This letter clearly stated that this was the final date for inclusion in the Mandamah scheme and that *“while future applications may be possible, there are no guarantees of either connection or of the contribution required.”*

The following response has been received to date:

- Stage 2 – 20 customers have paid their deposit for a total 28 connections (4 unpaid)
- Stage 3 – 11 customers have paid their deposit for a total 12 connections (3 unpaid)
- Stage 4 – 3 customers have paid their deposit for a total 4 connections (0 unpaid)

**Total 34 customers paid their deposit for a total 44 connections (7 unpaid)**

Of the unpaid deposits:

- One customer had not received their original offer and was only issued a letter of offer this year with a deadline of June 2019 to pay their 10% deposit.
- Three customers have expressed interest in applying for financial hardship; however no formal requests have been received to allow staff to enact on a review of this indication.
- One customer withdrew last year.
- Two customers have not provided any response

Construction of stages 2-4 is expected to commence in September 2019 provided the Board approve to continue with the stages 2-4, noting that 17% of the original customers identified in stages 2-4 have either withdrawn or failed to meet the agreement requirements.

Customers who have not paid their deposit or applied for hardship have been given ample opportunity to join the scheme. Staff recommend that the General Manager or his delegate formally write to each of the customers and advise them that they will be formally removed from the scheme as of 16<sup>th</sup> August 2019 if no deposit is paid by this date.

Staff recommend that the project continue with the construction of stages 2 – 4 on the basis that future opportunities for alternative landholders may apply for any spare capacity of the system through additional connection requests or increased demand requirements, allowing Goldenfields Water to maximise its investment.

Any future requests to connect will be subject to revised pricing requirements of both section 64 contributions and augmentation charges. These future requests will be submitted to Council for review prior to approval to connect.

Staff are recommending that no new connections will be considered for the scheme until such time that the project has been completed and commissioned. This will allow staff to validate the schemes performance and gain a greater understanding of any available capacity.

All remaining costs (around \$1.6m) for deposits will need to be paid prior to connections being provided to the land holders. The timing and invoicing for these remaining costs will occur progressively as the scheme is constructed.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**FINANCIAL IMPACT STATEMENT**

Currently around \$350,000 in customer contributions remain outstanding from the original expectation for commitments in stages 2–4. These outstanding costs may be reduced by any additional payments made prior to the 13<sup>th</sup> August 2019 date.

Thus far, GWCC has received:

- **Stage 1** - \$854,625 received \$0 outstanding
- **Stage 2** - \$190,740 received with around \$800,000 outstanding
- **Stage 3** - \$55,000 received with around \$645,000 outstanding
- **Stage 4** - \$15,000 received with around \$135,000 outstanding

**ATTACHMENTS:** Nil

**TABLED ITEMS:**

1. Deposit Agreement
2. Follow up Letter

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**


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**MANDAMAH RURAL WATER SUPPLY SCHEME PROGRESS REPORT**

**Report prepared by Engineering Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the progress report on the Mandamah Rural Water Supply Scheme be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

02 Maximising Regional Water Supply

**BACKGROUND**

Goldenfields Water is expanding its supply area by adding a new rural water supply scheme to its existing service area around the Mandamah region of NSW (west of the town of Barmedman). The scheme will have the capacity to supply water to approximately 100 connections and will include approximately 180km of pipe, two reservoirs and a pump station. The project is scheduled to be delivered by July 2023 with a total project budget of \$10.9m.

**REPORT**Stage 1

The scheme has been broken up into four stages with stage one almost complete. Stage one included:

- Construction of two reservoirs completed in January 2019
- Construction of the pump station completed in May 2019
- Construction of approximately 66km of mains completed in June 2019
- Installation of meter assemblies is currently underway and due to be completed in June 2019

A breakdown of the costs for stage 1 as of 18 June 2019 are as follows:

<b>Stage 1 Total (18 June 2019)</b>	<b>Expenditure</b>
Design	\$285,143
Pipeline Construction	\$2,563,788
Reservoir Construction	\$1,143,816
P/S construction	\$471,149
Project Management	\$25,126
<b>Total Stage 1</b>	<b>\$4,489,022</b>

The construction of the pipeline for all stages is being carried out by Goldenfields Water's internal construction crew. Stage 1 consisted of the following pipe diameters, materials and lengths:

- 33.8 km of DN200 OPVC
- 17.7 km of DN100 OPVC
- 8km of DN63 PE

It can be seen that Goldenfields Water internal construction crew are providing significant value for money when compared to the DPI NSW Reference Rates Manual which uses

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**


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competitive contract rates obtained by NSW Public Works and other LWUs for water supply projects within NSW.

<b>Stage 1 construction</b>	<b>DPI NSW reference rate \$/m</b>	<b>Goldenfields Water construction costs \$/m</b>
Supply and construct only	\$102.73	\$38.96
Design, supply, construct and Project management	\$113.32	\$43.68

An opening ceremony to celebrate the completion of stage 1 is due to occur in July 2019.

#### Stages 2-4

- Preliminary designs for stages 2-4 were completed in March 2019
- Detailed design is currently underway for stages 2-4. The design of stage 2 has been prioritised and is due to be completed in September 2019
- Construction of stage 2 is expected to commence in September 2019

**Please note:** Preliminary route inspections of stages 2-4 show an increased amount of rock will be incurred in comparison to stage 1. This will likely increase the construction rates experienced in stage 1 but are still expected to remain well below the reference rates.

#### **FINANCIAL IMPACT STATEMENT**

A breakdown of works that occurred during this financial year as of 18 June 2019 is as follows:

<b>2018/19 Financial Year (18 June 2019)</b>	<b>Expenditure</b>
Pipeline construction	\$1,272,825
Reservoir construction	\$936,707
Pump Station construction	\$431,783
Stage 2-4 design	\$396,500
Project Management	\$25,126
<b>Total</b>	<b>\$3,062,941</b>

The 2018/19 expenditure exceeds the current financial year budget of \$2,905,000. This is not due to overspending but rather due to a previous budget adjustment. The expenditure is well below the original budgeted amount of \$3,405,000.

**ATTACHMENTS:** Photos

**TABLED ITEMS:** Nil.

**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**Mandamah Pipeline**





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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**Mandamah Reservoir**



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Reports to the Goldenfields Water Council meeting to be held on 27 June 2019

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**Mandamah Pump Station**



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Reports to the Goldenfields Water Council meeting to be held on 27 June 2019

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**RELATED PARTY TRANSACTION NOTIFICATIONS**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board note the tabling of the related party transaction notification

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

The Australian Accounting Standards Board (AASB) has determined that AASB 124 Related Party Disclosures apply to government entities, including local government.

Related parties include Council's key management personnel, 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.

In the annual financial statements councils must disclose related party relationship, transactions and outstanding balances, including commitments.

**REPORT**

Key Management Personnel – elected members, the general manager, directors and managers are required to complete related party transaction notifications disclosing any existing or potential related party transaction to assist Council in compliance with its statutory obligations.

Related party transaction notifications are tabled biannually to ensure the requirements are met.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Related party transaction notification – Matthew Stadtmiller

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**CONCEALED LEAK DETECTION POLICY**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Concealed Leak Detection Policy be approved.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

Goldenfields developed a Concealed Leak Detection Policy in 2016 to assist Councillors in their deliberations when customers request a reduction in water due to concealed leaks.

**REPORT**

The Concealed Leak Detection Policy is now due for review.

In reviewing the policy, management have considered the time frame that claims will be considered for reduction.

Item 6.3 *Limitations and Exclusions* states:

*Any reduction in a water account as a result of a decision by Council, will be limited to twelve months of water consumed immediately prior to the date of the property owner's application, for a reduction in their water account, being received by Council.*

Management's suggestion is that a reduction in a water account under this policy, as a result of a decision by Council, should be limited to six (6) months of water consumed immediately prior to the date of the property owner's application, for a reduction in their water account, being received by Council.

Water bills are issued quarterly, any excessive water usage should be identified at least once within this time frame, allowing ample time for the leak to be located and restorative works to be completed. Goldenfields encourages customers to monitor their usage, and in addition the MyH2O technology is specifically designed to assist in active monitoring.

The Draft Concealed Leak Policy, incorporating the recommended change is attached for consideration.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Draft Concealed Leak Detection Policy

**TABLED ITEMS:** Nil



Policy No. PP009

# Concealed Leak Detection Policy



## Concealed Leak Detection Policy

### 1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

<b>Date Adopted by Board</b> 27 October 2016, 27 June 2019,	<b>Resolution No.</b> 16/112, 19/---
<b>Policy Responsibility</b> Corporate Services Manager	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b> NA	<b>Next Scheduled Review</b> June 2023

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
19/5997	18/6/2019	6.3 Limitations reduced to 6 months water considered for reduction due to concealed leak
	DD/MM/YYYY	6.5 Review to be undertaken 4 yearly
	DD/MM/YYYY	
	DD/MM/YYYY	
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FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	
<b>Related Policies</b>	
<b>Related Procedures, Protocols, Statements and Documents</b>	



## Concealed Leak Detection Policy

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DRAFT

## Concealed Leak Detection Policy

### 3 PURPOSE

To guide Councils decision making on the extent and conditions under which a reduced water account will be offered to property owners who have received a high water account as a result of a concealed leak.

### 4 SCOPE

This policy applies to Goldenfields Water County Council staff delegated to determine applications for a reduction in a water account due to the discovery of a concealed link.

### 5 DEFINITIONS

**AMR** - means automatic meter reading.

**Average consumption** - means where possible and/or relevant, the average of the last twelve months actual water consumption.

**Concealed leak** - means a leak that has occurred in the main water supply pipe leading from the meter on the owner's property, and where the owner was not aware or could not reasonably be expected to be aware of the existence of a leak.

**Policy** - means "Concealed Leak Detection Policy".

### 6 POLICY

#### 6.1 Principles

- Council is responsible for repairing water leaks on council-owned infrastructure up to and including the water meter.
- The property owner is responsible for repairing water leaks in the pipes carrying water from the water meter onto the owner's property.
- Subject to any Council resolution approving the reduction in a water account under this policy, the property owner is responsible for the payment of the water account in full including consumption related leaks.

#### 6.2 Applicability

Council will only consider a request for a reduction of a water account due to a water leak where:

- the leak was a concealed leak; and
- an AMR device is installed on the meter at the property;
- the property owner took all reasonable steps to ensure the leak was repaired
- as soon as possible; and
- the leak was repaired by a licensed plumber.



## Concealed Leak Detection Policy

### 6.3 Limitations and Exclusions

- Any reduction in a water account as a result of a decision by Council, will be limited to six (6) months of water consumed immediately prior to the date of the property owner's application, for a reduction in their water account, being received by Council.
- Leaks in any area, other than in the main supply line, including but not limited to tap leaks, pool leaks, hot water system leaks, leaks in showers, bathrooms, toilets, inside walls in the building, or irrigations systems, are not covered under this policy.

### 6.4 Applying for a reduction in a water consumption charge

The property owner must apply in writing for a reduction in their water account due to a concealed leak. The application must outline the location and circumstances of the concealed leak. Evidence in support of a claim for a reduction in a water account must accompany the application. Each application must be accompanied by a report from the licensed plumber who repaired the leak detailing:

- the plumbers name, licence number, details of the plumbing repairs undertaken, including:
  - that the leak was in the main water supply from the meter to the premises;
  - the nature and location of the leak and how it was detected;
  - the date the leak was identified and subsequently repaired.

### 6.5 Review of this policy

A review of the policy should be undertake at four yearly intervals.

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**ADOPTION OF 2019-2020 OPERATIONAL PLAN**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council adopts the 2019-2020 Operational Plan incorporating 2019-2020 Fees and Charges and 2019-2020 Budget Summaries.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

Section 405 of the Local Government Act 1993 requires an operational plan including an annual budget and annual fees and charges to be adopted before the beginning of each financial year and for the draft documents to be placed on public exhibition for a period of 28 days.

**REPORT**

In accordance with legislative requirements, the Draft 2019-2020 Operational Plan has been on public exhibition for 28 days. No submissions have been received.

The 2019-2020 Operational Plan is now re-presented to Council for adoption.

The 2019-2020 Operational Plan incorporates 2019-2020 Fees and Charges and 2019-2020 Budget Summaries.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Draft 2019-2020 Operational Plan

**TABLED ITEMS:** Nil



# OPERATIONAL PLAN

2019 – 2020

BUSINESS ACTIVITY STRATEGIC PLAN • DELIVERY PROGRAM • OPERATIONAL PLAN • RESOURCING STRATEGY • FEES & CHARGES



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## Message from the Chairperson

On behalf of the Board of Goldenfields Water County Council, I am pleased to present our Operational Plan for 2019-2020 which is a sub set of the Delivery Program for 2017-2021 adopted in June 2017.

In order to put the Boards commitment to its customers into context it is important to understand the application of the Integrated Planning and Reporting Guidelines mandated under the Local Government Act 1993.

The Integrated Planning and Reporting framework is comprehensively explained later in this document.

The provision of a safe, secure and affordable water supply network to the communities in the Riverina and South West Slopes regions is at the center of these commitments.

Building on this center piece are a number of main business activities including;

1. Excellence in service provision
2. Maximizing regional water supply
3. Strategic water management
4. Best practice pricing
5. Proactive customer relations
6. Environmental protection and sustainability
7. Efficient operations
8. Highly skilled and energetic workforce
9. Financially sustainable

In order to make these business activities happen, Goldenfields Water have adopted a mission statement, vision and values which empower its staff to drive and deliver these promises to the community in a transparent and objective manner.

Goldenfields Water undertakes to increase our customer engagement efforts to build a trusting brand relationship within the communities we serve.

My fellow Board members and I urge you to read these documents and provide us with positive feedback as we continue the long term journey of delivering the best possible water supplies to you.

**Dennis Palmer**  
Chairperson



## Message from the General Manager

Following on from the Chairpersons message and on behalf of the staff of Goldenfields Water we encourage you to read and analyse these documents.

Goldenfields Water have adopted a ten (10) year Business Activity Strategic Plan for the period 2013-2023. This document is a helicopter view of the journey that we are committed to and it contains all of the individual road maps and required resources to ensure we arrive at the agreed destination in 2023.

The 2019/2020 Operational Plan has a number of components, being;

- A commitment to business as usual with an underlying focus on continuous improvement
- A continued investment in the key assets required to deliver top-quality water that meets or exceeds the Australian Drinking Water Guidelines.
- Attention to growing our water supply system to meet the changing needs of our communities
- Ensuring that these components are affordable and can be supported in a financially sustainable manner

Working closely alongside the Goldenfields Water staff and under the strategic stewardship of the Board we look forward to the journey ahead of us in 2019-20.

**Aaron Drenovski**  
**General Manager**

## Profile

Goldenfields Water is a single-purpose county council that has been responsible for providing water supply services to many communities in the South West Slopes and Riverina regions of NSW since 1997.

Goldenfields Water's supply system covers 22,500 square kilometres between the Lachlan and Murrumbidgee rivers. It services over 46,000 people and includes more than 2,400 kilometres of water mains (the longest in NSW).

Water is sourced from protected natural catchments at Jugiong, Oura, Mt Arthur, Mt Daylight and Hylands Bridge before undergoing a world-class treatment process at either of Goldenfields Water's two water treatment plants.

As a county council, Goldenfields Water is a unique organisation given it is made up of seven constituent councils that each depend on it to deliver essential drinking water for their communities.

Goldenfields Water's seven constituent councils are:

- Bland Shire Council
- Coolamon Shire Council
- Junee Shire Council
- Temora Shire Council
- Cootamundra-Gundagai Regional Council
- Narrandera Shire Council
- Hilltops Council

Currently, Goldenfields Water supplies all drinking water directly to the almost 11,000 rural, residential, commercial and other properties in the local government areas of Bland, Coolamon, Junee, Temora, and parts of Cootamundra-Gundagai and Narrandera.

Goldenfields Water supplies water in bulk to Cootamundra-Gundagai and Hilltops councils, which then distribute water directly to their residents (except those already supplied directly by Goldenfields Water in parts of Cootamundra-Gundagai).

It also provides water in bulk to Riverina Water County Council as well as non-potable water (untreated water for non-drinking purposes) directly to 250 properties.



## Mission Statement

To provide regional economic opportunity and lifestyle choices through provision of a quality water supply by innovative leadership showing environmental responsibility in cooperation with the community, constituent councils and governments.

## Vision

To be innovative leaders in the supply and distribution of water through regional efficiency, technical excellence and customer service.

## Values

### **Integrity**

All staff act in the best interest of the communities that we serve, demonstrating and promoting moral and ethical principles in all that we do.

### **Trust**

Built on from the value of Integrity, mutual trust is established between teams and staff at all levels. Open communication lines and transparency in our operations reflects and further builds on this trust.

### **Respect**

All staff treat others with courtesy, politeness and kindness. Differences in viewpoints and beliefs are recognised and considered, with all people being treated fairly and equally.

### **Teamwork**

All staff work together collaboratively and support one another in achieving the operational objectives of GWCC. Our staff understand the importance of working with each other to achieve our objectives.

### **Continuous Improvement**

Staff feel confident and comfortable to offer ideas and suggestions to ensure that GWCC is continually working to deliver better services to our community and finding more efficient ways of undertaking business.





## Strategic Priorities

The 2018-2019 Operational Plan is categorised in-line with the nine strategic priorities established by Goldenfields Water's long-term Business Activity Strategic Plan and the strategic objectives and strategies outlined in its 2017–2021 Delivery Program to achieve those priorities.

### Strategic Priority 01: Excellence in Service Provision

**Objective:** Provision of excellence in delivery of water supply and customer service to all stakeholders.

### Strategic Priority 02: Maximising Regional Water Supply

**Objective:** Planning of water supply for regional development through network analysis and partnerships with constituent councils.

### Strategic Priority 03: Strategic Water Management

**Objective:** Demand management and efficiency improvements through customer awareness and selective asset enhancement.

### Strategic Priority 04: Best Practice Pricing

**Objective:** Generation of income through transparent, equitable and solution driven pricing structures.

### Strategic Priority 05: Proactive Customer Relations

**Objective:** Promotion of customer relations through communication, customer orientation of staff and targeted information delivery.

### Strategic Priority 06: Environmental Protection and Sustainability

**Objective:** Environmental stewardship in carrying out of construction and operational activities.

### Strategic Priority 07: Efficient Operations

**Objective:** Efficiency driven by use of technology, monitoring and performance analysis.

### Strategic Priority 08: Highly Skilled and Energetic Workforce

**Objective:** Highly skilled and driven workforce encouraged by challenging positions and reward for effort and innovation.

### Strategic Priority 09: Financially Sustainable

**Objective:** Financial planning based upon delivery of efficiencies and recovery of costs with growth built upon customer focused solutions.



# Operational Plan Explained

The Operational Plan forms part of a group of plans which supports GWCC's strategic direction

The Operational Plan 2019 – 2020 completes the planning documents and details the activities to be undertaken and the financial requirements to deliver the commitments of the Strategic Business Plan and Delivery Program.

This three tiered process ensures that there are clear links between the long term goals of the community and the activities of Goldenfields Water.

The diagram demonstrates the linkage:



Goldenfields Water will continue to meet its statutory reporting requirements, delivering an accurate and meaningful report on the progress and results each year of its operational plan.

In achieving this management will be responsible for providing quarterly reports to the Goldenfields Board on the activities and financial statements relating to the Operational Plan.

The Operational Plan has two parts:

Part One – The Activities – detailing how Goldenfields Water will deliver outcomes during this financial/operating year.

Part Two – The Financials – including Fees and Charges detailing the budget and associated financial data for this financial/operating year.

# OPERATIONAL PLAN 2019 - 2020



**1: Excellence in service provision**

**1.1: Monitor and report compliance with regulatory, service and other organisational requirements**

**1.1.2: Increased drinking water assurance**

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.1.2.1	Develop and implement an annual drinking water performance scorecard	Develop and implement an annual drinking water performance scorecard.	Develop and submit Council's Annual Drinking Water Management Report.	Production & Services Manager				X





## 1.2: Provide a reliable and quality drinking water supply

### 1.2.2: Assets are managed strategically, across whole of life to improve delivery of services and financial management

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.2.1	Develop an understanding of asset performance to improve decision-making	Annually review asset performance data. Implementation of an app to capture burst data. Undertake 1 pump station audit each quarter	Implementation of an app to capture burst data. Undertake 1 pump station audit each quarter.	Engineering Manager	X	X	X	X
1.2.2.3	Deliver capital works program	Construct and deliver Mandamah Pipeline Stage 2 as per program. Deliver the Capital Works as per program.	Achieve greater than 85% of program	Operations Manager	X	X	X	X
1.2.2.4	Operate, maintain water infrastructure to meet defined levels of service	Hydrant and valve maintenance/replacement program has been established and resources allocated. Reservoir cleaning/maintenance & inspections is on-going with reports actioned to Engineering department.	Achieve greater than 85% of program	Operations Manager			X	
1.2.2.6	Valuation of assets	Maintain asset data in a register and complete revaluation every 3-5 years. A revaluation is not due in the 19/20 FY.	Maintain asset data register and complete revaluation every 3-5 years. Not due in 2019/2020.	Engineering Manager				X



### 1.2.3: Contamination resulting from backflow is minimised

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.3.1	Develop and implement a backflow prevention program	Continue with backflow prevention installation program	Achieve greater than 85% of program	Engineering Manager	X	X	X	X
1.2.3.2	Identify strategic locations across the region and install fixed standpipes	Monitor success of new filling stations	Monitor usage of the automated filling stations in comparison to existing standpipes.	Engineering Manager		X		X

### 1.2.4: Water mains are systematically renewed and extended, based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.4.1	Develop and implement a water main renewal program	Develop and implement a water main renewal program. For the extended Coursing Park area and Daylight scheme develop a renewal program for the next 5 years.	Renewal programs are developed to inform future capital works.	Engineering Manager	X	X	X	X
1.2.4.2	Develop and implement a water main extension program	Continue with Mandamah water main extension program	Complete 30km of the Mandamah project.	Engineering Manager				X



### 1.2.5: Water Pumping Stations are systematically renewed based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.5.1	Develop and implement a water pumping station renewal program	Develop and implement a water pumping station renewal program	Program to be developed and continually updated in accordance with Councils Asset Management Risk Management Framework, Condition Manual and Investment Prioritisation Model.	Production & Services Manager	X			X

### 1.2.6: Trunk mains are systematically renewed based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.6.1	Develop and implement a trunk main renewal program	Develop and implement a trunk main renewal program	Complete a minimum of 5km of trunk main renewal.	Engineering Manager	X	X	X	X

### 1.2.8: Telemetry system is systematically renewed and extended, based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.8.1	Develop and implement a Telemetry renewal program	Develop and implement a telemetry renewal program	Telemetry and SCADA equipment to be renewed as failures occur.	Production & Services Manager		X		X



### 1.2.9: Flow meters are systematically renewed and extended, based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.9.1	Develop and implement a flow meter renewal program	Develop and implement a flow meter renewal program. Validate the calibration of all production flow meters	Validate the calibration of all production flow meters.	Engineering Manager		X		X

### 1.2.10: System valves are systematically renewed and extended, based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.10.1	Develop and implement an air valve, scour, reflux renewal program	Develop and implement an air valve, scour and reflux renewal program	Achieve greater than 85% of program	Engineering Manager	X	X	X	X
1.2.10.2	Develop and implement a PRV and surge tank renewal program	Develop and implement a pressure reducing valve and surge tank renewal program	Achieve greater than 85% of the program	Engineering Manager	X	X	X	X
1.2.10.4	Develop and implement a control valve renewal program	Develop and implement a control valve renewal program	Achieve greater than 85% of program	Engineering Manager		X		X
1.2.10.6	Develop and implement a stop valve renewal program	Develop and implement a stop valve renewal program	Achieve greater than 85% of program	Engineering Manager	X	X	X	X





### 1.2.11: Hydrants are systematically renewed based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.11.1	Develop and implement a hydrant renewal program	Develop and implement a hydrant renewal program	Achieve greater than 85% of program	Engineering Manager	X	X	X	X

### 1.2.12: Instrumentation installations are systematically renewed and extended, based on asset performance data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.12.1	Develop and implement a instrumentation renewal program	Develop and implement an instrumentation renewal program	Undertake renewal of water quality and SCADA instrumentation equipment as required.	Production & Services Manager				X
1.2.12.2	Develop and implement a instrumentation expansion program	Develop and implement an instrumentation expansion program	Expansion of water quality and SCADA instrumentation to occur as required to ensure continuous improvement of water quality and demand data.	Production & Services Manager				X



### 1.2.13: We inform and involve our community about projects, programs and other activities

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
1.2.13.1	Maintain and publish information on Council website	Regularly update and publish information on Goldenfields website relating to major projects, water outages, meeting minutes, billing, recent announcements and staffing updates.	Provision of timely, accurate and relevant information	General Manager	X	X	X	X
1.2.13.2	Proactively provide project specific information to relevant stakeholders as required	Proactively provide project specific information to relevant stakeholders as required and respond to any stakeholder requests in a timely manner.	Provision of timely, accurate and relevant information	General Manager		X		X
1.2.13.3	Report financial information internally	Report financial information internally.	Report financial information internally at least monthly.	Corporate Services Manager	X	X	X	X
1.2.13.4	Report financial performance to regulators and the community	Report financial performance to regulators as per compliance and to the community through bi-monthly Council meeting agendas and the Annual Report.	All external financial reporting is compliant with the Act and Regulations	Corporate Services Manager	X	X	X	X

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
2.13.5	Report compliance information to regulators	Report compliance information to regulators.	<p>1) Report any non-conformance with the Drinking Water Management System to NSW Health.</p> <p>2) Report any non-conformance with the Jugiong Water Treatment Plant's Environmental Protection Licence.</p> <p>3) Develop and submit an Annual Drinking Water Quality Report to NSW Health</p> <p>4) Development and submit the Environmental Protection Licence Annual Return to NSW EPA for the Jugiong Water Treatment Plant.</p>	Production & Services Manager				X

## 2: Maximising regional water supply

### 2.1: Plan for the region's future water supply

#### 2.1.1: Future water supply options are proactively identified and evaluated

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
2.1.1.1	Investigate additional raw water sources within the region.	Review, and monitor any opportunities for expansion of raw water sources and associated licenses.	Review, maintain and monitor raw water sources and associated licenses.	Production & Services Manager				X

### 2.2: Plan for the region's future growth

#### 2.2.1: Our water supply network is able to respond to community growth and development

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
2.2.1.1	Liaise closely with constituent councils regarding growth and development.	Liaise closely with constituent councils regarding growth and development	Meet at least annually with Constituent Councils counterparts.	General Manager	X	X	X	X



### 2.2.2: Water supply system constraints are identified

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
2.2.2.1	Enhance the system-wide hydraulic model	Enhance the system-wide hydraulic model	Hydraulic model is enhanced as opportunities arise.	Engineering Manager	X	X	X	X
2.2.2.2	Calibrate the hydraulic model with water meter and SCADA data	Calibrate the hydraulic model with water meter and SCADA data.	Progressively calibrate the new water model through the investigation and review of Councils water supply network	Production & Services Manager				X

## 3: Strategic water management

### 3.1: Become an industry leader in the water sector

#### 3.1.1: We are open to emerging technology and water cycle management methods

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
3.1.1.1	Develop systems and processes to monitor and report on emerging technology and methods related to water cycle management	Monitor emerging technology and incorporate into future plans.	Investigate any opportunities for continuous improvement of services through emerging technologies.	Production & Services Manager				X



### 3.1.2: We have the capacity to influence water industry direction

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
3.1.2.1	Explore opportunities to influence water industry policy and direction through participation in industry groups and bodies	Explore opportunities to influence water industry policy and direction through participation in industry groups and bodies.	<p>1) Represent Goldenfields Water as an elected Executive Committee Member for the NSW Water Directorate.</p> <p>2) Participate in any opportunities to make submissions or represent the Council when and where appropriate</p>	Production & Services Manager				X

## 4: Best practice pricing

### 4.1: Ensure water metering is accurate

#### 4.1.1: There is a high level of confidence in accuracy of water metering internally and amongst stakeholders

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
4.1.1.1	Develop and implement a water meter replacement program	Develop and implement a water meter replacement program.	Achieve greater than 85% of program	Operations Manager				X

## 4.2: Levy and collect water charges

### 4.2.1: Water meters are read accurately and water account notices issued correctly

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
4.2.1.1	Read water meters by using the AMR network	Read 97% of water meters by using the AMR network	97% of meters are read using the automated meter reading network.	Corporate Services Manager	X	X	X	X
4.2.1.2	Issue water account notices within agreed timeframes	Water account notices issued within agreed timeframes	Water account notices are issued within agreed time frames.	Corporate Services Manager	X	X	X	X

## 5: Proactive customer relations

### 5.1: Improve customer and community engagement

#### 5.1.1: Feedback from customers is regularly captured and used in decision-making

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.1.1.1	Undertake annual customer survey	Undertake customer survey in line with Community Engagement Strategy	The method of delivery and content is considered to undertake the survey in 2021 as per Community Engagement Strategy.	Corporate Services Manager			X	

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.1.1.2	Review and action customer survey feedback	As outlined in the Community Engagement Strategy, Goldenfields will conduct a customer survey on the commencement of each four year term of Council. Recommendations from the last customer survey will be reviewed in 19/20 to determine the content and method for the next Customer Survey in 2021.	Survey results are incorporated into future Operational Plans	Corporate Services Manager				X

### 5.1.3: Our customer service goals are contained within a published Customer Service Charter, and we are accountable to them

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.1.3.1	Establish deliverable service levels in consultation with the community	Consultation with the community regarding deliverable service levels will be held in conjunction with the customer survey due in 2021 to ensure financial synergy.	Method of delivery and content is considered in preparation for the 2021 customer survey.	Corporate Services Manager				X





#### 5.1.4: We participate in improving understanding of water management and sustainable water practices in our community

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.1.4.1	Provide relevant information to the community through a variety of channels	Engage with the community and stakeholders through traditional media methods, social media, website, community presentations, educational programs, media launches, branding at community events and face to face meetings.	Variety of channels utilised when communicating to the community	General Manager	X	X	X	X
5.1.4.2	Public education information about water management and sustainable water practice is developed and published within our community	Schools within our supply scheme will be offered to attend Goldenfields Waters 'Depth Day' program at the Jugiong Water Treatment Plant, to learn more about the water treatment process. During National Water Week, Goldenfields will work with local schools and preschools to encourage and educate youth and children about sustainable water practices.	Educational resources are developed.	General Manager		X		X



## 5.2: Develop and maintain strong links with stakeholders

### 5.2.1: We have close relationships with the Riverina Eastern Regional Organisation of Councils (REROC)

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.2.1.1	Participate in opportunities for resource, expertise and knowledge sharing with REROC	Participate in opportunities for resource, expertise and knowledge sharing with REROC	Goldenfields actively attends REROC meetings	General Manager	X	X	X	X
5.2.1.2	Work closely with REROC to improve service efficiency and effectiveness and promote matters of common interest	Work closely with REROC to improve service efficiency and effectiveness and promote matters of common interest	Goldenfields participates in projects with a joint interest.	General Manager	X	X	X	X

### 5.2.2: We have close relationships with our constituent councils

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.2.2.1	Communicate and engage with constituent councils regularly	Meet at least annually with Constituent Council counterparts.	Meet with Constituent Council counterparts at least annually.	General Manager	X	X	X	X
5.2.2.2	Identify where we can partner with constituent councils to attract growth and new business to the region	Assist Constituent Councils where possible to attract growth and new business to the region	Joint projects undertaken where viable	General Manager		X		X



### 5.2.3: We have a positive corporate reputation within our community and wider industry

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
5.2.3.1	Keep the community, media and internal and other stakeholders informed with relevant and timely information via the most appropriate channels	Customers, stakeholders and Constituent Councils will be updated with Goldenfields Waters' current works, upcoming major works, educational programs and general updates through the distribution of the Customer Newsletter every October and April. Customers and stakeholders will regularly be updated with announcements via Goldenfields Waters social media platforms and traditional media. The development of a video series highlighting the service provided by Goldenfields Water will be rolled out in 19/20.	Variety of communication channels utilised to ensure stakeholders are informed	General Manager		X		X

## 6: Environmental protection and sustainability

### 6.2: Ensure natural resources are used efficiently

6.2.1: We regularly review energy use to proactively identify and implement usage reduction activities to lower costs and reduce carbon foot print

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
6.2.1.1	Develop and implement an energy cost reduction strategy	Investigate opportunities for energy cost reductions.	1) Investigate and manage energy contracts 2) identify any opportunities where energy consumption can be reduced	Production & Services Manager				X
6.2.1.2	Educate operators responsible for sites with highest energy consumption	Educate operators responsible for sites with highest energy consumption.	Update and educate staff where operational control measures will be modified to investigate potential savings in energy consumption.	Production & Services Manager				X
6.2.1.3	Renewable energy sources are utilised where viable	As per item 6.2.1.2 operators will be encouraged to identify and implement savings. Consider suitable areas for onsite renewable energy.	Suitable areas for onsite renewable energy are identified.	Corporate Services Manager				X

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
6.2.1.4	Carbon Footprint is monitored and regularly reported	As per item 6.2.1.3 efficiencies are encouraged to reduce usage and renewable options will be considered.	Efficiencies are identified to reduce energy.	Corporate Services Manager	X	X	X	X

#### 6.2.2: Water use efficiency is increased across the network

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
6.2.2.1	Review and implement water demand and drought management plan	Develop and maintain an Integrated Water Cycle Management strategy.	Develop and Implement a new Drought and Demand management plan.	Production & Services Manager				X
6.2.2.2	Provide customer interface to monitor water usage	Customers have access to data portal and the MyH2O app to monitor their usage.	The MyH2O app is fully functioning and customers are encouraged to access and monitor their usage.	Corporate Services Manager	X	X	X	X



### 6.3: Manage the water supply's sustainability and security

#### 6.3.1: Risks to the water supply's sustainability and security are identified and monitored

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
6.3.1.2	Educate and provide water efficiency information	Launch the MyH2O app and continue to encourage customers to sign up to MyH2O website to effectively monitor their water usage. Provide and educate customers about water efficient practices.	The percentage of customers using MyH2O has increased.	General Manager		X		X

#### 6.3.2: We have a multi-layered approach to water quality control

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
6.3.2.1	Investigate and develop water quality controls	Develop, Implement and Maintain an approved Drinking Water Management System.	Maintain and update Councils Drinking Water Management System when and where required.	Production & Services Manager				X

## 7: Efficient operations

### 7.1: Improve business efficiency

#### 7.1.2: Information management is integrated across the organisation

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.1.2.2	Continually update and improve the Geographic Information System	Continually update and improve the Geographic Information System	GIS enhancements are implemented	Corporate Services Manager	X	X	X	X

#### 7.1.3: Corporate systems are implemented to support improvements in business efficiency

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.1.3.2	Implement an asset management system	Develop an asset register structure and integrate with Civica and GIS.	Develop an asset register structure and integrate with CIVICA and GIS.	Engineering Manager				X

#### 7.1.4: Corporate systems are integrated where practical to improve data

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.1.4.1	Integrate SCADA with hydraulic modelling software	Integrate SCADA with hydraulic modelling software.	SCADA is integrated with hydraulic modelling software.	Corporate Services Manager				X



### 7.1.5: Fleet management is optimised

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.1.5.1	Review fleet requirements annually	Review fleet requirements annually.	Fleet procurement decisions are based on whole of life costing	Corporate Services Manager	X	X	X	X

### 7.3: Reduce exposure to business risks

#### 7.3.1: We take an integrated approach to risk management

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.3.1.1	Continue to implement the risk management framework and develop a corporate risk register	Develop and implement a risk management framework and corporate risk register.	Risk management framework and corporate risk register developed and implemented.	Corporate Services Manager				X

#### 7.3.2: Environmental management practices are in place to reduce exposure to environmental risk

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.3.2.2	Review and maintain a register of environmental risks	Review and maintain Councils compliance with environmental risks.	Council will maintain compliance with their Environmental Protection Licence and will develop and maintain a Pollution Incident Response Management Plan (PIRMP).	Production & Services Manager				X



**7.4: Improve the efficiency of operations in the field****7.4.1: We have an efficient, mobile workforce**

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
7.4.1.1	Implement mobile platform for GIS	Mobile platform for GIS developed and implemented.	Mobile GIS platform is developed and implemented.	Corporate Services Manager				X

**8: Highly skilled and energetic workforce****8.1: Improve the management of human resources****8.1.1: Our workforce is motivated, skilled and flexible**

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
8.1.1.2	Provide staff with professional development opportunities that meet future needs	Provide staff with professional development opportunities that meet future needs	Annual staff development plans completed, training undertaken for identified gaps	General Manager		X		
8.1.1.3	Undertake an annual employee survey	Undertake an annual employee survey	Annual Survey undertaken and results reviewed and actioned	General Manager			X	

## 9: Financially sustainable

### 9.1: Deliver responsible financial management

#### 9.1.1: Our organisation is financially sustainable

Key Activity Code	Key Activity	Action Name	Performance Measure	Responsible Officer Position	Q1	Q2	Q3	Q4
9.1.1.1	Develop a long-term financial management plan	Develop a long-term financial management plan	Long term financial plan updated annually	Corporate Services Manager			X	X
9.1.1.3	Review schedule of fees and charges in-line with the annual operational plan	Review schedule of fees and charges in-line with the annual operational plan	Revised scheduled of fees and charges adopted by Council as part of operational plan	Corporate Services Manager			X	X
9.1.1.4	Develop capital works programs in-line with the planned price path	Develop capital works programs in-line with the planned price path.	Capital works program adopted by Council and reflected in LTFP	Corporate Services Manager				X



# Statement of Revenue Policy

Council obtains its income from the following sources:

## **Water Access and User Charges**

Council has adopted a two-part water charge for each of its customer categories, consisting of an access charge based on service connection sizing and a user charge based on the water consumed. As part of its Delivery Program, Council has set its access and usage charges for the 2018/2019 year.

Council levies interest on overdue charges. The interest rate is maximum allowable for 2019/20

## **Interest on Investments**

Council invests surplus funds in accordance with its Investment Policy.

## **Fees**

Council charges appropriate fees for service. These fees are based on actual costs and ensure that those who benefit from the service pay for it.

## **Private works**

Occasionally Council carries out private works. Any such works are undertaken at a cost to the applicant.

## **Grants and subsidies**

Council will receive the Pensioner Rebate Subsidy provided by the State Government in 2019/2020. This subsidy offsets 55% of the total rebate provided.

## **Developer Contributions**

Developers are required to pay the cost of providing the assets that they require. These costs usually fall into two categories:

The reticulated pipes which a developer is required to pay in full; and

A contribution towards the provision of infrastructure (headworks-e.g. treatment plants, major pipelines etc)

## **Loan Borrowings**

New capital infrastructure projects can be funded from borrowings. Council would normally expect that such borrowing approvals to be granted.

Council has not provided for any specific borrowings for 2019/2020.

## **Access and Usage Charges Statement**

The following is a brief explanation of how Council categorises its customer base.

### **Residential**

Customers are categorised as residential if:

The connection is within the Council's urbanized areas serviced by a reservoir via a reticulated distribution network and the main use is for residential accommodation (but not as a hotel, motel, guest-house, boarding house, lodging house or nursing home).

It is a vacant land within this Council's urbanized areas serviced by a reservoir via a reticulated distribution network.

### **Non Residential Rural**

Customers are categorised as non-residential rural if:

The connection is located outside this Council urbanized areas, is serviced directly from a main and the main use is for stock and domestic.

### **Non-residential Other**

Customers are categorised as non-residential other if:

The connection is within this Council's urbanised areas serviced by a reservoir via a reticulated distribution network and the main use is for commercial, industrial, community or institutional.

Other remote and direct connections to mains outside of this Council's urbanized areas where there is no commercial rural activity.

### **Non-Residential High Volume Monthly**

Customers are categorised as non-residential high volume monthly if:

The main use is for commercial, industrial, community or institutional and the customer uses over 50,000kl pa.

### **Non-Residential Bulk Councils**

Hilltops Council and Cootamundra Gundagai Regional Council together with water supplied to Riverina Water consumers are categorised as non-residential Bulk Councils.

Council's Annual Access and Usage charges, Interest, Fees, Private Works, and/or Developer Contributions are levied and or charged under various sections on the NSW Local Government Act including but not limited to sections 501, 502, 552, 566 section 64 and its cross reference to water Management Act section 305-307 and NSW Local Government Act Chapter 15, Part 10 Division 3.

## Projected Yield

In 2019/20 water charges are proposed under the following categories, with the total forecast yield and percentage of total projected yield to be raised from each category as follows:

Customer Categories	\$000'	% Within Category	% of Total
<b>Residential</b>	<b>6,292</b>		<b>31%</b>
Access Charges	1,462	23%	
Usage Charges	4,830	77%	
<b>Non-Residential Rural</b>	<b>4,554</b>		<b>22%</b>
Access Charges	1,457	32%	
Usage Charges	3,097	68%	
<b>Non-Residential Other</b>	<b>2,297</b>		<b>11%</b>
Access Charges	932	41%	
Usage Charges	1,365	59%	
<b>Non-Residential High Volume Monthly</b>	<b>1,555</b>		<b>7%</b>
Access Charges	45	3%	
Usage Charges	1,510	97%	
<b>Non-Residential Bulk Councils</b>	<b>5,846</b>		<b>28%</b>
Access Charges	1,437	25%	
Usage Charges	4,409	75%	
<b>Non-Residential Standpipes</b>	<b>236</b>		<b>1%</b>
Access Charges	2	1%	
Usage Charges	234	99%	
<b>TOTAL PROJECTED YIELD</b>	<b>20,780</b>		<b>100%</b>

## Appendix A - Budget Summaries 2019/20

Goldenfields Water County Council			
2019/20 BUDGET SUMMARY			
		Current Year	Year End
		2018/19	2019/20
		\$	\$
<b>Income Statement</b>			
<b>Income from Continuing Operations</b>			
Rates & Annual Charges		4,961,981	5,335,000
User Charges & Fees		14,735,578	15,717,100
Interest & Investment Revenue		1,488,000	1,247,500
Other Revenues		106,300	210,400
Grants & Contributions provided for Operating Purposes		202,000	218,800
Grants & Contributions provided for Capital Purposes		1,885,000	800,000
<b>Total Income from Continuing Operations</b>		<b>23,378,859</b>	<b>23,528,800</b>
<b>Expenses from Continuing Operations</b>			
Employee Benefits & On-Costs		5,903,647	7,627,300
Materials & Contracts		2,874,105	3,180,500
Depreciation & Amortisation		6,251,000	6,914,100
Other Expenses		4,238,878	4,284,900
<b>Total Expenses from Continuing Operations</b>		<b>19,267,630</b>	<b>22,006,800</b>
<b>Net Operating Result from Continuing Operations</b>		<b>4,111,229</b>	<b>1,522,000</b>
<b>Net Operating Result before Capital Items</b>		<b>2,226,229</b>	<b>722,000</b>



Goldenfields Water County Council		
2019/20 BUDGET SUMMARY		
	Current Year	Year End
	2018/19	2019/20
	\$	\$
<b>Reconcillation of Cash Position</b>		
Change in net assets from continuing operations	4,111,229	1,522,000
Add back Non Cash Expenses		
Depreciation	6,251,000	6,914,100
Add cashflows from Financing Activities		
Proceeds from sale of Assets	1,066,000	473,700
Less Cashflows from Investing Activities		
Purchase of Infrastructure, Property, Plant & Equipment	(11,046,000)	(12,886,000)
<b>Cash Surplus/ (Deficit)</b>	<b>382,229</b>	<b>(3,976,200)</b>
<b>Equity Movements</b>		
Reserve Funds - Increase / (Decrease)	382,229	(3,976,200)



Goldenfields Water County Council		
2019/20 BUDGET SUMMARY		
	Current Year	Year End
	2018/19	2019/20
	\$	\$
<b>Capital Budget</b>		
<b>Income</b>		
<b>Capital Funding</b>		
Capital Grants & Contributions	1,885,000	800,000
Proceeds from sale - Infrastructure, Property Plant & Equipment	1,066,000	473,700
Internal Restrictions	-	10,890,300
Operating Revenue	8,095,000	722,000
<b>Total Capital Funding</b>	<b>11,046,000</b>	<b>12,886,000</b>
<b>Capital Expenditure</b>		
<b>New Assets</b>		
Water Supply Infrastructure	4,155,000	3,740,000
Plant & Equipment	170,000	243,000
Intangibles	100,000	100,000
Land & Buildings	-	150,000
Office Equipment	-	100,000
<b>Renewal Assets</b>		
Water Supply Infrastructure	4,955,000	7,405,000
Plant & Equipment	1,616,000	888,000
Office Equipment	-	50,000
Furniture & Fittings	-	10,000
Land & Buildings	50,000	150,000
Intangibles	-	50,000
<b>Total Capital Expenditure</b>	<b>11,046,000</b>	<b>12,886,000</b>



## Appendix B - Fees and Charges

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
<b>Access Charges (Annual)</b>			
<b>Residential</b>			
20mm Connection	194.40	200.00	50.00
25mm Connection	303.80	312.00	78.00
32mm Connection	497.80	512.00	128.00
40mm Connection	777.80	800.00	200.00
50mm Connection	1,216.00	1,252.00	313.00
80mm Connection	3,111.40	3,200.00	800.00
<b>Non-Residential-Rural</b>			
20mm Connection	617.80	640.00	160.00
25mm Connection	965.20	1,000.00	250.00
32mm Connection	1,581.60	1,640.00	410.00
40mm Connection	2,471.40	2,560.00	640.00
50mm Connection	3,861.60	4,000.00	1,000.00
80mm Connection	9,885.80	10,240.00	2,560.00

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
<b>Non-Residential-Other (Includes:- Commercial, Industrial, Institutional, Community, Direct and Remote)</b>			
20mm Connection	340.80	352.00	88.00
25mm Connection	532.60	548.00	137.00
32mm Connection	872.80	900.00	225.00
40mm Connection	1,363.60	1,400.00	350.00
50mm Connection	2,130.80	2,200.00	550.00
80mm Connection	5,454.80	5,640.00	1,410.00
100mm Connection	8,523.20	8,800.00	2,200.00
<b>Non-Residential-High Volume Monthly</b>			Monthly Charge
20mm Connection	288.60	300.00	25.00
25mm Connection	450.80	468.00	39.00
32mm Connection	738.80	768.00	64.00
40mm Connection	1,154.40	1,200.00	100.00
50mm Connection	1,803.60	1,872.00	156.00
80mm Connection	4,617.60	4,800.00	400.00
100mm Connection	7,215.00	7,500.00	625.00
150mm Connection	16,234.00	16,872.00	1,406.00

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
<b>Non-Residential Bulk Councils</b>			
68% of 20mm Res charge ( X equivalent no. of 20mm connections)	132.24	136.00	
<b>Vacant Unconnected Properties</b>			
20mm Connection (applicable to new subdivisions after 1/07/11)	194.40	200.00	50.00
<b>Consumption Charges (per kilolitre)</b>			
Residential Charge all consumption	2.38	2.45	
Non-Residential Rural all consumption*	1.64	1.69	
Non-Residential Rural -Mandamah consumption*	N/A	2.45	
Non-Residential Other all consumption*	1.98	2.04	
Non-Residential High Volume Monthly consumption*	2.14	2.21	
Non-Residential Bulk Council all consumption	1.62	1.67	
Standpipe Water Sales (Commercial, Portable, & Temporary)	4.75	4.50	
Maximum Retail Charge for Standpipe Water Sales	6.28	6.00	
AvData Key Charge	50.00	50.00	
Minimum AvData Purchase at Goldenfields Water (10 kilolitres)	50.00	60.00	
*Excess Charges apply at Standpipe Water Sales Rates			
<b>Temporary Portable Metered Hydrant Charges</b>			
Deposit for Non Local Customer	1,000.00	1,000.00	
Short Term Hire - each week or part thereof	75.00	80.00	
Annual Hire per annum of part thereof (nil consumption allow)	319.00	330.00	
All Portable Standpipe Water Sales per kilolitre	4.75	4.50	

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
<b>Water Connection Application (New or reconnection)</b>			
Water Connection Application Fee (including Site Inspection)	275.00	285.00	
<b>Development Proposals</b>			
Assess development proposals (incl subdivision, strata & community/neighbourhood plans - per connection):			
Up to 5 connections	225.00	230.00	
6 to 15 connections	200.00	205.00	
16 to 30 connections	170.00	175.00	
> 30 connections	POA	POA	
<b>Infrastructure Charges</b>			
Retail DSP areas - per equivalent tenement	7,800.00	7,800.00	
Bulk Council DSP areas - per equivalent tenement	7,134.00	7,134.00	
Equivalent Tenement (ET) = 250 Kilolitres per annum			
<b>Augmentation Charges - Tapping, Service and Meter Charges</b>			
20mm Connection	1,700.00	1,750.00	
25mm Connection	1,880.00	1,950.00	
32mm Connection	2,380.00	2,550.00	

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
40mm Connection	2,850.00	2,950.00	
50mm Connection	3,360.00	3,450.00	
> 50mm Connection	At Cost	At Cost	
20mm Connection where service pipe has already been laid	345.00	350.00	
Downsizing a Connection: half the regular cost of the resultant connection size			
NR Rural - Mandamah Annual Augmentation Charge (per Entity)	N/A	500.00	125.00
<b>Pipe Locations</b>			
Locate Only (Minimum 1 Hour)	At Cost (min \$141/hr)	At Cost (min \$145/hr)	
Locate & Expose (min 24 hours notice) (Minimum 1 Hour)	At Cost (min \$141)	At Cost (min \$145/hr)	
<b>Backflow Prevention</b>			
Installation of RPZD device (plus cost of device) For 2019/20 including cost of device.	645.00	950.00	
Inspection & Testing of Backflow Prevention Device (per device) plus additional hourly charges may apply	\$175 + \$141/hr	325.00	
Installation of Double Check Valve	260.00	260.00	
Yearly Servicing of Double Check Valve	63.00	63.00	
<b>Engineering Services</b>			
Site Inspections (per visit)	280.00	290.00	
Pressure Testing of New Mains	705.00	725.00	

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
Chlorination / Disinfection of New Mains - Per Service	705.00	725.00	
Cutting in of New Mains	At Cost	At Cost	
Site Survey (per day)	850.00	875.00	
Design and Drafting including Plans (per day)	960.00	975.00	
<b>Private Works Hire</b>			
Private Works Admin Fee	10% (Max \$500)	10% (Max \$500)	
Hire rates for Labour, Plant & Equipment	POA	POA	
<b>Administrative Fees</b>			
Search Inquiry Certificate Fee - s603 (per property)	80.00	85.00	
Urgent Certificates - fee for provision of s603 certificate required in less than three working days after receipt of both a properly completed application form and the necessary payment (includes statutory State Govt fee)	160.00	170.00	
Disconnection Attendance Fee - Permanent or Temporary (Non-payment of account or at Customer Request)	141.00	145.00	
Reconnection Fee after Temporary Disconnection	141.00	145.00	
Debt Recovery Attendance Fee	141.00	145.00	
Meter Test Deposit (non-refundable if meter registers less than 4% more than the correct quantity):-			
20 or 25mm meter	141.00	145.00	
32 or 40mm meter	212.00	220.00	
50 or 80mm meter	281.00	290.00	
> 80mm meter	At Cost	At Cost	

Service	Fee (\$)		
	2018/19	2019/20	2019/20 Quarterly Charge
Special Meter Reading (refundable if routine reading by Council proven to be in error):			
Routine service - minimum 48 hours notice	84.00	85.00	
Same day service	141.00	145.00	
Special Inquiry/Certificate/Attendance Fee per hour (min 1hr)	141.00	145.00	
Installation of Remote Meter Reading Device	At Cost	At Cost	
Interest on Overdue accounts (unpaid > 28 days from posting)	7.5%	7.5%	
Processing of Dishonoured Cheques	55.00	55.00	
Processing of Dishonoured Direct Debit, initial \$0, each subsequent dishonour	N/A	25.00	
Copy of documents (per copy) freely available from website	33.00	33.00	
<b>Request for information under the Government Information (Public Access) Act 2009:-</b>			
Access to records concerning personal affairs:-			
Application Fee	30.00	30.00	
Processing Charge (/hr after first 20hrs)	30.00	30.00	
Internal review	40.00	40.00	
Amendment of records	No Cost	No Cost	
As advised by Office of Local Government, not available at time of printing			

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**CODE OF MEETING PRACTICE**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council endorses the draft Code of Meeting Practice to be placed on public display for a period of 28 days.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

Amendments made to the Local Government Act 1993 (the Act) provide for a Model Code of Meeting Practice (the Model Code) to be prescribed by the Local Government (General) Regulation 2005 (the Regulation).

Council is required to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. Councils adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

Councils adopted meeting code may also incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by Council.

Council and committees of council of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

**REPORT**

Council has prepared a draft Code of Meeting Practice in accordance with the Local Government Act requirements.

Before adopting a new code of meeting practice, under section 361 of the Act, council is required to exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

Councils draft Code of Meeting Practice is presented with tracked changes to enable clear understanding of the mandatory provisions, non mandatory provisions, and supplementary provisions that are proposed for adoption or exclusion. Please refer to the legend located on the front page of the code of meeting practice attachment.

Once the Board has approved the suggested inclusions/exclusions, the document will be updated accordingly and placed on public display as per requirements.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Draft Code of Meeting Practice

**TABLED ITEMS:** Nil





Policy No. PP019

# Code of Meeting Practice



## Tracked Changes Legend

**Black text** indicates mandatory provisions that will be adopted.

~~Black text struck through~~ indicates a superseded option. The number option that it is superseded by will be specified.

**Red text** indicates provisions of the Model Meeting Code that are not mandatory which WILL be adopted.

~~Red text struck through~~ indicates provisions of the Model Meeting Code that are not mandatory and which WILL NOT be adopted. These are also marked as Omitted.

Green, underlined wording indicates additional provisions included by Goldenfields Water to meet organisational requirements.

~~Blue text struck through~~ indicates text for deletion.



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## Code of Meeting Practice

### 1. INTRODUCTION

This ~~Model~~ Code of Meeting Practice ~~for Local Councils in NSW (the Model Meeting Code)~~ is to be referred to as the Goldenfields Water Code of Meeting Practice ('the Code') and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

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

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

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

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

Black text indicates mandatory provisions that will be adopted.

Black text struck through indicates a superseded option. The number option that it is superseded by will be specified.

Red text indicates provisions of the Model Meeting Code that are not mandatory which WILL be adopted.

Red text struck through indicates provisions of the Model Meeting Code that are not mandatory and which WILL NOT be adopted. These are marked as 'Omitted' to ensure consistent numbering throughout the code.

Green, underlined text indicates additional provisions included by Goldenfields Water to meet organisational requirements.

Blue text struck through indicates text for deletion, however numbered text may remain to ensure consistent numbering throughout the code.

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

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

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

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

## 2. MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

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

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

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## 3. BEFORE THE MEETING

### Timing of ordinary council meetings

3.1 ~~Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings]~~  
Superseded by 3.2.

3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Council has resolved to meet on the fourth Thursday of every second month.

In October of each year Council will adopt a calendar (schedule) for meeting dates.

**Note:** ~~Councils must use either clause 3.1 or 3.2~~

**Note:** ~~Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for~~

~~Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.~~

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

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

#### Extraordinary meetings

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

**Note: Clause 3.3 reflects section 366 of the Act.**

#### Notice to the public of council meetings

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

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

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

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~[council to specify notice period required]~~ 7 business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

### Questions with notice

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

### Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the ~~mayer~~Chairperson 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 ~~mayer~~Chairperson to put a ~~mayeral~~Chairpersons minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

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

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

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

#### Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

#### Agenda and business papers for extraordinary meetings

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



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- 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~~Chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## 4. PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of

business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

- 4.2 Public forums are to be chaired by the mayerchairperson or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 3 business days ~~[date and time to be specified by the council]~~ before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than 2 ~~[number to be specified by the council]~~ items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than 2 ~~[number to be specified by the council]~~ speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayerchairperson or the mayerchairperson's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 ~~[number to be specified by the council]~~ days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

## Code of Meeting Practice

- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 5 ~~[number to be specified by the council]~~ minutes to address the council. One extension of one minute may be granted at the discretion of the General Manager and Chairperson. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 1 ~~[number to be specified by the council]~~ minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 5 ~~[number to be specified by the council]~~ minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

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- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the ~~mayor~~Chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

## 5. COMING TOGETHER

### Attendance by councillors at meetings

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

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

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

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

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

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

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

#### The quorum for a meeting

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

**Note: Clause 5.9 reflects section 368(1) of the Act.**

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

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

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or

## Code of Meeting Practice

- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the ~~mayer~~chairperson 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. Audio recordings are to be uploaded to council's website within 3 weeks of the meeting.

**Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.**

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

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

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for 12 months~~[council to specify the period of time the recording is to be retained on the website]~~. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

### Attendance of the general manager and other staff at meetings

- 5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.23 reflects section 376(1) of the Act.**

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

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

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

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

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

## 6. THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The ~~mayer~~Chairperson, or at the request of or in the absence of the ~~mayer~~Chairperson, the deputy ~~mayer~~Chairperson (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the ~~mayer~~Chairperson and the deputy ~~mayer~~Chairperson (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the ~~mayer~~Chairperson and deputy ~~mayer~~Chairperson

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the 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~~ Omitted.

~~7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.~~

~~7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.~~

~~7.3 A councillor is to be addressed as 'Councillor [surname]'.~~

~~7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].~~

#### **8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

~~8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.~~ Superseded by 8.2.

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

- ~~01 Opening meeting~~
- ~~02 Acknowledgement of country~~
- ~~03 Apologies and applications for a leave of absence by councillors~~
- ~~04 Confirmation of minutes~~
- ~~05 Disclosures of interests~~
- ~~06 Mayoral minute(s)~~
- ~~07 Reports of committees~~
- ~~08 Reports to council~~
- ~~09 Notices of motions/Questions with notice~~
- ~~10 Confidential matters~~
- ~~11 Conclusion of the meeting~~
- 1. Leave of Absence / Apologies
- 2. Acknowledgement of Country
- 3. Presentations
- 4. Declaration of Pecuniary Interests
- 5. Declaration of Non-Pecuniary Interests
- 6. Confirmation of Minutes
- 7. Business Arising from Minutes
- 8. Correspondence
- 9. Matters of Urgency
- 10. Notices of Motion / Rescission Motions
- 11. Chairperson Minute
- 12. Public Participation – Confidential Session
- 13. Matters to be submitted to Confidential Session
  - 13.1. Matters submitted by Corporate Services Manager
  - 13.2. Matters submitted by Operations Manager
  - 13.3. Matters submitted by Production and Services Manager
  - 13.4 Matters submitted by Engineering Manager
  - 13.5. Matters submitted by the General Manager
- 14. Matters to be submitted to Open council
  - 14.1. Matters submitted by Corporate Services Manager
  - 14.2. Matters submitted by Operations Manager
  - 14.3. Matters submitted by Production and Services Manager
  - 14.4 Matters submitted by Engineering Manager
  - 14.5. Matters submitted by the General Manager
- 15. Next Meeting
- 16. Questions and Statements
- 17. Close of Business

**Note: Councils must use either clause 8.1 or 8.2.**

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

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

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

## 9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a ~~mayoral~~ <sup>chairpersons</sup> minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

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- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral Chairpersons minutes

- 9.6 Subject to clause 9.9, if the mayor chairperson is the chairperson at a meeting of the council, the mayor chairperson may, by minute signed by the mayor chairperson, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

- 9.7 A mayoral chairpersons 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 chairperson) may move the adoption of a mayoral chairpersons minute without the motion being seconded.

- 9.8 A recommendation made in a mayoral chairpersons minute put by the mayor chairperson is, so far as it is adopted by the council, a resolution of the council.

- 9.9 A mayoral chairpersons minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.10 Where a mayoral chairpersons minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral chairpersons minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

### Staff reports

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

### Reports of committees of council

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

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

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

**10. RULES OF DEBATE**Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
- (b) the chairperson may defer consideration of the motion until the next meeting of the council.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions requiring the expenditure of funds

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

#### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.

- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

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

#### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to

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enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

### Participation by non-voting representatives in joint organisation board meetings

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

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

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



## 11. VOTING

### Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

### Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

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

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

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- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for ~~m~~ayor chairperson or deputy ~~m~~ayor chairperson is to be by secret ballot.
- ~~11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded. Omitted.~~

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

### Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

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

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

## 12. COMMITTEE OF THE WHOLE

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

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

## 13. DEALING WITH ITEMS BY EXCEPTION

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

unanimously.

- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

#### 14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

##### Grounds on which meetings can be closed to the public

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

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

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

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

##### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a

trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

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

#### Representations by members of the public

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

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

14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 3 business days ~~[date and time to be specified by the council]~~ before the meeting at which the matter is to be considered.

14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than 2 ~~[number to be specified by the council]~~ speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

14.15 The general manager (or their delegate) is to determine the order of speakers.

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be

considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than ~~2~~[number to be specified by the council] speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed ~~[number to be specified by the council]~~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.

#### Information to be disclosed in resolutions closing meetings to the public

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

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

#### Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as

practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

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

## **15. KEEPING ORDER AT MEETINGS**

### Points of order

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

### Questions of order

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

### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of



the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

- 15.12 The chairperson may require a councillor:

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

#### How disorder at a meeting may be dealt with

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

#### ~~Expulsion from meetings~~

- ~~15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a~~

~~council or committee meeting, for the purposes of section 10(2)(b) of the Act.~~  
Omitted.

~~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.~~Omitted.

~~—————~~ **Note: Councils may use either clause 15.14 or clause 15.15.**

~~15.16 Clause [15.14/15.15] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.~~  
Omitted.

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.

## Code of Meeting Practice

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.**

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.~~

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

#### Rescinding or altering council decisions

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

**Note: Clause 17.3 reflects section 372(1) of the Act.**

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of

rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

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

**Note: Clause 17.5 reflects section 372(3) of the Act.**

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

**Note: Clause 17.6 reflects section 372(4) of the Act.**

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

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

~~17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted. Omitted.~~

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

~~17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where: Omitted.~~

~~(a) a notice of motion signed by three councillors is submitted to the chairperson,~~

and

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

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

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

#### ~~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. Omitted.~~

- ~~(a) to correct any error, ambiguity or imprecision in the council's resolution, or~~
- ~~(b) to confirm the voting on the resolution.~~

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

~~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. Omitted.~~

~~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. Omitted.~~

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

~~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. Omitted.~~

#### ~~18. TIME LIMITS ON COUNCIL MEETINGS Omitted.~~

~~18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.~~

~~18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.~~

~~18.3 — If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:~~

- ~~(a) — defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or  
(b) — adjourn the meeting to a time, date and place fixed by the chairperson.~~

~~18.4 — Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.~~

~~18.5 — Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:~~

- ~~(a) — individually notify each councillor of the time, date and place at which the meeting will reconvene, and  
(b) — publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.~~

## 19. AFTER THE MEETING

### Minutes of meetings

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

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

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

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

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

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

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

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

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

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

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

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

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

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

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

**20. COUNCIL COMMITTEES**

### Application of this Part

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

### 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 ~~mayer~~ chairperson 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 ~~mayer~~ chairperson) ceases to be a member of a committee if the committee member:

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



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

#### Non-members entitled to attend committee meetings

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

#### Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:

- (a) the mayerchairperson, or
- (b) if the mayerchairperson does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

~~20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.~~

20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

#### Disorder in committee meetings

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

#### Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

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

~~20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded. Omitted.~~

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

## Code of Meeting Practice

	contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**CODE OF CONDUCT**

**Report prepared by Human Resources Coordinator**

**COUNCIL OFFICER RECOMMENDATION**

That Council adopt the Code of Conduct and its administrative procedures.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient operations

**BACKGROUND**

The 2018 Model Code of Conduct for Local Councils in NSW and the associated Procedures for the administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018 by the Office of Local Government. Councils must adopt the new Model Code of Conduct and Procedures within 6 months of prescription.

**REPORT**

PP031 Code of Conduct and P019 Administrative Procedures for the Code of Conduct have been drafted in accordance with the Model documents.

The key changes are:

- Inclusion of pecuniary interest provision. This was previously only included in the Local Government Act & Regulations.
- More prescriptive behavioural expectations than the previous version i.e. updated standards relating to discrimination, harassment, bullying, work health & safety and behaviour at meetings.
- Updated rules governing the acceptance of gifts and benefits.
- A new ongoing disclosure requirement for board members and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them.
- Board members will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

All staff will be provided with training on the new Model Code of Conduct via an e-learning module to be provided by Local Government NSW. Board members will be offered the opportunity to undertake this training also.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:**

PP031 Code of Conduct

P019 Administrative procedures for the Code of Conduct

**TABLED ITEMS:** Nil



Policy No. PP031

# Code of Conduct Policy



**Code of Conduct Policy**

**1 INFORMATION ABOUT THIS POLICY**

POLICY INFORMATION

<b>Date Adopted by Board</b> 25 February 2016	<b>Resolution No.</b>
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b>	<b>Next Scheduled Review</b> 2023

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	

FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	
<b>Related Policies</b>	<b>P019 Administrative procedures for the Code of Conduct</b>
<b>Related Procedures, Protocols, Statements and Documents</b>	





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### 3 INTRODUCTION

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

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

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

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.

## 4 DEFINITIONS

In the Code of Conduct the following definitions apply:

**The Act** - the *Local Government Act 1993*

**Act of disorder** - see the definition in clause 256 of the Local Government (General) Regulation 2005

**Administrator** - an administrator of a council appointed under the Act other than an administrator appointed under section 66.

**Chief Executive** - Chief Executive of the Division of Local Government, Department of Premier and Cabinet

**Committee** - a council committee

**Conflict of interest** - a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty

**Council committee** - a committee established by resolution of council

**“Council committee member”** - a person other than a councillor or member of staff of a council who is a member of a council committee

**Council official** - includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council

**Councillor** - a person elected or appointed to civic office and includes a Chairperson

**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** - see the definition in Section 441 of the Act

**Election campaign** - includes council, State and Federal election campaigns

**Personal information** - information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

**The Regulation** - the Local Government (General) Regulation 2005

The term “you” used in the Code of Conduct refers to council officials.

The phrase “this code” used in the Code of Conduct refers also to the procedures for the administration of the Code of Conduct prescribed under the Local Government (General) Regulation 2005

## 5 GENERAL CONDUCT OBLIGATIONS

### General conduct

- 5.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power
  - causes, comprises or involves intimidation or verbal abuse
  - involves the misuse of your position to obtain a private benefit
  - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 5.2 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

- 5.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 5.4 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.
- 5.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 5.3 or 5.4.

### Harassment and discrimination

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

### Bullying

- 5.8 You must not engage in bullying behaviour towards others.
- 5.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
  - the behaviour creates a risk to health and safety.
- 5.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
  - belittling or humiliating comments
  - spreading malicious rumours
  - teasing, practical jokes or 'initiation ceremonies'
  - exclusion from work-related events
  - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - displaying offensive material
  - pressure to behave in an inappropriate manner.

- 5.11 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

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

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

- 5.13 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.
- 5.14 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

- 5.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 5.16 For the purposes of clause 5.15, 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.

- 5.17 Clause 5.15 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.
- 5.18 Clause 5.15 does not apply to a decision to elect the Chairperson or deputy Chairperson, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### Obligations in relation to meetings

- 5.19 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.
- 5.20 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).
- 5.21 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.
- 5.22 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.

## 6 PECUNIARY INTERESTS

### What is a pecuniary interest?

- 6.1 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 6.3.
- 6.2 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 6.6.
- 6.3 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.
- 6.4 For the purposes of clause 6.3:
- (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*.
- 6.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 6.3(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?

- 6.6 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:
    - (j) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - (k) security for damage to footpaths or roads
    - (l) 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
  - (m) an interest relating to the payment of fees to councillors (including the Chairperson and deputy Chairperson)
  - (n) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Chairperson and deputy Chairperson) in accordance with a policy under section 252 of the LGA,
  - (o) an interest relating to an election to the office of Chairperson arising from the fact that a fee for the following 12 months has been determined for the office of Chairperson
  - (p) 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
  - (q) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - (r) 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.

6.7 For the purposes of clause 6.6, “relative” has the same meaning as in clause 6.4, but includes your spouse or de facto partner.

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

6.8 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.

- 6.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 6.21, and
  - (b) must disclose pecuniary interests in accordance with clause 6.10.
- 6.10 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.
- 6.11 Clause 6.10 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.
- 6.12 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.
- 6.13 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?

- 6.14 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.
- 6.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 6.14, 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?

- 6.16 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.
- 6.17 A person does not breach clause 6.16 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?

- 6.18 A council committee member must disclose pecuniary interests in accordance with clause 6.28 and comply with clause 6.29.
- 6.19 For the purposes of clause 6.18, 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?

- 6.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 6.21, and

- (b) must disclose pecuniary interests in accordance with clause 6.28 and comply with clause 6.29 where it is applicable.

#### Disclosure of interests in written returns

- 6.21 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).
- 6.22 A person need not make and lodge a return under clause 6.21, 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.
- 6.23 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.
- 6.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 6.25 Returns required to be lodged with the general manager under clause 6.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 6.26 Returns required to be lodged with the general manager under clause 6.21(c) must be tabled at the next council meeting after the return is lodged.
- 6.27 Information contained in returns made and lodged under clause 6.21 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

- 6.28 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.
- 6.29 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.
- 6.30 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 6.28 and 6.29 where they participate in the meeting by telephone or other electronic means.
- 6.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 6.32 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.

- 6.33 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 6.6.
- 6.34 A person does not breach clauses 6.28 or 6.29 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.
- 6.35 Despite clause 6.29, 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.
- 6.36 Clause 6.29 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 6.3) in that person's principal place of residence, and
  - (c) the councillor made a special disclosure under clause 6.37 in relation to the interest before the commencement of the meeting.
- 6.37 A special disclosure of a pecuniary interest made for the purposes of clause 6.36(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.
- 6.38 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.
- 6.39 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 6.38, must still disclose the interest they have in the matter in accordance with clause 6.28.

## 7 NON-PECUNIARY CONFLICTS OF INTEREST

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

- 7.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 6.1 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.
- 7.2 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.
- 7.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 7.2.
- 7.4 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.
- 7.5 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

- 7.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 7.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the Chairperson.
- 7.7 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 7.6.
- 7.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 7.9 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 6.1, 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 6.4 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 6.6) that is not a pecuniary interest for the purposes of clause 6.1
  - 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.
- 7.10 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 6.28 and 6.29.
- 7.11 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.
- 7.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Chairperson.
- 7.13 Despite clause 7.10(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.
- 7.14 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

- 7.15 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.
- 7.16 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 6.28 and 6.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 7.17 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*.

- 7.18 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 7.9 and take the appropriate action to manage them.
- 7.19 Despite clause 7.16, 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

- 7.20 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 7.6.
- 7.21 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.
- 7.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 7.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 7.6.

#### Other business or employment

- 7.23 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.
- 7.24 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.
- 7.25 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.

- 7.26 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.
- 7.27 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

- 7.28 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.
- 7.29 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.

## 8 PERSONAL BENEFIT

- 8.1 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.
- 8.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
  - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 8.3 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.
- 8.4 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?

- 8.5 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 8.7, accept any gift or benefit of more than token value as defined by clause 8.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 8.13, 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.
- 8.6 Where you receive a gift or benefit of any value other than one referred to in clause 8.2, 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.



- 8.7 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

- 8.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - b) gifts of alcohol that do not exceed a value of \$50
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$50 in value.

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

- 8.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 8.5(d) and, subject to clause 8.7, must not be accepted.
- 8.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 8.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 8.12 For the purpose 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”

- 8.13 For the purposes of clause 8.5(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

- 8.14 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.
- 8.15 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.

## **9 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### Obligations of councillors and administrators

- 9.1 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.
- 9.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the Chairperson or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the Chairperson or administrator exercising their functions under section 226 of the LGA.
- 9.3 Despite clause 9.2, 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

- 9.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the Chairperson and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 9.5 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

- 9.6 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 10.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the Chairperson or administrator, unless they are exercising their functions under section 226 of the LGA.

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

### Councillor and administrator access to information

- 10.1 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).
- 10.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 10.3 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.
- 10.4 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.
- 10.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 10.6 Despite clause 10.4, 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

- 10.7 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

- 10.8 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 10.2) 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 10.6). The general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

- 10.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 10.14, 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

- 10.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 10.11 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

- 10.12 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

- 10.13 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.
- 10.14 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.
- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 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.

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

Internet access

10.20 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

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

10.22 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.

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

10.24 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

10.25 Councillors and administrators are entitled to have access to the council chamber, committee room, Chairperson's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

10.26 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.

10.27 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.

## 11 MAINTAINING THE INTEGRITY OF THIS CODE

### Complaints made for an improper purpose

- 11.1 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.
- 11.2 For the purposes of clause 11.1, 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

- 11.3 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.
- 11.4 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.
- 11.5 For the purposes of clauses 11.3 and 11.4, 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

- 11.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 11.7 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.
- 11.8 You must comply with a practice ruling made by the Office under the Procedures.
- 11.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

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

Complaints alleging a breach of this Part

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



## SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 6.21

### 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 6.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 6.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 6.21(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 6.21 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 6.21 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 6.21 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 6.21 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 6.21 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 6.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

### Dispositions of real property

23. A person making a return under clause 6.21 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 6.21 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 6.21 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 6.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

### Discretionary disclosures

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

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

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

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

### Important information

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

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

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

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

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously



**Code of Conduct Policy**

failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

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

as at [return date]

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

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

**A. Real Property**

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

**B. Sources of income**

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

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

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

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

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

Sources of other income I received at any time since 30 June  
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

**C. Gifts**

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

**D. Contributions to travel**

Name and address of each person who made any financial or other contribution to any travel	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas
--	--------------------------------------	--





**Code of Conduct Policy**

undertaken by me at any time since 30 June	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.



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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 <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
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>	

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

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



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<p>Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i></p>	
---	--

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

Councillor's signature

Date

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



**Administrative procedures for the Code  
of Conduct**

Policy No. P019

# **Administration Procedures for the Code of Conduct**



## Administrative procedures for the Code of Conduct

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## Administrative procedures for the Code of Conduct

### 2 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

<b>Date Adopted by Board</b>	<b>Resolution No.</b>
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b>	<b>Next Scheduled Review</b> 2023

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	
	DD/MM/YYYY	

FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	
<b>Related Policies</b>	PP031 Code of Conduct
<b>Related Procedures, Protocols, Statements and Documents</b>	



## Administrative procedures for the Code of Conduct

### PART 1 INTRODUCTION

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

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

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

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

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “chairperson” 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 chairperson) or the general manager.



## Administrative procedures for the Code of Conduct

### PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

<b>LGA</b>	the <i>Local Government Act 1993</i>
<b>administrator</b>	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
<b>code of conduct</b>	a code of conduct adopted under section 440 of the LGA
<b>code of conduct complaint</b>	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
<b>complainant</b>	a person who makes a code of conduct complaint
<b>complainant councillor</b>	a councillor who makes a code of conduct complaint
<b>complaints coordinator</b>	a person appointed by the general manager under these procedures as a complaints coordinator
<b>conduct reviewer</b>	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
<b>council committee</b>	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
<b>council committee member</b>	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
<b>councillor</b>	any person elected or appointed to civic office, including the chairperson, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
<b>council official</b>	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
<b>delegate of council</b>	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



## Administrative procedures for the Code of Conduct

<b><i>external agency</i></b>	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
<b><i>ICAC</i></b>	the Independent Commission Against Corruption
<b><i>the Office</i></b>	the Office of Local Government
<b><i>investigator</i></b>	a conduct reviewer
<b><i>the Regulation</i></b>	the <i>Local Government (General) Regulation 2005</i>
<b><i>respondent</i></b>	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures

## Administrative procedures for the Code of Conduct

### PART 3 ADMINISTRATIVE FRAMEWORK

#### The establishment of a panel of conduct reviewers

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

## Administrative procedures for the Code of Conduct

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

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

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

### The appointment of complaints coordinators

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



## **Administrative procedures for the Code of Conduct**

- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office and
- d) arrange the annual reporting of code of conduct complaints statistics.

## Administrative procedures for the Code of Conduct

### PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

#### What is a code of conduct complaint?

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

#### When must a code of conduct complaint be made?

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

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

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.



## Administrative procedures for the Code of Conduct

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

## Administrative procedures for the Code of Conduct

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

#### Delegation by general managers and chairpersons of their functions under this Part

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

#### Consideration of complaints by general managers and chairpersons

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

#### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the chairperson, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

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



## Administrative procedures for the Code of Conduct

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

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

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

## Administrative procedures for the Code of Conduct

- 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.

## Administrative procedures for the 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 chairperson must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the chairperson refers a complaint to the Office under clause 5.27, the chairperson must notify the complainant of the referral in writing.
- 5.29 The chairperson may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the chairperson decides to take no action in relation to a code of conduct complaint about the general manager, the chairperson must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the chairperson considers it to be practicable and appropriate to do so, the chairperson may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the chairperson resolves a code of conduct complaint under clause 5.31 to the chairperson's satisfaction, the chairperson must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The chairperson must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

## Administrative procedures for the Code of Conduct

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

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

### Referral of code of conduct complaints to external agencies

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

### Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - 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.

## Administrative procedures for the Code of Conduct

- 5.43 The general manager or chairperson, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or chairperson or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the chairperson must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special 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.



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- 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.

## Administrative procedures for the Code of Conduct

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

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

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

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

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

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



## Administrative procedures for the Code of Conduct

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

## Administrative procedures for the Code of Conduct

### Referral back to the general manager or chairperson for resolution

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

### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the council



## **Administrative procedures for the Code of Conduct**

- 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.

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

#### What matters may a conduct reviewer investigate?

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

#### How are investigations to be commenced?

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

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

### Written and oral submissions

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

### How are investigations to be conducted?

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

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

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

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

### Draft investigation reports

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

## Administrative procedures for the Code of Conduct

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
  - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
  - c) that the respondent be counselled for their conduct
  - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
  - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
  - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
  - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
  - h) in the case of a breach by the general manager, that action be taken under the general manager's contract
  - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
  - j) in the case of a breach by a councillor, that the council resolves as follows:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
  - b) whether the breach can be easily remedied or rectified
  - c) whether the respondent has remedied or rectified their conduct
  - d) whether the respondent has expressed contrition
  - e) whether there were any mitigating circumstances
  - f) the age, physical or mental health or special infirmity of the respondent
  - g) whether the breach is technical or trivial only
  - h) any previous proven breaches

## Administrative procedures for the Code of Conduct

- i) whether the breach forms part of an ongoing pattern of behaviour
  - j) the degree of reckless intention or negligence of the respondent
  - k) the extent to which the breach has affected other parties or the council as a whole
  - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
  - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
  - n) whether an educative approach would be more appropriate than a punitive one
  - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
  - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the chairperson, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general



## Administrative procedures for the Code of Conduct

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

- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

### Consideration of the final investigation report by council

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

## Administrative procedures for the Code of Conduct

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

## Administrative procedures for the Code of Conduct

### PART 8 OVERSIGHT AND RIGHTS OF REVIEW

#### The Office's powers of review

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

#### Complaints about conduct reviewers

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

#### Practice rulings

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

#### Review of decisions to impose sanctions

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

## Administrative procedures for the Code of Conduct

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



## Administrative procedures for the Code of Conduct

### 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.



## **Administrative procedures for the Code of Conduct**

### **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.

## Administrative procedures for the Code of Conduct

### **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.

## Administrative procedures for the Code of Conduct

### PART 12 CONFIDENTIALITY

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



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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board:

1. Endorse the Chairperson as Goldenfields Water's voting delegate for the LGNSW Annual Conference
2. Approve the attendance of the General Manager and the Chairperson
3. Nominate an additional Board member to attend if desired.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

03 Strategic Water Management

**BACKGROUND**

The Local Government NSW Annual Conference is the annual policy making event for NSW Councils and where councillors come together to share ideas and debate issues that shape the way their councils are governed.

**REPORT**

The LGNSW Annual Conference will be held at Warwick Farm from Monday 14 October 2019 to Wednesday 16 October 2019.

At the time of preparation of the business paper the draft program for the event was not available for inclusion.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

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**GOLDENFIELDS WATER COUNTY COUNCIL – JUNE 2019**

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**LOCAL GOVERNMENT NSW WATER MANAGEMENT CONFERENCE**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board:

1. Nominate attendees for the Local Government NSW Water Management Conference
2. Approve the attendance of the General Manager

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

03 Strategic Water Management

**BACKGROUND**

The annual Local Government NSW Water Management Conference presents a broad range of information from a local government perspective on water management, issues associated with water supply and sewerage services provided by water utilities.

**REPORT**

The Local Government NSW Water Management Conference will be held at Albury on Monday 2 September 2019 to Wednesday 4 September 2019.

At the time of preparing this report the program for the event had not been released.

Nominations for attendance are sought from the Board to allow registration and booking arrangements to be made.

In 2018 the General Manager and the Chairperson attended this event.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

**NEXT MEETING**

The next ordinary meeting of Council is scheduled to be held on Thursday 22 August 2019 at 10.00am

## **QUESTIONS AND STATEMENTS**

In accordance with Section 6.5 of Council's Code of Meeting Practice:

A Councillor:

a) may, through the Chairperson, put a question to another Councillor.

b) may, through the Chairperson and the General Manager, put a question to a Council employee (Reg - CI 249(1))

However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. (Reg - CI 249(2))

Any such question must be put directly, succinctly, and without argument. (Reg – CI 249(3))

The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this Clause. (Reg - CI 249(4))

If a question is asked of a member of staff that requires time to respond, the question will be taken on notice and recorded in the minutes.

**CLOSE OF BUSINESS**

There being no further business requiring the attention of Council the meeting may be declared closed.

**Minutes of the Meeting of GOLDENFIELDS WATER COUNTY COUNCIL held at  
TEMORA OFFICE on 02 May 2019**

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The meeting commenced at 10.00am.

**PRESENT**

Cr D Palmer, Cr G Armstrong, Cr D McCann, Cr L McGlynn, Cr K Morris, Cr G Sinclair.

**ALSO IN ATTENDANCE**

Mr A Drenovski (General Manager), Mr G Veneris (Production and Services Manager), Mr T Goodyer (Operations Manager), Mr G Carr (Acting Corporate Services Manager), Miss S Jung (Engineering Manager), Mrs A Coleman (Executive Assistant).

**1. LEAVE OF ABSENCE/APOLOGIES**

**BOARD RESOLUTION**

**19/022 RESOLVED on the motion of Crs McGlynn and Sinclair that leave of absence be granted to Cr B Callow and Cr M Stadtmiller.**

**2. ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to their people both past and present and extend that respect to other Aboriginal Australians who are present.

**3. PRESENTATIONS**

Nil.

**4. DECLARATION OF PECUNIARY INTERESTS**

Nil.

**5. DECLARATION OF NON PECUNIARY INTERESTS**

Nil.

**6. CONFIRMATION OF MINUTES OF MEETINGS HELD ON 28 February 2019 and 11  
March 2019**

**BOARD RESOLUTION**

**19/023 RESOLVED on the motion of Crs Armstrong and Sinclair that the minutes of the meetings held on the 28 February 2019 and 11 March 2019, having been circulated and read by members be confirmed.**

**7. BUSINESS ARISING FROM MINUTES**

Nil.

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This is Page 1 of the Minutes to the Goldenfields Water County Council meeting held on  
02 May 2019

General Manager.....Chairperson.....

**Minutes of the Meeting of GOLDENFIELDS WATER COUNTY COUNCIL held at  
TEMORA OFFICE on 02 May 2019**

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**8. CORRESPONDENCE**

Nil.

**9. ADMISSION OF LATE REPORTS**

Nil.

**10. NOTICES OF MOTION / RESCISSION MOTIONS**

Nil.

**11. CHAIRPERSON'S MINUTE**

Nil.

**12. PUBLIC PARTICIPATION CONFIDENTIAL SESSION**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005, in the opinion of the General Manager the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in part of the meeting closed to the media and public.

**BOARD RESOLUTION**

**19/024 RESOLVED on the motion of Crs McCann and McGlynn that Council move into Confidential Session.**

**13. MATTERS TO BE SUBMITTED TO CONFIDENTIAL SESSION**

**13.1. MATTERS SUBMITTED BY PRODUCTION AND SERVICES MANAGER**

**13.1.1. OURA STRATEGIC PLAN AND ASSOCIATED WORKS**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:*

- d) *Commercial information of a confidential matter that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it*

**BOARD RESOLUTION**

**19/025 RESOLVED on the motion of Crs McCann and McGlynn**

- 1. Note the information and recommended potential upgrade requirements for the Oura Water Treatment Plant in future years.**
- 2. Note the High Voltage (HV) electrical asset upgrade project to be reported to Council in 2019 for resolution of tendered contract.**

This is Page 2 of the Minutes to the Goldenfields Water County Council meeting held on  
02 May 2019

General Manager.....Chairperson.....

**Minutes of the Meeting of GOLDENFIELDS WATER COUNTY COUNCIL held at  
TEMORA OFFICE on 02 May 2019**

**3. Approve the General Manager or his delegate to commence negotiations for required land purchase.**

**13.2. MATTERS SUBMITTED BY ENGINEERING MANAGER**

**13.2.1. MANDAMAH STAGE 2-4 DETAILED DESIGN CONSULTANCY**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:*

- e) *Commercial information of a confidential matter that would, if disclosed:
  - (i) *prejudice the commercial position of the person who supplied it**

**BOARD RESOLUTION**

**19/026 RESOLVED** on the motion of Crs McGlynn and McCann that the Board approves the engagement of KBR to complete the detailed design and Review of Environmental Factors (REF) for Mandamah Stages 2-4.

**BOARD RESOLUTION**

**19/027 RESOLVED** on the motion of Crs McCann and Morris that Council revert back to open session and the resolutions made in Confidential Session be made public.

**14. MATTERS TO BE SUBMITTED TO OPEN COUNCIL**

**14.1. MATTERS SUBMITTED BY COPORATE SERVICES MANAGER**

**14.1.1. COUNCIL INVESTMENTS**

**BOARD RESOLUTION**

**19/028 RESOLVED** on the motion of Crs Sinclair and McCann that the report detailing Council Investments as at 31st March 2019 be received and noted.

**Report prepared by Accountant**

**COUNCIL OFFICER RECOMMENDATION**

That the report detailing Council Investments as at 31<sup>st</sup> March 2019 be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

A report on Council's Investments is required to be presented for Council's consideration in accordance with Clause 212 of the Local Government (General) Regulation 2005.

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This is Page 3 of the Minutes to the Goldenfields Water County Council meeting held on  
02 May 2019

General Manager.....Chairperson.....



**Minutes of the Meeting of GOLDENFIELDS WATER COUNTY COUNCIL held at TEMORA OFFICE on 02 May 2019**

**REPORT**

This report is presented for information on Council Investments as at 31<sup>st</sup> March 2019.

Council’s investment portfolio increased by \$1,750,000.00 from \$47,000,000.00 as at 31<sup>st</sup> January 2019 to \$48,750,000.00 as at 31<sup>st</sup> March 2019.

For the month of March, the deposit portfolio provided a solid return of +0.25% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.09% (actual). The strong performance continues to be driven by those deposits still yielding above 3% p.a. However, some of these deposits are fast maturing and may be reinvested at lower prevailing rates unless a longer duration is maintained.

Over the past year, the deposit portfolio returned +3.04% p.a., strongly outperforming bank bills by 1.02% p.a., and more than double the official cash rate. This is considered very strong given deposit rates reached their all-time lows and margins have generally contracted over the past 2½ years.

As at the end of March 2019, Council’s deposit portfolio was yielding 3.03% p.a. (down 1bp from the previous month), with an average duration of around 542 days (~1.5 years).

With an expected increase in Capital Expenditure, the portfolio will see an increase in short term investments, generally of 12 months at \$1,000,000. The intent is to have these investments maturing on a monthly basis.

**FINANCIAL IMPACT STATEMENT**

Council’s investment portfolio increased by \$1,750,000.00 from \$47,000,000.00 as at 31<sup>st</sup> January 2019 to \$48,750,000.00 as at 31<sup>st</sup> March 2019.

**ATTACHMENTS:** Council Investments Report as at 31<sup>st</sup> March 2019.

**TABLED ITEMS:** Nil.

**14.1.2. PROGRESS REPORT – CAPITAL WORKS EXPENDITURE**

**BOARD RESOLUTION**  
**19/029 RESOLVED on the motion of Crs Sinclair and Armstrong that the Capital Works Progress Report as at 31st March 2019 be received and noted.**

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Capital Works Progress Report as at 31<sup>st</sup> March 2019 be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

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**BACKGROUND**

Capital Works represents an important part of Councils activities and expenditure. This report details expenditure and progress for the year to date on programmed and emergent capital works.

**REPORT**

This report is presented for information on the expenditure and progress of Council’s Capital Works Program as at 31<sup>st</sup> March 2019.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council’s financial position.

**ATTACHMENTS:** Capital Works Progress Report as at 31<sup>st</sup> March 2019.

**TABLED ITEMS:** Nil.

**14.1.3. QUARTERLY BUDGET REVIEW**

<p><b>BOARD RESOLUTION</b></p> <p><b>19/030 RESOLVED on the motion of Crs McGlynn and McCann that the Board:</b></p> <ol style="list-style-type: none"> <li><b>1. Adopt the changes to the 2018/19 Budget as detailed below</b></li> <li><b>2. Receive and note the Responsible Accounting Officers Statement</b></li> <li><b>3. Receive and note the Mandatory Quarterly Budget Review document.</b></li> </ol>
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**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board:

1. Adopt the changes to the 2018/19 Budget as detailed below
2. Receive and note the Responsible Accounting Officers Statement
3. Receive and note the Mandatory Quarterly Budget Review document.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

The Quarterly Budget Review Statement is presented to Council to revise estimates of income and expenditure in accordance with clause 203 of the Local Government Act (General Regulations) 2005.

The review is for the Quarter ending 31<sup>st</sup> March 2019 is attached for Council’s consideration.

General Manager.....Chairperson.....

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**REPORT**

The Annual Budget for 2018/19 was prepared based on knowledge and assumptions at that time.

The 2018/19 Annual Budget estimated that the net result from continuing operations would be a surplus of \$4.111m. Based on the December 2018 quarterly review, the projected operating result decreased by \$1.219m to a net surplus of \$2.882m.

Following a review of the 2018/19 actual results to 31<sup>st</sup> March 2019, the projected operating result has now been amended to \$4.195m. The following amendments have been incorporated into the revised Budget for the year ending 30 June 2019:

**Operating Statement:**

**1. Rates and Annual Charges:**

A comprehensive review of the Rates and Annual Charges (Access Charges) has been completed revealing an additional \$200k in Access Charges for the 2018-2019 year. An adjustment of \$200k to income has been made.

**2. User Charges and Fees: Materials & Contracts and Other Expenses:**

There had already been an adjustment of \$1.039m to the original Usage Charges (Water Sales) estimate of \$14.742m in the first quarterly review.

The overall lack of rainfall in Goldenfields Water's supply area has seen a significant increase in Usage Charges (Water Sales) for the three quarters to the end of March 2019. This together with a forecast for the final quarter similar to the final 2017-2018 quarter sees an anticipated \$17.284m in Usage Charges. An adjustment of \$1.513m has been made.

**3. Materials & Contracts and Other Expenses:**

It's anticipated that there will be an increase in Other Expenses, particularly Energy Charges with an increase of \$400k included in this quarterly review.

**Mandatory Quarterly Review Report:**

Attached is the mandatory Quarterly Review which incorporates the above amendments.

**FINANCIAL IMPACT STATEMENT**

The result for the March Quarter is a \$1.313m increase in the projected year-end operating surplus from the amended budget of \$2.882m to \$4.195m.

**ATTACHMENTS:** Mandatory March QBR including RAO statement.

**TABLED ITEMS:** Nil.

**14.1.4. DEBT RECOVERY UPDATE**

**BOARD RESOLUTION**

**19/031 RESOLVED on the motion of Crs McCann and Sinclair that the update on Goldenfields Water's debt recovery be received and noted.**

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*Cr Morris enquired on behalf of a rate payer as to why when a payment plan had been entered into a letter of demand was still issues. Mr Carr took the question on notice.*

**Report prepared by Acting Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the update on Goldenfields Water’s debt recovery be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Goldenfields Water has been using Outstanding Collections to assist in the recovery of overdue monies in line with Council’s Debt Recovery & Financial Hardship Policy. Legal action through our external debt collection agency is still utilised in a vacant property situation.

**REPORT**

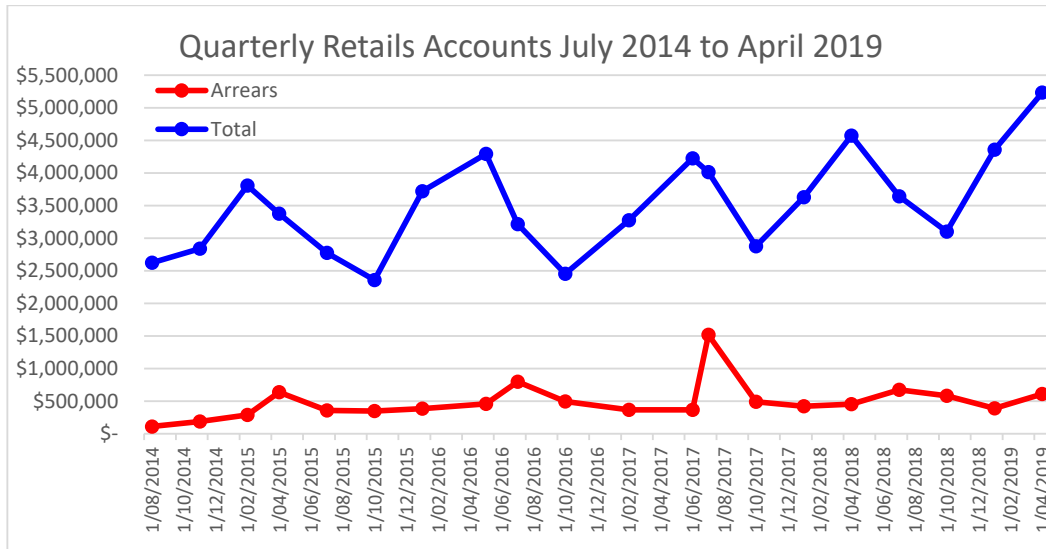
Debt recovery has been hampered by the implementation delays of Civica Authority – Utility Billing module. Like all Financial Modules, the migration of the existing 2000 Plus Water Billing Accounts to Civica Authority has been achieved without additional resources. With Utility Billing finally operational (15 April 2019) the associated Debt Recovery Module training is now programmed for early May 2019 (previously September 2018, then February 2019).

For the first time this will give Goldenfields Water the ability to operate debt recovery Direct Debit facilities with scheduled repayment plans together with consolidated reporting. A departure from its former entirely manual processes.

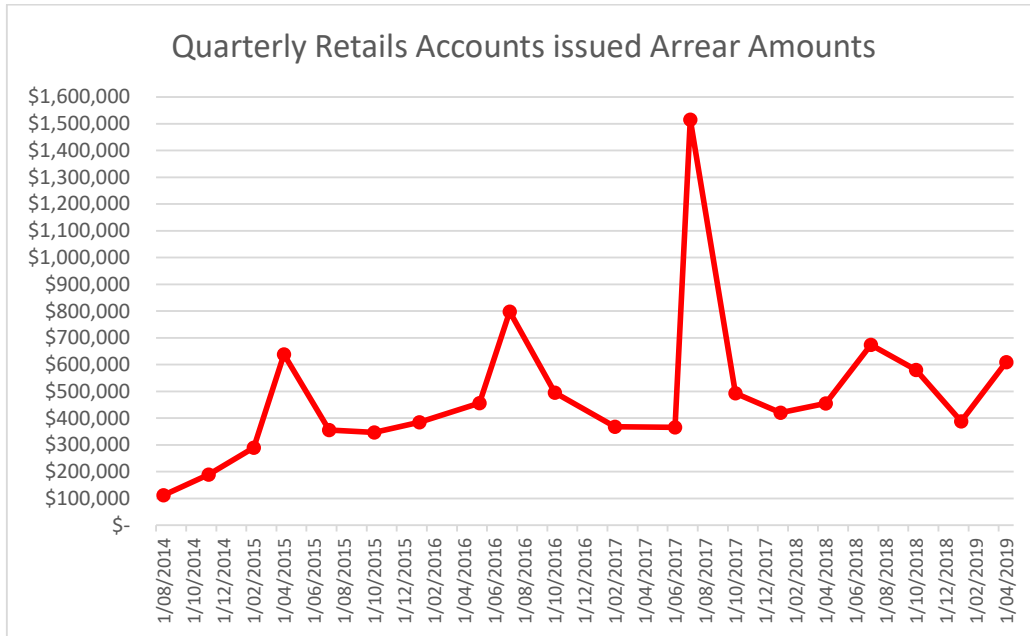
Second Quarter Final Notices were issued, however further efforts in the way of Restrictors have not eventuated. Work is continuing within Utility Billing in preparation for Reminder Notices in mid May and Final Notices issue towards the end of May. After which Customers with outstanding debts will come within the Debt Recovery Module.

The following will give some perspective on Outstanding Debt when compared to Quarterly Retail Accounts from July 2014 to the present.

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Arrears in detail, (note: that July 2017 was an anomaly caused by a late February second quarter and a June third quarter 2017 billing).



**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil.

**TABLED ITEMS:** Nil.

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**14.2. MATTERS SUBMITTED BY PRODUCTION AND SERVICES MANAGER**

**14.2.1. ELECTRICITY USAGE AND COST PROJECTIONS**

**BOARD RESOLUTION**

**19/032 RESOLVED on the motion of Crs Sinclair and Armstrong That the Board note the information provided within this report**

**Report prepared by Production & Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board note the information provided within this report

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

- 01 Excellence in Service Provision
- 02 Maximising Regional Water Supply
- 03 Strategic Water Management
- 04 Best Practice Pricing
- 07 Efficient Operations
- 09 Financially Sustainable

**BACKGROUND**

Goldenfields Water has historically been a large consumer of energy. This is specifically related to its water supply infrastructure that is required to transport water throughout a significant water distribution network covering around 22,500 square kilometres.

**REPORT**

Goldenfields Water has previously contracted its energy supply through Local Government Procurement. The sourcing of energy suppliers is obtained on behalf of local government entities and discounted pricing is potentially gained through a large conglomerate of local councils.

The following table illustrates Councils previous annual usage and costs associated with its operations.

Financial Year Name	Energy Usage (GJ)	Energy Cost (\$)	Cost per GJ
2013-2014	45,457.71	\$2,122,535.00	\$46.69
2014-2015	45,756.98	\$2,242,312.00	\$49.00
2015-2016	47,448.50	\$2,012,680.00	\$42.42
2016-2017	43,252.01	\$2,097,648.00	\$48.50
2017-2018	48,811.41	\$3,251,660.00	\$66.62
2018-2019	39,714.47	\$2,677,821.00	\$67.43

As presented in the table above, a significant change occurred in costs associated with energy consumption costs between the financial years 2016/17 to 2017/18. These cost increases were strictly attributed to the change in contractual prices at the time. During this period of

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time the energy market has seen significant cost increases due to the known closure of coal related production facilities.

Goldenfields Staff were advised toward the end of 2018 that the energy market will see a decline in prices in the coming years, and rather than lock in a long term contract, a 12 month extension would be appropriate until such a time. Therefore staff sought a 12 month extension of contract which saw a market evaluation price, offering around a 13% discount from the previous contract prices.

Due to the contract being provided over multiple financial years, only part savings will be seen during 2018/19 and 2019/20 financial years. The table above only provides the first three quarters of energy usage and costs associated with the current financial year. The below provides the current quarterly break down of consumption and costs for the previous three quarters.

Financial Quarter and Year Name	Energy Usage (GJ)	Energy Cost (\$)	Cost per GJ
FY 2018-2019 Q1	8,996.89	\$648,032.00	\$72.03
FY 2018-2019 Q2	14,609.42	\$973,526.00	\$66.64
FY 2018-2019 Q3	16,108.17	\$1,056,263.00	\$65.57

If the final period of consumption is similar to the previous financial year's quarter four, which was around 11,000GJ, it is expected that the final quarter costs are expected to reach around \$726,000. This will make our annual energy consumption 50,700GJ and the estimated cost for the 2018/19 financial year \$3.4m.

As has been previously reported, whilst energy costs may increase where demand has been significant, so too does the organisations income. As previously reported in the production data, Council had the highest demand period for the Oura scheme on record for the period of January 2019.

#### **FINANCIAL IMPACT STATEMENT**

The information provided within this report provides that a projection of costs will be higher than previously budgeted. No change will be undertake for budget adjustments at this stage and will be consolidated at year end.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

#### **14.2.2. PUMP STATION MAJOR MAINTENANCE AND RENEWAL CAPITAL WORKS**

##### **BOARD RESOLUTION**

**19/033 RESOLVED on the motion of Crs McGlynn and Armstrong that the Board note the information provided within the report regarding pump station major maintenance and renewals.**

**Report prepared by Production & Services Manager**

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General Manager.....Chairperson.....

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**COUNCIL OFFICER RECOMMENDATION**

That the Board note the information provided within the report regarding pump station major maintenance and renewals.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

01 Excellence in Service Provision

**BACKGROUND**

Council provides annual budget estimates for Pump Major Maintenance and Pump Station Renewals of \$250,000 and \$500,000 respectively.

**REPORT**

The Mechanical and Electrical major maintenance and renewal projects for pump stations have been allocated \$250,000 and \$500,000 for the 2018/19 financial year. These budgets have historically been allocated based upon pre-planned and renewal works.

The planning for the renewal and major maintenance components for these pump stations are managed and monitored through Councils existing asset register where age is a trigger and/or a monitored pump set database that monitors hours of run time between service schedules.

The pre-planned renewal works generally remain in budget from year to year; however recent events due to premature failures may cause an increase in budget provision.

This report is to provide the Board members with an insight into recent events for the Jugiong Water Treatment Plant number 1 pump station.

In late March 2019, preventative maintenance checks established that considerable vibration and noise was emanating from number 1 pump. This pump was due for major service in the 2020/21 financial year; however upon further inspection and investigation the pump and motor was nearing full failure.

Additionally, number 2 pump was also checked and considerable bearing movement was also noticed. Staff switched over to winter mode early to run on the newly renewed pump 3 whilst further works can be undertaken for pump 1 and 2.

Pump 2 being a critical failure, was sent immediately to FITT resources for breaking down, investigation and overhaul. The motor was issued to Sulzer for review and overhaul. This premature failure of pump 1 will cost an estimated \$150,000 for both pump and motor overhaul which was not allocated within the existing budget constraints.

Current available budget from existing allocations provides a remaining \$200,000 until year end; however those costs are also being absorbed into the existing works being undertaken from the pre-planned renewals established for the current financial year.

Therefore staff are predicting a foreseeable over expenditure in capital renewal budget for pump station renewals within the current financial year.

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**FINANCIAL IMPACT STATEMENT**

An over expenditure is predicted to occur for the current financial year which will be adjusted and covered through Council's available at call funds. These adjustments will be undertaken at year end.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

**14.2.3. WATER PRODUCTION REPORT**

**BOARD RESOLUTION**

**19/034 RESOLVED** on the motion of Crs McCann and McGlynn that the Water Production Report be received and noted.

**Report prepared by Production and Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Water Production Report be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

03 Strategic Water Management

**BACKGROUND**

Goldenfields Water provides the essential water requirements of about 40,000 people spread over an area in excess of 20,000 square kilometres between the Lachlan & Murrumbidgee Rivers in the South West of NSW.

Goldenfields Waters' supply system consists of five separate water schemes, Jugiong, Oura, Mt Arthur, Mt Daylight and Hylands Bridge. Goldenfields Water carries out water supply functions within the Local Government areas of Bland, Coolamon, Cootamundra, Hilltops, Junee, Temora, and part of Narrandera.

Hilltops Shire Council and Cootamundra Gundagai Shire Council are retailers, who purchase bulk water from Goldenfields and supply the water to retail customers in their respective local government areas. Goldenfields Water also supplies small quantities of bulk water to Riverina Water County Council.

**REPORT**

**Jugiong drinking Water Scheme**

The Jugiong drinking water scheme sources water from the Murrumbidgee River and has an extraction licence of 40ML per day. Water from the Murrumbidgee River is treated through a conventional Water Treatment Plant that consists of: Coagulation, Flocculation, Clarification, Filtration, Disinfection and Fluoridation. The Jugiong Scheme has 14 sets of reservoirs. The Jugiong Scheme supplies bulk water to the Cootamundra-Gundagai Regional Council for supply to the township of Cootamundra with a population of approximately 6800. Bulk water

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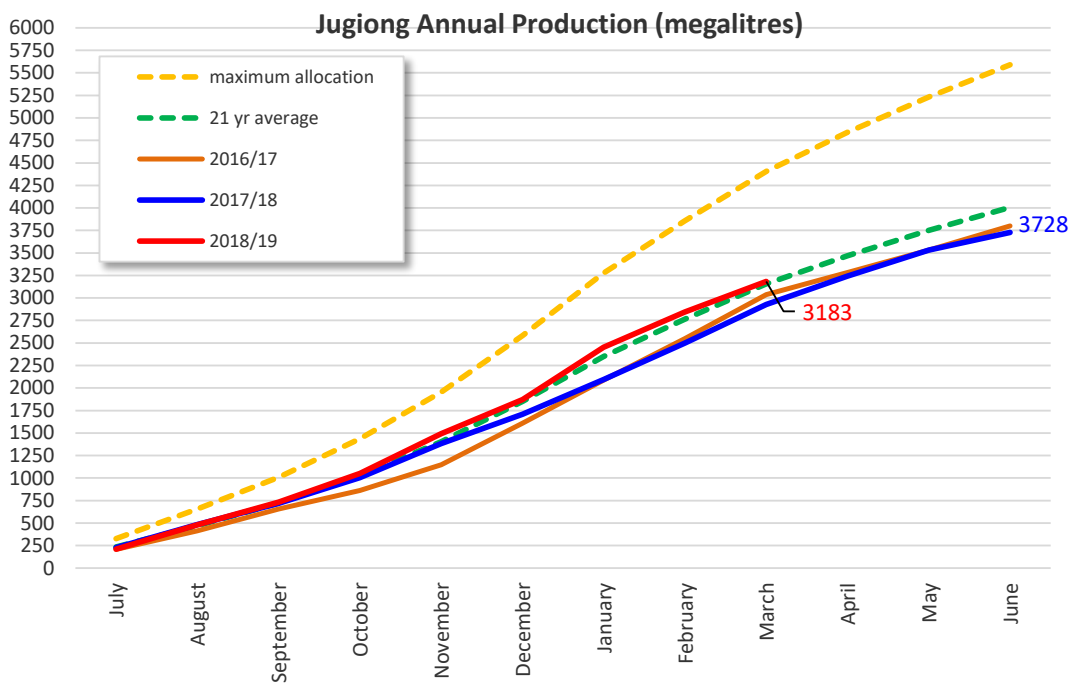
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is also supplied to the Hilltops Council for the town of Harden with a population of approximately 2200, and the town of Young with a population of approximately 8000.

Retail supply to approximately 600 people in the villages of Stockinbingal, Wallendbeen and Springdale.

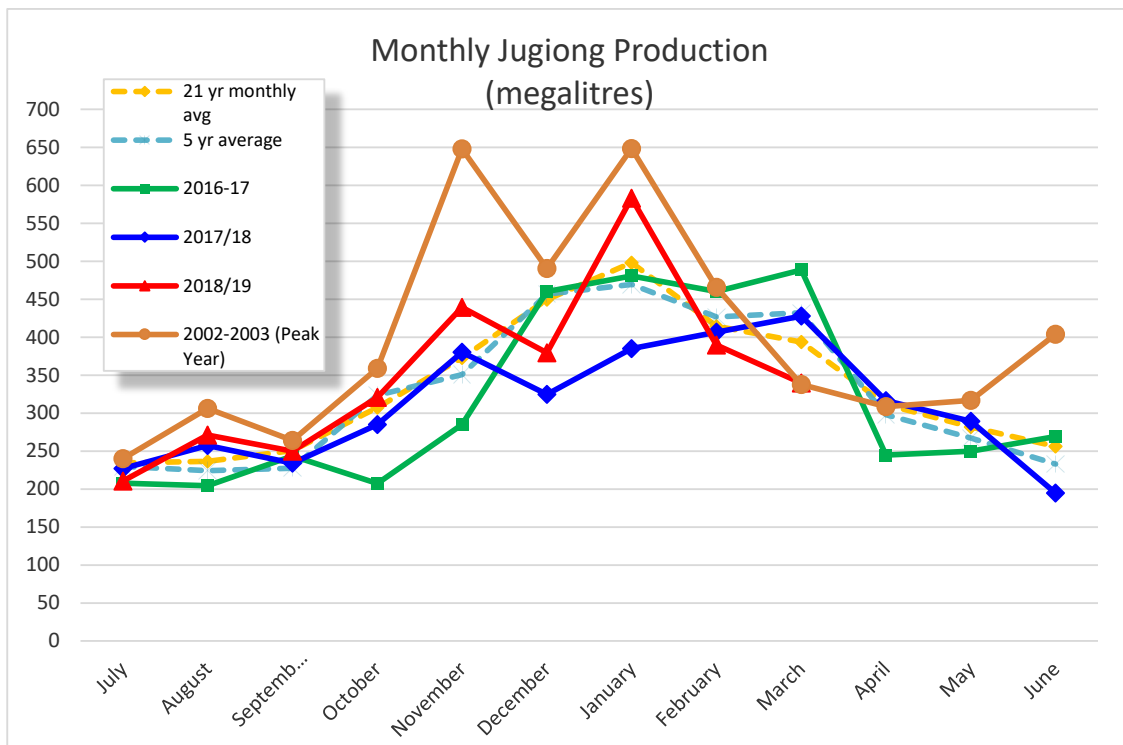
Jugiong annual water production is trending in a similar fashion to previous years.

Up until March 31<sup>st</sup> 2019. Water production was 3183 ML, this is much higher, 256 ML, than for the same period last year which was 2927ML. An increase of 13.76%. Mainly due to the extremely hot weather that has been experienced over this period.



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Jugiong monthly water production for February and March 2019. Was 389 ML for February and 339ML for March a total of 729ML for the 2 month period. This indicates a decrease of 105 ML compared to the same period last year (834ML).

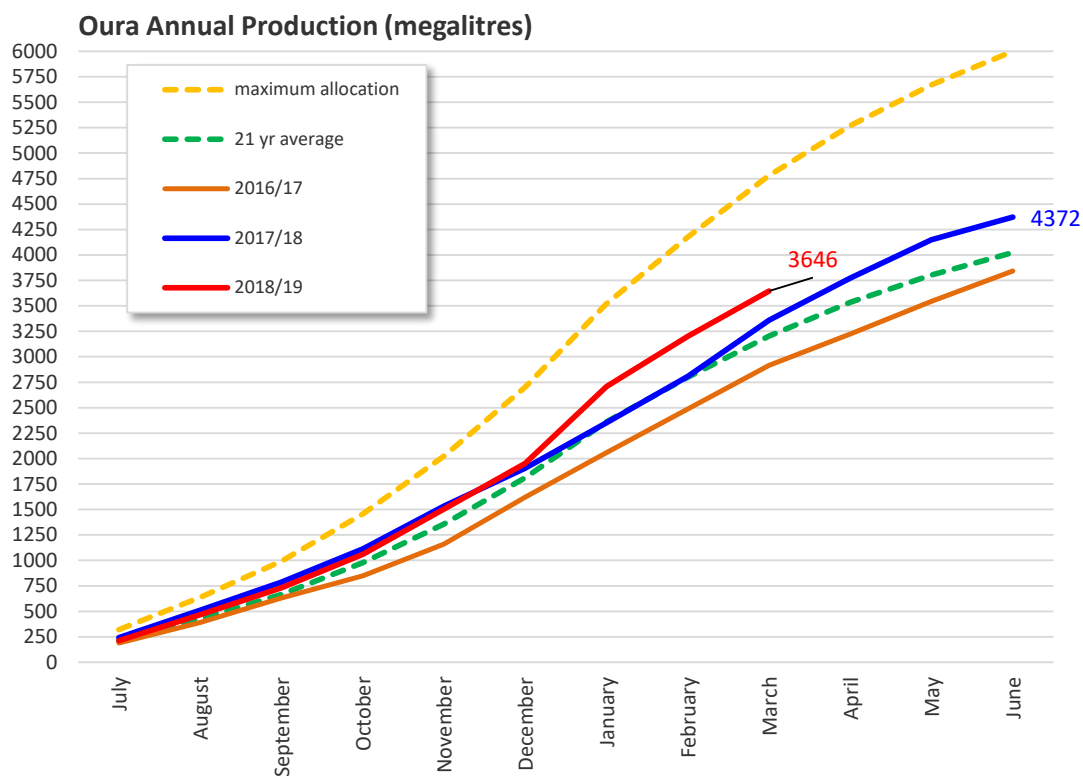


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**Oura Drinking Water Scheme**

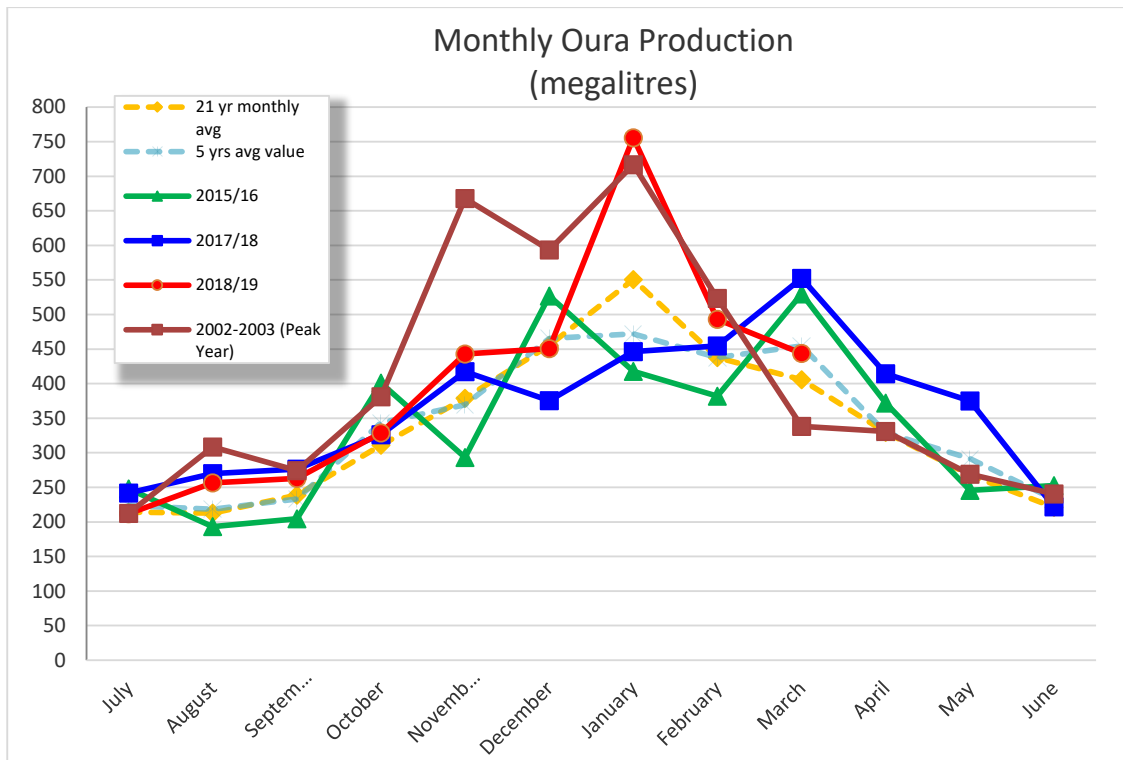
The water source at Oura is the Murrumbidgee inland alluvial aquifer, this water is extracted from 3 bores namely: Bores 3, 4 and 6. The raw water then goes through a treatment process at the Oura Water Treatment Plant that includes Aeration, Disinfection and Fluoridation. The Oura scheme has 33 sets of reservoirs and produces drinking water for approximately 14,600 people in the Bland, Coolamon, Junee, Narrandera and Temora Shires. The Oura scheme can also supply water to the Northern side of the rural area of Wagga Wagga City when required.

Up until the 31<sup>st</sup> March 2019. Water production from the Oura bores was 3646 ML, this is much higher, 285 ML, than for the same period last year which was 3361ML. An increase of 14.01%. Mainly due to the extremely hot weather that has been experienced over this period.



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Oura monthly water production for the period 1<sup>st</sup> February to 31<sup>st</sup> March 2019. Production for February was 492.89ML and for March was 443.83ML a total of 936.72 ML a decrease of 370.46ML as compared to the period (Feb, March) in 2018 where production was 1007.18ML.

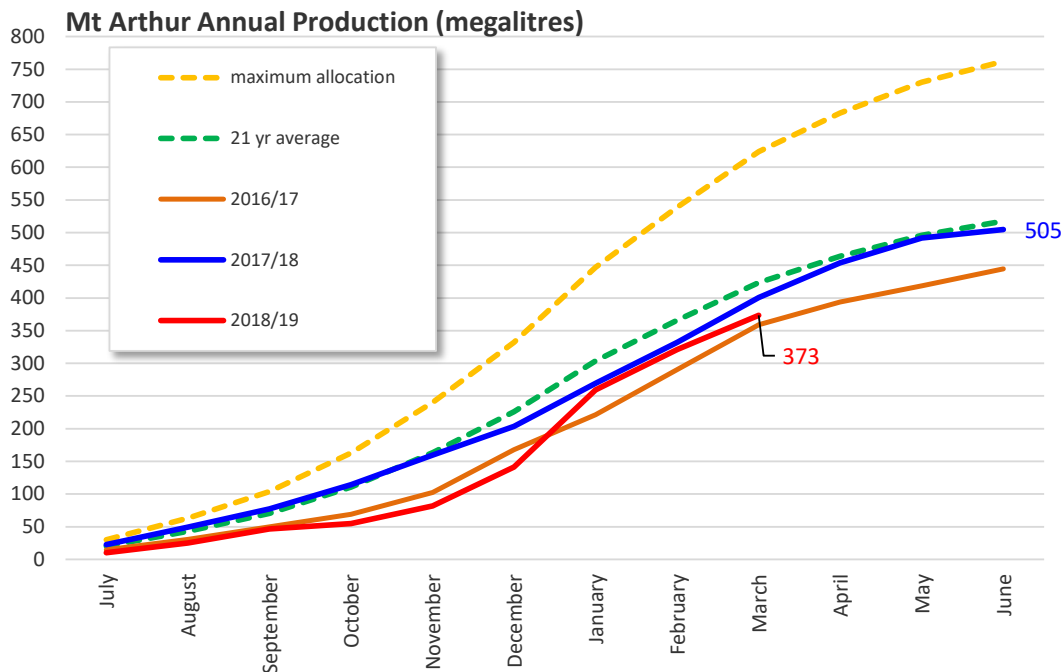


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**Mount Arthur Drinking Water Scheme**

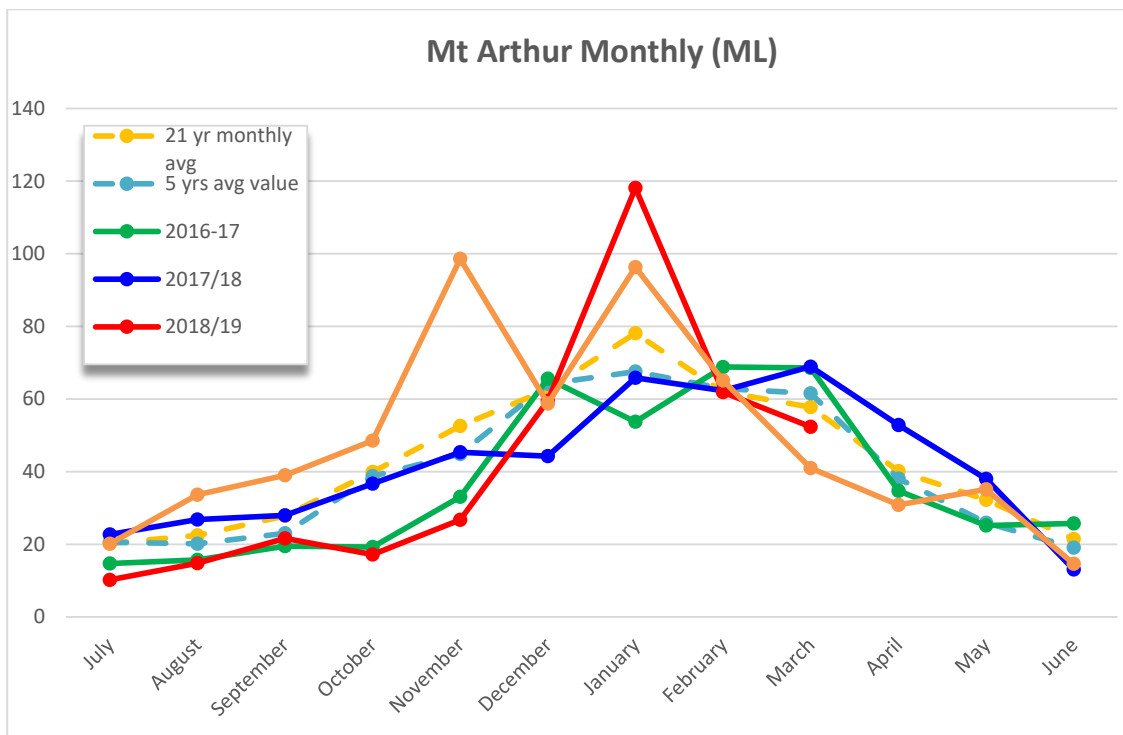
The Mount Arthur Water Source is from the Lachlan Fold belt Aquifer System. The water is extracted via two bores, bores 1 and 2 located in the Wagga Wagga City Council area South of Matong. The water is disinfected before distribution through 9 sets of reservoirs supplying approximately 2400 people with water in the Coolamon shire.

To the end of March 2019, 373ML of water has been extracted from the Mt Arthur Bores this is fractionally lower than for the same period in 2017/18 (401ML).



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Mount Arthur monthly water production for the period February and March 2019. Production for the February was 61.88ML and March was 52.33ML a total of 114.21ML as compared to the same period (Feb – March) in 2018 where production was 131.21ML. A decrease of 17ML.



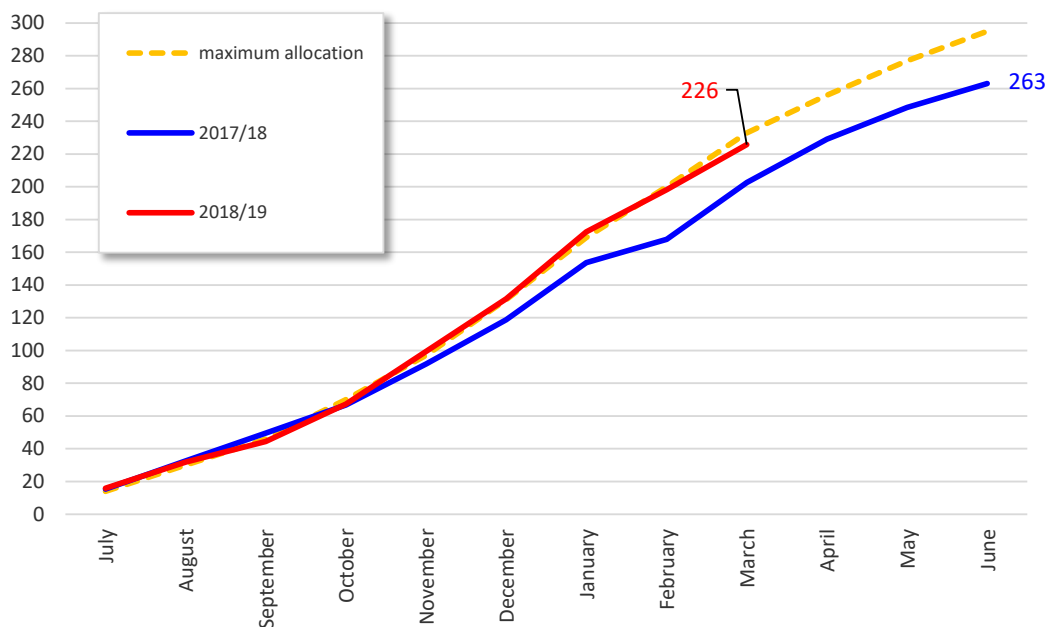
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**Mount Daylight Drinking Water Scheme**

The Mount Daylight water source is from the Lower Lachlan alluvium aquifer. The Mount Daylight bores are jointly operated with Carathool Shire Council. Carathool Shire Council is responsible for bore management. There are 7 sets of reservoirs in the Mt Daylight scheme. Mt Daylight supplies water to approximately 125 people in the villages of Naradhan Weethalle and Tallimba in the Bland Shire Council

To the end of March 2019, 226ML of water has been extracted from the Mt Daylight Bores this is higher than for the same period in 2017/18 (203ML). Indicating an increase of 23ML.

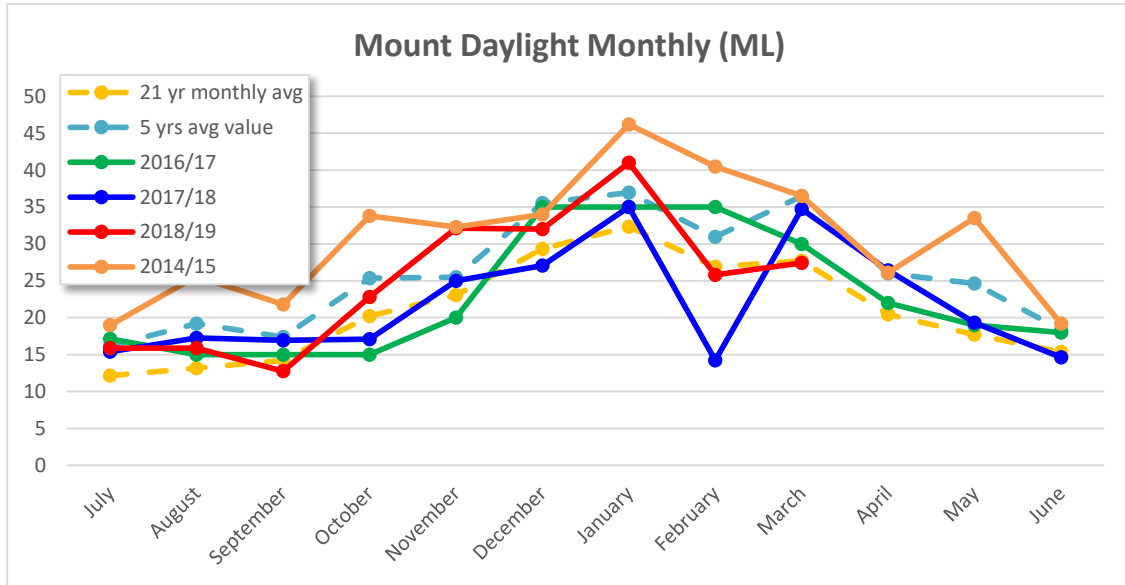
**Daylight Annual Volume (megalitres)**





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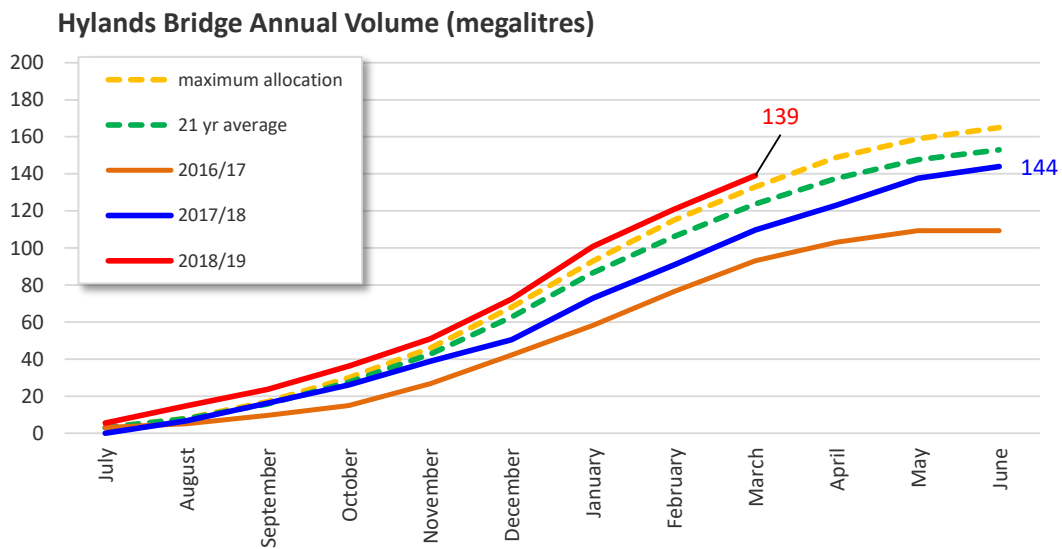
Mount Daylight monthly water production for February was 26ML and March was 27ML. Production for the period was 53ML and increase of 4ML as compared to the same period in 2018 where production was 49ML.



**Hylands Bridge - Non Potable**

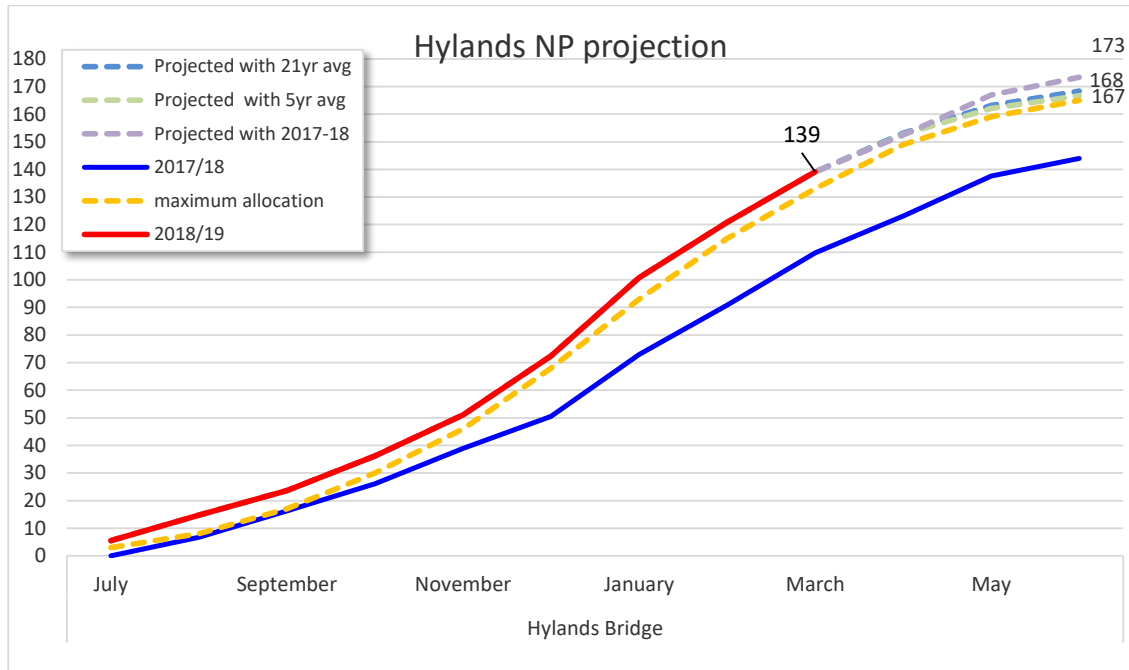
Hylands Bridge supplies Non Potable water to Barellan and Binya.

For the period February and March 2019, 139ML of water has been extracted from Hylands Bridge scheme, this is higher than for the same period in 2017/18 (110ML). An increase in production of 29ML compared to the same period last year.



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Hylands Bridge Projections are as per the graph below.



**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council’s financial position.

**ATTACHMENTS:** Nil.

**TABLED ITEMS:** Nil.

**14.3. MATTERS SUBMITTED BY ENGINEERING MANAGER**

**14.3.1. BUSSENSCHUTTS MAINS REPLACEMENT**

**BOARD RESOLUTION**

**19/035 RESOLVED** on the motion of Crs Morris and McCann that the Board approve the re-allocation of funding as described within this report to facilitate the necessary renewal works to proceed within the current financial year.

Report prepared by Engineering Manager

**COUNCIL OFFICER RECOMMENDATION**

That the Board approve the re-allocation of funding as described within this report to facilitate the necessary renewal works to proceed within the current financial year.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

- 01 Excellence in Service Provision
- 07 Efficient Operations

General Manager.....Chairperson.....

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**BACKGROUND**

The Bussenschutts main renewal is high on Council’s priority list due to the poor pipe condition. In 2018 there were 30 reported bursts equating to 6.5 bursts/km which is significantly higher than other problematic pipelines in our system.

The pipeline in this area runs through private property, notably crop land. The frequent bursts have become a problem for the farmers in the previous years, with compensation for the loss of crops being paid. The amount compensated was \$2,252.80 paid in the 2018/19 financial year.

**REPORT**

Preference is to complete the main renewal this financial year due to the following reasons:

- To minimise the time between cropping and renewing the main to reduce the risk of further compensation requirements
- To improve service to customers who have been experiencing frequent bursts for numerous years impacting their yield
- There are currently staff and plant available for the job, and
- The job can be completed using existing funding sources from this financial year which will otherwise not be expended for reasons noted below in the financial impact statement

The Bussenschutts main renewal would consist of replacing a total 5.4 km made up of 2.4 km of PVC100 and 3.4 km of PE63 main. A cost estimate for the works including a 10% contingency is \$370,000 and an estimated timeframe of 4 weeks, weather permitting.

**FINANCIAL IMPACT STATEMENT**

The works are proposed to be funded by journaling from the following amounts from budgets which will not be utilised otherwise:

- \$100,000 from the reservoir recoating project. This project was completed within budget. As of 12 April 2019 there is \$147,000 remaining in this budget. All costs have been paid with the exception of a final diver inspection and return of security due to occur January 2020 at a value of \$38,000.
- \$100,000 from the Thanowring Road project. The quotes for the initial stage of the works for Thanowring Road came in significantly less than originally allocated due to the staging of the project investigation and design phase. Additional budget allocation will be included in the 2019/20 financial year to complete the remaining design phases.
- \$170,000 from the Rosehill Project. As per February’s Council meeting report regarding this project, the construction phase of the project is not due to start until next financial year. The remaining budget is sufficient to cover the cost of consultants to finalise their works as well as approximately \$200,000 available for reallocation

The budget required for the works allowing 10% contingency is \$370,000. Any variation to the delivery of this project will be further reallocated from the Rosehill project.

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**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

**14.3.2. 2019/2020 INFRASTRUCTURE CAPITAL WORKS PROGRAM**

**BOARD RESOLUTION**

**19/036 RESOLVED** on the motion of Crs Morris and Sinclair that the Board note the attached 2019-2020 financial year draft capital works budget.

**Report prepared by Engineering Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board note the attached 2019-2020 financial year draft capital works budget.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Staff have previously workshopped the 2019-2020 financial year infrastructure capital works program with the Board.

**REPORT**

This report highlights the changes made to the 2019-2020 financial year infrastructure capital works program since the workshop and provides a copy of the current 2019-2020 financial year draft capital works budget (see attached).

<b>Project</b>	<b>Reason</b>	<b>Change</b>
<b>SCADA</b>	The budget has been increased to allow for the sub-projects noted in the breakdown	\$100,000
<b>Future Capital Works Investigation</b>	The budget has been increased to allow for the estimated cost of completing the Jugiong Strategic Asset Plan and to include investigation into improving the water quality in the Mt Arthur Scheme	\$125,000
<b>Thanowring Road Pipeline</b>	The budget has been reduced upon reviewing the estimated cost for completing detailed design	(\$200,000)
<b>Rosehill Pipeline Renewal</b>	The budget has been reduced due to the unknown timing of construction commencing (GWCC are currently awaiting approvals from external parties). Once the tender has been completed staff will know the anticipated cash flow for the financial year and a budget adjustment can be made at that time if required.	(\$3,000,000)
<b>Mains renewals</b>	The budget has been increased to allow for the renewal of two high priority pipelines	\$400,000
<b>Mt Arthur trunk scouring</b>	Additional budget added to replace valves and sections of pipe necessary to allow for scouring of the trunk mains	\$100,000

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**FINANCIAL IMPACT STATEMENT**

Change of (\$2,475,000) to the 2019-20 FY infrastructure capital works program.

A total of \$12,886,000 has been allocated to the 2019-2020 FY draft capital works budget.

**ATTACHMENTS:** 2019-2020 financial year capital works budget

**TABLED ITEMS:** Nil

**14.4. MATTERS SUBMITTED BY THE GENERAL MANAGER**

**14.4.1. RELATED PARTY TRANSACTION NOTIFICATIONS AND PECUNIARY**

**INTEREST RETURN**

**BOARD RESOLUTION**

**19/037 RESOLVED** on the motion of Crs McCann and Armstrong that Council note the tabling of the Related Party Transaction Notifications and Pecuniary Interest Return.

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council note the tabling of the Related Party Transaction Notifications and Pecuniary Interest Return.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

**Related Party Transaction Notifications**

The Australian Accounting Standards Board (AASB) has determined that AASB 124 Related Party Disclosures apply to government entities, including local government.

Related parties include Council’s key management personnel, 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.

In the annual financial statements councils must disclose related party relationship, transactions and outstanding balances, including commitments.

**Pecuniary Interest Returns**

Under section 450A of the Local Government Act 1993 and the Local Government (General) Regulation 2005, councillors and designated persons (staff) must provide a declaration of pecuniary interest as contained in the prescribed form.

**REPORT**

**Related Party Transaction Notifications**

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Key Management Personnel – elected members, the general manager, directors and managers are required to complete Related Party Transaction Notifications disclosing any existing or potential related party transaction to assist Council in compliance with its statutory obligations.

Related Party Transaction Notifications are tabled biannually to ensure the requirements are met.

**Pecuniary Interest Returns**

Declaration of Pecuniary interest returns must be completed and lodged with the General Manager within three (3) months after becoming a councillor or designated person, or alternatively a councillor or designated person holding that position at 30 June is required to lodge their pecuniary interest return with the General Manager by 30 September each year.

Returns must be tabled at the first meeting held after the required lodgement date.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Nil

**TABLED ITEMS:**

Pecuniary Interest Return – Samantha Jung

Related Party Transaction Notifications – Samantha Jung, Graham Sinclair, David McCann.

**14.4.2. OFFICE CLOSURE**

**BOARD RESOLUTION**

**19/038 RESOLVED on the motion of Crs Sinclair and McCann that Council endorse the office to be closed from:**

- **3.00pm on Thursday 30 May 2019; and**
- **12.00pm on Friday 19 July 2019.**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council endorse the office to be closed from:

- 3.00pm on Thursday 30 May 2019; and
- 12.00pm on Friday 19 July 2019.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

08 Highly Skilled and Energetic Workforce

**BACKGROUND**

Improving the workplace culture of Goldenfields Water is an area that both the Board and the Management team have indicated they would like to see improved over the next twelve (12)

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months. This concept was also heavily highlighted as an opportunity for development in the recent staff survey.

**REPORT**

It is proposed that we run two (2) team building events in the coming months with the aim of breaking down relationship barriers within our organisation and fostering a positive, productive and motivated workplace culture. Small periods of office closure are required to facilitate these events.

The office closure is proposed to be for two time periods being from:

- 3.00pm on Thursday 30 May 2019; and
- 12.00pm on Friday 19 July 2019.

Rostered staff will be on call to attend to operational issues (water breaks, breakdowns etc) and for major emergencies key staff will be recalled.

Customers can pay accounts through Australia Post and Bpay facilities.

Notification of the office closure period would be advertised via social media and local papers.

**FINANCIAL IMPACT STATEMENT**

Budget has been allowed for from Human Resources budget.

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Nil

**14.4.3. DRAFT OPERATIONAL PLAN 2019/2020**

**BOARD RESOLUTION**

**19/039 RESOLVED on the motion of Crs Sinclair and Morris that Council endorses the draft Operational Plan 2019-2020 incorporating the 2019-2020 budget and annual fees and charges to be placed on public display for a period of 28 days.**

*Cr Armstrong questioned item 7.3.1.1 of the plan, requesting confirmation that Goldenfields has already implemented a risk management framework. Mr Drenovski took the question on notice.*

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council endorses the draft Operational Plan 2019-2020 incorporating the 2019-2020 budget and annual fees and charges to be placed on public display for a period of 28 days.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

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**BACKGROUND**

The 2017-2021 Delivery Program was adopted by Council in June 2017 in accordance with Section 404 of the Local Government Act 1993.

Section 405 of the Local Government Act 1993 requires an Operational Plan including an annual budget and annual fees and charges to be adopted before the beginning of each financial year and for the draft documents to be placed on public exhibition for a period of 28 days.

The 2019-2020 Operational Plan is the third annual subset of the 2017-2021 Delivery Program

**REPORT**

In accordance with legislative requirements the 2019-2020 Operational Plan incorporating the 2019-2020 budget and annual fees and charges are now presented in draft for Council's consideration prior to being placed on public exhibition.

The 2019-2020 Operational Plan estimates an operating result of \$722,000 before capital items.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position.

**ATTACHMENTS:** Draft 2019-2020 Operational Plan

**TABLED ITEMS:** Nil

**15. NEXT MEETING**

The next ordinary meeting of council is due to be held Thursday 27 June 2019 at 10.00am

Mr Drenovski suggested a 9.00am Workshop prior to the meeting to provide further information regarding the Oura strategic plan and associated works.

**16. QUESTIONS AND STATEMENTS**

Cr McGlynn thanked staff for the explanations within the Agenda.

Cr McGlynn suggested with the upcoming completion of Mandamah Stage 1 that advertising of the event be considered.

Mr Drenovski advised this would best be scheduled to be held at the end of June.

Cr McCann complimented staff on the success of the project thus far with stage 1 on track to be within time and budget.

Cr Morris enquired if a quick fill standpipe will be considered for the Tallimba area in the future.

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Cr Morris enquired if the raw water from the channel will supply enough water to maintain the system at Barellan. Gerard responded and referred to the information on page 54 of the Agenda. Goldenfields may need to consider an increase to our allowance.

Cr McCann noted that Coolamon Shire Council have just received drought funding. Cr McCann has suggested trying to secure funding to install quick fills in the area.

Cr Armstrong noted the occurrences of discoloured water at Harden. While he realises it is reticulated by Harden not Goldenfields Water, he noted the high level of complaints on Social Media. Cr Armstrong suggested Goldenfields consider the social media strategy on managing misinformation.

Cr Sinclair asked the Board to consider supporting the Red Shield Appeal on behalf of Mayor Rick Firman. The Board congratulated Mayor Firman on his involvement, however the request for donation falls outside Goldenfields current policy.

**17. CLOSE OF BUSINESS**

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There being no further items requiring the attention of Council the meeting was declared closed at 11.37 am.

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