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**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 18 December 2020 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.



**The Hon. Shelley Hancock MP**  
Minister for Local Government

Ref: A754417

Clr Dennis Palmer  
Chairperson  
Goldenfields Water County Council  
Email: [office@gwcc.nsw.gov.au](mailto:office@gwcc.nsw.gov.au)

13 January 2021

Dear Clr Palmer

I am writing to inform you of the Government's intention to seek amendments to the *Local Government Act 1993* to address an anomaly in the term of office of chairpersons of county council.

As you would know, the Act was amended in 2016 to extend the term of office of mayors elected by councillors to two years to provide councils that elect their mayors with greater continuity of strategic leadership. The Act was amended again in 2017 to provide for the establishment of regional joint organisations of councils. Under the relevant provisions, chairpersons of joint organisations, like mayors elected by councillors, hold their office for two years.

Anomalously, chairpersons of county councils continue to hold their office for only one year. This means that county councils have not benefited from the continuity of strategic leadership enjoyed by councils and joint organisations as a result of the longer terms of office of mayors of councils and chairpersons of joint organisations.

The Government intends to address this anomaly by seeking an amendment to the Act to extend the term of office of chairpersons of county councils to two years, aligning their terms of office with the terms of office of mayors elected by councils and chairpersons of joint organisations.

The Government also intends to seek an amendment to align the term of office of chairpersons of county councils with the electoral terms of their member councils. Under the proposed amendment, the term of office of a chairperson will automatically expire on the election day for their member council. This will ensure the term of office of a chairperson of a county council will always align with the electoral terms of their member councils, regardless of when they were elected as chairperson.

If you have any questions or comments about the proposed amendments, please feel free to raise them with the Office of Local Government's Council Governance Team by telephone on 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley Hancock'.

**The Hon. Shelley Hancock MP**  
Minister for Local Government

### **MATTERS OF URGENCY**

In accordance with clause 9.3 of Councils Code of Meeting Practice, 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 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.

**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.*

**TENDER 08/2020 – OURA SWITCHROOM CONSTRUCTION & CIVIL 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, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret,*

## **ROSEHILL LANDHOLDERS UPDATE**

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

*c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*

**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.*

## GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021

### COUNCIL INVESTMENTS

#### Report prepared by Corporate Services Manager

#### COUNCIL OFFICER RECOMMENDATION

That the report detailing Council Investments as at 31<sup>st</sup> January 2021 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

Council's investment portfolio increased by \$500,000 from \$53,000,000 as at 30<sup>th</sup> November 2020 to \$53,500,000 as at 31<sup>st</sup> January 2021.

#### Investment Portfolio

Type	Rating	SP Rating	Issuer	Frequency	Purchase	Maturity	Days	Rate	Benchmark*	Principal
TD	AA-	A1+	National Australia Bank	At Maturity	14/02/2020	16/02/2021	368	1.50	0.20	\$3,000,000
TD	NR	NR	Police Credit Union SA	Annual	21/03/2018	22/03/2021	1097	3.15	0.20	\$2,000,000
TD	BBB+	A2	AMP Bank	At Maturity	19/03/2020	25/03/2021	371	1.80	0.20	\$2,000,000
TD	NR	NR	Australian Military Bank	Annual	29/03/2018	29/03/2021	1096	3.20	0.20	\$1,000,000
TD	AA-	A1+	Westpac	Quarterly	24/04/2018	27/04/2021	1099	3.13	0.20	\$3,000,000
TD	AA-	A1+	National Australia Bank	At Maturity	9/06/2020	9/06/2021	365	0.98	0.20	\$2,000,000
TD	BBB	A2	P&N Bank	Annual	27/06/2018	28/06/2021	1097	3.15	0.20	\$3,000,000
TD	BBB+	A2	BOQ	Annual	12/07/2017	12/07/2021	1461	3.45	0.20	\$2,000,000
TD	AA-	A1+	National Australia Bank	Annual	26/11/2020	19/08/2021	266	0.48	0.20	\$2,000,000
TD	BBB+	A2	AMP Bank	At Maturity	9/12/2020	8/09/2021	273	0.70	0.20	\$3,000,000
TD	BBB+	A2	BOQ	Annual	16/12/2020	28/09/2021	286	0.55	0.20	\$1,000,000
TD	BBB+	A2	BOQ	Annual	29/10/2018	29/10/2021	1096	3.00	0.20	\$3,000,000
TD	BBB+	A2	AMP Bank	Annual	15/05/2020	17/11/2021	551	1.55	0.20	\$3,000,000
TD	AA-	A1+	National Australia Bank	Annual	26/11/2020	9/12/2021	378	0.48	0.20	\$2,000,000
TD	AA-	A1+	Westpac	Quarterly	16/12/2020	11/01/2022	391	0.49	0.20	\$3,000,000
TD	BBB+	A2	AMP Bank	At Maturity	12/01/2021	11/02/2022	395	1.00	0.20	\$2,000,000
TD	BBB+	A2	AMP Bank	At Maturity	12/01/2021	11/03/2022	423	1.00	0.20	\$2,000,000
TD	BBB+	A2	BOQ	Annual	12/07/2018	12/07/2022	1461	3.50	0.20	\$1,000,000
TD	AA-	A1+	Westpac	Quarterly	13/07/2020	13/07/2022	730	0.96	0.20	\$3,000,000
TD	BBB+	A2	BOQ	Annual	23/06/2020	20/07/2022	757	1.23	0.20	\$1,000,000
TD	AA-	A1+	Westpac	Quarterly	5/08/2020	7/09/2022	763	0.90	0.20	\$3,000,000
TD	AA-	A1+	NT Treasury	Annual	10/09/2020	15/12/2023	1191	1.00	0.20	\$2,000,000
TD	AA-	A1+	NT Treasury	Annual	28/09/2020	15/12/2024	1539	1.10	0.20	\$1,000,000
CASH	A-	A1	Macquarie Bank	Monthly				0.45	0.10	\$3,000,000
CASH	AA-	A1+	CBA	Monthly				0.10	0.10	\$500,000
<b>TOTAL:</b>										<b>\$53,500,000</b>

\*Benchmarks

On Call - RBA Cash

Floating Rate Deposit - 3m BBSW

Term Deposit - BBSW

**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**Performance**

Goldenfields Water County Council’s investment portfolio outperformed the relevant BBSW Index benchmark by 651%. The average weighted yield for January was 1.57%, over an average weighted term of 284 days, with a benchmark of 0.21%.

<b>Total Cost</b> <b>53,500,000</b>	<b>Total Accrued Interest</b> <b>372,690</b>	<b>Weighted Average Term</b> <b>284 Days</b>
<b>Total Value</b> <b>53,500,000</b>	<b>Monthly Interest Received</b> <b>124,833</b>	<b>Weighted Average Yield</b> <b>1.57%</b>

**Credit Quality Compliance**

Council’s investment portfolio was compliant with policy in terms of S&P long term rating credit quality limits, as displayed below.

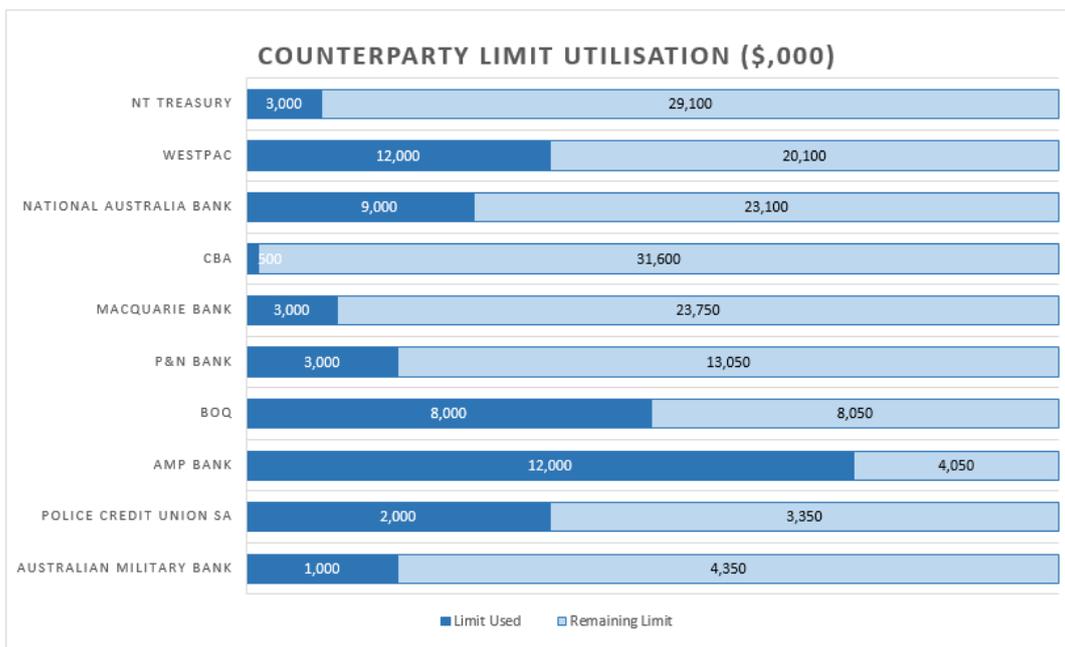


**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**Counter Party Compliance**

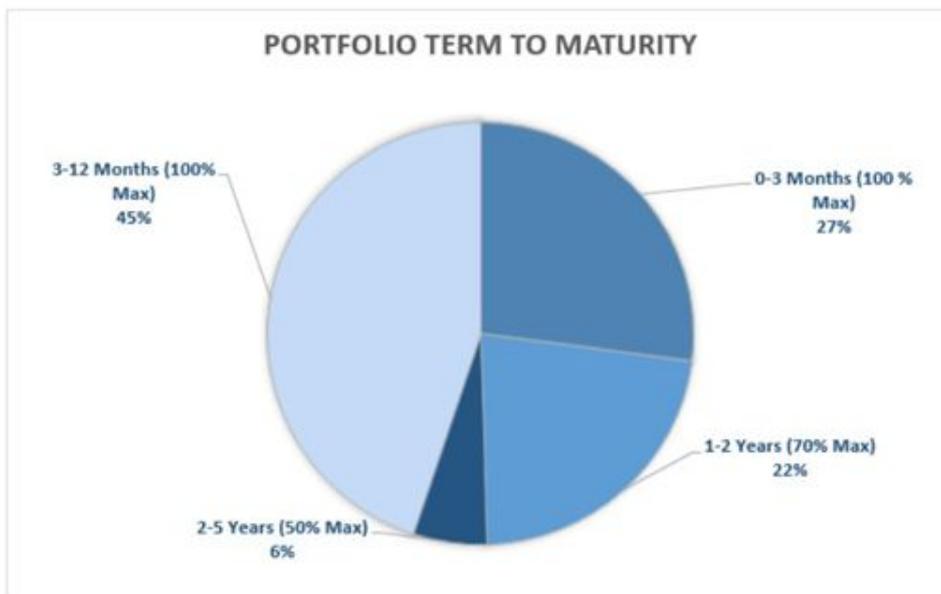
As at the end of January, Council was compliant with policy in terms of individual financial institution capacity limits. It is worth noting that capacity limits are affected by changes in the on call account balance compared to the total portfolio balance.

Overall, the portfolio is diversified across a variety of credit ratings, including some exposure to unrated ADIs.



**Term to Maturity**

Council’s investment portfolio maturities shown graphically below were also compliant with policy requirements.



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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**


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**APPLICATION OF INVESTMENT FUNDS**

The table below details the allocation of cash balances in terms of restricted funds, noting restrictions are all internal rather than external.

<b>Restricted Funds:</b>	
Plant & Vehicle Replacement	1,393,231
Infrastructure Replacement	33,292,449
Employee Leave Entitlement	2,128,849
Sales Fluctuation Reserve	500,000
Property Reserve	391,890
<b>Unrestricted Funds:</b>	15,793,581
<b>TOTAL</b>	<b>53,500,000</b>

**FINANCIAL IMPACT STATEMENT**

Council's investment portfolio increased by \$500,000 from \$53,000,000 as at 30<sup>th</sup> November 2020 to \$53,500,000 as at 31<sup>st</sup> January 2021.

**DECLARATION**

I hereby certify that investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policy PP004.

Signed



Michele Curran  
Responsible Accounting Officer

**ATTACHMENTS:** Nil.**TABLED ITEMS:** Nil.

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**PROGRESS REPORT – CAPITAL WORKS EXPENDITURE**

**Report prepared by Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the report detailing Council's Capital Works Program as at 31 January 2021 be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Capital Works represents a significant part of Councils activities and expenditure. This report details progress year to date on programmed and emergent capital works.

**REPORT**

This report is presented for information on the Capital Works Program year to date progress as at 31 January 2021.

**FINANCIAL IMPACT STATEMENT**

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

**ATTACHMENTS:** Capital Works Progress Report as at 31 January 2021

**TABLED ITEMS:** Nil.

PUBLIC - Goldenfields Water County Council Agenda - February 2021 - MATTERS TO BE SUBMITTED TO OPEN COUNCIL

Goldenfields Water County Council										
CAPITAL WORKS PROGRESS										
AS AT 31 JANUARY 2021	ORIGINAL BUDGET 2020/21	2019/20 CARRYOVERS & REVOTES	QBR SEP 2020/21	QBR DEC 2020/21	REVISED BUDGET 2020/21	ACTUAL YTD	COMMITTED YTD	TOTAL ACTUAL & COMMITTED YTD	VARIANCE YTD	% ACTUAL TO BUDGET
<b>CAPITAL INCOME:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Asset Sales	(741,000)	-	-	-	(741,000)	(641,970)	-	(641,970)		
Capital Contributions	(1,500,000)	-	-	(850,000)	(2,350,000)	(1,390,767)	-	(1,390,767)		
<b>TOTAL CAPITAL INCOME:</b>	<b>(2,241,000)</b>	<b>-</b>	<b>-</b>	<b>(850,000)</b>	<b>(3,091,000)</b>	<b>(2,032,738)</b>	<b>-</b>	<b>(2,032,738)</b>	<b>(1,058,263)</b>	<b>66%</b>
<b>CAPITAL EXPENDITURE</b>										
<b>NEW SYSTEM ASSETS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Land & Buildings	600,000	-	26,000	(150,000)	476,000	413,024	7,295	420,319	55,681	88%
Mains - Developer Paid	40,000	-	80,000	131,000	251,000	92,215	7,918	100,133	150,867	40%
Mains - Trunk	180,000	50,776	-	40,000	270,776	35,436	44,247	79,683	191,093	29%
Mains - Reticulation	150,000	-	-	55,000	205,000	104,572	550	105,122	99,878	51%
Mains - Rural	1,800,000	-	-	-	1,800,000	689,243	122,628	811,871	988,129	45%
Scada	80,000	214,760	-	-	294,760	76,113	159,003	235,116	59,644	80%
<b>TOTAL NEW SYSTEM ASSETS:</b>	<b>2,850,000</b>	<b>265,536</b>	<b>106,000</b>	<b>76,000</b>	<b>3,297,536</b>	<b>1,410,604</b>	<b>341,641</b>	<b>1,752,245</b>	<b>1,394,425</b>	<b>53%</b>
<b>RENEWALS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Plant & Equipment	1,350,000	184,570	15,000	-	1,549,570	1,049,041	164,835	1,213,876	335,694	78%
Information Technology	78,156	-	-	-	78,156	41,195	-	41,195	36,961	53%
Furniture and Office Equipment	5,000	-	-	-	5,000	6,020	-	6,020	(1,020)	120%
Land & Buildings	30,000	90,000	-	-	120,000	82,903	1,022	83,926	36,074	70%
Mains - Trunk	3,575,000	70,000	-	(125,000)	3,520,000	500,404	3,495,943	3,996,347	(476,347)	114%
Mains - Reticulation	45,000	-	250,000	356,000	651,000	99,036	50,928	149,964	501,037	23%
Mains - Rural	-	-	-	115,000	115,000	-	-	-	115,000	0%
Pump Stations	1,480,000	-	225,000	106,500	1,811,500	299,594	779,408	1,079,002	732,498	60%
Bores	200,000	277,000	-	770,000	1,247,000	452,693	261,750	714,443	532,557	57%
Reservoir Sites	370,000	23,710	-	-	393,710	231,722	10,608	242,329	151,381	62%
Treatment Plant	4,480,000	95,500	-	(725,000)	3,850,500	651,284	2,430,054	3,081,339	769,161	80%
Scada	-	-	-	450,000	450,000	-	-	-	450,000	0%
Emergency Works	200,000	-	-	-	200,000	-	-	-	200,000	0%
<b>TOTAL RENEWALS ASSETS:</b>	<b>11,813,156</b>	<b>740,780</b>	<b>490,000</b>	<b>947,500</b>	<b>13,991,436</b>	<b>3,413,893</b>	<b>7,194,548</b>	<b>10,608,441</b>	<b>3,382,995</b>	<b>76%</b>
<b>TOTAL CAPITAL EXPENDITURE:</b>	<b>14,663,156</b>	<b>1,006,316</b>	<b>596,000</b>	<b>1,023,500</b>	<b>17,288,972</b>	<b>4,824,496</b>	<b>7,536,189</b>	<b>12,360,685</b>	<b>4,928,287</b>	<b>71%</b>

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**QUARTERLY BUDGET REVIEW 31 DECEMBER 2020**

**Report prepared by Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board receives and adopts the Quarterly Budget Review for the period ended 31 December 2020.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

The Quarterly Budget Review Statement is presented to Council in accordance with Clause 203(2) of the Local Government (General) Regulations 2005, for the purpose of periodically reviewing and revising estimates of income and expenditure.

**REPORT**

The Quarterly Review of Council's Budget for the period ended 31 December 2020 is submitted for examination by Council.

The anticipated Operating Result for 2020/21 is a deficit of \$1,376,000. The anticipated Operating Result as originally adopted was a surplus of \$247,000. Proposed adjustments are detailed below.

Of note, a review of half yearly water sales figures has been undertaken during the quarterly budget review process. There has been an impact on production following rainfall during spring and early summer, as well as lower overall summer temperatures. Jugiong has seen the greatest impact, with 24.7% less production than the same period last year. Other schemes have also been impacted, 24% in Oura and 9.7% in Daylight and Hylands. As a result, water sales will be affected and a quarterly budget review is recommended, especially taking into account forecasts of a wetter than average March to May period.

The Capital Works expenditure is not included in the Operating Result and is an additional outlay. Further detail about capital works can be found in the Capital Works Progress Report item of the business paper.

Proposed December 2020 quarterly review adjustments:

**Capital Income**

- \$1,500,000 decrease in Water Sales
- \$850,000 increase in Developer Charges

**Capital Expenditure**

- (\$150,000) Oura Land Acquisition
- \$131,000 Developer Paid Mains
- \$40,000 Nangus Water Supply Investigation
- \$55,000 Coopers Lane Coolamon
- (\$125,000) Trunk Main Renewals
- \$160,000 Beach St Main Replacement

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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- \$100,000 Cox St Main Replacement
- (\$29,000) Reticulation Mains Renewals
- \$115,000 Breust Property Spur
- (\$340,000) Pump Station Renewals
- \$161,000 Critical Valve Renewal
- \$145,000 North Weethalle Electrical and Pump Upgrade
- \$140,000 Weethalle Electrical and Pump Upgrade
- \$450,000 SCADA communications renewal program
- \$435,000 Matong Bore 1
- \$140,000 Oura Bore 6 Switchboard Renewal
- \$145,000 Oura Bore 3 Switchboard Renewal
- \$50,000 Oura Bore 6 Renewal
- \$450,000 Oura High Voltage
- (\$450,000) Jugiong High Voltage
- \$25,000 Jugiong Compressor
- (\$750,000) Jugiong Old Treatment Plant Demolition

**FINANCIAL IMPACT STATEMENT**

The recommendation reduces Council's Operating Result by \$650,000 and increases Capital Works Expenditure by \$1,023,000.

**ATTACHMENTS:** Quarterly Budget Review 31-12-20.

**TABLED ITEMS:** Nil.

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

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7. Additional Statements	
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Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Goldenfields Water County Council for the quarter ended 31/12/20 indicates that Council's projected financial position at 30/6/21 will be Satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.



**Signed:** \_\_\_\_\_

**Date:** 12/02/2021

Michele Curran  
Corporate Services Manager

Goldenfields Water County Council

**Quarterly Budget Review Statement**

for the period 01/10/20 to 31/12/20

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Income & Expenses**

(\$000's)	Original Budget	Approved Changes		Revised Budget	Variations for this	Notes	Projected Year End	Actual YTD
	2020/21	Carry Forwards	Sep QBR	2020/21	Dec Qtr		Result	figures
<b>Income</b>								
Rates and Annual Charges	5,165	-	-	5,165	-		5,165	1,612
User Charges and Fees	16,010	-	-	16,010	(1,500)	2.1	14,510	3,430
Interest and Investment Revenues	830	-	-	830	-		830	547
Other Revenues	100	-	-	100	-		100	116
Grants & Contributions - Operating	85	-	-	85	-		85	-
Grants & Contributions - Capital	1,500	-	-	1,500	850	2.2	2,350	1,175
<b>Total Income from Continuing Operations</b>	<b>23,690</b>	<b>-</b>	<b>-</b>	<b>23,690</b>	<b>(650)</b>		<b>23,040</b>	<b>6,880</b>
<b>Expenses</b>								
Employee Costs	6,517	-	-	6,517	-		6,517	3,944
Materials & Contracts	4,188	62	-	4,250	-		4,250	3,333
Depreciation	7,521	-	761	8,282	-		8,282	4,141
Other Expenses	5,217	-	150	5,367	-		5,367	1,661
<b>Total Expenses from Continuing Operations</b>	<b>23,443</b>	<b>62</b>	<b>911</b>	<b>24,416</b>	<b>-</b>		<b>24,416</b>	<b>13,079</b>
<b>Net Operating Result from Continuing Operations</b>	<b>247</b>	<b>(62)</b>	<b>(911)</b>	<b>(726)</b>	<b>(650)</b>		<b>(1,376)</b>	<b>(6,199)</b>
<b>Net Operating Result from All Operations</b>	<b>247</b>	<b>(62)</b>	<b>(911)</b>	<b>(726)</b>	<b>(650)</b>		<b>(1,376)</b>	<b>(6,199)</b>
<b>Net Operating Result before Capital Items</b>	<b>(1,253)</b>	<b>(62)</b>	<b>(911)</b>	<b>(2,226)</b>	<b>(1,500)</b>		<b>(3,726)</b>	<b>(7,374)</b>

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

<b>Notes</b>	<b>Details</b>	<b>\$000</b>
2.1	Decrease in water sales due to lower production following wet weather and lower average temperatures	-\$1,500
2.2	Increase to augmentation (\$175k) and infrastructure charges (\$675k) due to higher than anticipated developer works	\$850

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20**Capital Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Capital Budget**

(\$000's)	Original Budget	Approved Changes		Revised Budget	Variations for this	Notes	Projected Year End	Actual YTD
	2020/21	Carry Forwards	Sep QBR	2020/21	Dec Qtr		Result	figures
<b>Capital Expenditure</b>								
<b>New Assets</b>								
- Land & Buildings	600	-	26	626	-		626	341
- Water Supply Infrastructure	2,250	265	80	2,595	76	3.1	2,671	799
<b>Renewal Assets (Replacement)</b>								
- IT Equipment	78	-	-	78	-		78	38
- Office Equipment	5	-	-	5	-		5	6
- Plant & Equipment	1,350	185	15	1,550	-		1,550	989
- Land & Buildings	30	90	-	120	-		120	74
- Water Supply Infrastructure	10,350	466	475	11,291	947	3.2	12,238	1,884
<b>Total Capital Expenditure</b>	<b>14,663</b>	<b>1,006</b>	<b>596</b>	<b>16,265</b>	<b>1,023</b>		<b>17,288</b>	<b>4,131</b>
<b>Capital Funding</b>								
Fees, Charges & Other Untied Funding	-	-	596	596	1,023		1,619	-
Capital Grants & Contributions	1,500	-	-	1,500	-		1,500	1,167
Proceeds from Sale - IPP&E	741	-	-	741	-		741	470
Internal Restrictions/Reserves	12,422	1,006	-	13,428	-		13,428	2,494
<b>Total Capital Funding</b>	<b>14,663</b>	<b>1,006</b>	<b>596</b>	<b>16,265</b>	<b>1,023</b>		<b>17,288</b>	<b>4,131</b>
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>

Goldenfields Water County Council

**Quarterly Budget Review Statement**

for the period 01/10/20 to 31/12/20

**Capital Budget Review Statement  
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

<b>Notes</b>	<b>Details</b>	<b>\$000</b>
	Refer to Capital Works Progress report for more detail on Capital Projects	
3.1	Oura Land Acquisition	-\$150
	Developer Paid Mains	\$131
	Nangus Water Supply Investigation	\$40
	Coopers Lane Coolamon - 200mm Pipe Install	\$55
3.2	Trunk Main Renewals	-\$125
	Beach St Main Replacement	\$160
	Cox St Intersection Main Replacement	\$100
	Junee 50mm Gal Replacement	\$125
	Reticulation Main Renewals	-\$29
	Breust Property Spur	\$115
	Pump Station Renewals	-\$340
	Critical Valve Renewal	\$161
	North Weethalle Electrical and Pump Upgrade	\$145
	Weethalle Electrical and Pump Upgrade	\$140
	SCADA communications network renewal program	\$450
	Matong Bore 1	\$435
	Oura Bore 6 SB Renewal	\$140
	Oura Bore 3 SB Renewal	\$145
	Oura Bore 6 Renewal	\$50
	Oura High Voltage	\$450
	Jugiong High Voltage	-\$450
	Jugiong Compressor	\$25
	Jugiong Old Treatment Plant Demolition	-\$750

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Cash & Investments**

(\$000's)	Original Budget	Approved Changes		Variations for this	Notes	Projected Year End	Actual YTD
	2020/21	Sep QBR	Dec QBR	Dec Qtr		Result	figures
<b>Internally Restricted</b> <sup>(2)</sup>							
Plant & Vehicle Replacement	1,269	-	-	-		1,269	1,393
Infrastructure Replacement	34,009	-	-	-		34,009	33,292
Employees Leave Entitlement	2,129	-	-	-		2,129	2,129
Sales Fluctuation Reserve	2,000	-	-	(1,500)	4.1	500	500
Property Reserve	392	-	-	-		392	392
<b>Total Internally Restricted</b>	<b>39,799</b>	-	-	<b>(1,500)</b>		<b>38,299</b>	<b>37,706</b>
(2) Funds that Council has earmarked for a specific purpose							
<b>Unrestricted</b> (ie. available after the above Restrictions)	8,719	(746)	-	(173)	4.2	7,800	15,899
<b>Total Cash &amp; Investments</b>	<b>48,518</b>	-	-	<b>(1,673)</b>		<b>46,099</b>	<b>53,605</b>

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Cash & Investments Budget Review Statement**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/20

The YTD Cash & Investment figure reconciles to the actual balances held as follows: **\$ 000's**

Cash at Bank (as per bank statements)		776
Investments on Hand		53,000
less: Unpresented Cheques	(Timing Difference)	(17)
add: Undeposited Funds	(Timing Difference)	36
Less: receipts not yet updated	(Timing Difference)	(190)

**Reconciled Cash at Bank & Investments** 53,605

**Balance as per Review Statement:** 53,605

Difference: -

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

	<b>Notes    Details</b>	<b>\$000</b>
4.1	Decrease in water sales due to lower demand from Jugiong scheme	-\$1,500
4.2	Capital expenditure adjustments and additional developer charges income	-\$173

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2020

(\$000's)	Current Projection		Original Budget 20/21	Actuals Prior Periods	
	Amounts	Indicator		19/20	18/19
	20/21	20/21			

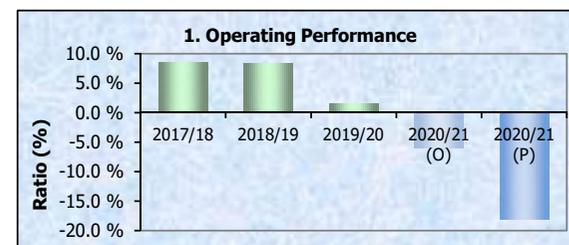
NSW Local Government Industry Key Performance Indicators (OLG):

**1. Operating Performance**

Operating Revenue (excl Capital) - Operating Expenses	-3,726	-18.0 %	-5.9 %	1.6 %	8.4 %
Operating Revenue (excl Capital Grants & Contributions)	20,690				

This ratio measures Council's achievement of containing operating expenditure within operating revenue. A positive result indicates a surplus. Operating deficits cannot be sustained in the long term.

Benchmark >0%



**2. Own Source Operating Revenue**

Operating Revenue (excl all Grants & Contributions)	20,605	89.4 %	93.3 %	94.0 %	96.2 %
Total Continuing Operating Revenue	23,040				

This ratio measures Council's dependence on external funding sources such as operating grants & contributions.

Benchmark >60%



**3. Unrestricted Current Ratio**

Current Assets less all External Restrictions	41,061	10.35	10.93	32.03	13.10
Current Liabilities less Specific Purpose Liabilities	3,968				

This measures Council's ability to pay existing liabilities in the next 12 months from unrestricted activities of Council.

Benchmark >1.5x



Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2020

(\$000's)	Current Projection		Original Budget 20/21	Actuals Prior Periods	
	Amounts 20/21	Indicator 20/21		19/20	18/19
<b>4. Debt Service Cover Ratio</b>					
Operating Result before Capital (excl Interest & Depn)	6,056	0.00	0.00	0.00	0.00
Principal Repayments + Borrowing Interest Costs	0				

This ratio measures Council's ability to service debt, including interest and principal payments.  
Benchmark >2x



<b>5. Cash Expense Cover Ratio</b>					
Current Year's Cash & Cash Equivalents (incl. Term Deposits)	46,099				
Monthly payments from cash flow of operating and financing activities	1,344	34.30	38.15	36.90	37.95
		mths	mths	mths	mths

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.  
Benchmark >3mths



Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 December 2020

**Part A - Contracts Listing** - contracts entered into during the quarter

<b>Contractor</b>	<b>Contract detail &amp; purpose</b>	<b>Contract Value</b>	<b>Start Date</b>	<b>Duration of Contract</b>	<b>Budgeted (Y/N)</b>	<b>Notes</b>
Gongues Constructions	Critical Valve Replacement	\$656,255	22/10/20	17 weeks	Y	
Cardno	Rosehill to Young Strategic Plan	\$206,663	10/10/20	8 months	Y	
Southern Cross Crane Service	Crane Service & Certification	\$59,189	11/11/20	2 weeks	Y	
TCM Civil Pty Ltd	Repair Work at Demondrille Creek	\$61,539	01/10/20	2 months	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Goldenfields Water County Council

**Quarterly Budget Review Statement**  
for the period 01/10/20 to 31/12/20

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

<b>Expense</b>	<b>YTD Expenditure (Actual Dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	145,952	Y
Legal Expenses	59,274	Y

**Definition of a consultant:**

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

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

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N/A

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PUBLIC - Goldenfields Water County Council Agenda - February 2021 - MATTERS TO BE SUBMITTED TO OPEN COUNCIL

Goldenfields Water County Council										
CAPITAL WORKS PROGRESS										
AS AT 31 DECEMBER 2020	ORIGINAL BUDGET 2020/21	2019/20 CARRYOVERS & REVOTES	QBR SEP 2020/21	QBR DEC 2020/21	REVISED BUDGET 2020/21	ACTUAL YTD	COMMITTED YTD	TOTAL ACTUAL & COMMITTED YTD	VARIANCE YTD	% ACTUAL TO BUDGET
<b>CAPITAL INCOME:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Asset Sales	(741,000)	-	-	-	(741,000)	(470,380)	-	(470,380)		
Capital Contributions	(1,500,000)	-	-	(850,000)	(2,350,000)	(1,167,101)	-	(1,167,101)		
<b>TOTAL CAPITAL INCOME:</b>	<b>(2,241,000)</b>	<b>-</b>	<b>-</b>	<b>(850,000)</b>	<b>(3,091,000)</b>	<b>(1,637,481)</b>	<b>-</b>	<b>(1,637,481)</b>	<b>(1,453,519)</b>	<b>53%</b>
<b>CAPITAL EXPENDITURE</b>										
<b>NEW SYSTEM ASSETS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Land & Buildings	600,000	-	26,000	(150,000)	476,000	340,524	13,045	353,569	122,431	74%
Mains - Developer Paid	40,000	-	80,000	131,000	251,000	75,020	10,754	85,774	165,226	34%
Mains - Trunk	180,000	50,776	-	40,000	270,776	35,436	44,247	79,683	191,093	29%
Mains - Reticulation	150,000	-	-	55,000	205,000	52,372	-	52,372	152,628	26%
Mains - Rural	1,800,000	-	-	-	1,800,000	617,884	97,550	715,434	1,084,566	40%
Scada	80,000	214,760	-	-	294,760	18,889	215,397	234,286	60,474	79%
<b>TOTAL NEW SYSTEM ASSETS:</b>	<b>2,850,000</b>	<b>265,536</b>	<b>106,000</b>	<b>76,000</b>	<b>3,297,536</b>	<b>1,140,125</b>	<b>380,994</b>	<b>1,521,119</b>	<b>1,611,191</b>	<b>46%</b>
<b>RENEWALS:</b>	\$	\$	\$	\$	\$	\$	\$	\$	\$	%
Plant & Equipment	1,350,000	184,570	15,000	-	1,549,570	989,302	126,717	1,116,019	433,551	72%
Information Technology	78,156	-	-	-	78,156	38,353	2,842	41,195	36,961	53%
Furniture and Office Equipment	5,000	-	-	-	5,000	6,020	-	6,020	(1,020)	120%
Land & Buildings	30,000	90,000	-	-	120,000	73,933	2,890	76,823	43,177	64%
Mains - Trunk	3,575,000	70,000	-	(125,000)	3,520,000	419,345	146,208	565,553	2,954,447	16%
Mains - Reticulation	45,000	-	250,000	356,000	651,000	80,191	36,049	116,240	534,760	18%
Mains - Rural	-	-	-	115,000	115,000	-	-	-	115,000	0%
Pump Stations	1,480,000	-	225,000	106,500	1,811,500	222,870	845,963	1,068,834	742,666	59%
Bores	200,000	277,000	-	770,000	1,247,000	444,594	164,091	608,685	638,315	49%
Reservoir Sites	370,000	23,710	-	-	393,710	96,099	159,787	255,885	137,825	65%
Treatment Plant	4,480,000	95,500	-	(725,000)	3,850,500	620,672	2,476,378	3,097,050	753,450	80%
Scada	-	-	-	450,000	450,000	-	-	-	450,000	0%
Emergency Works	200,000	-	-	-	200,000	-	-	-	200,000	0%
<b>TOTAL RENEWALS ASSETS:</b>	<b>11,813,156</b>	<b>740,780</b>	<b>490,000</b>	<b>947,500</b>	<b>13,991,436</b>	<b>2,991,378</b>	<b>3,960,926</b>	<b>6,952,304</b>	<b>7,039,132</b>	<b>50%</b>
<b>TOTAL CAPITAL EXPENDITURE:</b>	<b>14,663,156</b>	<b>1,006,316</b>	<b>596,000</b>	<b>1,023,500</b>	<b>17,288,972</b>	<b>4,131,504</b>	<b>4,341,920</b>	<b>8,473,423</b>	<b>8,815,549</b>	<b>49%</b>

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**AUDIT RISK AND IMPROVEMENT COMMITTEE**

**Report prepared by Corporate Services Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Board receives and notes the minutes of the Audit, Risk and Improvement Committee meeting held on 4 February 2021.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

09 Financially Sustainable

**BACKGROUND**

Goldenfields Water County Council Audit, Risk and Improvement Committee is an advisory committee in accordance with section 355 of the Local Government Act 1993, and the Local Government Regulations 2012. The Committee was established by Council Res 17/008 on 23 February 2017. In accordance with the Audit, Risk and Improvement Committee Charter, the Committee will report regularly to Council.

**REPORT**

The Goldenfields Water County Council Audit, Risk and Improvement Committee met on 4 February 2021. Minutes of the meeting are attached for the information of the Board.

**FINANCIAL IMPACT STATEMENT**

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

**ATTACHMENTS:** Minutes of ARIC Meeting 4-2-21.

**TABLED ITEMS:** Nil.



# ARIC Meeting Minutes

Meeting Ref. ARIC		Minute taker: Michele Curran
Date: 4 February 2021	Time: 10am	Location: Zoom Online Meeting OR 84 Parkes Street, Temora (Board Room)
Attendees: Peter McLean (Chairperson), Geoff Twomey (Zoom), Cr David McCann, Michele Curran, Aaron Drenovski, Nicol Kelly, Matthew Knox (National Audits Group) (Zoom)		
Apologies: Phil Swaffield (National Audits Group)		

## 1. Welcome and Apologies

The meeting was opened at 10.03am.

## 2. Declarations of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were declared.

## 3. Confirmation of Previous Minutes

**RECOMMENDATION** on the motion of Cr David McCann and Geoff Twomey that the minutes of the meeting held 26 November 2020 having been circulated to members be confirmed as a true and accurate record.

## 4. Business Arising from Minutes

No business was arising from minutes.

## 5. Chairperson Report

The Committee received and noted the Chairperson's verbal report.

- Central Coast Council: Administrator released 30 day report. Likely the Office of Local Government and the Audit Office will review ratio and analysis requirements for Councils. No fraud or corruption has been identified. There has been long term financial mismanagement.
- Audit Office Procurement Management Report released, six councils audited.

## 6. General Manager Report

The Committee received and noted the General Manager's verbal report.

- Elmo HR Program: currently being implemented. Covers on-boarding, skills management, and training.
- Capital Works: some delays in product supply noticed.



- Rosehill project commenced two weeks ago. Training on pipe laying provided by supplier. Expected completion in nine months.
- Jugiong Plant: demolition commenced this week.

## 7. Work Health & Safety Presentation

The Committee received and noted the contents of the verbal report provided by Council's WHS Coordinator, Nicol Kelly, on current WHS activities.

- Establishment of Health and Safety Committee. StateCover scheduled to provide HSC training.
- Emergency Management: warden team established. Evacuation plans created for sites.
- Confined Spaces: review of procedures and risk assessments underway. Safety trailer introduced.
- App Platform: Vault System being implemented in conjunction with StateCover.
- COVID update: regular reviews undertaken on response matrix. Regular updates to ensure staff awareness is maintained. QR Code introduced for visitors attending sites.

Nicol Kelly left the meeting at 10:50am.

## 8. Review of Internal Audits

**RECOMMENDATION** on the motion of Cr David McCann and Geoff Twomey that the Committee receive and note the status of the 2020/21 Internal Audit Annual Work Program.

Matthew Knox left the meeting at 11am.

## 9. Data Breach Policy & Data Breach Response Plan

**RECOMMENDATION** on the motion of Geoff Twomey and Cr David McCann that the Committee:

- a) Review and endorse IP-ICT-111 Data Breach Policy;
- b) Review and endorse Data Breach Response Plan.

## 10. Review of Action Items Progress Report

**RECOMMENDATION** on the motion of Geoff Twomey and Cr David McCann that the Committee receive and note the Action Items Progress Report.

## 11. ARIC Forward Meeting Plan

**RECOMMENDATION** on the motion of Cr David McCann and Geoff Twomey that the Committee endorse the ARIC Forward Meeting Plan.

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**NEXT MEETING:** 10am Thursday 6 May 2021

There being no further matters requiring the attention of the Committee the meeting was declared closed at 11:34am.

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**VALVE MAINTENANCE PROGRAM**

**Report prepared by Operations Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the ongoing valve maintenance program report be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

01 Excellence in Service Provision 07 Efficient Operations

**BACKGROUND**

In October 2019 two fixed term labourers were appointed to undertake the Valve Maintenance Program.

**REPORT**

A total of 8997 valves have been identified within the supply area. These valves consist of:

- Scour valves - 89
- Air valves - 1071
- Stop valves - 3852
- Hydrants – 3985

To date a total of 6000 valves have been serviced and a number of which have required maintenance, refurbishment and/or replacement.

This program is on-going and due for completion October 2021.

These fixed term labourers have also been utilised to assist Operations on a number of occasions for emergent/reactive works within the southern and northern operational areas.

**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 – FEBRUARY 2021**

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**MANDAMAH CONSTRUCTION PROGRESS REPORT**

**Report prepared by the Operations Manager**

**COUNCIL OFFICER RECOMMENDATION**

That the Mandamah Stage 2 - 4 Construction Report be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

02 Maximising Regional Water Supply

**BACKGROUND**

The Mandamah Rural Water Supply Scheme will expand Goldenfields Water County Council supply network by approximately 180 kilometres and provide essential water services to farmers and residents across more than 90,000 hectares in the Mandamah region west of Barmedman.

Stage 1 was officially opened on the 4th of July 2019, consisting of 66kms of mains, 2 reservoirs and a pump station, supplying 23 connections with the remaining 3 stages and 50 connections to be completed by June 2022.

**REPORT**

Construction and commissioning of stage 2 has been completed (58,224 metres).

Stage 3 consists of approx. 45,000 mtrs in total and 21,000 mtrs has been constructed with only minor delays due to weather and mechanical breakdowns.

Construction rates are still tracking at approximately: \$30 per metre compared to a conservative NSW Reference Rate of approximately: \$127 per metre.

Mandamah construction is still progressing ahead of schedule and under budget.

**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 – FEBRUARY 2021**

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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.

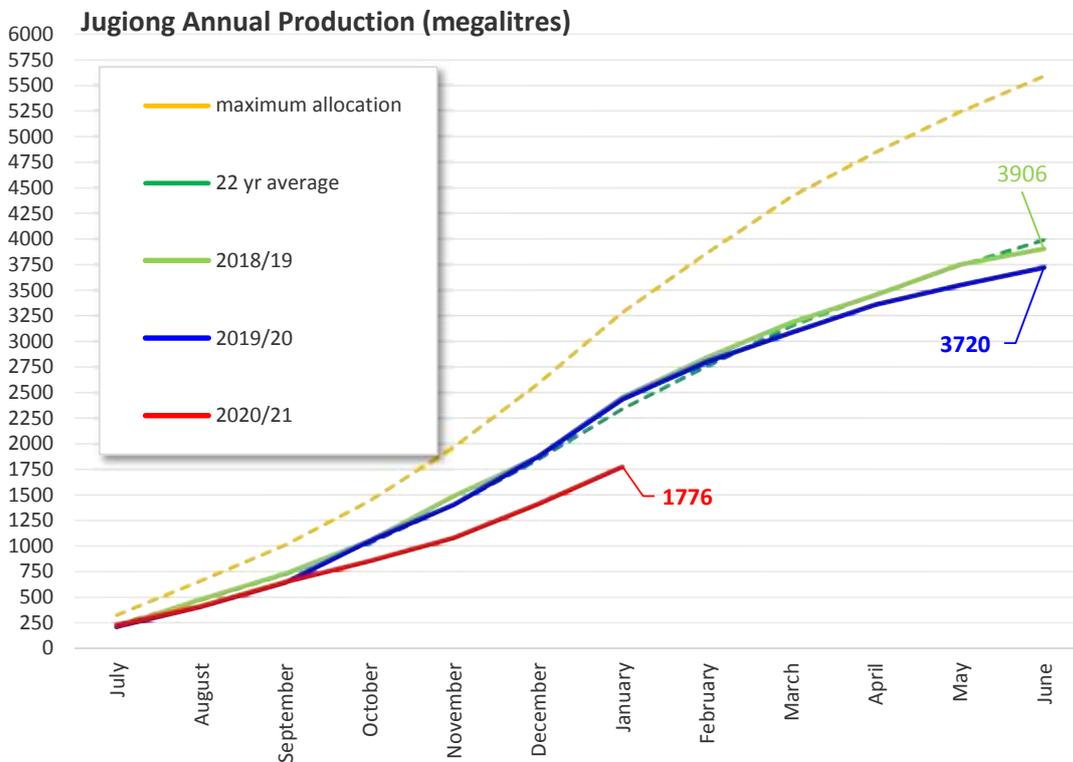
The Jugiong Scheme has 14 sets of reservoirs and 8 pumping stations. The Jugiong Scheme supplies bulk water to the Hilltops and Cootamundra-Gundagai Regional Councils for supply to the townships of Cootamundra, Harden and Young with a population of approximately 6800, 2200 and 8000 respectively.

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

**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

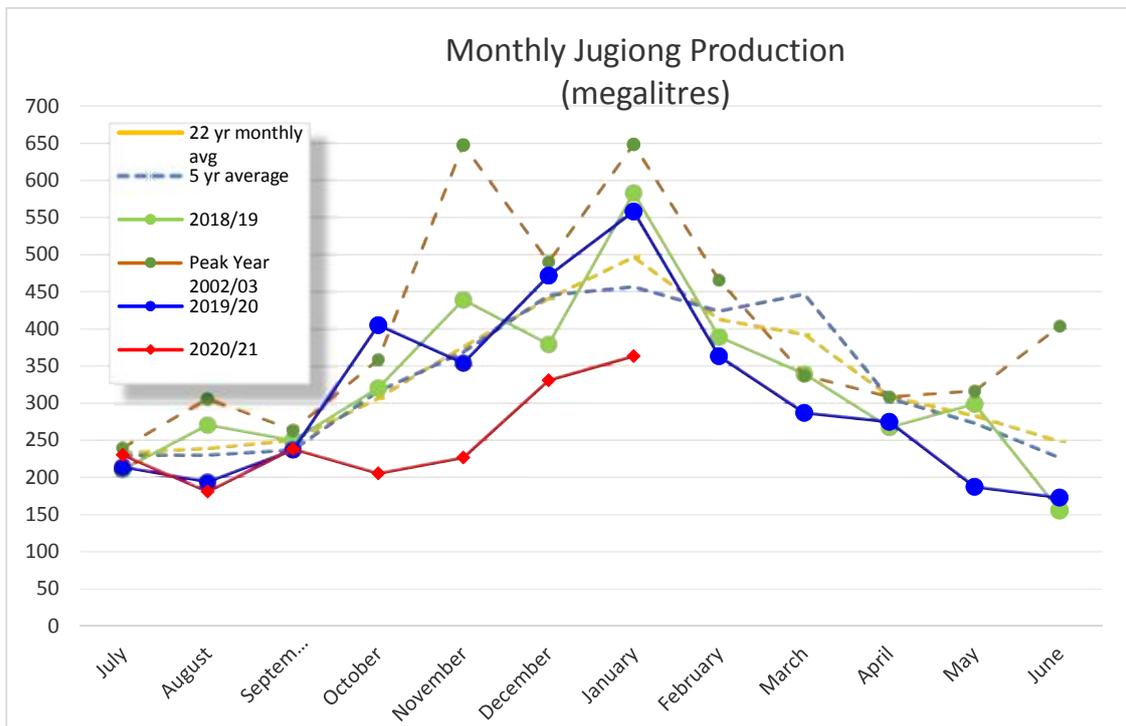
Jugiong annual water production is trending lower to previous years.

For the first 7 months of the 2020/21 financial year, 1776ML of water has been extracted from the Murrumbidgee River and processed at the Jugiong Water Treatment plant. Totals for each month are as follows: July 230.19ML, August 180.95ML, September 238.32ML, October 205.48ML, November 180.95 ML, December 331ML and January 363ML. As compared to the same period in 2019/20 where 2435ML was produced, this is a 659ML reduction compared to the same period in 2019/20, as indicated by the graph below.



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As mentioned above, Jugiong monthly water production has decreased. As indicated below October 2020 through to January 2021 has seen a significant decrease in monthly production, this is due mainly to high rainfall and cooler than usual weather during spring and summer.



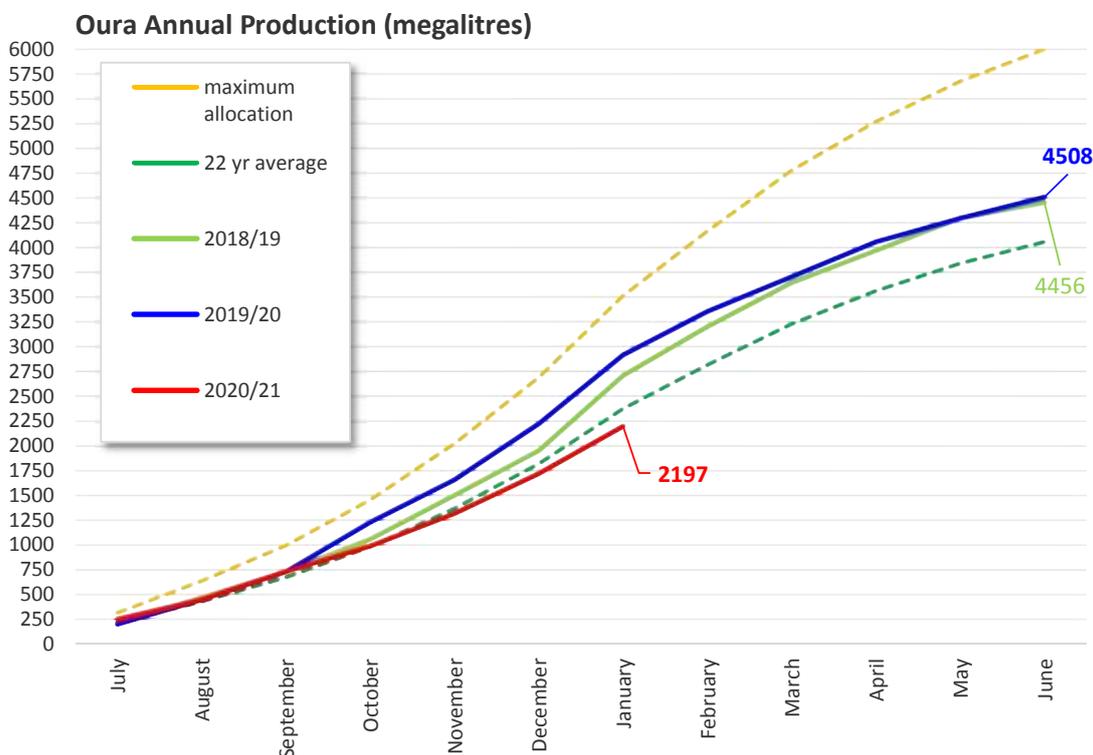
**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**Oura Drinking Water Scheme**

The water source at Oura is the Murrumbidgee inland alluvial aquifer, this water is extracted from 4 bores namely: Bores 2, 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.

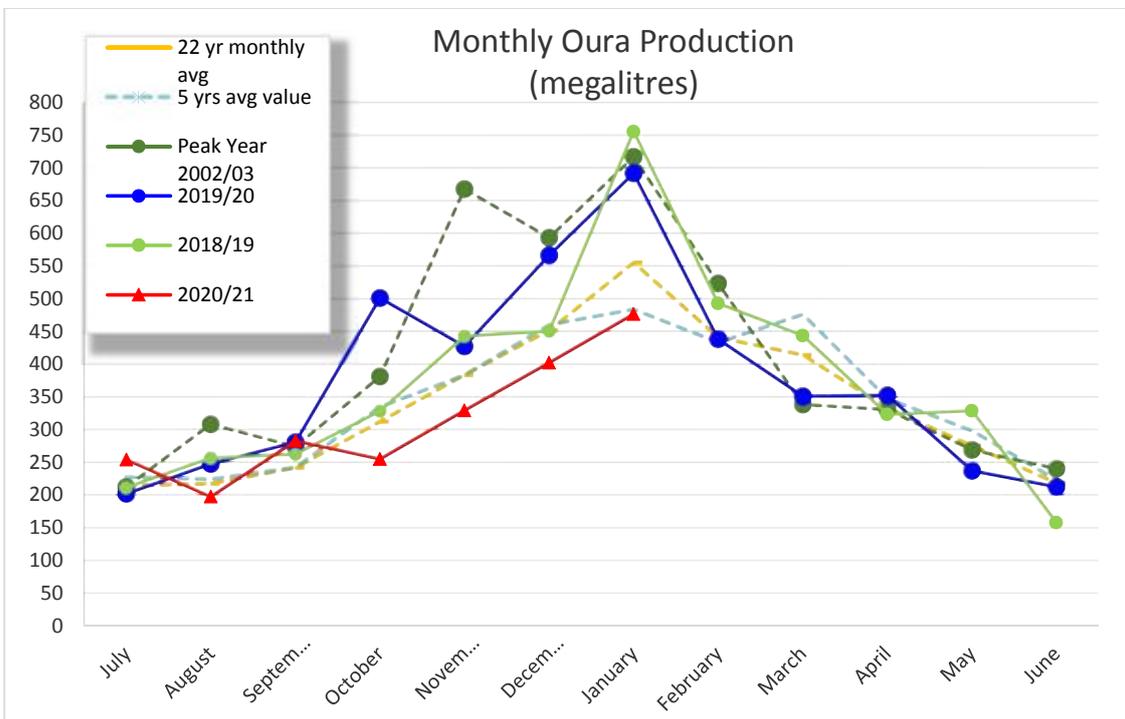
The Oura scheme has 33 sets of reservoirs and 19 pumping stations, produces drinking water for approximately 14,600 people in the Bland, Coolamon, Junee, Narrandera and Temora Shires. The Oura scheme can also supply water to the Northern side of the rural area of Wagga Wagga City when required.

For the first 7 months of the 2020/21 financial year, 2197ML of water has been extracted from the Oura Borefield and processed at the Oura Water Treatment Plant. Totals for each month are as follows: July 253ML, August 197ML, September 282ML, October 254ML, November 329ML, December 402ML and January 476ML. This is a 24.68% or 720ML reduction as compared to the same period in 2019/20 where 2917ML was produced. This is depicted in the graph below, although a reduction still trending in a similar fashion to historical years.



**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

As mentioned above, Oura monthly water production has reduced by 24.68% compared to the same period in 2019/20. Similarly the period from October 2020 to January 2021 has seen a decrease in production from the Oura Bores. This is due mainly to high rainfall and cooler than usual weather during spring and summer.



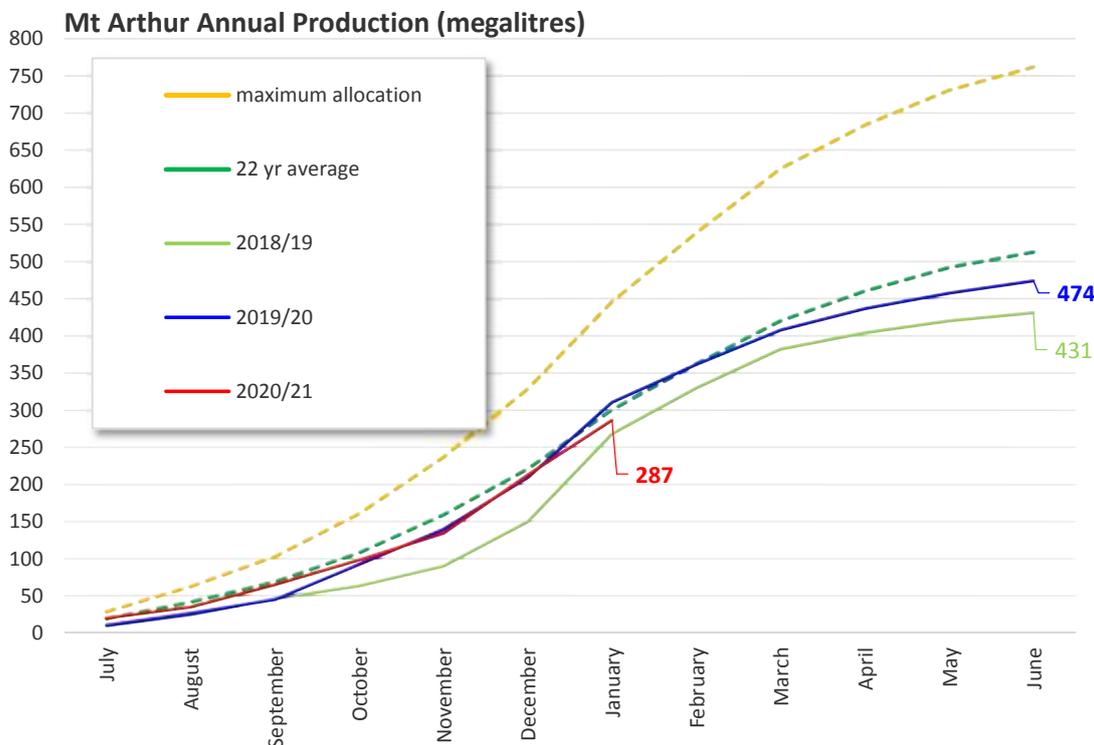
**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**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.

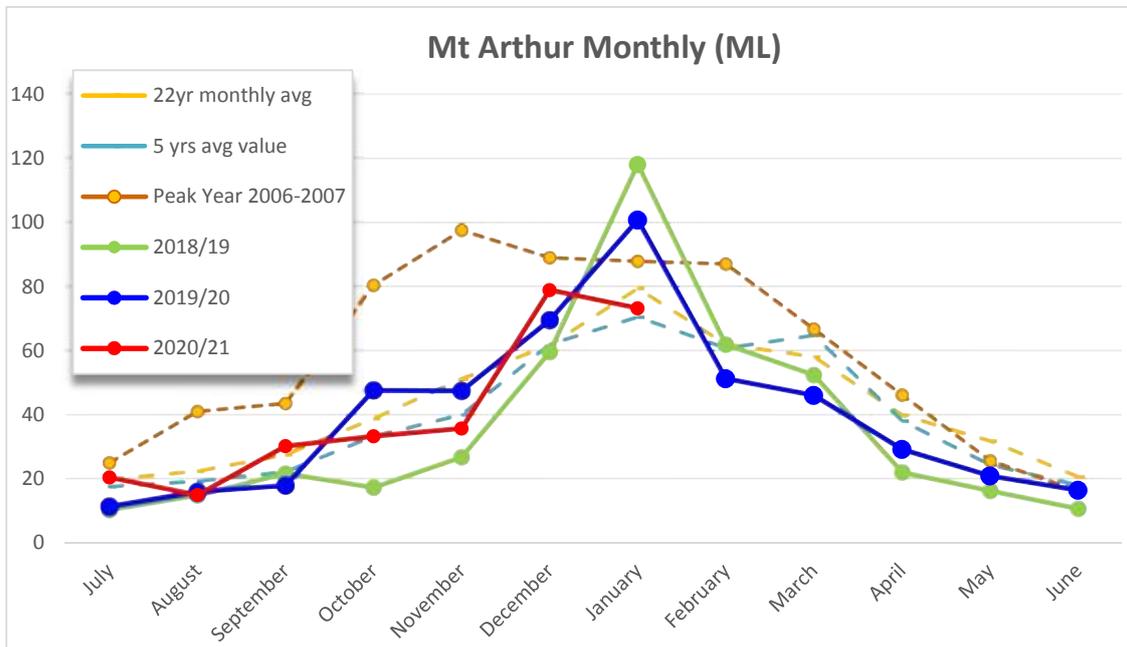
It should be noted that a new Bore 1 is currently being developed to replace the existing Bore site and associated assets. Upon completion, testing and commissioning of the new Bore 1, the old bore will be decommissioned and removed. Water quality and hydraulic capacity requirements appear to be positive at this stage; however actual confirmation of this cannot be known until full commissioning of the bore occurs.

For the first 7 months of the 2020/21 financial year, 287ML of water has been extracted from the Mt Arthur Borefield. Totals for each month are as follows: July 20.44 ML, August 14.87 ML, September 30.18 ML, October 33.23ML, November 35.67ML, December 79ML and January 73ML. This is a reduction compared to the first 7 months for 2019/20 where 310ML was produced. As can be seen in the graph below trending in a similar fashion to historical years.



**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

Mt Arthur monthly water production for the first 7 months of the financial year has been variable and not trending as it has in previous years. This is due mainly to high rainfall and cooler than usual weather during spring and summer.

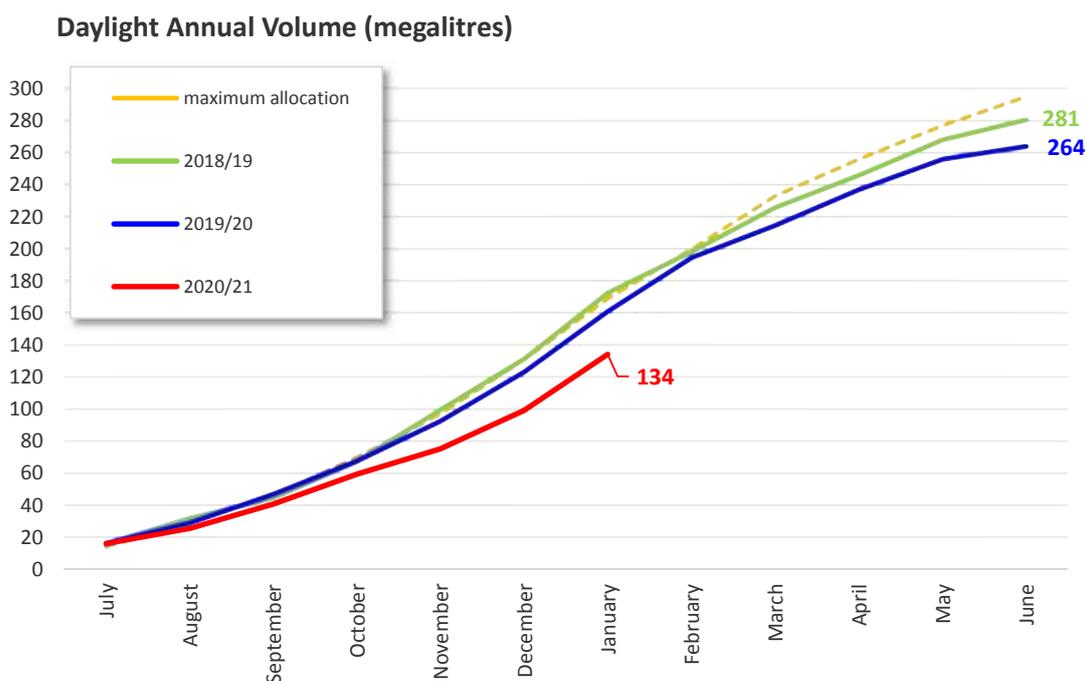


**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**Mount Daylight Drinking Water Scheme**

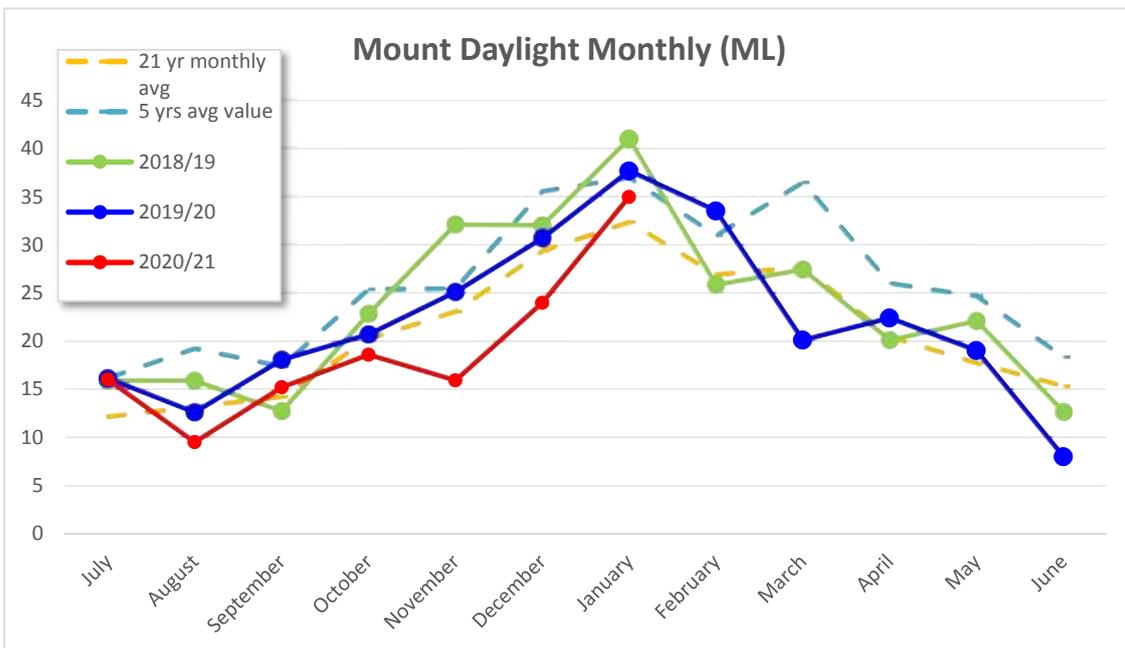
The Mount Daylight water source is from the Lower Lachlan alluvium aquifer. The Mount Daylight bores are jointly operated with Carathool Shire Council. Carathool Shire Council is responsible for bore management. There are 7 sets of reservoirs in the Mt Daylight scheme. Mt Daylight supplies water to approximately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

For the first 7 months of the 2020/21 financial year, 134ML of water has been extracted from the Mt Daylight Borefield. Totals for each month are as follows: July 16.01 ML, August 9.52 ML, September 15.2 ML, October 18.6ML, November 15.94ML, December 24ML and January 35ML. This is a lower volume compared to the same period for 2019/20 where 161ML was produced. As can be seen in the graph below trending in a similar fashion to historical years.



**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

As mentioned above, the Mt Daylight monthly water production is trending at a reduced rate than previous year’s period. This is simply due to higher than average rainfall and colder weather during spring and summer.

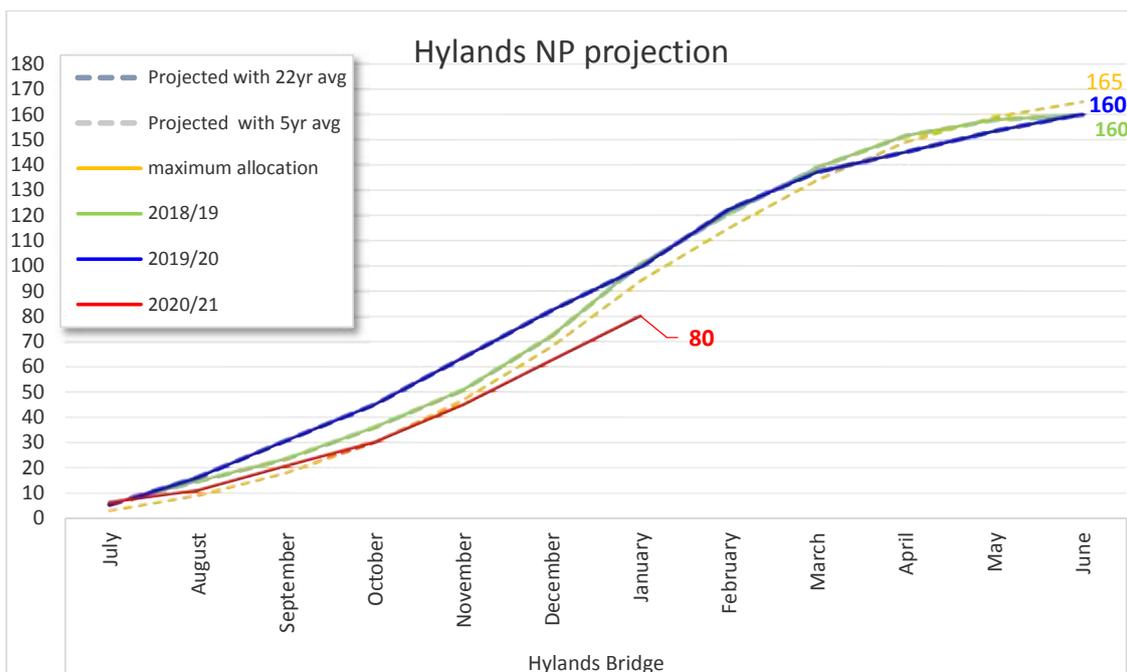


**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

**Hylands Bridge - Non Potable**

Hylands Bridge supplies Non Potable water to Barellan and Binya. The water is sourced through the Murrumbidgee Irrigation Area where Goldenfields Water holds 165ML shareholding for water entitlement.

For the first 7 months of the 2020/21 financial year, 80ML of water has been extracted from the Hylands Bridge Raw Water scheme. Totals for each month are as follows: July 6.37ML, August 4.71ML, September 9.65ML, October 9.46ML, November 14.82ML, December 17.59ML and January 17.53ML. This is a reduced volume compared to the first 7 months for 2019/20 financial year where 99.44ML was produced. As can be seen in the graph below trending in a similar fashion to historical years.



**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 – FEBRUARY 2021

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### **INTEGRATED WATER CYCLE MANAGEMENT**

#### **Report prepared by Manager Production & Services**

#### **COUNCIL OFFICER RECOMMENDATION**

That the Board:

1. Accept the update provided for the development of an Integrated Water Cycle Management Strategy.
2. Accept the offer from Public Works Advisory for an upper limiting fee of \$450,000
3. Include an additional \$50,000 adjustment into the 2020/21 operational budget

#### **ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

03 Strategic Water Management

#### **BACKGROUND**

Goldenfields Water has been working on developing their first Integrated Water Cycle Management Strategy (IWCM) since 2016/17. Staff have previously engaged multiple consultants, including but not limited to WaterOz and GHD to try and complete an Issues Paper for acceptance by the Department of Primary Industry & Environment (DPIE). In addition to the utilisation of consultants to complete a Draft Issues Paper, staff also undertook and completed a Draft in-house. With each of these attempts a request for a significant amount of additional information was required by DPIE before it would be accepted to proceed to the strategy phase of the project.

Therefore, in 2018, staff engaged Public Works Advisory (PWA) to undertake the facilitation and development of a Draft Integrated Water Cycle Management (IWCM) Issues Paper and strategy scoping document, as they had appeared to be the only external company gaining approvals through the state regulator. In addition to this, PWA was also engaged by a majority if not all of our constituent Councils to do the same and it was assumed that efficiencies and greater integration of strategic planning would be gained.

The Draft Issues Paper and associated IWCM Project Reference Group (PRG) meetings were completed in July 2020. The Issues Paper was then submitted to Department of Primary Industry & Environment (DPIE) for review and comment prior to the nominated deadline for feedback in September 2020. No feedback was received and assumed concurrence of the paper has been accepted.

#### **REPORT**

During the development of the IWCM Issues Paper, a number of additional works were also being undertaken in isolation to ensure that the overall project deliverables were continuing without waiting for regulatory approvals to proceed. These works included, but were not limited to:

- Development of Piping & Instrumentation Diagrams (P&ID's),
- A new Asset Management Framework and Policy
- Asset register revaluation and development of asset class management plans,
- 30 year capital delivery program
- Strategic planning works for;

## GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021

- Oura Water Treatment Facility, including 30 year long term growth scenarios, and
- Jugiong Water Treatment Facility infrastructure review and 30 year long term planning scenarios.

The below table provides a list of all determined and agreed to “issues” that have been developed in consultation with all constituent councils, NSW Health, NSW EPA and DPIE. Each item has been categorised into each relevant scheme and/or the general business areas of the council.

Issue Type	Target for Compliance	Issue
Regulatory	Fluoridation of Public Water Supplies Act	The Mt Arthur and Mt Daylight potable water schemes are not fluoridated.
Levels of Service	Objectives and targets	Council needs to review the levels of service targets and performance indicators and discuss these with the community GWCC have advised they would like to better define the priority level definitions to have more quantitative criteria, such as defined quantities of water and number of customers
	Service Level Agreement	GWCC does not hold a SLA with either Hilltops Council or Riverina Water County Council, who are bulk supply customers. GWCC have advised that they have contacted NSW Health to fund and facilitate the development of these as a requirement of their DWMS
	Increase in frequency of peak demand days	The NSW and ACT Regional Climate Modelling (NARClIM) project estimated that by 2030 the Murray Murrumbidgee is projected to experience an average of 8 more days above 35°C per year and continue to rise to 23 days per year by 2070. This will increase the number of peak demand days, which may impact the ability to meet the target level of service for system reliability
Asset performance	Infrastructure renewals ratio	The infrastructure renewals ratio for water supply assets is significantly less than the benchmark value of 100%, which means that renewals are not keeping pace with depreciation, which is unsustainable. A criticality review of the assets using a risk-based approach, is recommended to prioritise condition assessments and asset renewals.
	Asset condition - reservoirs	There are many outstanding reservoir issues, both external (relating to entry hatch, roof platforms, bird proofing, handrails etc.) and internal (ladder, walls, floor etc.). Some reservoirs are overdue for inspection, some as far back as 2003.
	Asset Management Plan	The AMP was prepared in 2012 and does not reflect the current asset inventory.
Demand management	Water Restrictions	For the Oura, Mt Arthur and Hylands Bridge schemes, during the years 2004/05 to 2006/07 when restrictions were in place water production was higher than the modelled unrestricted demands. GWCC advises this could be due to additional demand from stock and domestic users who would normally rely on rainwater for their water needs. The restriction policy needs to be reviewed to regulate demand from stock and domestic users.
Best Practice	Low chlorine residual	Due to recurring low levels of free chlorine (< 0.2 mg/L), the distribution system of the following towns/villages should be inspected annually: Barellan, Coolamon, Illabo, Matong, Stockingbal, Springdale, Wantabadgery.

## GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021

Issue Type	Target for Compliance	Issue
		Due to recurring low levels of free chlorine (< 0.05 mg/L), the distribution system of the following towns/villages should be inspected 4-monthly: Temora, Grong Grong, Weethalle, Tallimba.
Work Health and Safety	WHS issues at GWCC sites	Several WHS issues were identified at GWCC's sites by Safety Australia Group, including issues with signing, blocked fire equipment, and loose electrical leads
<b>Jugiong Water Supply Scheme</b>		
Connection to Boorowa	Ownership of assets	HC has expressed interest in connecting Boorowa to GWCC's Jugiong Scheme. It is unknown how the supply to Boorowa will be delivered from GWCC; in terms of connection and responsibility / ownership of assets.
Water security	Licensed entitlement allocation during drought –	If the 50% reduction in LWU water allocation experienced during the Millennium Drought were to repeat, and extend for an entire year instead of ending after 3 months, GWCC would not have sufficient entitlement to meet the dry year demands. This should be considered in GWCC's emergency response plan.  The licensed entitlement is not expected to be exceeded in a dry year in the 30-year planning horizon for the current supply arrangement. However, if the allocation is reduced by 10% due to drought, the dry year demands would exceed the licensed entitlement by 2039
	Licensed entitlement connection of Boorowa –	The WAL entitlement for Boorowa, currently owned by Hilltops Council, would not be able to be transferred to GWCC for use in the Jugiong Scheme as the two use different water. This is a risk to GWCC as the Boorowa scheme will put additional demand on the Jugiong Scheme, without any additional water entitlement.  Analysis shows that if the Boorowa water supply was connected to the Jugiong scheme, and if the allocation is reduced by 10% due to drought, the dry year demands would exceed the licensed entitlement by 2022
Supply reliability	Headworks capacity	The capacity of the Jugiong WTP (40 ML/d) is not exceeded over the 30-year horizon even with the inclusion of the Boorowa supply. However, the estimated peak day production exceeds the pump rate of the duty and the standby raw water pumps.
WTP Performance	Raw water quality - turbidity	Water quality in the Murrumbidgee river can change rapidly when water is released from Burrinjuck Dam.  There is a raw water turbidity meter than can initiate shutdown of the treatment plant if a rapid rise in turbidity is detected.  GWCC has identified that additional Clear Water Storage should be considered at the plant to maintain supply during extended periods of plant shutdown.
	Raw water quality - pathogens	The major water quality risks are from STP overflows, OSSMS, livestock/wildlife access and rapid changes in raw water quality.
	Filter performance	CWT identified that under higher raw water turbidity, treated water from Jugiong WTP can reach 1 NTU or higher, which can reduce the efficiency of chlorine disinfection and the risk of Cryptosporidium or Giardia cysts passing through the filters
	Health-based Targets	The town of Jugiong, which is just upstream of Jugiong WTP, has several OSSMS and is in the floodplain, which may necessitate categorising the catchment as high vulnerability if HBTs are implemented

**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

Issue Type	Target for Compliance	Issue
Public Health	Issues related to chlorination	A large number of issues were identified in a report by Atom consulting into chlorine issues in the distribution system of the Jugiong Scheme. These included areas of low free chlorine, and issues of high water age, lack of monitoring, cast iron mains, and lack of appropriate re-chlorination.
		Operational monitoring indicates there have been some incidences of high pH and low residual chlorine in the extremities of the Oura, Mt Daylight and Mt Arthur drinking water schemes
<b>Oura Water Supply Scheme</b>		
Performance	Non-revenue water	The NRW water for the Oura scheme is estimated to be about 530 L/connection/day which is higher than the statewide median of 92 L/connection/day
	Wagga Wagga SAP	Potential Issue - RWCC have indicated that they would like to consider increasing the bulk supply from GWCC's Oura system to RWCC's system to supply part of the demand of the planned Wagga Wagga SAP (2,800 ML/year). This could put significant pressure on GWCC's headworks and distribution system, and the volume supplied by GWCC will have to be limited so that their licensed entitlement is not exceeded.
Regulatory	Water Management Act – Wagga Alluvial Groundwater Source	Potential Issue: The long-term average annual extraction limit (LTAAEL) for the Wagga Wagga Alluvial Groundwater Source is lower than the combined WAL entitlements for Riverina Water County Council (RWCC) and GWCC. If the LTAAEL is exceeded there is a potential that GWCC will have its allocation reduced. This will require coordination between RWCC and GWCC.
Levels of Service	Compliance for aesthetic parameters	Elevated levels of iron and manganese have been identified in the raw water, which can cause discoloured water complaints throughout high demand periods. This is reflected by the high number of dirty water complaints in the Oura scheme.  HunterH2O have reported that the current aeration system requires refurbishment and improvements to limit the degree of short-circuiting which leads to reduced efficiency in achieving the required iron and manganese oxidation and removal
	Pressure issues	GWCC have advised that there are low pressure issues in West Wyalong and Junee, which has impacted on development opportunities  Ongoing pressure issues are not reliably captured by looking at complaints register, as customers do not tend to make complaints when low pressure is an everyday occurrence.  Due to the complexity and hydraulic interconnectivity of the various supply areas, headworks and storage within the scheme, a hydraulic model is required to assess pressure issues.
	Supply during service interruption	The reservoir storage volume at Eurongilly and Temora are less than one peak day demand, which may indicate an issue in supplying demand if there is an interruption to supply.
WTP Performance	Contamination of potable water from raw water scheme	The Oura drinking water scheme can be connected to GWCC's Hylands Bridge non-potable water scheme at Barellan. This was identified as a risk in the 2017 DWMS Risk assessment, and a report was developed on the non-potable system and its potential for cross-contamination  In GWCC's Action and Improvement Plan there is an action for GWCC to consider, investigate and install the most suitable backflow prevention device on the connection

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Issue Type	Target for Compliance	Issue
	Raw water quality	The major water quality risks for the Oura bores are contamination during a flood, unrestricted livestock access to location of bores, and contamination due to seepage of pathogens from OSSMS
	Insufficient chlorine contact time	It is calculated that the minor consumers supplied from the pipeline between Oura WTP and the Junee Balance may not receive water that has achieved the minimum C.t. of 15 mg.min/L.
	Asset age	Council has advised that many of the assets are at the end of their useful life, including aeration and reservoir
Public Health	Issues related to chlorination	The Cardno report on the Oura scheme assets identified that at the current typical winter demand, water at the outlet of the Junee Balance Tanks will have been in the rising main and reservoirs for approximately 2.4 days. This may lead to issues in maintaining chlorine residuals in the network
	PFAS	PFAS have entered the groundwater at the Wagga RAAF Base. The minimum time estimated until PFAS reaches the Oura borefield is in 110 years. PFAS are an emerging contaminant, with international research yet to fully determine any human health effects related to exposure
Performance	Oura pump station capacity	It is estimated that the maximum capacity of the Oura Pump Station could already be exceeded on a peak day.
	Oura Headworks issues	Cardno identified several issues with the Oura headworks, including transformers and pumps near end of useful life, existing surge tanks do not provide sufficient mitigation of surge in the pipeline and are also potential water quality risks
<b>Mt Arthur Water Supply Scheme</b>		
Levels of Service	Compliance for aesthetic parameters	Elevated levels of iron and manganese have been identified in the raw water, which can cause discoloured water complaints throughout high demand periods. This is reflected by the high number of dirty water complaints in the Mt Arthur scheme.
	Supply during service interruption	The reservoir storage volume at Ganmain is less than one peak day demand, which may indicate an issue in supplying demand if there is an interruption to supply.
Performance	Non-revenue water	There are some previous negative NRW values calculated for the 2014/15 and 2015/16 financial years, and the more recent NRW is quite low (1% of production) which may indicate that production is being under-read
WTP Performance	Raw water quality	The major water quality risks for the Mt Arthur Bores are surface water ingress and contamination due to seepage of pathogens from OSSMS
<b>My Daylight Scheme</b>		
Performance	Non-revenue water	The NRW could not be calculated given the issues with the production data from Carrathool bores.
WTP Performance	Raw water quality	The aquifer is hydraulically connected to the surface water which exposes the water to the high catchment risks including pathogens from surface water ingress, and seepage from on-site sewage management systems.
		The major water quality risks for the Mt Daylight Bores are surface water ingress and contamination due to seepage of pathogens from OSSMS.

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Issue Type	Target for Compliance	Issue
Data Gap	Historical production data inaccurate and issues with NRW	GWCC's notes in the most recent production data that many reads were estimates or missing. The mass balance over these years resulted in negative NRW, indicating an error in the data. GWCC to review production data and mass balance.
Water security	Licensed Entitlement	The estimated dry year production from the Carrathool bores is very close to exceeding the licence entitlement. No growth is estimated in the GWCC Mt Daylight Scheme, however if the demand from CSC increases then the entitlement could be exceeded.  The license is owned by CSC, so GWCC may want to pursue becoming a co-holder of the license to ensure that their share of the licensed entitlement is not reduced in the future.
	Sustainable yield of bores	The sustainable yield from the Carrathool bores in unknown
<b>Hylands Bridge</b>		
Water security	Licensed Entitlement	There were a number of years where the historical production has exceeded the licensed entitlement. It is estimated that this could occur again in a dry year.  In the event that allocation is exceeded, shares can be purchased from other water users who own delivery entitlements in the Murrumbidgee Irrigation Area. However, unless these shares are classified under the LWU category they will not have the highest priority that is provided for town water supply and hence the availability during drought is not assured
	Raw water pump station capacity	It is estimated that the capacity of the raw water pumps could already be exceeded on a peak day.
Performance	Non-revenue Water	The unit NRW of 240 L/connection/day is significantly higher than the 2015/16 state average NRW of 92 L/connection/day

Staff in conjunction with PWA have developed and submitted an IWCM Strategy Proposal to DPIE for request of funding through the Safe & Secure program. The proposal highlights a list of actions to be completed that will either seek to complete an investigation or complete an identified issue, which is listed above.

Goldenfields Water, as a County Council, is only entitled up to 25% funding allocation if successful. However, it should be noted that there are provisions for a Regional Town Water Strategy (RTWS) that could be entitled up to 75% funding. This RTWS was only developed on the provision of Joint Organisations (JO's) undertaking a regional strategy and given the area covered compared to a normal general purpose council, should be entitled to more funding as it includes multiple council areas.

Staff have raised a request to DPIE and through the Murrumbidgee Regional Water Strategy consultation process, and the new Town Water Risk Reduction Program, that County Councils should be given the same consideration as a JO and be entitled to likewise funding provisions, noting that Goldenfields Water crosses ten (10) Council areas, three (3) JO's and is only a non-voting member of the RIVJO. It is unlikely that we will be successful in the RTWS request noting funding policy obligations; however these discussions may instigate a greater level of respect for County Council operations and their criticality in Regional Water Strategies.

Noting the tabled IWCM Strategy Proposal has an estimated cost for works at around \$450,000, it is prudent for Council to understand its procurement obligations. PWA are a state

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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owned entity and Council could engage them through an exemption under Section 55(3)(b) of the Local Government Act which was done for the Issues Paper. Staff have unsuccessfully utilised alternate consulting agencies to gain agreement for IWCM works and costs have been essentially very similar to PWA. Therefore, staff will be recommending the engagement of PWA through the exemption of tendering requirements for the completion of the IWCM Strategy to a value of \$450,000.

Noting how prescriptive the requirements of achieving approval for an IWCM Strategy is, council officers would recommend that funding be accepted at the 25% if successful which will equate to a cost of \$112,500 . If successful, this funding will be the first time Goldenfields Water has ever received funding from a state government initiative. All historical funding successes have come from federal government programs with all state applications being previously declined.

Whether funding is successful or not, these works must be undertaken to ensure the future long term operations of Goldenfields Water are secured and appropriately planned for. Therefore, Staff are recommending to proceed with the engagement of PWA for the estimated \$450,000 immediately, if funding is successful or not.

**FINANCIAL IMPACT STATEMENT**

The recommendation requires an additional \$450,000 to be obtained from reserves within the operational budget. Staff believe the program will be delivered over a 12 to 18 month period which will required split budget allocation between financial years. That being, \$50,000 in 2020/21 financial year and \$400,000 for the 2021/22 financial year.

**ATTACHMENTS:** Nil

**TABLED ITEMS:**

IWCM Strategy Proposal

IWCM Issues Paper

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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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 in Narrabri from Wednesday 7 to Friday 9 July 2021.

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.

**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 – FEBRUARY 2021**

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**PP037 COMMUNITY SERVICE AND SUPPORT POLICY**

**Report prepared by Community Education and Engagement Officer**

**COUNCIL OFFICER RECOMMENDATION**

That the Board adopts the revised PP037 Community Service and Support Policy.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

05 Proactive Customer Relations

**BACKGROUND**

In April 2000, the Goldenfields Board resolved to support the communities within its footprint through both the donation of access charges to community groups and service organisations, and \$200 annually to each school for student prizes and awards.

During the 2019/2020 financial year Goldenfields provided the following donations:

Access Charge Donations	\$159,519
Schools	\$ 14,200

Additional to these donations in line with Council's policy, was the donation of Drinking Water re-fill stations to constituent councils totalling \$46,486.00, as part of Goldenfields Community Engagement Strategy.

**REPORT**

An audit of Goldenfields policies identified the Community Service and Support Policy overdue for review.

The policy is presented in an updated format and policy numbering, however, without any proposed changes to content at this time.

Goldenfields Community Engagement Strategy will be reviewed in sync with the Integrated Planning and Reporting cycle due for adoption prior to June 2022.

In conjunction with the new Community Engagement Strategy, the Community Service and Support Policy will be reviewed at that time to ensure it supports the strategies outlined within new Community Engagement Strategy.

**FINANCIAL IMPACT STATEMENT**

The recommendation does not impact on Council's financial position, budget allocation for donations will remain the same.

**ATTACHMENTS:** PP037 Community Service and Support Policy

**TABLED ITEMS:** Nil



Policy No. PP037

# Community Service and Support



## Community Service and Support

### 1 INFORMATION ABOUT THIS POLICY

POLICY INFORMATION

<b>Date Adopted by Board</b> 2004	<b>Board Resolution No.</b> 08/126
<b>Policy Responsibility</b> Community, Education & Engagement officer	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b> 2008	<b>Next Scheduled Review</b> 2012

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	02/2021	Reformatted and updated Policy number
	DD/MM/YYYY	

FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

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



## Community Service and Support

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### 3 PURPOSE

Council has previously made grant concessions and donations to Community Groups and Service Organisations. These grant concessions and donations are both individual and recurrent.

To appropriately support community service and similar organisations, through grant concessions and donations.

Council may consider providing further support or assistance in specific circumstances however, it is not currently intended that any sponsorship allocations will be made available for distribution across Council's area on a general basis.

### 4 DEFINITIONS

Refer to *Policy* below

### 5 POLICY

The following Community Groups and Service Organisations be granted particular concessions as set out below:-

*All constituent general purpose councils* - a donation equal to the value of access charges levied on the first connection to any "community" land, together with any connections within road reserves (where such connection is used for public beautification) and crown reserves (where such reserves are not leased or otherwise subject to restrictions on public access);

*All schools (State and Church), colleges and pre-schools within Council's service area* - on application, a donation of \$200 per annum each, generally to be applied towards the cost of prizes and/or awards to students or, following application, any other approved purpose;

*All serviced premises owned by recognised churches* - a donation equal to the value of access charges for any connection which serves, in whole or part, a place of public worship, residence occupied by a minister of religion and/or member of a recognised religious order, and/or welfare facility operated by that church (not including commercial operations);

*All serviced premises owned (or held in trust) and used by the following community organisations, together with others which may be accepted from time to time* - a donation equal to the value of access charges for any connection which serves premises primarily utilised to further the objectives of such organisation:

- Scouting & Guiding movement
- Rescue and disaster response groups
- Masonic Lodge meeting places
- Community halls/recreation facilities
- Country Women's Association

## Community Service and Support

- Red Cross
- Local history societies/museums
- Local senior citizens' groups
- Agricultural showgrounds
- Unlicensed RSL Halls or similar premises;

*Premises operated by other organisations or individuals* - such concessions as may be approved by Council from time to time.

Further Council will, subject to the concurrence of local trustees or other responsible persons, permanently disconnect properties which would otherwise be eligible for an access charge donation at no cost, but agrees to subsequently make any permanent reconnection for continued use without charge. Council will also combine multiple meters on properties receiving access charge donations at its own expense in cases where that provides Council with a cost effective means of managing such connections.

### 5.1 Action/Compliance

Community Groups and Service Organisations must demonstrate compliance with one or all policy conditions as outlined above in *Policy*. Submitted applications must be written.

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**CODE OF CONDUCT**

**Report prepared by Human Resources Coordinator**

**COUNCIL OFFICER RECOMMENDATION**

That Council adopt PP031 Code of Conduct and P019 Administrative Procedures for the Code of Conduct.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient operations

**BACKGROUND**

The 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 amended in 2020 by the Office of Local Government. Councils must adopt the new Model Code of Conduct and Procedures.

**REPORT**

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

The key changes are:

- Amendments to the process for censuring Councillors where breaches of the Code of Conduct occur.
- Panels of conduct reviewers are able to be appointed without a resolution of Council.
- Amended rules governing the acceptance of gifts and benefits.
- Updated language used to describe the various heads of discrimination.
- Updated definitions of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.

**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> 19/059
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> 4 yearly	
<b>Last Review</b> 02/2021	<b>Next Scheduled Review</b> 2025

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
PP031	XX/XX/2021	Amendments in response to the decision by the Supreme Court in the matter of <i>Cornish v Secretary, Department of Planning, Industry and Environment</i> [2019] NSWSC 1134.
	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 a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee

**Council committee member** - a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee

**Council official** - includes councillors, members of staff of 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.



## Code of Conduct Policy

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

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## 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 age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 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

- h) 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) items with a value of \$10 or less
  - b) a political donation for the purposes of the *Electoral Funding Act 2018*
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 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 \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

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

- 8.9 Gifts or benefits that exceed \$100 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 \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 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 \$100 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.

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

- 11.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 11.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 11.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 11.12 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.
- 11.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

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

## SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 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:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

### Dispositions of real property

23. A person making a return under clause 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:
- 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
  - 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:
- in relation to income from an occupation of the person:
    - a description of the occupation, and
    - 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
    - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - in relation to income from a trust, the name and address of the settlor and the trustee, or
  - 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



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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
--	--

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

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

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
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**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

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**J. Discretionary disclosures**

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### **SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

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

#### Important information

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

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

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

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

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

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





**Code of Conduct Policy**

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.



**Code of Conduct Policy**

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>	
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*[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]

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**Administrative procedures for the Code of Conduct**

Policy No. P019

**Administration Procedures for the Code of Conduct**

DRAFT



## 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> 2021	<b>Next Scheduled Review</b> 2025

DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
<b>P019</b>	DD/MM/2021	Amendments in response to the decision by the Supreme Court in the matter of <i>Cornish v Secretary, Department of Planning, Industry and Environment</i> [2019] NSWSC 1134.
	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



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<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

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## Administrative procedures for the Code of Conduct

### PART 3 ADMINISTRATIVE FRAMEWORK

#### The establishment of a panel of conduct reviewers

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

## Administrative procedures for the Code of Conduct

- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

### The appointment of complaints coordinators

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

## **PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

### What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official

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

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

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

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

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

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- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

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

#### Consideration of complaints by general managers and mayors

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

#### What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

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

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- 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.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

## Administrative procedures for the Code of Conduct

- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

### Referral of code of conduct complaints to external agencies

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

### Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
  - a) the complainant consents in writing to the disclosure, or

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- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

### Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

### Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or

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- b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
  - a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
  - a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
  - a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the

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- 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

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

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- informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

## Administrative procedures for the Code of Conduct

### Referral back to the general manager or mayor for resolution

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

### Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the council
  - n) how much time has passed since the alleged conduct occurred
  - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## Administrative procedures for the Code of Conduct

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

#### What matters may a conduct reviewer investigate?

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

#### How are investigations to be commenced?

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

#### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended

## Administrative procedures for the Code of Conduct

notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

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

### How are investigations to be conducted?

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

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

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

## Administrative procedures for the Code of Conduct

complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated

## Administrative procedures for the Code of Conduct

- 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.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor, that the council resolves as follows:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks

## Administrative procedures for the Code of Conduct

prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

### Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should

## Administrative procedures for the Code of Conduct

be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## PART 8 OVERSIGHT AND RIGHTS OF REVIEW

### The Office's powers of review

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

### Complaints about conduct reviewers

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

### Practice rulings

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

## Administrative procedures for the Code of Conduct

### Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **PART 9 PROCEDURAL IRREGULARITIES**

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

## 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.

### PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

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

### PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite

## Administrative procedures for the Code of Conduct

- them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

DRAFT

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**PP010 GIFTS AND BENEFITS POLICY**

**Report prepared by Human Resources Coordinator**

**COUNCIL OFFICER RECOMMENDATION**

That Council adopt the updated PP010 Gifts and Benefits Policy.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient operations

**BACKGROUND**

PP010 Gifts and Benefits Policy establishes clear guidelines for dealing with Gifts and Benefits to ensure fair, transparent and independent processes within Goldenfields Water.

**REPORT**

As a result of the 2020 amendments to the Model Code of Conduct and its administrative procedures, amendments have been made to PP010 Gifts and Benefits Policy.

The key changes are:

- The \$50 cap on the value of gifts that may be accepted increased to \$100.
- Clarification that items with a value of \$10 or less are not “gifts or benefits” for the purposes of the Policy and do not need to be disclosed.
- Removal of the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.

**FINANCIAL IMPACT STATEMENT**

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

**ATTACHMENTS:**

PP010 Gifts and Benefits Policy

**TABLED ITEMS:** Nil



Policy No. PP010

# Gifts and Benefits Policy

**1 INFORMATION ABOUT THIS POLICY**

## POLICY INFORMATION

<b>Date Adopted by Board</b> 22 December 2016	<b>Resolution No.</b> 16/131
<b>Policy Responsibility</b> General Manager	
<b>Review Timeframe</b> 4 Yearly	
<b>Last Review</b> February 2021	<b>Next Scheduled Review</b> February 2025

## DOCUMENT HISTORY

DOCUMENT NO.	DATE AMENDED	SUMMARY OF CHANGES
	02/2021	Amendments in line with the 2020 Model Code of Conduct
	DD/MM/YYYY	

## FURTHER DOCUMENT INFORMATION AND RELATIONSHIPS

<b>Related Legislation</b>	<b>Goldenfields Water Enterprise Award 2020</b> <b>Local Government Act 1993</b> <b>Crimes Act 1900 (NSW)</b> <b>Independent Commission Against Corruption Act 1988</b> <b>Public Interest Disclosures Act 1994</b>
<b>Related Policies</b>	<b>PP031 Code of Conduct</b> <b>Public Interest Disclosures Policy</b>
<b>Related Procedures, Protocols, Statements and Documents</b>	<b>P019 Administrative Procedures for the Code of Conduct</b> <b>Gifts and Benefits Declaration Form</b> <b>Gifts and Benefits Register</b>



## Gifts and Benefits Policy

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### 3 PURPOSE

To establish clear guidelines for dealing with gifts and benefits and to ensure fair, transparent and independent processes within Goldenfields Water.

### 4 SCOPE

This policy applies to all Council officials as defined within this policy.

### 5 DEFINITIONS

**Benefit** - A non-tangible item of value that one person or organisation confers on another.

**Cash-like gifts** - A gift that includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, memberships or entitlements to discounts.

**Council Official** - An individual who carries out public official functions or acts in the capacity of a public official for Goldenfields Water. These include Board Members, members of staff, members of Council committees, conduct reviewers and delegates of Goldenfields Water.

**Delegate of Council** - A person or body, and the individual members of that body, to whom a function of Council has been delegated.

**Gift** - A thing given to someone without payment.

**Nominal value** - A value that usually does not create a sense of obligation in the receiver that will influence, or appear to influence, the exercise of his or her official duties.

**Official duties** - The work done by a public official as defined by relevant or governing legislation (and regulations), the official's position description or lawful directions given by a supervisor.

**Token gifts** - Items of minimal value that are given in gratitude for services provided such as speaking at a conference or training seminar, end of year functions or local social or cultural events. (E.g. chocolates, bottle of wine, stationary).

**Staff** - All employees of Goldenfields Water (full-time, part-time, temporary or casual). It also includes, for the purposes of this policy only, all volunteers and contractors (who principally provide their labour).

### 6 GENERAL PROVISIONS

Goldenfields Water generally discourages the acceptance of gifts or benefits by all Council Officials unless such gifts are made to Goldenfields Water as a corporate body rather than to an individual.

Council Officials shall not:

- a) Seek or accept a bribe or other improper incentive;
- b) Seek gifts or benefits of any kind;
- c) Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
- d) Accept any gift or benefit of more than token value; or
- e) Accept an offer of cash or a cash-like gift, regardless of the amount.

No gifts of any value are to be accepted by Council Officials in any circumstances during the course of a tender period.

If a gift or benefit is received in the course of a Council Official's duties and relates to the work of Goldenfields Water, or has a public benefit, it may be accepted. All such gifts shall then become the property of Goldenfields Water and must be reported in accordance with clause 11 this Policy.

The value of a gift or benefit shall determine how it is dealt with. For the purpose of this Policy, nominal value shall be \$100. Examples of gifts and benefits of or less than nominal value would be:

- a) Inexpensive pen or stationery
- b) Box of chocolates
- c) Modestly priced bottle of wine

No gifts or benefits of more than nominal value may be accepted by Council Officials, except in the circumstances set out in this Policy.

Under no circumstances are offers of money, including items that can be redeemed for money such as gift vouchers/lotto/lottery/scratchie tickets, tickets to events, travel tickets, or cash-like gifts such as memberships, entitlements to discounts, goods and/or services, to be accepted.

Council Officials shall always consider the purpose, intent and value of the gift or benefit being offered before making a decision to accept such gift or benefit regardless of value or circumstance.

Items with a value of \$10 or less are not gifts or benefits for the purposes of the policy and do not need to be disclosed.

### 7 CORPORATE COMPLIMENTARY INVITATIONS

Notwithstanding the above, corporate complimentary invitations (complimentary invitations) may be accepted where;

- a) Goldenfields Water is a significant financial sponsor of an event;
- b) the terms of such sponsorship, provides for the provision of complimentary invitations;

## Gifts and Benefits Policy

- c) it is appropriate and would be expected that Goldenfields Water be represented in an official capacity; or
- d) the acceptance of such complimentary invitation does not bind by virtue of creating a sense of obligation or commitment, or imply such binding of the organisation to an individual or body.

However, complimentary invitations cannot be accepted in any circumstances if there is a related matter before the Council for consideration and determination, or during a tender period. Discretion also needs to be exercised if it is known that a matter is or may be coming to Council in the near future for determination.

Acceptance of any complimentary invitation is at the discretion of the Chairperson, with advice from the General Manager, as far as they pertain to Board Members, at the Chairperson's sole discretion when they apply to the General Manager and at the General Manager's sole discretion where they pertain to staff.

The offer of all such complimentary invitations (whether accepted or not) shall be reported in line with Clause 11 of this Policy.

If acceptance of a complimentary invitation is deemed to be inappropriate and the invitation or the contents thereof cannot be returned, then the provisions of Clause 8.3 of this Policy apply.

## 8 SPECIAL CIRCUMSTANCES

### 8.1 Gifts to relatives

Staff shall take all reasonable steps to ensure that their relatives are not the recipients of gifts and benefits that could be perceived to be an attempt to influence the behaviour of that Council Official.

### 8.2 Prizes and gifts

On occasions Council Officials where may receive a prize or gift as a result of entering a competition while engaging in official Council business, such gifts/prizes shall be deemed to be the property of Goldenfields Water, not the individual, and may be disposed of as per Clause 15 of this Policy.

### 8.3 Gifts that cannot be returned

There may be circumstances where a gift is inadvertently accepted by a Council Official or may not be easily returned (e.g. in some cultures where non-acceptance or returning a gift may cause offence, insult or embarrassment), such gifts shall be deemed to be the property of Goldenfields Water and disposed of appropriately as set out in Clause 15 of this Policy. Gifts that cannot be reasonably refused or returned shall be disclosed promptly to the General Manager, Chairperson or the relevant manager.

### 8.4 The offering of a gift or benefit during a Tender Period

Under no circumstances are gifts or benefits of any value (including nominal value) offered by a tenderer (or any related entity or individual) during the course of a tender period, to be accepted by

a Council Official. If a gift or benefit is offered during a tender period the General Manager shall be notified immediately.

## **9 TOKEN GIFTS**

Token gifts and moderate acts of hospitality include;

- a) free or subsidised meals and/or beverages provided infrequently (and/or reciprocally) by representatives of other public sector agencies or at corporate training or conferences; or
- b) free meals and/or beverages provided to public officials who formally represent Goldenfields Water at government-related functions or events.

If a Council Official attends any business meeting or meeting with community members at which food and/or beverages are purchased, any costs incurred for that Council Official shall be endured by that individual to avoid a perception of indebtedness.

## **10 THE GIVING OF GIFTS BY GOLDENFIELDS WATER**

There may be occasions where it is appropriate for Goldenfields Water to give gifts or benefits to individuals from other public or private agencies. Such gift or benefit is to be of a value appropriate to the circumstances and with endorsement from the General Manager. Appropriate caution shall be exercised when the proposed recipient or organisation has a continuing business relationship with Goldenfields Water.

## **11 REPORTING OF GIFTS OR BENEFITS**

Upon receipt of a gift or benefit, Council Officials shall complete the Gifts and Benefits Form as soon as practical. The gift or benefit or benefit is not to be used, consumed or disposed of prior to the General Manager's authorisation.

## **12 PRIVATE BENEFITS**

A Council Official shall not:

- a) Use their position to influence other Council Officials in the performance of their public or professional duties to obtain a private benefit for themselves or somebody else.
- b) Take advantage (or seek to take advantage) of their status, position or functions they perform for Goldenfields Water in order to obtain a private benefit for themselves or for any other person or body.

## **13 BRIBES**

If a Council Official is offered a bribe, corrupt inducement or reward, such matter shall be reported to the General Manager immediately. The offer must not be accepted in any circumstances.

Any Council Official who believes they have been offered a bribe must:

- a) Immediately reject the offer.

## Gifts and Benefits Policy

- b) Terminate the interaction with the person.
- c) Keep a record of the events.
- d) Inform their supervisor (or in the case of a Board Member, the General Manager).
- e) The supervisor must inform the General Manager immediately.
- f) The General Manager must inform the Independent Commission Against Corruption (ICAC) and the Police.

The General Manager has a duty under the Independent Commission Against Corruption Act 1988 to notify ICAC of any possible corrupt conduct.

### 14 CONFLICTS OF INTERESTS

Consideration should also be given by Council Officials as to whether or not acceptance of a gift or benefit is, or could be perceived to be a conflict of interest. Goldenfields Water's Code of Conduct should be applied in these circumstances.

### 15 DISPOSAL OF GIFTS AND BENEFITS

The General Manager has the discretion to dispose of gifts or benefits, deemed to be those of the Goldenfields Water, in an appropriate manner. Such disposal may be by way of:

- a) Holding an auction with all proceeds going to a charity which provides services to the local community;
- b) Donating such goods to a charity that provides services to the local community;
- c) Sharing the gift or benefit amongst all staff for the purposes of performing Council operations (e.g. a computer printer that could be networked); or
- d) Holding a fundraiser with the gifts or benefits as prizes.

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**DELIVERY PROGRAM PROGRESS REPORT**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council's July - December 2020 Delivery Program Progress Report be received and noted.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

Section 404 of the Local Government Act 1993, requires Council to provide a delivery program progress report at least every 6 months.

**REPORT**

Council's July-December 2020 Delivery Program Progress Report has been included as an attached item.

**FINANCIAL IMPACT STATEMENT**

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

**ATTACHMENTS:** July 2020-December 2020 Delivery Program Progress Report

**TABLED ITEMS:** Nil



# DELIVERY PROGRAM UPDATE

July – December 2020



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## Progress Report Explained

As a NSW county council, Goldenfields Water is required as part of the Integrated Planning and Reporting framework for NSW local government to implement a suite of interrelated strategic planning documents.

The documents include a long-term Business Activity Strategic Plan, four-year Delivery Program and annual Operational Plan. These documents are supported by the Resourcing Strategy, which comprises a Long Term Financial Plan, Workforce Management Plan and Asset Management Plan.

At least every six months, a progress report must be produced that provides information to the community about Goldenfields Water's progress towards achieving the objectives set out in its four-year Delivery Program.

This current progress report is for the period from July through to December 2020, which covers the first six months of Goldenfields 2020/2021 Operational Plan, derived from Goldenfields' Delivery Program for 2017–2021.

The detailed progress report in Section 2 uses the icons below to show the status of each project, program or action. A comment is also provided about the specific progress made so far in completing each project, program or action.



Green – Completed



Blue – Progressing



Red – Not yet started



## 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

This progress report 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.

# DELIVERY PROGRAM PROGRESS REPORT July – December 2020

The following is Goldenfields Water's detailed report on its progress towards achieving the strategic objectives and implementing the strategies in its Delivery Program during the period July–December 2020. Progress is reported under Goldenfields Water's nine strategic priorities.



## 1: Excellence in service provision

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

#### 1.2.1: Water quality meets or exceeds the Australian Drinking Water Guidelines

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.1.1	Maintain and Review the Drinking Water Management System	Complete DWMS Annual Report	Production & Services Manager		100%	The DWMS and associated documentation has been reviewed and reported to Council at the December 2020 Council meeting. The review of the DWMS commences in August and is completed around October before submission and acknowledgment by the Board and NSW Health in December of every year.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.2.1	Capture asset burst data. Undertake 1 pump station audit each quarter.	Burst data is captured and reported on. One pump station audit has been undertaken each quarter.	Engineering Manager		50%	All burst data captured on mobile platform. Rosehill pump station and Ariaah Park pump station review are underway
1.2.2.3	Construct and deliver Mandamah Pipeline Stage 2 as per program - approximately 30km. Deliver the Capital Works as per schedule.	Achieve greater than 85% of program	Operations Manager		100%	Stage 2 is fully complete. Overall for stages 2-4, a total of 74,750 metres of pipe has been laid at a total cost of \$2.19M which equates to approx: \$29.36 per metre in the ground. A total of 135 kilometers has been constructed since commencement of the scheme in November 2017. A total of 45 kilometers remains until completion. Initial completion date for the Mandamah scheme is 2022, and this date should be eclipsed by at least 12 months.
1.2.2.4	Continue with the Valve maintenance/replacement program utilising established resources. Reservoir cleaning/maintenance and inspections are ongoing, both planned and re-active. Reports/findings are actioned to the Engineering department.	Achieve greater than 85% of program	Operations Manager		95%	Out of the 9000 valves identified 5500 have been inspected/cleaned and maintenance carried out where required. This program is due to finish November 2021 and is ahead of schedule. Reservoir cleaning and inspection is on-going in conjunction with the Engineering Department.



### 1.2.3: Contamination resulting from backflow is minimised

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.3.1	Undertake audit of existing backflows. Continue Backflow installation program.	Audit completed by end of financial year and reported on. Backflow installed in Barellan.	Engineering Manager		50%	Backflow audit of sample size completed. Further investigation into backflow devices and materials underway

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.4.1	Utilise issues register and burst data to determine renewals program.	Achieve 90% of mains renewals budget	Engineering Manager		50%	50% of mains renewals completed
1.2.4.2	Continue with Mandamah water main extension program	Achieve greater than 85% of 30km of mains installation.	Engineering Manager		65%	Stage 2 completed. Stage 3 underway

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.5.1	One pump station audit undertaken each quarter.	One pump station audit undertaken each quarter.	Production & Services Manager		100%	All pump stations are inspected on a routine basis with all condition criteria provided into GWCC's asset management procedures where investment and criticality determinations are made for each asset as part of Councils Asset Management Framework.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.6.1	Utilise issues register and burst data to determine renewals program	Achieve 90% of mains renewals budget	Engineering Manager	●	70%	Rosehill construction starting January, Thanowring Road detailed design nearly complete

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.8.1	Progressively replace all SCADA across to ClearSCADA	Switch Board Replacements for Oura Bore 6, 3 and 4. Matong Bore 2.	Production & Services Manager	●	50%	This project is to occur over multiple years noting the extent of GWCC's water supply system and electrical assets. A progressive replacement program has been undertaken with the completion of all Mt Daylight Scheme sites completed except for Weethalle and North Weethalle pump stations. They are scheduled to be completed by the end of financial year.
1.2.8.2	Where identified, expand the SCADA system to cover new localities and instrumentation	Bulk Customer offtakes to be included with water quality analysers, flow meters and connected to SCADA. New installations are planned for Galong, Harden and Young Terminal	Production & Services Manager	●	50%	GWCC staff continually investigate opportunities to expand the SCADA control system across our water supply schemes. Additional water quality monitoring sites at Galong, Harden and Young Terminal Storage have been earmarked for installation within the current financial year.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.9.1	Develop and implement a bulk meter audit and renewal program.	Develop a 5 year program. Validate or renew a minimum of 2 bulk meters.	Production & Services Manager	●	70%	Staff have undertaken a review of all bulk meters within the Jugiong scheme. Additional Taggle metering has been investigated for installation to commence the retrieval of interval data. It has been identified that the Wallendbeen and Wombat meters require replacement.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.10.1	Undertake renewals as per program.	Achieve 85% of program	Operations Manager	●	40%	Progressing but due to reactive works this program has stalled temporarily
1.2.10.2	Undertake renewals as per program	Achieve 85% of the program	Engineering Manager	●	50%	PRV renewals are progressing as required. Surge tanks are being investigated for removal
1.2.10.4	Undertake renewals as per program.	Achieve 85% of program	Engineering Manager	●	65%	Critical control valves tender has been awarded, designs and methodology is underway and construction is due for completion prior to the end of the financial year
1.2.10.6	Undertake renewals as per program	Achieve 85% of program	Operations Manager	●	50%	Progressing but due to reactive works this program has stalled temporarily



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.11.1	Undertake renewals as per program	Achieve 85% of program	Operations Manager	●	50%	This renewal program has temporarily stalled due to the amount of reactive works staff have been responding to. This is due to change of season (summer) and change in pumping operations

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.12.1	Replace aged water quality instrumentation where required.	Prunevale analyser has been replaced.	Production & Services Manager	●	50%	GWCC staff progressively renew water quality instrumentation when and where required. The replacement of the Prunevale Pump station online monitoring system has been replaced this year.
1.2.12.2	Expand the installation of water quality instrumentation across the schemes in key locations.	Bulk Customer offtakes to be included with water quality analysers, flow meters and connected to SCADA. New installations are planned for Galong, Harden and Young Terminal.	Production & Services Manager	●	50%	This indicator is aligned with item 1.2.8.2, the expansion of SCADA. Three sites have been identified within this financial year for expansion, those being, Galong offtake, Harden offtake and Terminal Storage.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.13.1	Regularly update and publish information on Goldenfields website relating to major projects, water outages, meeting minutes, billing, recent announcements and staffing updates.	Our website is regularly updated with relevant and timely information.	Community Engagement Officer	●	50%	Relevant information is published and updated as required.
1.2.13.2	Proactively provide project specific information to relevant stakeholders as required and respond to any stakeholder requests in a timely manner.	Accurate and relevant information is provided to stakeholders in a timely manner.	General Manager	●	50%	Goldenfields stakeholders have been provided relevant information through quarterly customer newsletters, website updates, media and social media engagement. Stakeholder requests are responded to in line with the customer service charter.
1.2.13.3	Distribute monthly management reports to responsible officers.	Distribute monthly reports within 5 days of month end	Corporate Services Manager	●	50%	Reports are being issued on a monthly basis within 5 days of month end.
1.2.13.4	Prepare statutory financial reports within required timeframes - including Quarterly Budget Reviews, Annual Financial Statements.	Quarterly Budget Reviews presented at the Council meeting following quarter end. Annual Financial Statements submitted to Office of Local Government by statutory due date.	Corporate Services Manager	●	50%	2019/2020 financial statements submitted to Office of Local Government prior to due date. Quarterly Budget Reviews are being presented to Council within required timeframe.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
1.2.13.5	Notify any non-conformance as required. Complete annual reporting to NSW Public Health, DPIE, and EPA.	Complete DWMS Annual Report, EPA Annual Return and the Annual Benchmark Report. Notify any non-conformances to the relevant Authority as required.	Production & Services Manager		50%	All annual reporting has been completed for the current financial year to DPIE, and NSW Health. EPA annual return will occur towards the end of financial year. Any non-conformances that are identified throughout the year are reported in accordance with GWCC's DWMS protocols.

## 2: Maximising regional water supply

### 2.1: Plan for the regions future water supply

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
2.1.1.2	Complete Integrated Water Cycle Management Strategy	Complete the IWCM	Production & Services Manager		30%	The finalisation of GWCC's IWCM Issues Paper has been completed. The development of a scope of works from the Issues Paper has been completed and submitted to DPIE for funding. GWCC is entitled to only 25% funding for the IWCM strategy; however staff are seeking an increase noting the significant amount of additional works required for a County Council to be undertaken in comparison to a General Purpose Councils.



## 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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
2.2.1.1	Liaise closely with constituent councils regarding growth and development	Engage with Constituent Councils regularly	General Manager		50%	Management met with Coolamon Shire Council in July and September regarding water supply to development growth areas, Temora Shire Council in August regarding the Temora Airport Expansion and Bland Shire Council in September regarding trunk main upgrades.

### 2.2.2: Water supply system constraints are identified

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
2.2.2.1	Engineering staff are to undertake hydraulic modelling training.	Engineering staff have undertaken hydraulic modelling training.	Engineering Manager		100%	Hydraulic model training completed. Hydraulic model to be updated as part of IWCM



### 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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
3.1.1.1	Continue to source and research new technologies that may assist Council in gaining efficiencies of operations, storage and access to data or automated control of operations.	Continue to develop Wateroutlook. Source and review new technologies when and where appropriate.	Production & Services Manager		50%	Staff continually investigate any opportunities for new technologies that may provide greater control, redundancy or efficiency in council operations. The commencement of a new Software system for Artificial Intelligence (AI) has commenced for the Jugiong scheme. This AI product will seek to optimize Councils water treatment plant and pump station assets to meet its required demands as an advisory system.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
3.1.2.1	Council to maintain a committee member role on the NSW Water Directorate. Undertake submissions to State and Federal Governments when and where required.	Production & Services Manager to maintain position as an executive committee member on the NSW Water Directorate	Production & Services Manager		50%	Production & Services Manager is currently an executive committee member for the NSW Water Directorate and the Chair of the Digital Utilities Sub-Committee.



## 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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
4.1.1.1	Develop a water meter replacement program.	A program for future meter replacements has been developed.	Operations Manager	●	10%	This program has stalled due to resourcing issues and a focus on reactive and capital works.

### 4.2: Levy and collect water charges

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
4.2.1.1	Read at least 97% of meters by automated meter reading network.	Minimum of 97% meters read through AMR network.	Corporate Services Manager	●	50%	Meeting performance measure of 97% of meters being ready through AMR network.
4.2.1.2	Water Accounts issued within 3 weeks of quarter end	Water accounts issued within 3 weeks of quarter end.	Corporate Services Manager	●	50%	Water accounts are being issued within agreed timeframe of 3 weeks following quarter end.



**4.3: Deliver a consistent price path**

**4.3.1: We have a published price path to ensure financial sustainability**

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
4.3.1.1	Determine scheduled fees and charges consistent with the long term financial plan.	Review LTFFP to determine fees and charges schedule for inclusion in operational plan - maintaining financial sustainability (surplus operating results and cash reserves throughout 10 year plan).	Corporate Services Manager		100%	Fees and charges established within 2020/2021 operational plan as part of the LTFFP review.



## 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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.1.1.1	Goldenfields 4 yearly customer survey will be conducted in the 2020/21 Financial Year as outlined in the 2017 - 2021 Community Engagement Strategy.	Customer survey is undertaken	Community Engagement Officer		100%	Goldenfields Water collaborated with Iris Research to conduct their Customer Satisfaction Survey in August 2020. The survey will help determine Goldenfields immediate and longer-term priorities to ensure improved service delivery to our customer and wider community expectations.
5.1.1.2	Goldenfields 4 yearly customer survey will be conducted in the 2020/21 Financial Year as outlined in the 2017 - 2021 Community Engagement Strategy. Insights from this survey will be utilised to improve our engagement with customers and the community.	Insights from the survey are considered when formulating the 2021-25 Community Engagement Strategy.	Community Engagement Officer		100%	The Customer Satisfaction Survey was completed in August 2020 which will assist the newly elected board in October 2021 to formulate the 2022 - 26 Community Engagement Strategy.



### 5.1.2: Our community understands what we do and has regular opportunities to be involved with us

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.1.2.1	Goldenfields 4 year community engagement strategy is developed utilising information gathered from the community including the customer survey.	Goldenfields Water 2021-25 Community Engagement Strategy is developed.	Community Engagement Officer	●	0%	Due to the unprecedented circumstances surrounding COVID -19, the current Community Engagement Strategy has been extended for 12 months. The next Community Engagement Strategy will be developed for 2022 - 26.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.1.3.2	Levels of service identified within the IWCM are communicated to our customers.	Our customers are made aware of the levels of service identified within the Integrated Water Cycle Management Plan.	Community Engagement Officer	●	0%	The IWCM is still being developed however we currently provide commentary on our levels of service within the Drinking Water Management System and Policy which is available for customers to view on our website.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.1.4.1	Information regarding water management and sustainable water practices is delivered to our community through a variety of advertising mediums.	Our community is provided information on water management and sustainable water practices.	Community Engagement Officer	●	50%	Goldenfields continues to promote sustainable water practices to customers via social media channels and the Goldenfields Water App. In October we participate and host competitions for National Water Week, which aims to inspire customers, communities and students to build awareness around the value of water.
5.1.4.2	Goldenfields Water will host 'Depth Days' at the Jugiong Water Treatment Plant for schools within our supply area. During Water Week, Goldenfields will work with local schools and pre-schools to provide interactive sustainable water themed resources.	Goldenfields hosts 'Depth Days' and engages with local schools and preschools during Water Week to provide sustainable water themed resources.	Community Engagement Officer	●	50%	Depth Days will look to take place in May/June 2021. National Water Week was held in October 2020, in which we hosted a water wise competition for schools with students aged from K - 6 within our supply area.



**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)**

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.2.1.1	Participate in opportunities for resource, expertise and knowledge sharing with REROC	Goldenfields actively attends REROC meetings	General Manager	●	50%	REROC and RIVJO meetings have been regularly attended.
5.2.1.2	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	●	50%	Goldenfields has engaged in the REROC Workforce Management Group regarding the JO Capacity Building Project.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.2.2.1	Engage with our Constituent Councils regularly, including annual meetings or as necessary.	We have regularly engaged with our Constituent Councils	General Manager		50%	The General Manager and Engineering Manager presented Goldenfields Asset Strategy Update to Temora, Junee, Bland and Coolamon Shire Councils. The three remaining Councils are scheduled for the first quarter of 2021.
5.2.2.2	Assist Constituent Councils where possible to attract growth and new business to the region	Joint projects undertaken where viable	General Manager		50%	Goldenfields continues to support Hilltops Council with Boorowa investigations and Cootamundra Gundagai Council with Nangus.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
5.2.3.1	Information regarding Goldenfields' current works, major upcoming works, educational programs and general updates are provided through our bi-annual Customer Newsletter. Goldenfields stakeholders will be consistently be updated with information through a variety of traditional and modern media platforms.	Goldenfields Customer Newsletter is circulated in April and October and informaton is regularly provided through various media platforms.	Community Engagement Officer		50%	Goldenfields Water issue a customer newsletter every billing period. Traditional methods of media including TV, radio, newspapers and flyers are used and regular social media updates to provide customers and stakeholders with the latest news and happenings of GWCC.



## 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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
6.2.1.2	Provide access to information to operators of large energy usage sites.	Review control operations of all large energy usage sites and educate operators in managing time of use recommendations.	Production & Services Manager		100%	GWCC utilises a cloud based energy Software system called Azility, that monitors energy usage information for every asset and also provides an automated billing review system for identification of anomalies. Access to this system and associated information has been made available to all necessary staff whom manage energy requirements for council.
6.2.1.3	Investigate and review any renewable projects where viable.	Review Solar options for small sites and investigate alternative renewable energy projects for reducing Councils long term costs of energy.	Production & Services Manager		100%	GWCC staff has undertaken an audit of all energy usage sites and has determined that no viable options are currently available to commence. This is mainly due to the significant volume of land required to be purchased to facilitate renewable energy projects. The purchase and costs of land make the projects unviable. Staff are continuing investigations into better management of existing systems through projects such as the Jugiong Artificial Intelligence system Emagine.



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
6.2.1.4	Maintain an energy usage and cost data base.	Maintain the population of Azility cloud base systems to actively monitor our energy usage and costs.	Production & Services Manager		100%	GWCC has developed and utilises a software system called Azility to monitor and track all energy usage sites.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
6.2.2.2	Customers are encouraged to sign up to the Goldenfields Water App. The Goldenfields Water App is utilised to provide customers with updates.	Customer registration to the Goldenfields App has increased	Community Engagement Officer		45%	Customers are encouraged to utilise this free service through regular advertising - both traditional and modern.



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

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
6.3.1.1	Actively monitor our raw water source via both hydrological and water quality parameters	Undertake monthly sampling and testing of raw water quality samples. Monitor councils access entitlements to source water and ensure restrictions are utilised when and where required.	Production & Services Manager		50%	GWCC staff undertake routine monitoring, sampling and testing of all raw water sources. Additional SCADA monitoring systems have been installed on some groundwater bores to trend levels. Staff are also currently developing visual monitoring system of groundwater levels for the Oura borefield through the WaterOutlook software system.
6.3.1.2	Council staff are informed and educated of the risks to water supply sustainability, and policies and practices are reviewed in line with this information.	Goldenfields policies and practices are aligned with water supply sustainability.	General Manager		50%	Policies and Procedures are progressively being reviewed.



## 7: Efficient operations

### 7.1: Improve business efficiency

#### 7.1.1: We have an efficient corporate structure

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.1.1.1	Goldenfields Corporate structure is reviewed within 12 months of the ordinary election of council to best meet the organisations requirements.	Goldenfields Corporate structure is efficiently aligned to meet organisational requirements, having been reviewed within 12 months of the ordinary election of council.	General Manager	<span style="color: red;">●</span>	0%	This item will be included in the 2021-2022 Operational Plan to coincide with local government elections.

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.1.2.2	Continually update and improve the Geographic Information System	GIS enhancements are implemented	Engineering Manager	<span style="color: blue;">●</span>	50%	GIS is being systematically updated



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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.1.3.4	Contract management module added to authority suite	Contract management module added to authority suite	Engineering Manager		20%	Investigating different options for a contract management system appropriate for Council's needs

### 7.1.5: Fleet management is optimised

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.1.5.1	Prepare annual fleet replacement budget and review quarterly.	Prepare annual fleet budget for inclusion in Capital Works Program. Review progress quarterly during Quarterly Budget Reviews.	Corporate Services Manager		50%	Fleet replacement budget adopted in operational plan and is being reviewed during Quarterly Budget Review process.
7.1.5.2	To be considered when the corporate structure is reviewed.	Considered as part of the corporate structure review.	General Manager		0%	This item will be included in the 2021-2022 Operational Plan to coincide with local government elections.



### 7.3: Reduce exposure to business risks

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

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.3.2.1	Consideration is to be given to the development of an environmental management system during 2020/21.	Consideration has been given to the development of an environmental management system.	Production & Services Manager		0%	No resources have been made available to undertake this work within the current financial year.

#### 7.3.3: Integrated risk management is part of asset management processes

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.3.3.1	Asset renewals are prioritised based on investment prioritisation model.	Prioritisation reported to MANEX	Engineering Manager		75%	Significant progress has been made to update asset data and to improve asset management to develop renewals programs based on risk



#### **7.4: Improve the efficiency of operations in the field**

##### **7.4.1: We have an efficient, mobile workforce**

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
7.4.1.2	The current Customer Service Calls application is to be further utilised to streamline operations in the field.	The utilisation of the Customer Service Call application has been expanded to streamline operations in the field.	Corporate Services Manager		50%	Customer Service Call application is being utilised by field staff. Additional functionality and reporting is being developed.

#### **8: Highly skilled and energetic workforce**

##### **8.1: Improve the management of human resources**

##### **8.1.1: Our workforce is motivated, skilled and flexible**

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
8.1.1.1	Goldenfields Workforce Management Plan is developed to meet the organisational requirements identified within the four year Delivery Program for 2021/25.	Goldenfields Workforce Management Plan has been developed and adopted by the Board.	HR Coordinator		0%	This action is not yet due to start.



### 8.1.1: Our workforce is motivated, skilled and flexible

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
8.1.1.2	Provide staff with professional development opportunities that meet organisational future needs	Annual staff development plans completed, training undertaken for identified gaps	HR Coordinator		40%	Staff were provided with training and education in accordance with Goldenfields Water's Training Plan 2019-2021.
8.1.1.3	An annual staff survey is undertaken to identify areas that are going well, areas that could be improved and how staff are best supported to effectively perform their roles.	Annual staff survey is undertaken and results considered to enhance organisational functions.	HR Coordinator		100%	Goldenfields Water's staff survey was undertaken in September 2020. Results have been collated and provided to the Board. The General Manager and Human Resources Coordinator have met with staff groups to present results and gain further information in regards to areas for improvement. This information has been used to drive organisational goals and priorities for 2021.



## 9: Financially sustainable

### 9.1: Deliver responsible financial management

#### 9.1.1: Our organisation is financially sustainable

Code	Operational Plan Desired Outcome	Performance Measure	Responsible Officer Position	Traffic Lights	Progress	Comments
9.1.1.1	Develop and undertake annual review of long term financial plan.	Review long term financial plan annually in conjunction with operational plan preparation.	Corporate Services Manager		50%	LTFP reviewed and adopted for 2020/2021. Will be reviewed in conjunction with 2021/2022 budget preparation process.
9.1.1.4	Capital works program is developed in accordance with Council's asset management and investment frameworks and is achievable within Council's long term financial plan.	Capital works program is developed in accordance with Council's asset management and investment frameworks and is achievable within Council's long term financial plan.	Engineering Manager		75%	30 year capital works program has been developed. Next FY capital works budget is undergoing development for Board review

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**GOLDENFIELDS WATER COUNTY COUNCIL – FEBRUARY 2021**

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**DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS' RETURN**

**Report prepared by General Manager**

**COUNCIL OFFICER RECOMMENDATION**

That Council note the tabling of the Disclosures by Councillors and Designated Persons' Return described within the report.

**ALIGNMENT WITH BUSINESS ACTIVITY STRATEGIC PLAN**

07 Efficient Operations

**BACKGROUND**

Under section 6.21 of Goldenfields' Code of Conduct, councillors and designated persons must make and lodge with the general manager a return disclosing the councillor's or designated person's interests as specified in schedule 1 of the code within 3 months of the following:

- 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).*

**REPORT**

Cr David McCann has lodged a Disclosure Return with the General Manager under paragraph (c).

The return is now tabled as per item 6.26 of Goldenfields' Code of Conduct.

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.

Councillors and staff are reminded that it is imperative their honesty and transparency is maintained at all times. A pecuniary interest return may be lodged at any time during the year should circumstances deem it necessary.

**FINANCIAL IMPACT STATEMENT**

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

**ATTACHMENTS:** Nil

**TABLED ITEMS:** Disclosure of Interest Return – Cr D McCann

**NEXT MEETING**

The next ordinary meeting of Council is scheduled to be held on Thursday 22 April 2021 at 10.00am

**CLOSE OF BUSINESS**

There being no further business requiring the attention of Council the meeting may be declared closed.