
Council Meeting Agenda

24 February 2025 at 5:00 PM



Australia Day
Reflect. Respect. Celebrate.



A Quality Rural Lifestyle - in a vibrant, caring and sustainable community



To All Councillors

You are hereby notified that the next meeting of the Upper Hunter Shire Council will be held on Monday, 24 February 2025 in the COUNCIL CHAMBERS, SCONE commencing at 5:00 PM, for the purpose of transacting the undermentioned business.

This meeting will be recorded and those in attendance should refrain from making any defamatory statements.

There are to be no other recordings of this meeting without the prior authorisation of Council.

**GREG MCDONALD
GENERAL MANAGER**

1. PRAYER

2. ACKNOWLEDGEMENT OF COUNTRY

3. STATEMENT OF ETHICAL OBLIGATIONS

The Mayor and Councillors are reminded that they remain bound by the Oath or Affirmation of Office made at the beginning of the Council term to undertake their civic duties in the best interests of the people of the Upper Hunter Shire community and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their ability and judgement.

Council Officials are also reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

4. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

5. APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

6. PUBLIC PARTICIPATION

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 16 December 2024
- Extraordinary Council Meeting held on 11 February 2025

8. DISCLOSURES OF INTEREST

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MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 16 DECEMBER 2024 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM

PRESENT:

Cr Maurice Collison (Mayor), Cr Pat Ryan (Deputy Mayor), Cr Tayah Clout, Cr George Fraser, Cr Peter McGill, Cr Allison McPhee, Cr Earle Shields, Cr Troy Stolz and Cr Adam Williamson.

IN ATTENDANCE:

Mr Mathew Pringle (Acting General Manager), Mr Rag Upadhyaya (Director Infrastructure Services), Mr Wayne Phelps (Manager Finance) and Mrs Robyn Cox (Executive Assistant).

PRAYER

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF ETHICAL OBLIGATIONS

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

Nil

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

24/138

RESOLVED

That Council accept the apology received from Greg McDonald, General Manager and request for leave of absence received from Cr Maurice Collison for the period 17 February to 1 March 2024.

Moved: Cr A Williamson Seconded: Cr P McGill CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES:

24/139

RESOLVED

That the minutes of the ordinary Council meeting held on 25 November 2024 be adopted.

Moved: Cr A Williamson Seconded: Cr P McGill CARRIED UNANIMOUSLY

NOTICE OF MOTION

That Council note that the lease between Upper Hunter Shire Council and King of the Ranges for land at Rosedale subdivision site in Murrurundi lapses on 30 December 2024. Further, that Council resolve to direct the General Manager to extend the King of the Ranges lease for a period of 12 months on current terms.

Moved: Cr P McGill Seconded: Cr T Stolz

AMENDMENT TO THE MOTION

That Council extend the lease for two months to allow for further discussion and consideration.

Moved: Cr A McPhee Seconded: Cr M Collison LOST

FOR	AGAINST
Councillor Collison	Councillor Clout
Councillor McPhee	Councillor Fraser
Councillor Shields	Councillor McGill
	Councillor Ryan
	Councillor Stolz
	Councillor Williamson
Total (3)	Total (6)

24/140

RESOLVED

That Council note that the lease between Upper Hunter Shire Council and King of the Ranges for land at Rosedale subdivision site in Murrurundi lapses on 30 December 2024. Further, that Council resolve to direct the General Manager to extend the King of the Ranges lease for a period of 12 months on current terms.

Moved: Cr P McGill Seconded: Cr T Stolz CARRIED

FOR	AGAINST
Councillor Clout	Councillor Collison
Councillor Fraser	Councillor McPhee
Councillor McGill	
Councillor Ryan	
Councillor Shields	
Councillor Stolz	
Councillor Williamson	
Total (7)	Total (2)

DISCLOSURES OF INTEREST:

G.12.2 Australia Day Nominations

Cr Allison McPhee declared a non pecuniary interest, insignificant conflict for the reason that she knows several of the nominees through her work. Cr McPhee advised that she would leave the meeting and take no part in discussion or voting.

PUBLIC PARTICIPATION:

G.12.3 Airport Development Project – Conservation Hangar Construction

Michael Branson, Hunter Fighter Collection – speaking for the recommendation

STANDING COMMITTEE REPORTS

SCR.12.1 CORPORATE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

24/141

RESOLVED

That Council:

- 1. adopt the minutes of the Corporate Services Committee meeting held on 10 December 2024; and**
- 2. adopt the proposed budget variations as provided in attachment 2 to the report.**

Moved: Cr E Shields Seconded: Cr T Clout CARRIED UNANIMOUSLY

SCR.12.2**INFRASTRUCTURE SERVICES COMMITTEE****RESPONSIBLE OFFICER:** Rag Upadhyaya - Director Infrastructure Services**AUTHOR:** Anna Brennan - Senior Administration Officer - Business Services

24/142

RESOLVED**That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 10 December 2024.**

Moved: Cr A McPhee Seconded: Cr P Ryan CARRIED UNANIMOUSLY

SCR.12.3**ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE****RESPONSIBLE OFFICER:** Greg McDonald - General Manager**AUTHOR:** Mathew Pringle - Director Environmental & Community Services

24/143

RESOLVED**That Council:**

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 10 December 2024 (Attachment 1 to the report);

Moved: Cr A McPhee Seconded: Cr P Ryan CARRIED UNANIMOUSLY

24/144

RESOLVED**That Council:**

2. defer Development Application 34/2022 for the development of a service station, takeaway food premises and alterations to a supermarket at Lot 113 DP 631908, 172-182 Macqueen Street Aberdeen, pending the submission of further information to address concerns regarding stormwater management and heavy vehicle movements/parking;

Moved: Cr P McGill Seconded: Cr A Williamson CARRIED UNANIMOUSLY

24/145

RESOLVED**That Council:**

3. (a) endorse the Draft Community Participation Plan with amendments;
(b) place the draft Community Participation Plan on public exhibition for 28 days; and
(c) adopt the Community Participation Plan if no objections are received in response to public exhibition;

Moved: Cr P McGill Seconded: Cr T Clout CARRIED UNANIMOUSLY

24/146

RESOLVED**That Council:**

4. approve Development Application 128/2024 for construction of a rural shed at Lot 10 DP 1130174, 266 Nandowra Road Scone subject to the conditions of consent in Attachment 2 to the report;

Moved: Cr A Williamson Seconded: Cr P McGill CARRIED UNANIMOUSLY

24/147

RESOLVED**That Council:**

5. approve Development Application 103/2024 for the consolidation of lots and construction of a rural shed at Lot 1 DP 1140074 and Lot 129 DP 750957, 70 High Street Bunnan subject to the conditions of consent in Attachment 3 to the report.

Moved: Cr P McGill Seconded: Cr G Fraser CARRIED UNANIMOUSLY

COMMITTEE/DELEGATES REPORTS

C.12.1 *UPPER HUNTER COUNTY COUNCIL (WEEDS)*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

24/148

RESOLVED

That Council note the minutes of the Upper Hunter County Council meeting held on Wednesday, 27 November 2024.

Moved: Cr G Fraser Seconded: Cr P McGill CARRIED UNANIMOUSLY

C.12.2 *AUDIT, RISK AND IMPROVEMENT COMMITTEE*

RESPONSIBLE OFFICER: Wayne Phelps - Manager Finance

AUTHOR: Ian Roberts - Governance & Risk Advisor

24/149

RESOLVED

That Council endorse the minutes of the Audit, Risk and Improvement Committee meeting held on 9 December 2024.

Moved: Cr A Williamson Seconded: Cr T Clout CARRIED UNANIMOUSLY

C.12.3 *ARTS UPPER HUNTER BOARD*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Karen Boland - Governance & Executive Support Officer

24/150

RESOLVED

That Council note the minutes of the Arts Upper Hunter Board meeting held on 5 September 2024 and their Annual Report 2023.

Moved: Cr P McGill Seconded: Cr T Stolz CARRIED UNANIMOUSLY

GENERAL ADMINISTRATION REPORTS

G.12.1 *CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2024*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Ian Roberts - Governance & Risk Advisor

24/151

RESOLVED

That Council note the Code of Conduct Complaint Statistics Report 2024, and forward to the Office of Local Government.

Moved: Cr E Shields Seconded: Cr A Williamson CARRIED UNANIMOUSLY

24/152

RESOLVED

That standing orders be suspended to deal with item G.12.2 at the end of Open Council.

Moved: Cr A McPhee Seconded: Cr E Shields CARRIED UNANIMOUSLY

Standing orders were resumed.

G.12.3

AIRPORT DEVELOPMENT PROJECT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Greg McDonald - General Manager

MOTION

That Council:

1. proceed with the construction of the Bellman Hangar;
2. obtain a signed agreement from the Hunter Fighter Collection committing them to a 5 year lease at the completion of the project;
3. note Hunter Fighter Collections commitment to also fit out the building and undertake landscaping;
4. Calls for Expressions of Interest at the end of the lease term to allow any operator to bid for the use of the building.

Moved: Cr A McPhee Seconded: Cr A Williamson

FORESHADOWED MOTION

That the construction of the Bellman Hangar not proceed.

Moved: Cr G Fraser

24/153

RESOLVED

That Council:

1. **proceed with the construction of the Bellman Hangar;**
2. **obtain a signed agreement from the Hunter Fighter Collection committing them to a 5 year lease at the completion of the project;**
3. **note Hunter Fighter Collections commitment to also fit out the building and undertake landscaping;**
4. **Calls for Expressions of Interest at the end of the lease term to allow any operator to bid for the use of the building.**

Moved: Cr A McPhee Seconded: Cr A Williamson CARRIED

FOR	AGAINST
Councillor Clout	Councillor Fraser
Councillor Collison	Councillor McGill
Councillor McPhee	Councillor Stolz
Councillor Ryan	
Councillor Shields	
Councillor Williamson	
Total (6)	Total (3)

The foreshadowed motion lapsed.

G.12.4 ***SCHOOL ACHIEVEMENT AND CREATIVE ARTS EXCELLENCE AWARDS***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

24/154

RESOLVED

That Council:

1. present the Upper Hunter Shire School Achievement and Creative Arts Excellence Awards on Australia Day to up to eight nominees, as determined by the four Shire High Schools, that meet the selection criteria in the guidelines.
2. consider the nomination for School Achievement Award, which does not meet all the guidelines.

Moved: Cr P McGill

Seconded: Cr A McPhee

CARRIED UNANIMOUSLY

G.12.5 ***DISPENSE WITH JANUARY 2025 ORDINARY COUNCIL MEETING***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/155

RESOLVED

That Council not hold an ordinary meeting in January 2025.

Moved: Cr P McGill

Seconded: Cr E Shields

CARRIED UNANIMOUSLY

POLICY MATTERS

H.12.1 ***POLICIES FOR REVIEW***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

24/156

RESOLVED

That Council consider the request from Murrurundi District Community Advisory Committee to amend the draft policy Community Relations - Awards (Prizes) - Australia Day Awards as outlined in attachment 1 to the report.

Moved: Cr P McGill

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

INFRASTRUCTURE REPORTS

I.12.1 ***PROPOSED ROAD NAMES FOR GUNDY ROAD, SCONE SUBDIVISION***

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

REPORT PREPARED BY: Jeff Bush - Manager Strategic Assets

24/157

RESOLVED

That Council:

1. adopt the road names - Dunwell Road, Norwood Road, Gidgee Street and Tanbar Road for stages 1-3 of the proposed subdivision of Lot 2 in DP 1169320;
2. gazette these road names as per Roads Act 1993 and Geographic Naming Board requirements.

Moved: Cr A Williamson Seconded: Cr A McPhee CARRIED

FOR	AGAINST
Councillor Clout	Councillor Fraser
Councillor Collison	Councillor McGill
Councillor McPhee	Councillor Stolz
Councillor Ryan	
Councillor Shields	
Councillor Williamson	
Total (6)	Total (3)

NOTICES OF MOTION

NM.12.1 *NOTICE OF MOTION - WATER SUPPLY AT CASSILIS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/158

RESOLVED

That staff investigate the practicality and feasibility of an alternate bore water source for the village of Cassilis and report back to Council.

Moved: Cr P Ryan Seconded: Cr T Clout CARRIED UNANIMOUSLY

NM.12.2 *NOTICE OF MOTION - REQUEST FOR LEGISLATIVE CHANGE TO SECTION 88 OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997*

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/159

RESOLVED

That Council:

1. send a letter to the NSW Minister for the Environment, the NSW Minister for Planning and Public Spaces and the NSW Member for Upper Hunter requesting legislative change to Section 88. of the Protection of the Environment Operations Act 1997.
2. table the motion at the Country Mayors Conference to be discussed amongst affected rural shire councils.
3. the Mayor to actively lobby the named addressees being Penny Sharpe, Paul Scully and Dave Layzell on the points raised in the letter, and report back to Council in March 2025 with respect to his efforts and any feedback or results from his discussions.

Moved: Cr A Williamson Seconded: Cr E Shields CARRIED UNANIMOUSLY

NM.12.3

NOTICE OF MOTION - RETURN AND EARN FACILITIES IN MURRURUNDI AND ABERDEEN

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/160

RESOLVED

That Council recognise the excellent results achieved by Return and Earn at Merriwa and Scone. Further, that Council resolve to host Return and Earn facilities in Murrurundi and Aberdeen. And further, that Council direct the General Manager to enter into discussions with TOMRA Cleanaway to establish Return and Earn facilities in Murrurundi and Aberdeen.

Moved: Cr P McGill

Seconded: Cr T Stolz

CARRIED UNANIMOUSLY

QUESTIONS WITH NOTICE

QWN.12.1

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/161

RESOLVED

That Council note the questions with notice and their responses.

Moved: Cr A McPhee

Seconded: Cr P McGill

CARRIED UNANIMOUSLY

CORRESPONDENCE ITEMS

COR.12.1

REPORT FROM THE 2024 LGNSW ANNUAL CONFERENCE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

24/162

RESOLVED

That Council receive the report from Cr Troy Stolz on his attendance at the 2024 Local Government NSW Annual Conference.

Moved: Cr T Stolz

Seconded: Cr P McGill

CARRIED UNANIMOUSLY

G.12.2

2025 AUSTRALIA DAY AWARD NOMINATIONS

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Amanda Catzikiris - Manager Community Services

24/163

RESOLVED

That Council discuss this item in Closed Council.

Moved: Cr A McPhee

Seconded: Cr P McGill

CARRIED UNANIMOUSLY

CLOSED COUNCIL

24/164

RESOLVED

That Council move into Closed Council with the press and public excluded in accordance with Section 10(2) of the Local Government Act 1993.

Moved: Cr P McGill

Seconded: Cr E Shields

CARRIED UNANIMOUSLY

G.12.2

2025 AUSTRALIA DAY AWARD NOMINATIONS

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Amanda Catzikiris - Manager Community Services

RESOLVED

That Council:

2. **endorse the nominees for 2025 Australia Day Awards;**
3. **adopt the recommendations made by the Australia Day Sub Committees for the 2025 Australia Day Awards to be announced on 26 January 2025;**
4. **determine the following Upper Hunter Shire Australia Day Awards, to be announced on 26 January 2025:**
 - a. **Upper Hunter Shire Citizen of the Year**
 - b. **Upper Hunter Shire Young Citizen of the Year**

Moved: Cr P McGill

Seconded: Cr E Shields

CARRIED UNANIMOUSLY

5. **determine Councillor attendance at the Australia Day events.**

Moved: Cr A McPhee

Seconded: Cr P Ryan

CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CR.12.1

ACQUISITION OF EASEMENT ADJACENT TO MURRURUNDI DAM

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to seek Council approval for the acquisition of an easement containing 300m² of land that is necessary for the discharge channel from Murrurundi Dam, as part of the dam de-prescription works.

24/165

RESOLVED

That Council:

1. **endorse the acquisition of an easement up to 300m² as per option 1(a);**
2. **delegate authority to the General Manager to negotiate the easement price as per option 1(b);**
3. **delegate authority to the General Manager to conduct all legal functions for the easement acquisition.**

Moved: Cr P McGill

Seconded: Cr A Williamson

CARRIED UNANIMOUSLY

CR.12.2

ACQUISITION OF EASEMENT IN SATUR ROAD FOR PIPEWORK INSTALLATION

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to seek Council approval to obtain an easement in Satur Road, Scone for the purpose of water, sewer and recycled water pipework installation.

24/166

RESOLVED

That Council:

1. **endorse the acquisition of an easement in Satur Road, Scone as per option 1(a) to 1(d);**
2. **delegate authority to the General Manager to conduct all negotiations and legal functions for the easement acquisition.**

Moved: Cr A Williamson Seconded: Cr P McGill

CARRIED UNANIMOUSLY

CR.12.3

EXPRESSIONS OF INTEREST - HUNTER WARBIRDS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to note the efforts undertaken to recruit external consultants to undertake the Hunter Warbirds EOI process and consider undertaking the EOI process internally.

24/167

RESOLVED

That Council:

1. **note the efforts undertaken to recruit external specialised national commercial property consultants to undertake the Hunter Warbirds expression of interest process; and,**
2. **undertake the expression of interest process internally.**

Moved: Cr A McPhee Seconded: Cr T Clout

CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

24/168

RESOLVED

That the meeting move back into Open Council.

Moved: Cr T Stolz

Seconded: Cr P McGill

CARRIED UNANIMOUSLY

Upon resuming Open Council, and in accordance with the Code of Meeting Practice, the Acting General Manager provided a summary of the resolutions passed in Closed Council.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 6.47PM.

MINUTES OF THE EXTRAORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 11 FEBRUARY 2025 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 12.00PM

PRESENT:

Cr Maurice Collison (Mayor), Cr Pat Ryan (Deputy Mayor), Cr Tayah Clout, Cr George Fraser, Cr Peter McGill, Cr Allison McPhee, Cr Earle Shields, Cr Troy Stolz and Cr Adam Williamson.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Mr Rag Upadhyaya (Director Infrastructure Services), Mr Wayne Phelps (Manager Finance), Mrs Karen Boland (Governance & Executive Support Officer) and Mrs Robyn Cox (Executive Assistant).

PRAYER

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF ETHICAL OBLIGATIONS

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

Nil

APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:

Nil

PUBLIC PARTICIPATION:

Nil

DISCLOSURES OF INTEREST:

Nil

COMMITTEE/DELEGATES REPORTS

C.02.1

GUMMUN PLACE HOSTEL ADVISORY COMMITTEE MEMBERSHIP

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Robyn Cox - Executive Assistant

25/001

RESOLVED

That Council:

- 1. endorse the Gummun Place Hostel Advisory Committee enabling it to convene a meeting as soon as practical;**
- 2. review the nominations received and determine the members to be appointed to the Gummun Place Hostel Advisory Committee.**

Moved: Cr P Ryan

Seconded: Cr G Fraser

CARRIED UNANIMOUSLY

NOTICES OF MOTION

NM.02.1

NOTICE OF MOTION - WARBIRDS FACILITY

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

MOTION

The following Notice of Motion has been received from Cr Troy Stolz:

To ensure Council delivers the best market value proposition for the Warbirds facility to ratepayers and the current Expression of Interest (EOI) clearly conveys this:

- 1: The hanger [sic] space, currently housing the museum, can be used for a range of purposes and is not restricted to continuing to operate a museum.
- 2: The hanger [sic] space, currently housing the museum, will not be encumbered by any existing agreement to house private planes free of charge to the successful lease.
- 3: The hanger [sic], currently housing the museum, can be subleased by the successful lease.
- 4: If the successful applicant does not require the flight simulators in their proposed operation, they will not be responsible for the flight simulators or be in anyway encumbered by them.
- 5: Staffing and operational costs stipulated in the EOI pertain to the successful applicant's own staff and operational costs.

Moved: Cr T Stolz

Seconded: Cr P McGill

LOST

FOR

Councillor McGill
Councillor Stolz

Total (2)

AGAINST

Councillor Clout
Councillor Collison
Councillor Fraser
Councillor McPhee
Councillor Ryan
Councillor Shields
Councillor Williamson

Total (7)

FORESHADOWED MOTION

That Council:

1. Cease the process of the EOI passed at UHSC's Ordinary meeting on 28 October 2024
2. Propose an alternative business model at the Hunter Warbirds offering free admission to visitors but charge a hangarage fee for aircraft clients in the fire protected hangar.
3. Negotiate a potential grace period of hangarage with Hunter Fighter Collection until the Bellman hangar is constructed and opened.

Moved: Cr A Williamson

Seconded Cr P McGill

LOST

FOR

Councillor McGill
Councillor Williamson

Total (2)

AGAINST

Councillor Clout
Councillor Collison
Councillor Fraser
Councillor McPhee
Councillor Ryan
Councillor Shields
Councillor Stolz

Total (7)

FORESHADOWED MOTION

That Council move on with the original EOI which closes Friday, 14 February 2025.

Moved: Cr M Collison Seconded: Cr P Ryan

The motion was withdrawn before being put to a vote.

QUESTIONS WITH NOTICE

QWN.02.1

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

The questions with notice were received and noted.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 12.34PM.

Environmental & Community Services

STANDING COMMITTEE REPORTS

SCR.02.1

ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Danielle Brown - Administration Officer - ECS

RECOMMENDATION

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 11 February 2025 (Attachment 1 to the report);
2. approve Development Application No. 125/2024 for construction of a steel framed roof over existing yards at Lot 2 DP 845091, 2036C New England Highway Scone subject to the conditions of consent in Attachment 2 to the report.

BACKGROUND

The Environmental and Community Services Committee is a standing committee of Council that considers reports, advice and recommendations of management regarding strategic land use planning, development applications, environmental, health, building, waste management, sustainability and community services related matters. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Environmental and Community Services Committee was held on Tuesday, 11 February 2025.

REPORT/PROPOSAL

The Committee unanimously supported the recommendation to approve Development Application No. 125/2024 for the construction of a steel framed roof over existing yards at Lot 2 DP 845091, 2036C New England Highway Scone, subject to the conditions of consent in Attachment 2.

ATTACHMENTS

- 1 [↓](#) Environmental & Community Services Committee - 11 February 2025 - Minutes
- 2 [↓](#) DA 125/2024 - Recommended Conditions of Consent

MINUTES OF THE ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 11 FEBRUARY 2025 IN THE BARRY ROSE ROOM COMMENCING AT 10:30 AM

PRESENT:

Cr Allison McPhee (Chair), Cr Tayah Clout, Cr Peter McGill and Cr Troy Stolz.

APOLOGIES:

Nil

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Maurice Collison (Mayor), Mr Matt Clarkson (Manager Building, Planning & Regulatory Services), Ms Courtney Kelly (Administration Officer) and Mrs Danielle Brown (Administration Officer).

DISCLOSURES OF INTEREST:

Nil

PUBLIC PARTICIPATION:

Nil

ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE REPORTS

ECSC.02.1 *DEVELOPMENT APPLICATION 125/2024 - STEEL FRAMED ROOF OVER EXISTING YARDS*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Matt Clarkson - Manager Planning, Building & Regulatory Services

RESOLVED That Council approve Development Application No. 125/2024 for the construction of a steel framed roof over existing yards at Lot 2 DP 845091, 2036C New England Highway Scone subject to the conditions of consent in Attachment 1.

Moved: T Clout

Seconded: P McGill

CARRIED UNANIMOUSLY

Meeting closed at 10.33am

DA 125/2024 – Recommended Conditions of Consent

GENERAL CONDITIONS:

- The development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan number	Revision Number	Plan title	Drawn by	Date of plan
028-24 – Sheet 01	A	Location and Site Plan	PB Eveleigh Plan Service	01/10/2024
028-24 – Sheet 02	B	Part Site Plan	PB Eveleigh Plan Service	07/11/2024
24-142-C00 – Stormwater Management Plan	A	Cover Sheet, Locality Plan and Index	RHM Consulting Engineers	22/11/2024
24-142-C01 – Stormwater Management Plan	A	General Notes Sheet 1 of 2	RHM Consulting Engineers	22/11/2024
24-142-C02 – Stormwater Management Plan	A	General Notes Sheet 2 of 2	RHM Consulting Engineers	22/11/2024
24-142-C03 – Stormwater Management Plan	A	Stormwater Management Plan	RHM Consulting Engineers	22/11/2024
24-142-C04 – Stormwater Management Plan	A	Stormwater Details	RHM Consulting Engineers	22/11/2024

Approved Documents			
Document title	Version number	Prepared by	Date of document
Statement of Environmental Effects	-	Matthew Caban	28/10/2024

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

(Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

3. **Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)**

(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the *Building Code of Australia*, Volume 1, Part B1 and NSW Part I5.

(4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the relevant date.

(5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

(6) This section does not apply—

(a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or

(b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

(7) In this section—

relevant date has the same meaning as in the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), section 19.

(Reason: Prescribed by legislation)

4. **Notification of [Home Building Act 1989](#) requirements**

(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.

(2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

(a) for work that requires a principal contractor to be appointed—

(i) the name and licence number of the principal contractor, and

(ii) the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,

(b) for work to be carried out by an owner-builder—

- (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#)—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

(Reason: Prescribed by legislation)

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

5. **Section 7.12 Contribution – Environmental Planning and Assessment Act 1979 (CF previous S 94A)**

Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of **\$3072.94** is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Principal Certifier confirming that the contribution has been paid prior to determination of the application for Construction Certificate.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

BEFORE BUILDING WORK COMMENCES

6. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable and effective alternative method.

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

7. **Erection of signs**

(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

(a) showing the name, address and telephone number of the principal certifier for the work, and

(b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and

(c) stating that unauthorised entry to the work site is prohibited.

(3) The sign must be—

(a) maintained while the building work, subdivision work or demolition work is being carried out, and

(b) removed when the work has been completed.

(4) This section does not apply in relation to—

(a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or

(b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

(Reason: Prescribed by legislation)

8. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)

DURING BUILDING WORK

9. Any person acting on this consent shall ensure that:-

(a) building construction activities are only carried out during the following hours:

- i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
- ii. on a Saturday—8.00am to 5.00pm;

(b) building construction activities must not be carried out on a Sunday or a public holiday;

(c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm;

unless prior written approval has been obtained from Council.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

10. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: Any application for an Occupation Certificate is to be made online via the NSW Planning Portal.

(Reason: Prescribed - Statutory.)

OCCUPATION AND ONGOING USE

11. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to in accordance with the Stormwater Management Plan.

(Reason: To ensure the suitable disposal of stormwater generated by the development)

Note: A separate approval under Section 68 of the Local Government Act 1993 is required for water supply, sewerage and stormwater drainage work.

Infrastructure Services

SCR.02.2

INFRASTRUCTURE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Emma Howard - Infrastructure Services Support Officer

RECOMMENDATION

That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 11 February 2025.

BACKGROUND

The Infrastructure Services Committee is a standing committee of Council that considers reports, advice and recommendations on matters related to all the functions of Infrastructure Services and provides policy and direction, along with updates on the planned program for roads, bridges, water and sewerage work, parks and buildings. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Infrastructure Services Committee was held on Tuesday, 11 February 2025 and a copy of the minutes is provided below.

REPORT/PROPOSAL

The Infrastructure Services Committee considered reports on the following items:

ISC.02.1 *WORKS PROGRAM- INFRASTRUCTURE SERVICES –WORKS DELIVERY*

The Works Delivery KPIs were reported to the Committee with the three monthly KPI Targets below monthly target due to works crew starting late in January after Christmas.

Key activities underway in the works delivery department include:

- AGRN 987 (Event 6) – Emergency Works (EW & Immediate Reconstruction Works (IRW)
- AGRN 987 (Event 6) – Essential Public Asset Reconstruction (EPAR)
- AGRN 987 (Event 6) – Flood Recovery Works – Design and Construction Culvert Package (D& C Culvert Package)
- AGRN 987 (Event 7) –EPAR – Barrington Tops Forest Road- Landslip Remediation Works
- AGRN 1012 (Event 7- EPAR – Barrington Tops Forest Road – Landslip Remediation Works
- AGRN 1012 (Event 7) – NSW Severe Weather and Flood Grant- Category D (Betterment)
- AGRN 1034 (Event 8) – Essential Public Asset Reconstruction (EPAR)
- AGRN 1170- Storm Event from 15 January 2025
- Regional and Local Road Repair Program
- Maintenance Programs

Infrastructure Services

ISC.02.2 WORKS PROGRAM INFRASTRUCTURE SERVICES – WATER AND SEWER

All KPIs for Water and Sewer are on track with the annual targets.

Other works in the water and sewer section include:

- Merriwa and Cassilis Water Quality
- Recycled water usage from Scone Sewage Treatment Plant (STP)
- Joint Water Treatment Plant with Muswellbrook Shire Council
- Biosolids removal at Scone Sewage Treatment Plant
- Sewer Relining Program
- Water Main Renewal Work
- UV Water Plant Installation
- Integrated Water Cycle Management Plan
- Merriwa Sewage Treatment Plant
- Glenbawn Dam Pipework Discharge
- Murrurundi Dam

ISC.02.3 STRATEGIC AND CAPITAL WORKS UPDATE

Strategic and Capital Works Delivery Update was reported.

ISC.02.4 MR358 WILLOW TREE ROAD UPGRADE

The following update was provided on the MR358 Willow Tree Road project.

Progress in the last month

Section 1: Excavation for catch drains and clearing is completed

Section 2: Concrete lining of catch drains and uphill batter excavation is complete and gabion wall and subsoil drainage excavation is progressing

Section 3: Soil nail drilling and placement for rock mesh batter protection are complete. Gabion Wall construction and subsoil drainage excavation are progressing.

Section 4: Uphill batter excavation and installation of rock fall mesh anchors are complete along with the completion of Gabion wall.

General: Spoiling of excess fill in the TSR gully extension is ongoing. Stockpiled tree mulching at the TSR commenced in January 2025.

Upcoming activities:

- Complete catch drainage construction works section 3
- Complete construction of Section 3 gabion walls and subsoil drainage
- Subgrade preparation, select material placement and cross drainage in Section 4
- Complete mulching of timber from tree clearings.

Infrastructure Services

ISC.02.5 LOCAL ROADS INITIAL SEAL - PROJECT UPDATE

An update was provided on the three major road projects; Moonan Brook Road, Barrington Tops Forest Road and Hunter Road.

ISC.02.6 SCONE CBD REVITALISATION PROJECT

An update on the current status of the CBD Revitalisation project was provided and will be the last report on this project as the project has achieved “practical completion” stage in line with the Funding guidelines. The remaining works including the roundabout, Heavy Pedestrian Activity Area (HPAA) improvements and thematic fencing works will be delivered as separate works based on the funding availability. Transfer of Kelly Street from State Road to Council Road has been finalized on 23 January 2025. The road reclassifications mentioned in Table 1 will be incorporated in the Gazette.

ISC.02.7 CORRESPONDENCE

Correspondence received from Steve and Karen Fulljames on 5 February 2025 was noted.

ATTACHMENTS

- [1](#) Minutes of Infrastructure Services Committee Meeting - 11 February 2025

**MINUTES OF THE INFRASTRUCTURE SERVICES COMMITTEE OF UPPER HUNTER SHIRE
COUNCIL HELD ON TUESDAY 11 FEBRUARY 2025 IN THE COUNCIL CHAMBERS
COMMENCING AT 12:35 PM**

PRESENT:

Cr Tayah Clout (Chair), Cr Maurice Collison, Cr Allison McPhee and Cr Pat Ryan.

APOLOGIES:

Nil

IN ATTENDANCE:

Cr George Fraser, Cr Peter McGill, Mr Greg McDonald (General Manager), Mr Rag Upadhyaya (Director Infrastructure Services), Mr Jay Jeyakanthan (Executive Manager Works Delivery), Mr Jeff Bush (Manager Strategic Assets), Mr Grahame Wilson (Manager Water & Sewer), Mr Chris Agosto (Project Manager) and Mrs Emma Howard (Infrastructure Support Officer) and Anna Brennan (Senior Administration Business Services).

DECLARATIONS OF INTEREST:

Nil

PUBLIC PARTICIPATION:

Nil

INFRASTRUCTURE SERVICES REPORTS

**ISC.02.1 *WORKS PROGRAM - INFRASTRUCTURE SERVICES - WORKS
DELIVERY***

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Jayarajah Jeyakanthan - Executive Manager Works Delivery

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee

Seconded: M Collison

CARRIED UNANIMOUSLY

**ISC.02.2 *WORKS PROGRAM - INFRASTRUCTURE SERVICES - WATER
AND SEWER***

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee

Seconded: P Ryan

CARRIED UNANIMOUSLY

ISC.02.3 **STRATEGIC AND CAPITAL WORKS UPDATE**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Emma Howard - Admin Assistant

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee Seconded: M Collison CARRIED UNANIMOUSLY

ISC.02.4 **MR358 WILLOW TREE ROAD UPGRADE**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Jeff Bush - Manager Strategic Assets

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee Seconded: M Collison CARRIED UNANIMOUSLY

ISC.02.5 **LOCAL ROADS INITIAL SEAL - PROJECT UPDATE**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Chris Agosto - Project Manager

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee Seconded: P Ryan CARRIED UNANIMOUSLY

ISC.02.6 **SCONE CBD REVITALISATION PROJECT**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Allan Greer - Project Manager

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee Seconded: P Ryan CARRIED UNANIMOUSLY

ISC.02.7 **CORRESPONDENCE**

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

REPORT PREPARED BY: Emma Howard - Admin Assistant

RECOMMENDATION

That the Committee receive the correspondence from Steve and Karen Fulljames.

THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED CLOSED AT 1:11PM

Corporate Services

SCR.02.3

CORPORATE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

RECOMMENDATION

That Council adopt the:

1. minutes of the Corporate Services Committee meeting held on 14 February 2025; and
2. proposed budget variations as provided in attachment 2 to the report.

BACKGROUND

The Corporate Services Committee meets prior to each monthly Council meeting to consider strategic and operational matters of business.

REPORT/PROPOSAL

A meeting of the Corporate Services Committee was held on Friday, 14 February 2025. A copy of the minutes of the meeting is attached. The following reports were considered:

CORP.02.1 Quarterly Financial Summary & Investment Report

A Financial Summary including details and levels of investments was provided for the Committee's information together with a statement from the Responsible Accounting Officer (RAO) advising that the projected financial position as at 30 June 2025 was satisfactory.

The Financial Summary Reports provide an overview of Council's operations shown in a high-level position in both fund and function. The summary reports incorporate details of requested and approved variations.

The Capital Expenditure Report presented included a full list of projects with any proposed variations. An overview of the associated reasons for the requests will be provided, such as Council delay, contractor delay or pending grant funding.

The Cash and Investment Report provides a bank reconciliation of cash and details of Council's investments and rates of return. These rates of returns can be compared to the average benchmark BBSW 90-day cash rate provided at the base of the investment table.

The RAO's Statement includes a statement of compliance of investments in accordance with regulatory requirements and Council's policies, a statement on the reconciliation of cash with bank statements as well as a statement of satisfaction with Council's financial position, or remedial action to be taken (Clause 203(2)) of the Local Government (General) Regulations 2005.

The Loan Schedule provides an overview of Council's borrowing facilities and current outstanding balances at the reporting date.

CORP.02.2 Operational Report

The budget review provides a detailed overview of the actuals to budget for the year to date, together with proposed variations and previously approved variations to the original budget. The effect on the originally adopted budget for these proposed and approved variations is shown in the revised end of year budget position for both the fund and service activity.

Corporate Services

Commentary is provided by managers and/or budget holders to inform details or reasons of why variances between actuals to budget exist or why proposed variations have been requested.

CORP.02.3 Contractors & Expenses Report

The Contractors Listing provides details of any contracts Council has entered into for the period which exceed the value of \$50,000 in accordance with Office of Local Government requirements. The Consultants, Legal and other Expenses Report will show expenditure year to date for consultancies and legal services.

CORP.02.4 Property Update

The purpose of this report is to give an update on various property matters within Council.

CORP.02.5 Grants Report

The purpose of this report is to provide Council with information regarding grant funding opportunities, current submissions and notifications received.

CORP.02.6 Requests for Donations

This report provides an update of donation requests to Council received from local community groups and the outcomes to the requests made by the General Manager in accordance with Council's Policy, *Grants and Subsidies – Programs – Section 356 General Donations*.

CORP.02.7 Office of Local Government – Financial Performance

The purpose of this report is to provide to Councillors the plan for financial improvement to endorse before submitting to the Office of Local Government regarding the Council's financial performance and the OLG request for information under Section 734A of the Local Government Act 1993.

ATTACHMENTS

- 1 [↓](#) Corporate Services Committee - 14 February 2025 - Draft Minutes
- 2 [↓](#) Finance Budget Variation Requests - December 2024

MINUTES OF THE CORPORATE SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON FRIDAY 14 FEBRUARY 2025 IN THE COUNCIL CHAMBERS COMMENCING AT 9:00 AM

PRESENT:

Cr Adam Williamson (Chair), Cr Earle Shields, Cr George Fraser and Cr Maurice Collison (in the absence of Cr Troy Stolz).

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

Nil

APOLOGIES:

The General Manager advised that he had received no apologies but noted the absence of Cr Stolz. As Mayor, Cr Collison then assumed voting rights on the committee. An apology from Cr Stolz was emailed to staff at 8.47am and forwarded to the General Manager at 9.02am.

RESOLVED

That the apology received from Cr Troy Stolz be accepted.

Moved: Cr G Fraser

Seconded: Cr E Shields

CARRIED UNANIMOUSLY

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Wayne Phelps (Manager Finance) and Ms Karen Boland (Governance & Executive Support Officer).

PUBLIC PARTICIPATION:

Nil

DISCLOSURES OF INTEREST:

Nil

FINANCE COMMITTEE REPORTS

CORP.02.1

QUARTERLY FINANCIAL SUMMARY & INVESTMENT REPORT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

RESOLVED

That the Committee:

1. note the Fund and Function Summary Report;
2. note the Cash and Investment Report;
3. note the Responsible Accounting Officer's Statement on the Investments;
4. note the Loan Schedule and balances outstanding;
5. note the Restricted Asset reserve schedule;
6. note the Capital Works Expenditure Report;
7. note the Key Performance Indicators Report; and
8. adopt the proposed budget variations.

Moved: Cr E Shields

Seconded: Cr G Fraser

CARRIED UNANIMOUSLY

COUNCILLOR QUESTIONS

Cr Fraser enquired what arrangements do Council have in place for debt recovery processes?
Response: Taken on notice by the Finance Manager to provide the process and fee structure.

Cr Williamson enquired whether there had been any increase in attendance to Hunter Warbirds after the promotion of the facility that featured on Chanel 7 Sunrise morning television program.
Response: Taken on notice by the Finance Manager to provide attendance numbers since the promotion

Cr Collison enquired whether Council was utilising labour through St Heliers Correctional Centre for its maintenance programs similar to those being undertaken by neighbouring Councils.
Response: Taken on notice for staff to follow up

CORP.02.2 OPERATIONAL REPORT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

RESOLVED

That the Committee note the comments on the budget review by the managers/budget holders.

Moved: Cr G Fraser Seconded: Cr E Shields CARRIED UNANIMOUSLY

COUNCILLOR QUESTIONS

Cr Williamson enquired what is the level of expenditure for EPA fees (Section 88) that Council has paid for disposal of waste on capital and operational works during the year.
Response: Taken on notice by the Finance Manager

CORP.02.3 CONTRACTORS & EXPENSES REPORT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

RESOLVED

That the Committee:

1. **note the Contractor's Listing for the period; and**
2. **note the Consultancy and Legal Expenses report for the period.**

Moved: Cr M Collison Seconded: Cr E Shields CARRIED UNANIMOUSLY

CORP.02.4 PROPERTY UPDATE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Anna Brennan - Senior Administration Officer - Business Services

RESOLVED

That the Committee note the report and actions undertaken to date on the property strategy.

Moved: Cr G Fraser Seconded: Cr E Shields CARRIED UNANIMOUSLY

CORP.02.5 GRANTS REPORT

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Amanda Catzikiris - Manager Community Services

RESOLVED That Council note the report.

Moved: Cr G Fraser Seconded: Cr E Shields CARRIED UNANIMOUSLY

COUNCILLOR QUESTIONS

Cr Shields enquired what does FRRR stand for that is labelled under funding bodies?

Response: Taken on notice by the Finance Manager.

Update: Finance Manager advised the funding body referred to in the table is Foundation for Rural & Regional Renewal

Cr Williamson requested an additional column be included in the table that lists Council's co-contributions amounts when applying for grant funding.

Response: Taken on notice to include in the Grants Report going forward.

CORP.02.6 REQUESTS FOR DONATIONS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

RESOLVED

That the Committee receive the report and note the donations report provided in attachment 1.

Moved: Cr M Collison Seconded: Cr G Fraser CARRIED UNANIMOUSLY

COUNCILLOR QUESTIONS

Cr Williamson requested that a summary of the donation submissions received be included with the report.

Response: Taken on notice to include an additional column with a summary of each request in the Donations Report going forward.

CORP.02.7 OFFICE OF LOCAL GOVERNMENT - FINANCIAL PERFORMANCE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Wayne Phelps - Manager Finance

RESOLVED

That Council endorse the actions to date and the plan for financial improvement to be lodged with the Office of Local Government.

Moved: Cr E Shields Seconded: Cr G Fraser CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.52AM

**CORPORATE SERVICES COMMITTEE
BUDGET VARIATION REQUEST
FOR THE MONTH ENDED 31 DECEMBER 2024**

Budget Service Area	Account Type	Account Description	VARIATION REQUEST		Details of Variation Request
			DR \$	CR \$	
GENERAL FUND					
Economic Promotion	Operating Revenue	Grants		400,000	Grant funding for Australian Equine Centre business case
Economic Promotion	Operating Expenditure	Australia Horse Centre Project	400,000		Project to deliver business and concept design for Equine Centre project
Real Estate	Operating Revenue	Commercial Property Disposal		236,000	Disposal of 97 Hill St Land
Real Estate	Operating Revenue	Easement Disposal - Maven		14,000	Consideration for Easement for Maven Renewals
Real Estate	Non-Operating Expenditure	Property Disposal	250,000		Funds for 97 Hill St land disposal & Easement consideration
Roads & Bridges - Regional	Operating Revenue	Capital Grants Received		400,000	Funding for replacement of 2x Culverts under the Betterment program
Roads & Bridges - Regional	Capital Expenditure	ARGN987 - EPAR 2x Regional Culverts	400,000		Replacement of 2x Culverts on Coulson Creek Road Merriwa
Roads & Bridges - Local	Operating Revenue	Capital Grants Received		300,000	Funding brought forward from 2025/26 for replacement of 4x Culverts under the Betterment program
Roads & Bridges - Local	Capital Expenditure	ARGN987 - EPAR 2x Regional Culverts	300,000		Additional funding brought forward from 2025/26 to complete 4x Culverts
Roads & Bridges - Local	Operating Revenue	Capital Grants Received		152,000	Additional funding from Transport for NSW for Aberdeen Public School Crossing
Roads & Bridges - Local	Capital Expenditure	Aberdeen Public School Crossing	152,000		Completion of Aberdeen Public School crossing
Transport Ancillaries	Operating Revenue	Capital Grants Received		2,000,000	Finalisation of grant funding on completion of Scone CBD
Transport Ancillaries	Non-Operating Expenditure	Special Projects - RA	4,000,000		Funds expended in 2023/24 on Scone CBD project awaiting grant funding
Transport Ancillaries	Capital Expenditure	Scone CBD & St Aubins Construction		2,000,000	Scone CBD Project completed with funds expended in 2023/24 year
WATER SUPPLY					
Water Supply	Non-Operating Revenue	Water Fund Balance RA		104,000	Allocate reserve funds to complete capital projects
Water Supply	Capital Expenditure	Scone/Aberdeen Reservoir Cleaning	31,000		Required capital works completed
Water Supply	Capital Expenditure	Merriwa Reservoir Cleaning	16,000		Required capital works completed
Water Supply	Capital Expenditure	Murrurundi Reservoir Cleaning	9,000		Required capital works completed
Water Supply	Capital Expenditure	Aberdeen - High Lift Pump Replace	48,000		Emergency pump replacement
SEWERAGE SERVICES					
Sewerage Services	Operating Revenue	Rates & Charges		255,000	Increased sewer annual access charges received
Sewerage Services	Operating Revenue	Interest & Investment Income		40,000	Increase in interest revenue
Sewerage Services	Operating Revenue	Contributions		120,000	Increase in S64 contributions
Sewerage Services	Non-Operating Revenue	Sewer Fund RA	115,000		Balance of additional revenue less operating costs and capital
Sewerage Services	Operating Expenditure	Sewer - CCTV Works	40,000		Additional CCTV works completed
Sewerage Services	Non-Operating Expenditure	Sewer Fund - S64 Contribution RA	120,000		Transfer to Contributions RA
Sewerage Services	Capital Expenditure	Scone - STP Renewals	140,000		Additional renewal works on Scone Treatment Plant
		Total Variations	6,021,000	6,021,000	
		Net Variation to Operating Result			

**CORPORATE SERVICES COMMITTEE
BUDGET VARIATION REQUEST
FOR THE MONTH ENDED 31 DECEMBER 2024**

Budget Service Area	Account Type	Account Description	VARIATION REQUEST		Details of Variation Request
			DR \$	CR \$	
Abbreviation notes					
RA = Restricted Assets					
R2R = Roads to Recovery					
FAGS = Financial Assistance Grants					

General Manager's Unit

COMMITTEE/DELEGATES REPORTS

C.02.1 COUNCIL COMMITTEES - MEMBERSHIP NOMINATIONS

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

PURPOSE

The purpose of this report is to review the nominations received from members of the community and determine membership to Council Committees following expressions of interest.

RECOMMENDATION

That Council:

1. appoint the following Community members to Council's s355 and Advisory Committees:
 - a. Upper Hunter & Kia Ora Youth Music Committee
 - i. Jason Buckley
 - b. Settlement Hall User Group Committee;
 - i. Barbara Campbell
 - ii. Elizabeth Campbell
 - iii. Ron Campbell
 - iv. Dianne Inder
 - v. Mark Inder
 - vi. Chris Kemp
 - vii. Tony O'Brien
 - c. Merriwa Sportsground User Group Sub-Committee;
 - i. Courtney Gillis representing Merriwa Tennis
 - ii. Brent Jory representing Merriwa Sports Club
 - iii. James Munro representing Merriwa Cricket Club
 - iv. Wayne Upward representing Merriwa Squash
 - v. Brendan Waltets representing Merriwa Senior League
 - vi. Zoe Van Wijk representing Merriwa Touch Football Association
 - d. Merriwa Showground User Group Sub-Committee:
 - i. Tyler Austin, Cheryl Dallimore and Peter Lymbery representing Merriwa PAH&I Association (one vote only)
2. notify all nominees of the outcome.

BACKGROUND

At its meeting held on 25 November 2024, Council reviewed and accepted committee nominations for Section 355 and Advisory Committees and extended Expressions of Interest for committees that did not have representation.

Council resolved to:

2. continue to reach out to the following user groups that do not have representation:
 - d. Merriwa Sportsground User Group Sub Committee
 - Merriwa Netball
 - Merriwa Little Athletics



General Manager's Unit

- *Merriwa Senior Cricket*
 - *Merriwa Senior Rugby League*
 - *Merriwa Tennis*
 - *Merriwa Touch Football Association*
 - *Merriwa Sports Club*
 - *Merriwa Squash*
 - *Merriwa Golf*
3. *accept nominations received and extend the Expressions of Interest from community members to represent the following Council committees:*
- a. *Upper Hunter & Kia-Ora Youth Music Committee;*
 - *Lizz Hickey*
 - *Aaron Rothmund*
 - b. *Settlement Hall;*
 - c. *Merriwa Sportsground User Group Sub-Committee;*
 - *Voting Members:*
 - *Merriwa Gym – Nathan Barry*
 - *Merriwa Rugby League Football Club – Dan Bidner, Sarah Bidner and Kacie Neale (one vote only)*

REPORT/PROPOSAL

Expressions of Interest for Council’s Section 355 and Advisory Committees were extended for the Upper Hunter Kia-Ora Youth Music Committee, Settlement Hall Committee and Merriwa Sportsground User Group Sub-Committees to allow more time for nominations to be submitted so that committees can be formed.

Nominations have been listed in alphabetical order by surname and do not represent any staff preference.

Upper Hunter & Kia-Ora Youth Music Committee

Council has one (1) vacancy for a community member on the Upper Hunter & Kia-Ora Youth Music Committee and has received one (1) nomination during the extension of Expression of Interest period. It is recommended to accept the nomination received from Jason Buckley.

Nominations Received	Membership Status
Jason Buckley	Under consideration
Lizz Hickey	Accepted
Aaron Rothmund	Accepted

Table 1 – Upper Hunter & Kia-Ora Youth Music committee nominations and members

Settlement Hall Committee

Council has eight (8) vacancies for community members on the Settlement Hall Committee and has received seven (7) nominations during the extension of Expression of Interest period. It is recommended to accept all nominations received from the following community members:

General Manager's Unit

Nominations Received	Membership Status
Barbara Campbell	Under consideration
Elizabeth Campbell	Under consideration
Ron Campbell	Under consideration
Dianne Inder	Under consideration
Mark Inder	Under consideration
Chris Kemp	Under consideration
Tony O'Brien	Under consideration

Table 2 – Settlement Hall Committee nominations

Merriwa Sportsground User Group Sub-Committee

Council has nine (9) vacancies for representation by user groups on the Merriwa Sportsground User Group Sub-Committee. Council has received six (6) nominations during the extension of Expression of Interest period. It is recommended to accept the nominations received so that the committee can form and continue to reach out to user groups that do not have representation.

User Group	Nominations Received	Membership Status
Merriwa Tennis	Courtney Gillis	Under consideration
Merriwa Sports Club	Brent Jory	Under consideration
Merriwa Cricket Club	James Munro	Under consideration
Merriwa Squash	Wayne Upward	Under consideration
Merriwa Touch Football Association	Zoe Van Wijk	Under consideration
Merriwa Senior Rugby League	Brendan Waltets	Under consideration
Merriwa Gym	Nathan Barry	Accepted
Merriwa Rugby League Football Club (one vote only)	Dan Bidner Sarah Bidner Kacie Neale	Accepted Accepted Accepted
Merriwa Netball	Nil	Vacant
Merriwa Little Athletics	Nil	Vacant
Merriwa Golf	Nil	Vacant

Table 3 – Merriwa Sportsground User Group Committee nominations, members and vacancies

Merriwa Showground User Group Sub-Committee

Council has one (1) vacancy for representation of the Merriwa PAH&I Association on the Merriwa Showground User Group Sub-Committee. Council has received three (3) nominations during the extension of Expression of Interest period. It is recommended to accept all nominations received as this committee is now full.

General Manager's Unit

User Group	Nominations Received	Membership Status
Merriwa PAH&I Association (one vote only)	Tyler Austin Cheryl Dallimore Peter Lymbery	Under consideration Under consideration Under consideration
Merriwa Showjumping and Dressage Club	Heather Proctor	Accepted
Merriwa Pony Club (one vote only)	Pauline Lawler Clare Martin Di Patterson	Accepted Accepted Accepted
Merriwa Bushmans Campdraft & Rodeo Association Inc	Megan Richards	Accepted
Merriwa Show Festival of Fleeces	Robert Tindall	Accepted

Table 4 – Merriwa Showgrounds User Group Committee nominations and members.

It is important that each member of the committee recognise the important role they play and that as a committee member they are also bound by Council’s policy “Code of Conduct – Committee members, Delegates of Council and Council Advisors”. Each committee member will be forwarded a letter of offer to be a part of the committee following Council’s final decision on membership and as part of that process each member will be asked to return their acceptance form acknowledging they have read and will abide by the Code of Conduct.

Nomination forms from members of the community have been provided to Councillors under separate cover.

OPTIONS

1. To adopt the recommendations
2. To adopt the recommendations with amendments

CONSULTATION

- Councillors
- Community
- Senior Management Group

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Connected Community

Developing and deepening connections of people to each other and their community.

1.5 Advocate for, support and provide services and facilities for the community.

We are working to achieve the following Community Priorities:

b. Delivery Program

- Support for the Mayor and Councillors to fulfil their respective roles

General Manager's Unit

- Leadership that reviews Council operations and Council wide continuous service improvement

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

- Code of Conduct
- Code of Meeting Practice
- Committee Charters

b. Financial Implications

Nil

c. Legislative Implications

Section 355 of the Local Government Act, 1993.

d. Risk Implications

Nil

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

Council has reviewed its Committees and adopted the new structure. Community membership is to be appointed. Review of Committees and Charters will be ongoing matters for Council and the Committees.

ATTACHMENTS

Nil.

Environmental & Community Services

C.02.2

**COMMUNITY ADVISORY COMMITTEE - ABERDEEN
DISTRICT**

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Jade Maxwell - Administration Officer - Children's Services

RECOMMENDATION

That Council:

1. adopt the minutes of the Community Advisory Committee – Aberdeen District meeting held on 10 February 2025, provided in attachment 1 to the report;
2. investigate the installation of signage to help identify the location of the defibrillator in Aberdeen and communicate the location with the community;
3. allocate funding from the Dartbrook Community Contribution Fund towards the replacement of the scoreboard at McKinnon Oval.

BACKGROUND

The purpose of Council's Community Advisory Committees (CAC) is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These committees generally meet every 3 months in Aberdeen, Merriwa, Murrurundi and Scone.

REPORT/PROPOSAL

The Community Advisory Committee - Aberdeen District meeting on 10 February 2025 focused on several community issues and updates. Key points included:

- **Appointment of Chair:** Cr Allison McPhee was appointed as chairperson.
- **Community Concerns:** Topics such as the construction of a local swimming pool and ongoing issues like the Valley Fair car park were discussed.
- **Capital Works:** Updates on local infrastructure, including the completed wombat crossing at Aberdeen Public School and the ongoing monitoring of high tower and platform.
- **Dartbrook Community Contribution Fund:** Various funding proposals were discussed, with unanimous support for replacing the scoreboard at McKinnon Oval.
- **Draft Delivery Program and Operational Plan:** The Committee members will meet out of session at 5pm on Monday 17 February 2025 at the Aberdeen Hall to compile a prioritised list of potential projects for the Delivery Program and Operational Plan (DPOP) and Long Term Financial Plan (LTFP).
- **General Business:** Members raised issues like erosion on Kyuga Street and land availability near Perth Street for potential housing development.

ATTACHMENTS

- 1 [↓](#) Community Advisory Committee - Aberdeen District Minutes - 10.02.2025

**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE -
ABERDEEN DISTRICT MEETING - MONDAY 10 FEBRUARY 2025 -
5.00pm**



PRESENT: Cr Allison McPhee (Chair), Cr Adam Williamson, Cr Earle Shields, Ms Helen Irving, Mr Shane Lloyd, Ms Sue Milton, Ms Lauren Cavanough, Ms Kate Jones, Ms Daph Tanner, Ms Jeanette Fitzsimmons, Ms Katherine Brooks and Ms Maria Clarke.

IN ATTENDANCE: Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental and Community Services), Mr Rag Upadhyaya (Director Infrastructure Service), Yolanda Wynn (Community Services Officer), Jade Maxwell (Children's Services Administration Officer – minutes), Sally Shields (Community Member) and Michael Pritchard (Community Member).

1. APOLOGIES

There were no apologies.

2. DISCLOSURE OF INTEREST

Nil.

3. PREVIOUS MINUTES

RESOLVED:

That the minutes of the Community Advisory Committee - Aberdeen District meeting held on 27 August 2024, as circulated, be taken as read and confirmed as a correct record.

Moved: S Milton

Seconded: D Tanner

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

- The committee discussed the cost of the footpath in front of the Aberdeen Preschool. Reference was made to Council's footpath policy which lays out how charges are calculated.

5. AGENDA ITEMS

CAC-M.02.1 Appointment of Chairperson and Draft Community Advisory Committee Charter

PURPOSE

To consider the appointment of a committee chairperson and to present the draft Community Advisory Committee Charter.

The Committee nominated Cr Allison McPhee to be the committee Chairperson.

RESOLVED:

That the Committee:

1. Appoint Cr Allison McPhee to the role of committee chairperson;
2. Note the draft Community Advisory Committee Charter.

Moved: K Brooks

Seconded: S Milton

CARRIED

This is Page 1 of 4 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Monday 10 February 2025.

ACTION FOR COMMITTEE: Nil.

CAC-M.02.2 Items Raised by the Community

PURPOSE

The purpose of this report is for the Committee to review and consider items submitted by committee members of the Community Advisory Committee (CAC) Aberdeen District.

The Committee discussed the construction of a local swimming pool in Aberdeen. Council are not aware of a community fund to support the construction of a public pool.

RESOLVED:

That the Committee review the items listed in the report.

Moved: E Shields

Seconded: S Lloyd

CARRIED

ACTION FOR COMMITTEE: Nil.

CAC-M.02.3 Action Sheet - Update

PURPOSE

The purpose of this report is for the Committee to review and consider items on the Action Sheet for the Aberdeen District Community Advisory Committee (CAC).

The Committee discussed the completed items on the action sheet such as Rouchel Road maintenance, footpath cleaning and water drainage at Abercairney Terrace. Further discussion around Valley Fair carpark was had in which it was reiterated that the site is not a Council asset and is currently the subject of a development application.

RESOLVED:

That the Committee note the issues and response listed in the Action Sheet.

Moved: K Jones

Seconded: J Fitzsimmons

CARRIED

ACTION FOR COMMITTEE: Nil.

CAC-M.02.4 Capital Works Projects - Aberdeen

PURPOSE

The purpose of this report is to provide the Aberdeen Community Advisory Committee with an update on capital works projects in the Aberdeen District.

- The Committee discussed the capital works delivery projects. The project "Water Supplies – replace High tower and platform" is on hold due to the monitoring of leaks. At present there are no issues so no replacement is programmed.
- The wombat crossing at Aberdeen public school has been completed, Council have scheduled for compliant lighting to be installed by April 2025 (to replace the temporary lighting).
- Cr Allison McPhee provided background on the Jefferson Park masterplan and advised it can be viewed on the Council website. A copy will be made available at the next Community Advisory Committee meeting.

This is Page 2 of 4 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Monday 10 February 2025.

RESOLVED:

That the Aberdeen Community Advisory Committee note the information.

Moved: H Irving

Seconded: S Lloyd

CARRIED

ACTION FOR COMMITTEE:

- A copy of the Jefferson Park masterplan will be made available at the next Community Advisory Committee meeting.

CAC-M.02.5 Dartbrook Community Contribution Fund

PURPOSE

The purpose of this report is to provide an update on the Dartbrook Community Contribution Fund and to consider potential funding proposals.

The Committee was encouraged to discuss potential funding proposals:

- Learn to swim program for Aberdeen children.
- River walk signage.
- Defibrillator installation in Aberdeen was raised but committee was made aware these exist. Council will investigate signage and improved communication of locations.
- Replacement of scoreboard at McKinnon Oval. The committee unanimously endorsed the funding of this proposal. A report will be sent for inclusion at the next Council meeting in February.

RESOLVED:

That the Committee:

1. Note the current balance of the Dartbrook Community Contribution Fund;
2. Endorse the funding proposal criteria in Attachment 1;
3. Seek indicative costings for the following potential funding proposals:
 - (a) Concrete cycle way around St Andrews Reserve
 - (b) Playground equipment at Taylor Park
 - (c) Street banners and poles
 - (d) Public toilets at Jockey Park
 - (e) Town entrance statements
 - (f) Replacement scoreboard at McKinnon Oval
 - (g) McKinnon Oval lighting upgrade
 - (h) Priority projects in the Jefferson Park Masterplan
 - (i) Enhancement of water supply at Aberdeen Golf Course
 - (j) Learn to swim program
4. Receive a further report on the proposals, including an assessment of each proposal against the funding proposal criteria, once the costings have been received.

Moved: K Brooks

Seconded: L Cavanough

CARRIED

RECOMMENDATION TO COUNCIL:

1. Investigate the installation of signage to help identify the location of the defibrillator in Aberdeen and communicate the location with the community.
2. Allocate funding from the Dartbrook Community Contribution Fund towards the replacement of the scoreboard at McKinnon Oval.

Moved: K Brooks

Seconded: L Cavanough

CARRIED

This is Page 3 of 4 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Monday 10 February 2025.

CAC-M.02.6 Draft Delivery Program and Operational Plan

PURPOSE

The purpose of this report is to invite committee members to nominate potential projects, programs and activities for Council to consider including in the 2025/2026 Operational Plan.

The Committee will meet on Monday 17 February 2025 at 5pm in Aberdeen Hall to compile a prioritised list of submissions.

Council has advised that entries can be sent via email.

RESOLVED:

That the Committee:

1. Nominate a prioritised list of potential projects, programs and activities for Council to consider for inclusion into its draft 2025/2026 – 2028/2029 Delivery Program & Operational Plan (DPOP) and 2026 to 2035 Long Term Financial Plan (LTFP).
2. Submit nominations by close of business on 28 February 2025.

Moved: K Brooks

Seconded: D Tanner

CARRIED

ACTION FOR COMMITTEE:

- Committee members will meet out of session at 5pm on Monday 17 February 2025 at the Aberdeen Hall to compile a prioritised list of submissions.

6. ACTION SHEET

- A copy of the Jefferson Park masterplan will be made available at the next Community Advisory Committee meeting.
- Council will investigate signage and improve communication of locations of the defibrillator.
- Replacement of scoreboard at McKinnon Oval. The committee unanimously endorsed the funding of this proposal. A report will be sent for inclusion at the next Council meeting in February.
- The Committee will meet to compile a prioritised list of submissions.

7. CORRESPONDENCE

Nil.

8. GENERAL BUSINESS

- M Clarke raised concerns about erosion and drainage issues on Kyuga Street. Council advised are aware and a CRM already exists. The community are encouraged to raise further CRM's if the issue worsens.
- J Fitzsimmons enquired about land availability for re-development near Perth Street. Council are exploring funding options for the construction of the next stage of the subdivision to enable the construction of 25 homes.

9. CONFIDENTIAL REPORTS

Nil.

10. NEXT MEETING

Monday 12 May 2025.

The meeting was declared closed at 6:02pm.

This is Page 4 of 4 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Monday 10 February 2025.

Environmental & Community Services

C.02.3

COMMUNITY ADVISORY COMMITTEE - MURRURUNDI DISTRICT

RESPONSIBLE OFFICER: Amanda Catzikiris - Manager Community Services

REPORT PREPARED BY: Jade Maxwell - Administration Officer - Children's Services

RECOMMENDATION

That Council;

1. adopt the minutes of the Community Advisory Committee – Murrurundi District meeting held on 12 February 2025;
2. continue to maintain the lease on the water tower and seek funding for its restoration;
3. delay the design process and any structural changes to Murrurundi Dam;
4. seek advice on depth issues and provide a breakdown of decommissioning costs for Murrurundi Dam;
5. provide an opportunity for the Committee to review information for the purpose of the Murrurundi Dam masterplan.

BACKGROUND

The purpose of Council's Community Advisory Committees (CAC) is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These committees meet every three months in Murrurundi, Aberdeen, Merriwa and Scone.

REPORT/PROPOSAL

The Murrurundi District Community Advisory Committee meeting on 12 February 2025 discussed several key topics:

1. **Appointment of Chairperson:** Cr Peter McGill was appointed as Chairperson.
2. **Community Issues:** Committee members discussed topics such as having an official opening of the river walk when completed and the importance of using the CRM system to ensure prompt action. They raised concerns about community consultation notices and were provided details about the Special Rate Variation (SRV).
3. **Action Sheet Updates:** Ongoing issues included feral deer management and the installation of banner poles.
4. **Draft Delivery Program and Operational Plan:** The Committee members will meet out of session to compile a prioritised list of potential projects for the Delivery Program and Operational Plan (DPOP).
5. **Rosedale Land Development:** The committee discussed further development stages of Rosedale Estate and requested more information from the Council to make informed decisions. The Committee to consult and make a recommendation to Council.

Environmental & Community Services

6. **Capital Works Projects:** Updates were provided on major infrastructure projects such as the Murulla Street Causeway, the Youth and Community building and the progress of a new transfer station. The tree planting schedule was also provided.
7. **ARTC Land Lease:** The committee discussed the restoration project regarding the water tank. The Committee requested that Council continue to maintain the lease on the water tower and seek funding for its restoration as part of the Murrurundi heritage landscape.
8. **Murrurundi Dam:** Feedback on the draft concept plan for the Murrurundi Dam recreational area was gathered. The committee recommended delaying design changes and seeking advice on an appropriate water depth and costs.

The next meeting is scheduled for 14 May 2025.

The meeting minutes are provided in attachment 1.

ATTACHMENTS

- 1 [↓](#) Community Advisory Committee Minutes - Murrurundi District - 12.02.2025

MINUTES OF THE COMMUNITY ADVISORY COMMITTEE - MURRURUNDI DISTRICT MEETING - WEDNESDAY 12 FEBRUARY 2025 - 5:00 PM



PRESENT: Cr Peter McGill (Chair), Cr George Fraser, Cr Adam Williamson, Ms Sandra Coffey, Ms Lisa Gaye Everitt, Mr Gregory Ferguson, Mr Raymond Hynes, Mr Don Kemble, Mr Mark Martin, Mr Gary Mills, Ms Patricia Taylor and Ms Catherine Watt.

IN ATTENDANCE: Mayor Maurice Collison, Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental and Community Services), Mr Rag Upadhyaya (Director Infrastructure Service) and Amanda Catzikiris (Manager Community Services – minutes).

1. APOLOGIES

Nil.

2. DISCLOSURE OF INTEREST

Nil.

3. PREVIOUS MINUTES

RESOLVED

That the minutes of the Community Advisory Committee - Murrurundi District Meeting held on 29 August 2024, as circulated, be taken as read and confirmed as a correct record.

Moved: R Hynes

Seconded: S Coffey

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

- The committee discussed the outstanding quote regarding the Stock Route signage.
- A request was put forward to review the River Walk signage.
- The Committee discussed the Strand Theatre, which is subject to enforcement action. Unable to disclose information at this stage until further details are obtained.
- Committee members requested an update on the inspection and maintenance schedule of the swinging bridge. As repairs are necessary, funding options have also been requested.
- Advertising and signage at Dooley's Store was raised. A request to review this item has been put forward, however, this also relies on the private business owner.
- An update was provided on the Murulla Street Causeway. Council will use Roads to Recovery funding to extend concrete approaches on both sides to 30 metres. A contractor has been engaged with an expected completion timeframe of April 2025.

This is Page 1 of 5 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Wednesday 12 February 2025.

5. AGENDA ITEMS

MCAC1.02.1 Appointment of Chairperson and Draft Community Advisory Committee Charter

PURPOSE

To consider the appointment of a committee chairperson and to present the draft Community Advisory Committee Charter.

RESOLVED

That the Committee:

1. appoint Cr Peter McGill to the role of committee chairperson;
2. note the draft Community Advisory Committee Charter.

Moved: P Taylor

Seconded: D Kemble

CARRIED

ACTION FOR COMMITTEE: Nil.

MCAC1.02.2 Items Raised by the Community

PURPOSE

The purpose of this report is for the committee to review and consider items submitted by committee members of the Community Advisory Committee (CAC) - Murrurundi District.

- The Committee discussed the importance of using the CRM system to ensure prompt action.
- The Committee discussed having an official opening of the River Walk when completed. Access and signage from the Swinging Bridge to the Court House would need to be taken into consideration. Funding could be considered in the Delivery program and operational plan (DPOP).
- Council consultation processes were discussed and the committee were informed that a range of policies and protocols exist. A concern was raised about the lack of notice given for community consultations.
- The committee were provided details regarding the Special Rate Variation (SRV).

RESOLVED

That the Committee review the items listed in the report.

Moved: P Taylor

Seconded: S Coffey

CARRIED

ACTION FOR COMMITTEE :

- Review current processes for community consultations – Director Environmental and Community Services

MCAC1.02.3 Action Sheet - Update

PURPOSE

The purpose of this report is for the Committee to review and consider items on the Action Sheet for the Community Advisory Committee (CAC) - Murrurundi District.

There was a discussion held around feral deer management and the Committee were advised that Council were still working on an appropriate solution.

The Committee discussed the installation of banner poles. It was advised that for three (3) of them to be supplied and installed would be at a cost of \$10,000. The environmental impact of these poles would need to be considered prior to installation.

This is Page 2 of 5 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Wednesday 12 February 2025.

RESOLVED

That the Committee note the issue and response listed in the Action Sheet.

Moved: M Martin

Seconded: S Coffey

CARRIED

ACTION FOR COMMITTEE: Nil.

MCAC1.02.4 Draft Delivery Program and Operational Plan

PURPOSE

The purpose of this report is to invite committee members to nominate potential projects, programs and activities for Council to consider including in the 2025/2026 Operational Plan.

The Committee discussed the planning processes for the Delivery Program and Operation Plan (DPOP) and were advised submissions were due by close of business on 28 February 2025. Committee members will meet out of session to discuss proposals.

RESOLVED

That the Committee:

1. nominate a prioritised list of potential projects, programs and activities for Council to consider for inclusion into its draft 2025/2026 – 2028/2029 Delivery Program & Operational Plan (DPOP) and 2026 to 2035 Long Term Financial Plan (LTFP).
2. submit nominations by close of business on 28 February 2025.

Moved: R Hynes

Seconded: M Martin

CARRIED

ACTION FOR COMMITTEE:

- Committee members will meet out of session to compile a prioritised list of submissions.

MCAC1.02.5 Rosedale Land Development

PURPOSE

To seek the committee's views on further development of Rosedale estate.

- Community members are encouraged to share their viewpoint on this development.
- Council to provide more information to the committee regarding the Rosedale Land Development, including the original Council resolution and an updated plan to enable them to make an informed recommendation.
- The Committee to consult and make a recommendation to Council.

RESOLVED

That the Committee provide feedback on developing the next and subsequent stages of Rosedale estate.

Moved: P Taylor

Seconded: D Kemble

CARRIED

ACTION FOR COMMITTEE :

- To provide more information to the committee regarding the Rosedale Land Development to enable them to make an informed proposal – Director Environmental and Community Services.

MCAC1.02.6 Capital Works Projects - Murrurundi

PURPOSE

The purpose of this report is to provide the Murrurundi Community Advisory Committee with an update on capital works projects in the Murrurundi District.

General discussion was had within the Committee in regards to items on the capital works delivery sheet. These included the Youth and Community building currently being under construction, the Murulla Street causeway upgrades and the development of a new transfer station. The tree planting schedule was also provided to the committee members.

RESOLVED

That Murrurundi Community Advisory Committee note this report.

Moved: P Taylor

Seconded: C Watt

CARRIED

ACTION FOR COMMITTEE: Nil.

MCAC1.02.7 Proposal for ARTC Land Lease in Murrurundi

PURPOSE

The purpose of this report is to advise the Murrurundi Community Advisory Committee of Council's decision to call for the ARTC Land Lease.

The committee discussed the restoration project regarding the water tank.

RECOMMENDATION TO COUNCIL :

- Council continue to maintain the lease on the water tower and will continue to seek funding for its restoration.

Moved: R Hynes

Seconded: M Martin

CARRIED

MCAC1.02.8 Murrurundi Dam

PURPOSE

The purpose of this report is to gather feedback from the Murrurundi Community Advisory Committee on the draft concept plan for the Murrurundi Dam recreational area.

- The Committee discussed the associated costs and the Council resolution from April 2024.
- The Committee would like the resolution to be rescinded with reference to: *"endorse the de-prescription of the Murrurundi Dam as a town water source including modification of dam well, lowering to provide 1 metre of water, decommissioning of the Litree Water Filtration Plant and associated tanks and pumps"*.
- A recommendation to delay the design process and structural change, with Council to seek advice on the appropriate water depth and provide a breakdown of decommissioning costs.

RECOMMENDATION TO COUNCIL :

That Council;

1. delay the design process and any structural changes to Murrurundi Dam;
2. seek advice on depth issues and provide a breakdown of decommissioning costs for Murrurundi Dam;
3. provide an opportunity for the Committee to review information for the purpose of the Murrurundi Dam masterplan.

Moved: D Kemble

Seconded: S Coffey

CARRIED

This is Page 4 of 5 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Wednesday 12 February 2025.

6. ACTION SHEET

- Review current processes for community consultations – Director Environmental and Community Services
- Committee members will meet out of session to compile a prioritised list of submissions.
- Provide more information to the committee regarding the Rosedale Land Development to enable them to make an informed proposal – Director Environmental and Community Services

7. CORRESPONDENCE

Nil.

8. GENERAL BUSINESS

Nil.

9. CONFIDENTIAL REPORTS

Nil.

10. NEXT MEETING

Wednesday 14 May 2025.

The meeting was declared closed at 7:10pm.

Environmental & Community Services

C.02.4

FLOODPLAIN MANAGEMENT COMMITTEE

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Danielle Brown - Administration Officer - ECS

RECOMMENDATION

That Council:

1. adopt the minutes of the Floodplain Management Committee meeting held on 13 February 2025;
2. endorse the draft Scone Floodplain Risk Management Study and Plan;
3. place the draft floodplain risk management study and plan on public exhibition for 28 days and undertake community consultation;
4. amend the footprint of the detention basin in Flood Modification Measure FM.3 Figtree Gully Detention Basin (shown in Figure 10-1 of the report) to account for the approved subdivision at Lot 30 DP 1280096, 38 Barton Street, Scone prior to placing the draft floodplain risk management study and plan on public exhibition, if practicable; and
5. receive a further report following the public exhibition period.

BACKGROUND

The Floodplain Management Committee is a committee of Council which considers reports, advice and recommendations of management regarding issues associated with floodplain management and development within any areas deemed to be impacted or potentially impacted by flood or other waters. The committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Floodplain Management Committee was held on Thursday, 13 February 2025.

REPORT/PROPOSAL

The Committee received a presentation from Worley Consulting on the review and update of the Scone Floodplain Risk Management Study and Plan including recommended flood management options. Committee members provided feedback during the meeting.

The Committee unanimously supported the recommendation to endorse the draft Scone Floodplain Risk Management Study and Plan (with a minor amendment) and to place the document on public exhibition for 28 days.

A copy of the minutes is attached.

ATTACHMENTS

- 1 [↓](#) Minutes of Floodplain Management Committee meeting held on 13 February 2025

**MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE
MEETING - THURSDAY 13 FEBRUARY 2025 - 11:00 AM**



PRESENT: Cr Adam Williamson, Cr Peter McGill, Peta Luke (Community Member)

IN ATTENDANCE: Mathew Pringle (Director Environmental & Community Services), Raghavendra Upadhyaya (Director Infrastructure Services), Richard Murphy (Department of Climate Change, Energy, Environment and Water), Caroline Stoy (NSW SES), Mandy Brambel (NSW SES), Chris Thomas (Worley Consulting), Lennox To (Worley Consulting), Danielle Brown (Environmental Services Admin)

The Director Environmental & Community Services opened the meeting as a Chairperson was yet to be appointed by the committee.

1. APOLOGIES:

RECOMMENDATION TO COUNCIL :

That the apology received from Cr Clout be accepted.

Moved: Cr Williamson

Seconded: Cr McGill

CARRIED

2. DISCLOSURE OF INTEREST

Nil

3. PREVIOUS MINUTES

RECOMMENDATION TO COUNCIL :

That the minutes of the Floodplain Management Committee meeting held on 20 June 2024, as circulated, be taken as read and confirmed as a correct record.

Moved: Cr Williamson

Seconded: Cr McGill

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

The Director Environmental & Community Services called for nominations for the position of Chairperson. Cr Adam Williamson was nominated by Cr Peter McGill and seconded by Peta Luke. As no other nominations were received, Cr Williamson was appointed as Chairperson.

5. AGENDA ITEMS

FMC.02.1 Draft Scone Floodplain Risk Management Study and Plan

PURPOSE

To present the draft Scone Floodplain Risk Management Study and Plan for endorsement prior to being placed on public exhibition.

Chris Thomas and Lennox To from Worley Consulting provided a presentation to the committee on the findings of the flood study and recommended flood management options.

The committee asked a number of questions and provided feedback during the presentation.

This is Page 1 of 2 of Minutes of the Floodplain Management Committee meeting of the Upper Hunter Shire Council held on Thursday 13 February 2025.

The committee agreed that it would be preferable to amend the footprint of the detention basin in Flood Modification Measure FM.3 Figtree Gully Detention Basin (shown in Figure 10-1 of the report) to account for the approved subdivision at Lot 30 DP 1280096, 38 Barton Street, Scone prior to placing the draft floodplain risk management study and plan on public exhibition.

The committee also recommended that the owners of properties identified in the study for potential house raising be notified directly as part of the public consultation process and that the Scone Community Advisory Committee be consulted in relation to the study.

RESOLVED:

That the Committee:

1. receive a presentation from Worley Consulting on the draft Scone Floodplain Risk Management Study and Plan.

Moved: Cr Williamson

Seconded: Cr McGill

CARRIED

RECOMMENDATION TO COUNCIL :

That Council:

1. endorse the draft Scone Floodplain Risk Management Study and Plan;
2. place the draft floodplain risk management study and plan on public exhibition for 28 days and undertake community consultation;
3. amend the footprint of the detention basin in Flood Modification Measure FM.3 Figtree Gully Detention Basin (shown in Figure 10-1 of the report) to account for the approved subdivision at Lot 30 DP 1280096, 38 Barton Street, Scone prior to placing the draft floodplain risk management study and plan on public exhibition, if practicable;
4. receive a further report following the public exhibition period.

Moved: Cr Williamson

Seconded: Cr McGill

CARRIED

ACTION FOR COMMITTEE: Nil

6. ACTION SHEET

- Director Environmental & Community Services and SES to investigate reclassification of the Parkville river gauge.

7. CORRESPONDENCE

Nil

8. GENERAL BUSINESS

- Cr McGill – Is Council planning to undertake a flood study in Murrurundi? The Director confirmed that Council had applied for funding to undertake a review and update of the Murrurundi and Blandford Flood Study for the last two years in a row. The project has been put on the funding reserve list until the Scone Flood Study is completed.

9. CONFIDENTIAL REPORTS

Nil

10. NEXT MEETING

TBC

The meeting was declared closed at 1.25pm.

I

This is Page 2 of 2 of Minutes of the Floodplain Management Committee meeting of the Upper Hunter Shire Council held on Thursday 13 February 2025.

Environmental & Community Services

DEVELOPMENT REPORTS

D.02.1 ***DRAFT PLANNING AGREEMENT - DEVELOPMENT
APPLICATION NO.230/2022***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Paul Smith - Senior Environmental Planner

PURPOSE

To seek Council's endorsement of a draft planning agreement in respect of Development Application No. 230/2022 for a subdivision of one (1) lot into 92 lots before it is placed on public exhibition.

RECOMMENDATION

That Council:

1. endorse the draft planning agreement between Upper Hunter Shire Council and Scone Rise Pty Ltd in respect of Development Application No. 230/2022 for a subdivision of one (1) lot into 92 lots at 38 Barton Street, Scone (Lot 30 DP 1280096);
2. place the draft planning agreement on public exhibition for 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979; and
3. receive a further report following the conclusion of the exhibition period.

BACKGROUND

On 29 July 2024, Council granted consent to Development Application No. 230/2022 for a subdivision of one (1) lot into 92 lots at 38 Barton Street, Scone (Lot 30 DP 1280096). Condition 1 (Schedule A) of the consent requires:

1. *Prior to the commencement of the consent the Applicant must have entered into a Voluntary Planning Agreement with Council in accordance with:*
 - a) *The terms of the Applicant's Letter of Offer (letter dated: 27 June 2024) in accordance with the requirements of the Act and;*
 - b) *Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979 ("the Act").*

REPORT/PROPOSAL

It is proposed that Council enter into a planning agreement with Scone Rise Pty Ltd ("the Company") (refer to Attachment 1). Under the terms of the draft agreement, the Company would be required to make a monetary contribution of \$289,528 towards the construction costs of a road realignment and concrete causeway on Barton Street adjacent to the frontage of Lot 30 DP 1280096 (development site). This contribution is being made in lieu of a condition of consent requiring half-width road construction along the frontage of the development site.

OPTIONS

1. (a) endorse the draft planning agreement between Upper Hunter Shire Council and Scone Rise Pty Ltd in respect of Development Application No. 230/2022 for a subdivision of one (1) lot into 92 lots at 38 Barton Street, Scone (Lot 30 DP 1280096).
 - (b) place the draft planning agreement on public exhibition for 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979.
 - (c) receive a further report following the conclusion of the exhibition period.
2. Not endorse the draft planning agreement in its current form and request amendments.

Environmental & Community Services

CONSULTATION

It is proposed to place the draft planning agreement on public exhibition for 28 days in accordance with Section 7.5 of the Environmental Planning and Assessment Act 1979.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.6 Plan, facilitate and provide for a changing population for current and future generations.
- 2.1 Advocate for, facilitate and support programs that protect and sustain our diverse environment for future generations.
- 2.8 Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

- 5.10 Encourage and build strong partnerships between the Community, business and all levels of government to support implementation of the CSP 2032 and to deliver the Community priorities.
- 5.12 Provide timely and effective advocacy and leadership on key community issues and priorities

b. Delivery Program

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The planning agreement is for a monetary contribution of \$289,528 to be made by the developer.

c. Legislative Implications

The planning agreement has been prepared in accordance with Subdivision 2, Division 7.1, Part 7 of the *Environmental Planning and Assessment Act 1979* and Division 1, Part 9 of the *Environmental Planning and Assessment Regulation 2021*.

Environmental & Community Services

d. Risk Implications

The planning agreement contains various provisions that will minimise risks to Council.

e. Sustainability Implications

The contributions payable under the planning agreement will provide funding for an infrastructure project that contributes to the social, economic and environmental sustainability of the Upper Hunter Shire.

f. Other Implications

Nil

CONCLUSION

A draft planning agreement has been prepared in respect of the Development Application No. 230/2022 for a subdivision of one (1) lot into 92 lots at 38 Barton Street, Scone (Lot 30 DP 1280096).

The proposed contributions payable under the terms of the agreement will partially fund improvements to public infrastructure that will directly benefit the residents of Scone.

The planning agreement is required to be publicly exhibited with an explanatory note for a period of not less than 28 days. A further report will be provided to Council following the conclusion of the exhibition period.

ATTACHMENTS

- 1  Barton Street Draft Planning Agreement Excluded

Environmental & Community Services

GENERAL ADMINISTRATION REPORTS

G.02.1 **YOUNG ENDEAVOUR AMBASSADORS - PRESENTATION**

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

PURPOSE

The purpose of this report is to allow the 2024 Upper Hunter Shire Young Endeavour Ambassadors to make a presentation on their experiences.

RECOMMENDATION

That Council receive a presentation from the 2024 Upper Hunter Shire Young Endeavour Ambassadors on their experiences.

BACKGROUND

The Upper Hunter Shire Young Endeavour Scheme is coordinated and supported by Council in partnership with a number of community groups, businesses, sporting clubs and schools.

It provides a “*Voyage of a Lifetime*” for young people from our Shire to enhance their self-confidence, teamwork and life skills by giving them the opportunity of a challenging new experience, not normally available to youth in our area.

REPORT/PROPOSAL

Nominations were sought from local organisations and individuals, for young people to participate in the Upper Hunter Shire Young Endeavour Scheme. Sienna Barber, Cody Parkinson, Nicholas Starbuck and Xena Whitby boarded the Young Endeavour at Queen’s Wharf, Newcastle NSW, on 7 December 2024 for a 10 day sail on the high seas, disembarking in Sydney Harbour.

Ambassadors are invited to share aspects of their experience of sailing on Young Endeavour, and how the voyage has affected their lives.

OPTIONS

To receive a presentation from the 2024 Upper Hunter Shire Young Endeavour Ambassadors on their experiences.

CONSULTATION

- Director Environmental & Community Services
- Manager Community Services

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Environmental & Community Services

Connected Community

Developing and deepening connections of people to each other and their community.

- 1.3 Increase promotion of healthy lifestyle.
- 1.5 Advocate for, support and provide services and facilities for the community.

b. Delivery Program

- The planning, promotion and implementation of a range of social, educational and recreational programs that are run in consultation with the youth
- Opportunities for young people to enhance leadership and key life skills
- Partnerships with schools and organisations to promote wellbeing, safety, connectedness and community recognition of our youth

c. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

N/A

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

N/A

f. Other Implications

Nil

CONCLUSION

Four ambassadors sailed on the Young Endeavour departing from Newcastle for 10 days before disembarking in Sydney. They have been invited to give a presentation to Council on their experiences and how the voyage has affected their lives.

ATTACHMENTS

Nil.

General Manager's Unit

G.02.2 ***PROPOSED AMENDMENTS TO MODEL CODE OF MEETING PRACTICE***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

PURPOSE

The purpose of this report is to consider feedback to the Office of Local Government (OLG) on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW.

RECOMMENDATION

That Council make a submission to the OLG about the proposed amendments to the Model Code of Meeting Practice in terms of the comments on the proposed amendments set out in Attachment 4 of this report.

BACKGROUND

In September 2024, the OLG released a discussion paper entitled “Councillor conduct and meeting practices” to seek the views of the community, key stakeholders and the local government sector on changes that the government was considering.

Despite the fact that the timing of this invitation coincided with the Caretaker and Election Period, leaving little opportunity for new Councillors to consider the proposal prior to its November 2024 deadline, this matter was reported to the Council meeting on 28 October 2024 when Council adopted the comments in that report as its submission to the OLG discussion paper.

Council’s submission was subsequently conveyed to the OLG.

REPORT/PROPOSAL

On 17 December 2024, the OLG issued Circular No.24-23 releasing documentation proposing amendments to the Model Code of Meeting Practice and inviting submissions by 28 February 2025.

Apart from the Circular, the OLG also released the following:

- *A new model code of meeting practice – Consultation draft; and*
- *Draft Model Code of Meeting Practice for Local Councils in NSW.*

In relation to the Consultation draft, the OLG has indicated that the proposed alterations to the model code include policy changes to the manner in which meetings are conducted; promote transparency, integrity and public participation; promote the dignity of the council chamber; and depoliticising the role of the general manager.

The Circular and the two documents referred to above, are appended to this report as Attachments 1, 2 & 3.

General Manager's Unit

Notwithstanding that the timing of the release of this information, just prior to the Christmas holiday period, when most councils close down and the fact that many councils do not schedule meetings during January, once again there has been a limited amount of time in which to consider the proposed amendments.

Nevertheless, in relation to these proposed amendments to the Model Code of Meeting Practice, the views of staff in relation to those amendments are set out in Attachment 4.

Because of the significance of many of these proposed changes, it is considered imperative that Council take the opportunity to make a submission to the OLG about these changes.

OPTIONS

Council may adopt the recommendation or pass another. However, as indicated above, the opportunity to make a submission about the proposed amendments should not be missed because of the number of significant changes that are proposed to the Model Code of Meeting Practice will severely impact on the way in which councils operate.

CONSULTATION

This report has been discussed with the General Manager and the SMG.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- A system where policies and procedures are reviewed on a regular basis

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Council's Code of Meeting Practice.

b. Financial Implications

N/A

General Manager's Unit

c. Legislative Implications

Local Government Act 1993
Local Government (General) Regulation 2021.

d. Risk Implications

N/A

e. Sustainability Implications

N/A

f. Other Implications

N/A

CONCLUSION

This report contains the views of staff on the proposed amendments of the Model Code of Meeting Practice and would form the basis of any submission to the OLG on this subject.

ATTACHMENTS

- 1↓ [OLG Circular No 24-23 - December 2024](#)
- 2↓ [OLG - Consultation Draft Model Code of Meeting Practice](#)
- 3↓ [OLG - Draft Model Code of Meeting Practice for Local Councils in NSW](#)
- 4↓ [Proposed Amendments to Model Code of Meeting Practice](#)

Department of Planning, Housing and Infrastructure
Office of Local Government



Circular to Councils

Subject/title	Consultation on reforms to council meeting practices
Circular Details	Circular No 24-23 / Date 17 December 2024 / A939075
Previous Circular	<i>Council Circular 24-17 Councillor conduct and meeting practices – a discussion paper</i>
Who should read this	Councillors / General Managers / Council Governance staff
Contact	Council Governance / 02 4428 4100 / olg@olg.gov.nsw.au
Action required	Response to OLG

What's new or changing?

- The Office of Local Government (OLG) is inviting feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).
- A discussion paper on the proposed amendments and a consultation draft of the new Model Meeting Code and accompanying paper has been published on OLG's website at www.olg.nsw.gov.au. The proposed amendments to the Model Meeting Code are indicated in track changes.

What will this mean for council?

- Submissions may be made in writing by email at olg@olg.nsw.gov.au or by completing the online submission form. Submissions may also be made by post addressed to: Locked Bag 3015, NOWRA NSW 2541
- Submissions should be labelled "Model Meeting Code amendments" and marked to the attention of OLG's Council Governance Team.
- The closing date for submissions is COB Friday, 28 February 2025.

T 02 4428 4100 TTY 02 4428 4209, E olg@olg.nsw.gov.au
Locked Bag 3015 NOWRA NSW 2541
www.olg.nsw.gov.au



Key points

- The amendments are part of the NSW Government's agenda to ensure that councillors are visibly in control of their councils, demonstrating to the community that decision making is genuinely local.
- The reform of the code and procedures governing how councillors gather, debate and make decisions, was flagged by the Minister for Local Government as part of the discussion paper issued in September 2024, "Councillor conduct and meeting practice: a new framework".
- The proposed amendments to the Model Meeting Code are the first tranche of reforms to the regulation of meetings. The second tranche will be legislated in 2025 as part of the measures implemented to reform the regulation of councillor conduct and will have a particular focus on behaviour at meetings.
- The feedback OLG receives will be used to inform the amendments that are ultimately made to the Model Meeting Code.
- It is anticipated that the new Model Meeting Code will be prescribed in early 2025.

Where to go for further information

- The discussion paper and consultation draft of the Model Meeting Code and accompanying paper have been published on OLG's website at www.olg.nsw.gov.au.
- For more information, contact OLG's Council Governance Team by email at olg@olg.nsw.gov.au or by telephone at 02 4428 4100.

Brett Whitworth
Deputy Secretary
Office of Local Government

Office of Local Government



A new model code of meeting practice

Consultation draft

December 2024

olg.nsw.gov.au



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Minister's foreword

Council meetings are where a council's most important decisions are made. They are where councillors, as democratically elected representatives, set the future direction of their council. For these reasons, it is important that meetings are effective, allow for robust, respectful debate and result in actionable outcomes for New South Wales communities.

Unfortunately, there has been a shift in the culture in local government. Debate in council meetings has been stifled by code of conduct complaints that aim to silence councillors from expressing contrary views. Rather than productively disagreeing, there have been too many cases where councillors have resorted to disorderly conduct, distracting from the critical work that is done in council meetings. By making changes to the Model Code of Meeting Practice for Local Councils in NSW, I hope to set a new balance between mayors, councillors and general managers and restore dignity to the council chamber.

Under the *Local Government Act 1993*, mayors are responsible for presiding at meetings of the council. Under the proposed changes outlined in this paper and the consultation draft of the new Model Meeting Code, they will have greater powers to control the agenda and activities of their council and better enforce order in meetings. Mayors will have the power to take immediate action against disorderly councillors or members of the public in meetings, which I hope will lessen the need for councils to resort to the broken code of conduct process. By further providing that mayors be granted respect, by standing when they enter, councils can begin to build a culture where it is the accepted duty of the mayor to run a dignified and democratic council chamber.

The changes will also reinforce the boundaries between councillors and general managers by depoliticising the role they play in council meetings. General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors.



The Hon. Ron Hoenig MP
Minister for Local Government

The most important of the reforms is to end private councillor briefing sessions. While well-intentioned as a means of educating councillors on matters before council, these sessions have had a corrosive effect on the transparency of council decision making. Communities are entitled to know the deliberations of their councillors and the nature of the advice given to assist them in making responsible decisions. These changes will ensure that all material given to a councillor to make a decision in a council meeting is provided in a public fashion.

Local government is the legitimate third tier of Government in New South Wales. Through these reforms, I aim to uplift the standards at council meetings so that they should, as best as possible, resemble the forthright and effective debate that occurs at the State and Federal levels. It is the duty of all councils to work together to provide outcomes that lead to better lives for the communities they are elected to serve. These outcomes are decided within the confines of the council chambers. It is critical that councillors can make these informed decisions in an environment that supports democracy, transparency and where elected representatives are given the respect they deserve.

Introduction

The Office of Local Government (OLG) is inviting feedback from the local government sector and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code).

A consultation draft of the new Model Meeting Code has been published on OLG's website at www.olg.nsw.gov.au. The proposed amendments to the Model Meeting Code are indicated in track changes.

The amendments are part of the Government's agenda to ensure that councillors are visibly in control of their councils, demonstrating to the community that decision making is genuinely local.

The reform of the codes and procedures governing how councillors gather, debate and make decisions was flagged by the Minister for Local Government as part of the discussion paper issued in September, "[Councillor conduct and meeting practice: a new framework](#)".

The proposed amendments to the Model Meeting Code are the first tranche of reforms to the regulation of meetings. The second tranche will be legislated in 2025 as part of the measures implemented to reform the regulation of councillor conduct and will have a particular focus on behaviour at meetings.

Information on how to make a submission together with targeted questions is provided at the end of this paper.

The feedback OLG receives will be used to inform the amendments that are ultimately made to the Model Meeting Code.

It is anticipated that the new Model Meeting Code will be prescribed in early 2025.

What is the Model Meeting Code?

The Model Meeting Code is prescribed under the *Local Government Act 1993* (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

Section 360 of the Act provides that:

- The regulations may prescribe a model code of meeting practice for the conduct of meetings of councils and committees of councils of which all the members are councillors.
- The Model Meeting Code may contain both mandatory and non-mandatory provisions.
- A council must, not later than 12 months after an ordinary election of councillors, adopt a code of meeting practice that incorporates the mandatory provisions of the model meeting code prescribed by the regulations. The adopted code may also incorporate the non-mandatory provisions and other provisions.
- A meeting code adopted or amended by the council must not contain provisions that are inconsistent with the mandatory provisions.
- A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

The current version of the Model Meeting Code was prescribed in 2021.

What policy objectives inform the proposed amendments?

The proposed amendments to the Model Meeting Code have been foreshadowed in the discussion paper OLG issued in September, "[Councillor conduct and meeting practice: a new framework](#)" (the September discussion paper).

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

A key focus of the Government's reform agenda for the regulation of council meetings, is to promote community confidence in councils' decision making by ensuring that the forum in which decisions are made is conducted in a way that is befitting to a democratic institution comprising of elected representatives.

As observed in the September discussion paper, council meetings can be conducted without the appropriate level of dignity or reverence that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other. In fact, debate is encouraged, but the debate should be fair and respectful.

The September discussion paper proposed the following reforms to the way council meetings are conducted:

- Conferring power on mayors to expel councillors for acts of disorder and to remove a councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.
- Requiring councillors to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and may see the councillor lose their entitlement to receive their fee for a further month.
- Expanding the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a penalty infringement notice where members of the public refuse to leave a meeting after being expelled.
- Promoting transparency and addressing corruption risks by banning councillor briefing sessions. The community has the right to understand the mode of reasoning behind council decisions without material being provided to councillors by council staff behind closed doors.

The proposed amendments to the Model Meeting Code give effect to many of these reforms and expand upon them. They are designed to deliver the following outcomes:

- promoting transparency, integrity and public participation
- promoting the dignity of the council chamber
- depoliticising the role of the general manager
- simplifying the Model Meeting Code.

The amendments to the Model Meeting Code will be given legal force through an update to the reference to the code in the Regulation. These amendments will also prescribe the restrictions on briefing sessions.

What changes are being proposed?

A brief overview of the proposed changes is provided below. This is not a complete or detailed summary of the proposed changes.

Councils and others should review the accompanying draft Model Meeting Code for a more complete and detailed view of the proposed changes. These are made in track changes in the document.

Promoting transparency, integrity and public participation

The proposed amendments will promote greater transparency and public participation by:

- Removing pre-meeting councillor briefings. It is the Government's expectation that any material provided to councillors, other than the mayor, that will affect or impact or be considered by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. The restriction on briefing sessions will be prescribed in the Regulation.
- Requiring information considered at closed meetings to be made public after it ceases to be confidential, as recommended by ICAC. The general manager will, after consulting with the council, be required to publish business papers for items considered in closed meetings on the council's website after the information in them ceases to be confidential.
- Requiring recordings of meetings to be published on council websites for longer. Recordings must be published on council websites for the balance of the council term, or, in the case of an election year, for at least 12 months.
- Providing that councils must not make final planning decisions without a staff report containing an assessment and recommendation, as recommended by ICAC.
- Requiring councils to give reasons where they make a decision on a planning matter that departs from the staff recommendation, as recommended by ICAC.

Promoting the dignity of the council chamber

The proposed amendments will promote the dignity of the council chamber by:

- Enhancing the authority of the mayor. The mayor will be permitted to call extraordinary meetings without a request and the restrictions on mayoral minutes will be removed.
- Requiring councillors to stand when a councillor addresses the meeting, or when the mayor enters the chamber, as well as by mandating modes of address at meetings.
- Removing the option for councils to reduce the duration of speeches, to ensure all councillors may have their say on important community issues.
- Making clear to the community that decisions are made in council meetings and not in other forums that the community can't access, like briefing sessions.
- Refining the definitions of disorder to remove phrases that could be weaponised to impede debate.
- Providing as a default that councillors are to attend meetings in person. Councillors will only be permitted to attend meetings by audio visual link where they are prevented from attending a meeting in person because of ill health or another medical reason or unforeseen caring responsibilities. Councillors will not be permitted to participate in meetings at which a mayoral election is being held by audio visual link. To facilitate this, the rules governing attendance at meetings by audio visual link will be mandated.
- Restricting the circumstances in which the council may withhold a leave of absence. Where a councillor gives an apology from attending a meeting, the council will be deemed to have accepted the apology and granted a leave of absence from the meeting unless the council resolves otherwise and gives reasons for its decision.
- Removing the option for staff to attend meetings by audio visual link.
- Strengthening the deterrence against disorder by codifying the common law position that allows councillors to be expelled from successive meetings where they fail to apologise for an act of disorder at an earlier meeting.

Depoliticising the role of the general manager

The proposed amendments will depoliticise the role of the general manager by:

- Removing the requirement for general managers to prepare reports for notices of motion. General managers will no longer be required to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for. These will be matters for the council to determine.
- Providing that the mayor, not the general manager has discretion on whether council staff should respond to questions with notice. It will be open to the mayor to rule a question with notice out of order at the meeting if it breaches the disorder provisions of the council's code of meeting practice.
- Conferring responsibility on the council to determine staff attendance at meetings. Because councillors are best placed to determine what support they require from staff at meetings, it will be a matter for the council to determine which staff attend meetings.

Simplifying the Model Meeting Code

The proposed amendments will simplify the Model Meeting Code by:

- Streamlining the code by removing unnecessary provisions.
- Removing the non-mandatory rules governing public forums. Councils will be free to determine their own rules for public forums.
- Simplifying the rules governing public representations to the council on the closure of meetings to the public.
- Simplifying the rules for dealing with urgent business without notice at meetings.
- Simplifying the rules of debate by removing the provisions allowing motions to be foreshadowed.
- Mandating some current non-mandatory provisions including those allowing meetings to be cancelled or held by audio visual link in the event of natural disasters and public health emergencies and those governing councillors' attendance at meetings by audio visual link.

Restricting councils from holding briefing sessions

Proposed amendments to the Regulation will restrict councils from holding briefing sessions. The amendments will establish the appropriate ways councillors are to make decisions and receive information based on the following principles:

- Decision making by councillors must be through a resolution adopted at a council or committee meeting.
- Information is to be provided to councillors through clear and established channels:
 - information may be provided to councillors by staff in response to a request for information or action made through the councillor request system,
 - general information to assist councillors' understanding of sector wide issues (e.g. legislative changes), should be received from the general manager (and other external sources),
 - training materials to meet learning and development requirements come through established training programs,
 - information to enable councillors to understand the function, service delivery standards, strengths, weaknesses, threats and opportunities of council operations should be provided in periodic workshop format (e.g. an annual strategic planning workshop), and
 - information requiring a specific decision or resolution of council is to be provided by the general manager as a part of a report prepared for the business papers of a council or committee meeting.
- The distribution of information in a meeting or format that is not consistent with the above pathways (e.g. through briefing sessions), is not permitted.
- The mayor will not be subject to these restrictions and may receive information in order to undertake their functions under the Act.

What are the next steps?

After reviewing submissions received on the consultation draft of the Model Meeting Code, the Minister's approval will be sought for the prescription of the new Model Meeting Code. If approved, it will be prescribed by Regulation.

The amendment Regulation prescribing the new Model Meeting Code will also contain provisions that will amend the Regulation to give effect to some of the proposed new measures contained in it, including:

- changes to the definitions of acts of disorder,
- a requirement for recordings of meetings to be retained on council websites for at least 12 months or for the balance of the council term, whichever is the longer period, and
- the pathways in which councillors can receive information and the restriction on briefing sessions.

As noted above, the proposed amendments to the Model Meeting Code are the first tranche of the Government's reform agenda for the regulation of council meetings.

In 2025, the Government will be introducing legislation to implement the reforms to the regulation of councillor

conduct foreshadowed in the September discussion paper. These will have a particular focus on behaviour at meetings and will complement the proposed amendments to the Model Meeting Code.

The proposed amendments to the Act will:

- empower mayors to expel councillors from meetings for acts of disorder
- remove a councillor's entitlement to receive a fee for a month in which they have been expelled from a meeting
- confer a right of review on councillors in relation to a decision to expel them from a meeting and the resulting loss of their entitlement to receive a fee.

Amendments will also be made to the Act and Regulation (as required) to empower councils to issue penalty infringement notices to members of the public who disrupt meetings.

Submissions

Have your say

We now want to hear from you.

Key questions to consider:

- Will the proposed amendments made in the consultation draft of the Model Meeting Code achieve the policy outcomes identified in this paper?
- Are there any other amendments you would suggest that will achieve these policy outcomes?
- Will the proposed amendments have any unintended consequences?
- Are there any other amendments the Government should consider?

How to make a submission

Submissions can be made using the online form available on OLG's website at www.olg.nsw.gov.au.

OR

By email: olg@olg.nsw.gov.au

OR

By post: Office of Local Government
Locked Bag 3015 NOWRA NSW 2541

Submissions should be labelled "Model Meeting Code amendments" and marked to the attention of OLG's Council Governance Team.

Closing date

COB Friday 28 February 2025

Privacy Notice

When you give us your feedback, OLG will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided).

All feedback received through this consultation process may be made **publicly available**. Please do not include any personal information in your feedback that you do not want published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email contact details to send you notifications about further feedback opportunities or the outcome of the consultation.

You should also be aware there may be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). There is also a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>

Further information

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at olg@olg.nsw.gov.au.

Office of Local Government

olg.nsw.gov.au



**MODEL CODE OF MEETING PRACTICE
FOR LOCAL COUNCILS IN NSW**

20212024

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

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

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

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

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

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

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

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

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

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

community.

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

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

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

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

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

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

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

Extraordinary meetings

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

Note: Clause 3.32 reflects section 366 of the Act.

~~3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.~~

Notice to the public of council meetings

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

Note: Clause 3.44 reflects section 9(1) of the Act.

3.55 For the purposes of clause 3.44, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.66 For the purposes of clause 3.44, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

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

Note: Clause 3.77 reflects section 367(1) of the Act.

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

Note: Clause 3.88 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

Note: Clause 3.99 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

3.100 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~[council to specify notice period required]~~ within such reasonable time - business days before the meeting is to be held as determined by the council.

3.141 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

~~3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in~~

~~relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.~~

~~3.13— A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

~~(a) — prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~

~~(b) — by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.~~

Questions with notice

3.124 A councillor may, by way of a notice submitted under clause 3.100, ask a question for response by the general manager about the performance or operations of the council.

~~3.153 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.~~

~~3.16— The general manager or their nominee may respond to a question with notice submitted under clause 3.142 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.~~

Agenda and business papers for ordinary meetings

3.174 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.158 The general manager must ensure that the agenda for an ordinary meeting of the council states:

- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
- (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.10.

3.196 Nothing in clause 3.185 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.67.

3.2017 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.2418 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, in consultation with the mayor, ensure that the agenda of the meeting:

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

Note: Clause 3.2418 reflects section 9(2A)(a) of the Act.

3.2219 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

~~3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.~~

Availability of the agenda and business papers to the public

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

Note: Clause 3.240 reflects section 9(2) and (4) of the Act.

3.251 Clause 3.2024 does not apply to the business papers for items of business that the general manager has identified under clause 3.2419 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.251 reflects section 9(2A)(b) of the Act.

3.262 For the purposes of clause 3.240, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.262 reflects section 9(3) of the Act.

3.273 A copy of an agenda, or of an associated business paper made available under clause 3.240, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.273 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

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

3.2925 Despite clause 3.284, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice ~~of the business~~ has not been given of the business, if: the council resolves to deal with the business on the grounds that it is urgent and

- (a) ~~a motion is passed to have the business considered at the meeting, and~~
- (b) ~~the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it~~ requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.

3.26 A motion moved under clause 3.25 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite clauses 10.18–10.27, only the mover of a motion moved under clause 3.25, and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.

3.27 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

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

3.31 ~~Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.~~

3.3228 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.2927(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

~~3.33 — Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~ 3.35 Pre-meeting briefing sessions may be held by audio-visual link.

~~3.34 — Pre-meeting briefing sessions are to be held in the absence of the public.~~

~~3.35 — Pre-meeting briefing sessions may be held by audio-visual link.~~

~~3.36 — The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~

~~3.37 — Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.~~

~~3.38 — Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.~~

4 PUBLIC FORUMS

4.1 The council may hold a public forum prior to ~~each~~ ordinary meetings of the council and committees of councillors for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of other committees of the council.

4.2 The council may determine the rules under which the public forum is to be conducted.

~~4.2 — Public forums may be held by audio-visual link.~~

~~4.3 — Public forums are to be chaired by the mayor or their nominee.~~

~~4.4 — To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.~~

~~4.5 — A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.~~

- ~~4.6 — Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.~~
- ~~4.7 — The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.~~
- ~~4.8 — No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.~~
- ~~4.9 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.~~
- ~~4.10 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.~~
- ~~4.11 — Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.~~
- ~~4.12 — The general manager or their delegate is to determine the order of speakers at the public forum.~~
- ~~4.13 — Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.~~
- ~~4.14 — Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~
- ~~4.15 — A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.~~
- ~~4.16 — Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.~~

- ~~4.17 — Speakers at public forums cannot ask questions of the council, councillors, or council staff.~~
- ~~4.18 — The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.~~
- ~~4.19 — Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.~~
- ~~4.20 — When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.~~
- ~~4.21 — If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.~~
- ~~4.22 — Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.~~
- ~~4.23 — Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.~~
- ~~4.24 — Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.~~
- ~~— **Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**~~

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

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

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings.

~~This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.~~

- 5.55 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.

5.7 Clause 5.4 does not prevent a councillor from making an apology if they are unable to attend a meeting. Where a councillor makes an apology, the council will be deemed to have accepted the apology and granted them a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act unless the council resolves not to accept the apology or to grant a leave of absence for the meeting. Where the council resolves not to accept an apology and to

grant a leave of absence it must state the reasons for its decision in its resolution.

5.78 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.78 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 5.99 reflects section 368(1) of the Act.

5.100 Clause 5.9-9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.100 reflects section 368(2) of the Act.

5.111 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

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

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

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

5.144 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by

attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.165 Where a meeting is cancelled under clause 5.143, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Meetings held by audio-visual link

5.166 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.177 Where the mayor determines under clause 5.167 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.188 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

5.1919 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.

5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be

held.

- 5.201 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.242 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.201.
- 5.223 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.234 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.245 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- ~~(a) the meetings the resolution applies to, and~~
 - ~~(b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.~~
- 5.256 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.2627 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.2728 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

5.2829 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.2930 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.301 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.312 reflects section 10(1) of the Act.

5.323 Clause 5.324 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

Note: Clause 5.334 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14–15 and 15.15–16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.145 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.156 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

5.354 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.365 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

- (a) the meeting is being recorded and made publicly available on the council's website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.

5.376 The recording of a meeting is to be made publicly available on the council's website:

- (a) at the same time as the meeting is taking place, or
- (b) as soon as practicable after the meeting.

5.387 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.

5.3938 Clauses 5.367 and 5.378 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.345 – 5.3939 reflect section 236 of the Regulation.

5.3940 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.345–5.3939. Joint organisations that choose not to webcast meetings may omit clauses 5.345–5.3939.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.401 reflects section 376(1) of the Act.

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

Note: Clause 5.412 reflects section 376(2) of the Act.

5.4243 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.423 reflects section 376(3) of the Act.

5.434 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager as determined by the council from time to time.

~~5.44 The general manager and other council staff may attend meetings of the~~

~~council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.~~

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

Election of the chairperson in the absence of the mayor and deputy mayor

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

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

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- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

7.1 ~~Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.~~

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

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

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

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

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

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

~~01 — Opening meeting~~

~~02 — Acknowledgement of country~~

~~03 — Apologies and applications for a leave of absence or attendance by audio-visual link by councillors~~

~~04 — Confirmation of minutes~~

~~05 — Disclosures of interests~~

~~06 — Mayoral minute(s)~~

~~07 — Reports of committees~~

~~08 — Reports to council~~

~~09 — Notices of motions/Questions with notice~~

~~10 — Confidential matters~~

~~11 — Conclusion of the meeting~~

Note: Councils must use either clause 8.1 or 8.2.

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

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

8.43 Despite clauses 10.20~~18~~–10.30~~27~~, only the mover of a motion referred to in clause 8.3~~2~~ and the mayor, if they are not the mover of the motion, may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) ~~subject to clause 9.9,~~ is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of ~~a committee, including, but not limited to,~~ a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice ~~of the business~~ has not been given of the business to the councillors, if: the council resolves to deal with
- ~~(a) a motion is passed to have the business considered at the meeting, and~~
 - ~~(b) the business to be considered is ruled by the chairperson to be of great urgency;~~ the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 9.3 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- ~~9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.~~

9.56 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b)5.

Mayoral minutes

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

9.78 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

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

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

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

Staff reports

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

Reports of committees of council

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

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

Questions

9.143 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.142, unless the council by resolution, and the mayor determines otherwise in accordance with clause 9.3.

- 9.154 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.165 A councillor may, through the ~~mayor~~general manager, put a question to ~~a council employee~~the general manager about a matter on the agenda. The general manager may request another council employee to answer the question. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.176 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.187 Councillors must put questions directly, succinctly, ~~respectfully~~ and without argument.
- 9.198 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it ~~after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, they councillor~~ may request ~~the its~~ withdrawal ~~of the motion when it is before the council at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the mayor is to note the withdrawal of the notice of motion at the meeting.~~
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

- 10.409 An amendment to a motion must be moved and seconded before it can be debated.
- 10.110 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.121 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.132 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.143 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.154 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.165 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions/amendments

~~10.17— A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.~~

10.186 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.197 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. ~~However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.~~

Limitations on the number and duration of speeches

10.2018 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.2419 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.220 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.231 Despite clause 10.220, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

~~10.24— Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.~~

10.2522 Despite clauses 10.2018 and 10.2419, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or

- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.2623 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.2522. A seconder is not required for such a motion.

10.2724 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.2018.

10.285 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.296 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.3027 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.3428 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

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

Note: Joint organisations must adopt clause 10.3428. Councils must not adopt clause 10.3428.

11 VOTING

Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

Voting at council meetings

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

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

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

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

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

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13-15 may be omitted.

Voting on planning decisions

11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

11.~~12~~¹⁴ The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.~~13~~¹⁵ For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.~~14~~¹⁶ Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.~~15~~¹⁷ Clauses 11.1~~24~~²⁴–11.1~~46~~⁴⁶ apply also to meetings that are closed to the public.

Note: Clauses 11.1~~42~~⁴²–11.1~~57~~⁵⁷ reflect section 375A of the Act.

Note: The requirements of clause 11.1~~24~~²⁴ may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.2~~0~~¹⁸–10.3~~0~~²⁷ limit the number and duration of speeches.

Note: Clause 7.1 requires councillors and staff to stand when addressing the meeting where they can.

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting

to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.32.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 ~~in accordance with the requirements of the council's code of conduct.~~

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

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

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of

the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

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

14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a

member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.

~~14.14² Where the matter has been identified in the agenda of the meeting under clause 3.21-18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered a manner determined by the council.~~

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

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

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

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

~~14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.~~

~~14.17 Each speaker will be allowed [number to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~

Expulsion of non-councillors from meetings closed to the public

~~14.18~~¹³ If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.1914 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using ~~only~~ such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.2015 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.2116 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

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

Note: Clause 14.21-16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

14.2217 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.2318 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22-17 during a part of the meeting that is webcast where practicable.

14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

14.20 The general manager must consult with the council before publishing information on the council's website under clause 14.19.

15 KEEPING ORDER AT MEETINGS

Points of order

15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

~~15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.~~

15.32 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

15.43 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.54 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.65 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

15.76 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

15.87 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.98 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

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

Acts of disorder

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

- (a) contravenes the Act, the Regulation or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, ~~or alleges a breach of the council's code of conduct, or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or~~
- (e) says or does anything that is inconsistent with maintaining order at the meeting ~~or is likely to bring the council or the committee into disrepute.~~

Note: Clause 15.44-10 reflects section 182 of the Regulation.

15.121 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.140(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.140(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.140(d) and (e).

Note: Clause 15.121 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement.

How disorder at a meeting may be dealt with

15.1314 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.1415 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.1516 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.145 or clause 15.156.

15.1617 Clause [15.145/15.156] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.1718 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.121. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.17-18 reflects section 233(2) of the Regulation.

15.1819 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.1920 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.201 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using ~~only~~ such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

15.212 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.223 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.234 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.245 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.256 Without limiting clause 15.4819, a contravention of clause 15.24-25 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.4819. Any person who contravenes or attempts to contravene clause 15.2425, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.267 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

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

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

Rescinding or altering council decisions

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

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

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

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

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

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

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

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

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

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

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

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

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

17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than ~~[council to specify the period of time]~~ 1 day after the meeting at which the resolution was adopted.

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

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

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

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

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses ~~10.2018–10.3027~~, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 ~~A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c) resolution adopted under clause 17.12(b) must state the reasons for the urgency.~~

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

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

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

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses ~~10.2018–10.3027~~, only the mover of a motion referred to in clause 17.15 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.

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

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine ~~no later than [council to specify the time].~~

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

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

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

18.43 Clause 18.32 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.54 Where a meeting is adjourned under clause 18.32 or 18.43, the general manager must:

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

19 AFTER THE MEETING

Minutes of meetings

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

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

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

- (a) the names of councillors attending a council meeting and whether they

|

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

20 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

~~20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:~~

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

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

Non-members entitled to attend committee meetings

20.108 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.149 The chairperson of each committee of the council must be:

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

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

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

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

Procedure in committee meetings

20.153 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.164 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.153.

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

Note: Clause 20.175 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.175 and omit clause 20.164. Councils must not adopt clause 20.175.

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

Closure of committee meetings to the public

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

20.2018 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ~~ended~~, ~~and ended~~ and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.2419 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20-18 during a part of the meeting that is webcast where practicable.

20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.21 The general manager must consult with the committee before publishing information on the council's website under clause 20.20.

Disorder in committee meetings

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

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the

following matters are recorded in the committee's minutes:

- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

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

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

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

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

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

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

21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

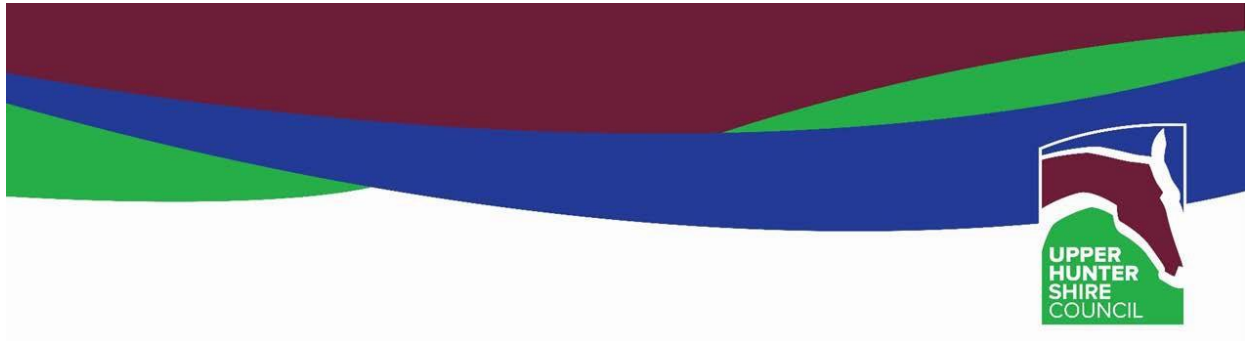
- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.140 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.449 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.186 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a <u>planning agreement</u> or a development contribution plan under that Act,

	but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June



CODE OF MEETING PRACTICE

Upper Hunter Shire Council

Date adopted by Council	28 February 2022
Minute number	H.02.2
CM Ref	CD-18/22
Due for review	September 2024
Responsible officer	Manager Governance & Risk
Department/Section	Corporate Services
Category	Governance
Community Strategic Plan goal	Goal 8 Provide Community leadership CS 30 Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency. Community engagement, action and response.

Adopted Date: 28 February 2022

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1. Introduction

This document is the Code of Meeting Practice for Upper Hunter Shire Council (the Code), prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

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

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

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

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

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

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font** and are not applicable to Upper Hunter Shire Council.

Staff comments are indicated in green font.

2. Meeting Principles

2.1 Council and committee meetings should be:

<i>Transparent:</i>	Decisions are made in a way that is open and accountable.
<i>Informed:</i>	Decisions are made based on relevant, quality information.
<i>Inclusive:</i>	Decisions <i>respect</i> the diverse needs and interests of the local community.
<i>Principled:</i>	Decisions are <i>informed</i> by the principles prescribed under Chapter 3 of the Act.
<i>Trusted:</i>	The community <i>has</i> confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<i>Respectful:</i>	Councillors, staff <i>and</i> meeting attendees treat each other with respect.
<i>Effective:</i>	Meetings are well organised, effectively run and skilfully chaired.
<i>Orderly:</i>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. Before the Meeting

Timing of Ordinary Council Meetings

~~3.1 Ordinary meetings of the council will be held on the last Monday of each month between February and November inclusive commencing at 5.00pm in the Council Chambers.~~

Removal of Clause 3.1 of the Model Code

No concerns

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

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

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

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

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

Extraordinary Meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

Inclusion of a new Clause 3.3

Not supported

If Councillors wished to control this, the general manager could be included as a second signatory and modify 3.3 to:

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors provided the general manager also signs off.

Notice to the Public of Council Meetings

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

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

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

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

Notice to Councillors of Ordinary Council Meetings

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

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

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

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

Amendment to Clause 3.8

No concerns

Notice to Councillors of Extraordinary Meetings

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

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

Giving Notice of Business to be Considered at Council Meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted within such reasonable time before the meeting is to be held as determined by the council.

Amendment to Clause 3.10

Not supported

The term 'reasonable' is too difficult to manage from an administrative perspective. Having a deadline set by council ensures that there is sufficient time to get notices of motion on to the business paper.

- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

(a)

Removal of Clause 3.12 and 3.13

Not supported

The removal of these provisions means that the general manager has no opportunity to report on any council decision that has the potential to commit council to financial expenditure unchecked. This is poor governance and could result in a "spend first – worry later" attitude. A more prudent approach would be for council to ensure that it is fully informed before making a decision.

Questions with Notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.

3.13

Removal of Clause 3.13

Not supported.

Removal of this clause will provide councillors with an opportunity to embarrass staff without evidence. There is already an avenue for complaints to be raised via the Code of Conduct where this should stay.

~~3.16~~—The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Amendment to Previous Clause 3.16

Not supported

The general manager should be able to respond to a question orally if they chose to.

Agenda and Business Papers for Ordinary Meetings

- 3.14 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.15 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.16 Nothing in clause 3.15 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.7.
- 3.17 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.18 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, in consultation with the mayor, ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.18 reflects section 9(2A)(a) of the Act.

Amendment to Clause 3.18

The Mayor should not be determining what is confidential. Deciding whether or not a matter should be dealt with in a closed meeting is of an operational nature.

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

~~3.23~~

Removal of former Clause 3.23

No concerns

Availability of the Agenda and Business Papers to the Public

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

Note: Clause 3.20 reflects section 9(2) and (4) of the Act.

- 3.21 Clause 3.20 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

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

- 3.22 For the purposes of clause 3.20, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.22 reflects section 9(3) of the Act.

- 3.23 A copy of an agenda, or of an associated business paper made available under clause 3.20, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.23 reflects section 9(5) of the Act.

Amendment to proposed Clause 3.23

No concerns.

Agenda and Business Papers for Extraordinary Meetings

- 3.24 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.25 Despite clause 3.24, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and
- (b) —requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.26 A motion moved under clause 3.25 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite clauses 10.18-10.27, only the mover of a motion moved under clause 3.25, and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.27 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.25 and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.28 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27 on whether a matter urgent .

Amendments to Clauses 3.24 – 3.28

No concerns.

Removal of Clauses 3.33 – 3.38*Not supported**The OLG was previously very supportive of briefing sessions.**Councils often use Briefing Sessions for:**Other public authorities to address the organisation on particular issues; or**Private organisations to inform the organisation about (innovative) concepts that they are planning/considering for the region that might be “commercial in confidence”**neither of which require a decision from council and therefore should not be dealt with at council meetings.*

4. Public Forums

- 4.1 The council may hold a public forum prior to ordinary meetings of the council and committees of councillors for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of other committees of the council.
- 4.2 The council may determine the rules under which the public forum is to be conducted.

*(The above paragraph is included in Council's current Code as 4.24 but not in the draft Model Code)***Amendments to Clauses 4.1 – 4.24***Not supported**This relates to how public forums will be conducted. Having it in the Code of Meeting Practice provides the public with some confidence in how public forums are run.*

5. Coming Together

Attendance by Councillors at Meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

[Not applicable to councils]

- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

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

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 Clause 5.4 does not prevent a councillor from making an apology if they are unable to attend a meeting. Where a councillor makes an apology, the council will be deemed to have accepted the apology and granted them a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act unless the council resolves not to accept the apology or to grant a leave of absence for the meeting. Where the council resolves not to accept an apology and to grant a leave of absence it must state the reasons for its decision in its resolution.
- 5.8 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.8 reflects section 234(1)(d) of the Act.

Amendments to Clauses 5.4 - 5.8

*No concerns.*The Quorum for a Meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 5.9 reflects section 368(1) of the Act.**
- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.
- Note: Clause 5.10 reflects section 368(2) of the Act.**
- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may

not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Amendment to Clause 5.15

Not supported

This could be in consultation with the general manager.

Meetings held by Audio-Visual Link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.22 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the

information required under clause 5.21.

- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.25 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state the meetings the resolution applies to
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.27 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.28 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.29 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.30 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.31 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Amendments to Clauses 5.19 – 5.31

No concerns

Entitlement of the Public to Attend Council Meetings

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

Note: Clause 5.32 reflects section 10(1) of the Act.

- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.34 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- by a resolution of the meeting, or
 - by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.34 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.15 and 15.16 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of Meetings

- 5.35 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.36 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.37 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.38 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.39 Clauses 5.37 and 5.38 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.35 – 5.38 reflect section 236 of the Regulation.

- 5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Amendments to Clauses 5.37 – 5.40

No concerns with Clause 5.37.

With regard to clause 5.40 it is suggested to include some comment that despite clauses 5.37 and 5.38, any recordings of closed meetings are made to assist in preparation of the minutes and are only kept until the minutes are confirmed, after which the recording is destroyed.

Suggested amended clause to read:

- 5.40 *Recordings of meetings may be disposed of in accordance with the State Records Act 1998. Any recordings of closed meetings are made to assist in preparation of the minutes and are kept until the minutes are confirmed, after which the recording is destroyed.*

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.35-5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.35-5.39.

Attendance of the General Manager and Other Staff at Meetings

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

Note: Clause 5.41 reflects section 376(1) of the Act.

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

Note: Clause 5.42 reflects section 376(2) of the Act.

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

Note: Clause 5.43 reflects section 376(3) of the Act.

5.44 The attendance of other council staff at a meeting, (other than as members of the public) shall be as determined by the council from time to time.

Amendments to Clauses 5.43 and 5.44

Not supported.

In relation to Clause 5.43, whatever staff attend meetings is "operational" and should be at the discretion of the general manager, who is in the best position to know which staff should attend. In relation to clause 5.44, staff should be allowed to attend meetings remotely if circumstances prevent them from attending in person.

6. The Chairperson

The Chairperson at Meetings

6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

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

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

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

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

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

6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have Precedence

When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7. Modes of Address

- 7.1 Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.3 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.4 A councillor is to be addressed as 'Councillor [surname]'.
- 7.5 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

Amendments to Clauses 7.1 – 7.5

No concerns

8. Order of Business for Ordinary Council Meetings

- 8.1 **At a meeting of the council, the general order of business is as fixed by resolution of the council.**

*(Council's current Code shows this with strikethrough. The draft Model Code has returned it.)
(Prayer was added to Council's current Code) (Public Participation was added to Council's current Code)*

Standing Committee Agenda *(Not in draft Model Code – was included in Council's current Code)*

- 01 Opening
- 02 Apologies and applications for a leave of absence by councillors
- 03 Public Participation
- 04 Confirmation of minutes
- 05 Disclosures of interests
- 06 Business items
- 07 Confidential matters
- 08 Conclusion of the meeting

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

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

- 8.3 Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 8.2 and the mayor, if they are not the mover of the motion, may speak to the motion before it is put.

Amendments to Clauses 8.1 – 8.3

No concerns. Council has already determined the order of business for meetings.

9. Consideration of Business at Council Meetings

Business that can be Dealt with at a Council Meeting

- 9.1 The council must not consider business at a meeting of the council:
- unless a councillor has given notice of the business, as required by clause 3.10, and
 - unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- is already before, or directly relates to, a matter that is already before the council, or
 - is the election of a chairperson to preside at the meeting, or
 - is a matter or topic put to the meeting by way of a mayoral minute, or
 - is a motion for the adoption of recommendations of a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with
- ~~(a)~~—the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite clauses 10.18-10.27, only the mover of a motion referred to in clause 9.3 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the mayor also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Amendments to Clauses 9.2 – 9.6

No concerns

Mayoral Minutes

- 9.7 If the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic the mayor determines should be considered at the meeting.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

Amendments to Clauses 9.7 – 9.10

Not supported.

This change will enable a mayor to bring forward any matter without restriction, including not being required to identify a funding source if the matter involves expenditure.

Staff Reports

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

Reports of Committees of Council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council by resolution, and the mayor determines otherwise in accordance with clause 9.3.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, put a question to the general manager about a matter on the agenda. The general manager may request another council employee to answer the question. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.

Amendments to Clauses 9.13 and 9.15

No concerns

- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must put questions directly, succinctly and without argument.

Amendment to Clause 9.17

Council's preference is to retain the word "respectfully".

- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10. Rules of Debate

Motions to be Seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to

councillors, the mayor is to note the withdrawal of the notice of motion at the meeting.

Amendment to Clause 10.3

No concerns

- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's Duties with Respect to Motions

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

Removal of Clause 10.9

Not supported.

Removal of this clause removes the requirement that a council must not debate a decision that involves the expenditure of funds without detail about the source of funding being provided (either in the motion or a staff report).

Amendments to Motions

- 10.9 An amendment to a motion must be moved and seconded before it can be debated.
- 10.10 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.11 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.12 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.13 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.14 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.15 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed Amendments

- 10.16 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put

before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.17 Foreshadowed amendments are to be considered in the order in which they are proposed.

Amendments to previous clauses 10.17 (deleted) and 10.19 (now 10.17)

The wording in Council's existing Code of Meeting Practice which reflected the former Model Code is more appropriate.

Limitations on the Number and Duration of Speeches

10.18 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.19 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.20 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.21 Despite clause 10.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

Removal of Clause 10.24

Not supported.

This clause as it currently stands, permits councils to shorten the duration of speeches. If this amendment proceeds, it could result in meetings going on indeterminately. If, as the Consultation draft indicates this is to allow all councillors to have their say, then why don't we also delete Part 10.22 of the proposed Model Code ("that the motion be put").

10.22 Despite clauses 10.18 and 10.19, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.23 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.22. A seconder is not required for such a motion.

10.24 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.18.

10.25 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.26 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.27 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

[Participation by non-voting representatives in joint organisation board meetings](#)

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

Note: Joint organisations must adopt clause 10.28. Councils must not adopt clause 10.38.

11. Voting

Voting Entitlements of Councillors

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

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

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

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

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

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

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

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

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

Voting at Council Meetings

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

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

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

~~11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.~~

~~11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.~~

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

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

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.15 may be omitted.

Voting on Planning Decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.

Inclusion of new Clauses 11.12 and 11.13

No concerns

- 11.14 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.15 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.16 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

Note: Clauses 11.14–11.17 reflect section 375A of the Act.

Note: The requirements of clause 11.14 may be satisfied by maintaining a register of the minutes of each planning decision.

12. Committee of the Whole

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.18–10.27 limit the number and duration of speeches.

Note: Clause 7.1 requires councillors and staff to stand when addressing the meeting where they can.

Amendment to Clause 12.2 (Committee of the Whole)

No concerns. This clause is linked to Clause 7.1.

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

13. Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1.

Amendment to clause 13.7

No concerns.

14. Closure of Council Meetings to the Public

Grounds on which Meetings can be Closed to the Public

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

- (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be Considered when Closing Meetings to the Public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda

for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.18 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in a manner determined by the council.

Amendment to Clauses 14.11 to 14.17

No concerns with the new clause 14.11 however, the removal of the remaining clauses in this section will remove any restrictions on speakers.

Expulsion of non-councillors from meetings closed to the public

- 14.13 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.14 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

14.15 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

14.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must

specify the following:

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

Note: Clause 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.18 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 14.17 during a part of the meeting that is webcast where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council before publishing information on the council's website under clause 14.19.

Inclusion of Clauses 14.19 and 14.20

Not supported.

The Local Government Act (s10A) provides those matters that may be dealt with in closed meetings because of their confidential nature. While many of the matters dealt with in a closed meeting may be able to be released after the passage of time, many will remain confidential because of their particular nature (eg personnel matters, legal issues). In addition, the decision to publish information on the council's website is of an operational nature.

15. Keeping Order at Meetings

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

Removal of Clause 15.2

Not supported.

- 15.2 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.3 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.4 A councillor who claims that another councillor has committed an act of disorder, or is out of

order, may call the attention of the chairperson to the matter.

- 15.5 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.8 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.9 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.10 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Amendment to Clause 15.10

The amendment is linking disorder at a council meeting as similar to something "that would be regarded as disorderly in the NSW Legislative Assembly". Who will determine that? Are there parliamentary guidelines that make it clear what is considered as disorderly in the Legislative Assembly. If so, this needs to be set out in the Model Code.

- 15.11 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.10(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.10(d) and (e).

Note: Clause 15.11 reflects section 233 of the Regulation.

- 15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for

the purposes of clause 15.10.

- 15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement.

Inclusion of Clauses 15.12 and 15.13

No concerns.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

(This clause was deleted from the previous Model Code and has been returned)

- 15.16 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.15 or clause 15.16.

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

Clauses 15.15 – 15.17

No objections to these clauses.

- 15.18 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.18 reflects section 233(2) of the Regulation.

- 15.19 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.20 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.21 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.22 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.23 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.24 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.25 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.26 Without limiting clause 15.19, a contravention of clause 15.25 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.25, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.27 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using such force as is reasonably necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17. Decisions of the Council

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

[Not applicable to councils]

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or

consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

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

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

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

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

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

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

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

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

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

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

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

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

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 1 day after the meeting at which the resolution was adopted.

Amendment to Clause 17.10

No concerns

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

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

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- ~~(a)~~ a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
 - ~~(b)~~ the council resolves to deal with the motion at the meeting on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

Amendment to Clauses 17.12 and 17.14

No concerns.

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.18–10.27, only the mover of a motion referred to in clause 17.15 and the mayor, if they are not the mover of the motion, can speak to the motion before it is put.

Amendment to Clause 17.18

No concerns

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. Time Limits on Council Meetings

- 18.1 Meetings of the council and committees of the council are to conclude at a time the council may from time to time determine.
- 18.2 If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date

and place that the meeting is to be adjourned to.

- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Amendments to 18.1 – 18.4

No concerns.

19 After the Meeting

Minutes of meetings

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

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

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.

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

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

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

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

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

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

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

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

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

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was

received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

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

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

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

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

Implementation of decisions of the council

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

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

20. Council Committees

Application of this Part

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

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Removal of Clauses 20.8 and 20.9

There should be repercussions for non-attendance at meetings by committee members.

Non-members entitled to attend committee meetings

- 20.8 A councillor who is not a member of a committee of the council is entitled to attend, and to

speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

20.9 The chairperson of each committee of the council must be:

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

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

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

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

Procedure in committee meetings

20.13 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.14 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

[Not applicable to councils]

~~20.15 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~

Note: Clause 20.15 reflects clause section 397E of the Regulation. Joint organisations must adopt clause 20.15 and omit clause 20.14. Councils must not adopt clause 20.15.

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

Closure of committee meetings to the public

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

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

minutes of the meeting.

- 20.19 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.18 during a part of the meeting that is webcast where practicable.
- 20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.21 The general manager must consult with the committee before publishing information on the council's website under clause 20.20.

Inclusion of Clauses 20.20 and 20.21

Not supported.

As with comments in relation to clauses 14.19 and 14.20, the Local Government Act (s10A) provides those matters that may be dealt with in closed meetings because of their confidential nature. While many of the matters dealt with in a closed meeting may be able to be released after the passage of time, many will remain confidential because of their particular nature (eg personnel matters, legal issues). In addition, the decision to publish information on the council's website is of an operational nature.

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - details of each motion moved at a meeting and of any amendments moved to it,
 - the names of the mover and seconder of the motion or amendment,
 - whether the motion or amendment was passed or lost, and
 - such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

21. Irregularities

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

Note: Clause 21.1 reflects section 374 of the Act.

22. Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment

open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

Corporate Services

G.02.3

ADOPTION OF CODE OF CONDUCT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Ian Roberts - Governance & Risk Advisor

PURPOSE

The purpose of this report is to provide an opportunity for Council to re-adopt its Codes of Conduct.

RECOMMENDATION

That Council re-adopt the attached documents:

1. Code of Conduct for Councillors;
2. Code of Conduct for Council Staff;
3. Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and
4. Procedures for the Administration of the Model Code of Conduct.

BACKGROUND

The Local Government Act 1993 (the Act) provides that councils are required to adopt codes of conduct based upon the Office of Local Government's (OLG) Model Code of Conduct as well as adopting Procedures for the Administration of the codes of conduct based on Model Procedures produced by the OLG.

In this regard, Council had previously adopted separate codes of conduct for Councillors; Staff and Committee Members, Delegates of Council and Council Advisers as well as the prescribed Administrative Procedures.

As provided by Section 440(7) of the Local Government Act 1993 (the Act), "*A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section*".

REPORT/PROPOSAL

Notwithstanding the above, Council will recall the report submitted to the Council Meeting on 28 October 2024 entitled "Councillor Conduct and Meeting Practices – A Discussion Paper".

This report was in response to the discussion paper which accompanied OLG Circular No 24-17 and which sought submissions in relation to proposed changes, amongst other things, to the Model Code of Conduct. In accordance with Council's decision at that meeting, a submission was made in relation to that discussion paper.

It is now understood from discussions with officers of the OLG that the Office is proposing that significant changes will be made to both the Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct. At this stage, there has been no indication as to when these anticipated changes will come into effect.

Corporate Services

In the meantime, to ensure that Council complies with Section 440(7) above, it is suggested that Council simply re-adopt its existing Codes of Conduct and Procedures for the Administration of the Codes of Conduct.

Council's Codes of Conduct and Procedures for the Administration of the Model Code of Conduct are appended as Attachments 1, 2, 3 & 4.

OPTIONS

At this stage, to ensure that it complies with Section 440(7) of the Act, Council effectively has no option but to re-adopt its codes of conduct and Administrative Procedures for the Codes of Conduct.

CONSULTATION

This report has been discussed with the General Manager and SMG.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- A system where policies and procedures are reviewed on a regular basis

c. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The Council's Codes of Conduct and Procedures for the Administration of the Model Code of Conduct relate.

b. Financial Implications

N/A

c. Legislative Implications

The Local Government Act 1993 applies.

Corporate Services

d. Risk Implications

N/A

e. Sustainability Implications

N/A

f. Other Implications

Nil

CONCLUSION

This report provides Council with the opportunity to ensure it complies with Section 440(7) of the Act.

ATTACHMENTS

- 1 [↓](#) Code of Conduct for Councillors - Adopted December 2020
- 2 [↓](#) Code of Conduct for Staff - Amended November 2020
- 3 [↓](#) Code of Conduct for Committee Members, Delegates of Council and Council Advisers - Adopted December 2020
- 4 [↓](#) Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW - 2020



Upper Hunter Shire Council

CODE OF CONDUCT

For Councillors

Adopted by Council 14 December 2020

Effective Date 15 December 2020

TRIM REF

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PART 1 INTRODUCTION

This code of conduct applies to councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

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

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

Section 440 of the *Local Government Act 1993* ("LGA") requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

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

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
conduct	includes acts and omissions
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to 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 & improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and for the purpose of clause 4.16 of the Model Code of Conduct, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA

LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

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

Work health and safety

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

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

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

Obligations in relation to meetings

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

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

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector

- b) your interest as a ratepayer or person liable to pay a charge
- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) 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
- g) 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
- h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- i) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- j) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
- k) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- l) 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
- m) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor
- n) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a councillor?

- 4.8 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.9, and
 - b) must disclose pecuniary interests in accordance with clause 4.16 and comply with clause 4.17 where it is applicable.

Disclosure of interests in written returns

- 4.9 A councillor 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 interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor, and
 - b) 30 June of each year, and
 - c) the councillor becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.10 A person need not make and lodge a return under clause 4.9 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 in the preceding 3 months.
- 4.11 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.13 Returns required to be lodged with the general manager under clause 4.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the general manager under clause 4.9(c) must be tabled at the next council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under clause 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.16 A councillor who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.17 The councillor must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.18 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.
- 4.19 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.20 A general notice may be given to the general manager in writing by a councillor to the effect that the councillor or the councillor'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 interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.21 A councillor 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 has an interest in the matter of a kind referred to in clause 4.6.
- 4.22 A person does not breach clauses 4.16 or 4.17 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.23 Despite clause 4.17, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.24 Clause 4.17 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:

- (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.
- 4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a councillor who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.27 A councillor with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council

official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

Political donations

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

- 5.14 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.15 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.16 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.17 Despite clause 5.14, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

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

consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.20 Where the Minister exempts a councillor from complying with a requirement under this Part under clause 5.19, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

- 5.21 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.22 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the Electoral Funding Act 2018
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to a 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 of token value provided to councillors in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty

- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The recipient or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal

use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

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

- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor 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) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) 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 with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

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

Use of council resources

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

Internet access

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

Council record keeping

- 8.20 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.21 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.22 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

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

Councillor access to council buildings

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

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor 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.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9

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 disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.9(a), the date on which a person became a councillor
- b) in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.9(c), the date on which the councillor 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 has an interest includes a reference to any real property situated in Australia in which the councillor 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 by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.9 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.

8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.9 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.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.9 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.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.9 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.

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

19. A person making a return under clause 4.9 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.9 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.

Dispositions of real property

23. A person making a return under clause 4.9 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.9 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.

Sources of income

26. A person making a return under clause 4.9 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

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

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

Debts

31. A person making a return under clause 4.9 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 4.9 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.

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 4.9

'Disclosures by councillors' 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, 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.
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 (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 4.9 of the Code of Conduct for Councillors.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.11 of the Code of Conduct for Councillors). 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 4.9 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

Disclosure of pecuniary interests and other matters

by [full name of designated person]

as at [return date]

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
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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
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D. Contributions to travel

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

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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)

--	--	--	--

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

--

G. Positions in trade unions and professional or business associations

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

--	--

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

--

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

--

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.

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

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

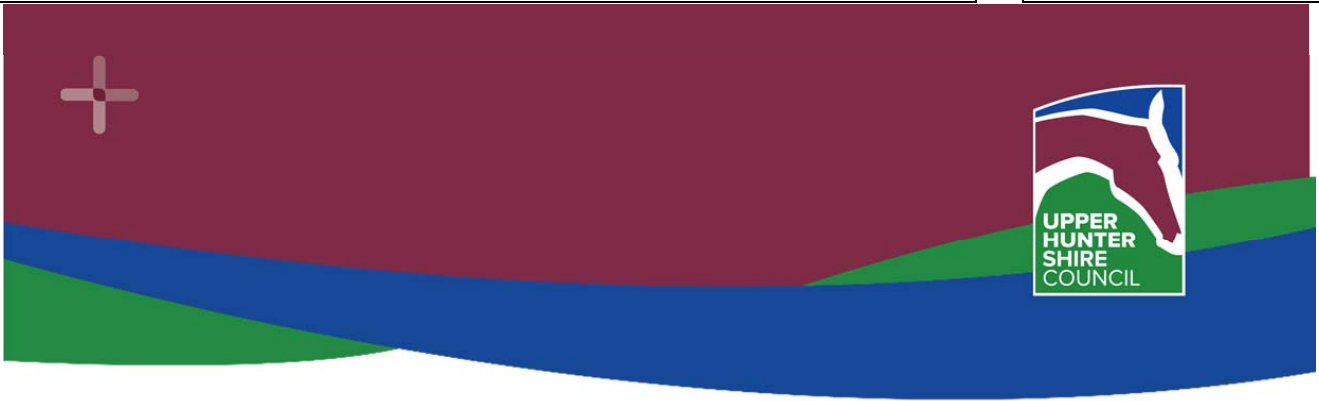
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject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

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

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]



Upper Hunter Shire Council

CODE OF CONDUCT

For Council staff

Adopted by Council 14 December 2020

Effective Date 15 December 2020

TRIM REF

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PART 1 INTRODUCTION

This code of conduct applies to members of council staff, including general managers. It is based on the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) which is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

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

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

Section 440 of the Local Government Act 1993 (“LGA”) requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

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

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

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

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

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

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and

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

Work health and safety

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

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

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 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.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge

- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f) 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
 - g) 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
 - h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - i) 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
 - j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person

because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest

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

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clause 4.18, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

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

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

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

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

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

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in

a matter they are dealing with as soon as practicable after becoming aware of the interest.

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

What disclosures must be made by a council committee member?

- 4.16 A council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17 For the purposes of clause 4.16, a "council committee member" includes a member of staff of council who is a member of the committee.

Disclosure of interests in written returns

- 4.18 A 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 designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a designated person, and
 - b) 30 June of each year, and
 - c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.19 A person need not make and lodge a return under clause 4.18, 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 designated person in the preceding 3 months.
- 4.20 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.21 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.22 Returns required to be lodged with the general manager under clause 4.18(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.23 Returns required to be lodged with the general manager under clause 4.18(c) must be tabled at the next council meeting after the return is lodged.
- 4.24 Information contained in returns made and lodged under clause 4.18 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.

Note: For the purpose of clauses 4.25 to 4.32, a "council committee member" includes a member of staff of council who is a member of a council committee.

Disclosure of pecuniary interests at meetings

- 4.25 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 committee at which the

matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

- 4.26 The council committee member must not be present at, or in sight of, the meeting of the committee:
- a) at any time during which the matter is being considered or discussed by the committee, or
 - b) at any time during which the committee is voting on any question in relation to the matter.
- 4.27 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.28 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the 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 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 committee after the date of the notice.

- 4.29 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 council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.30 A person does not breach clauses 4.25 or 4.26 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.31 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 4.32 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

Note: For the purpose of clauses 5.13 and 5.14, a "council committee member" includes a member of staff of council who is a member of a council committee.

Loss of quorum as a result of compliance with this Part

5.13 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.

- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.15 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.18 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.20 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.21 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) benefit or facility provided by the council to an employee
 - 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 of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

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

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

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

“Cash-like gifts”

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

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council in the exercise of the functions of the staff member
 - 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.

Obligations of staff

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

Inappropriate interactions

- 7.5 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators being overbearing or threatening to council staff
- f) council staff being overbearing or threatening to councillors or administrators
- g) 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
- h) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- i) 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
- j) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Refusal of access to information

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

Use of certain council information

- 8.8 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.13, 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 position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

Personal information

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

Use of council resources

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

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

Internet access

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

Council record keeping

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

Councillor access to council buildings

- 8.24 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.25 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

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

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

Complaints alleging a breach of this Part

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

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person
- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the 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 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 designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.18 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 designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.18 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 designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.18 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 designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.18 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 designated person.

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

19. A person making a return under clause 4.18 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.18 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

Dispositions of real property

23. A person making a return under clause 4.18 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.18 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 designated person.

Sources of income

26. A person making a return under clause 4.18 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or

- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

Debts

30. A person making a return under clause 4.18 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.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 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.
32. 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 designated person.

Discretionary disclosures

33. 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 4.18

‘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*.
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 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 4.18 of the Code of Conduct for Council Staff.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.20 of the Code of Conduct for Council Staff). 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 4.18 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

Disclosure of pecuniary interests and other matters

by [*full name of designated person*]

as at [*return date*]

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

[*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

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

Sources of income I received from a trust since 30 June

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

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

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

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C. Gifts

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

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

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

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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

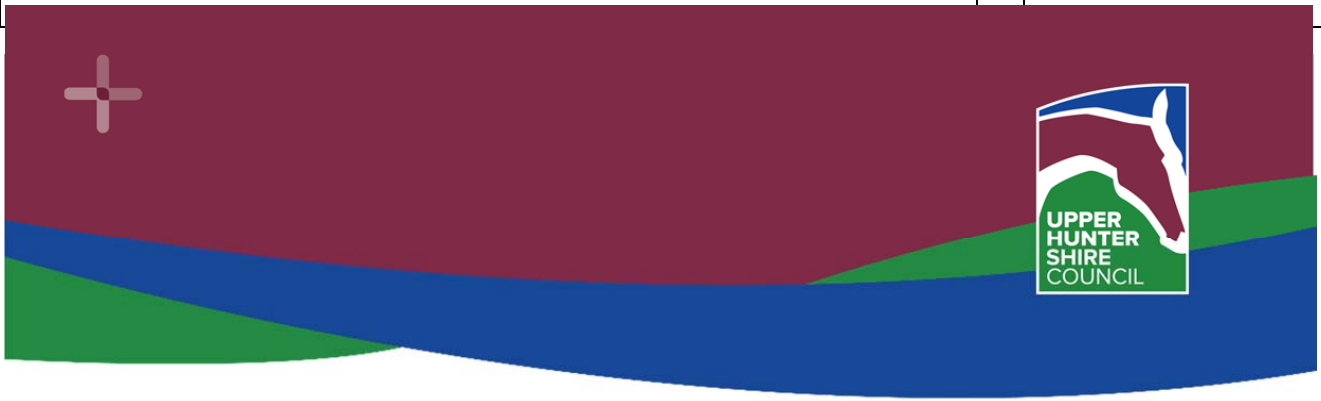
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2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

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J. Discretionary disclosures

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Upper Hunter Shire Council

CODE OF CONDUCT

**For Committee Members, Delegates of Council
and Council Advisers**

Adopted by Council 14 December 2020

Effective Date 15 December 2020

TRIM REF

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PART 1 INTRODUCTION

This code of conduct applies to council committee members and delegates of council who are not councillors or staff of the council. It also applies to advisers of council for the purposes of clause 4.12. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* (the "Regulation").

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

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

Section 440 of the *Local Government Act 1993* ("LGA") requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

Failure by a council committee member or delegate of the council to comply with a council's code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk & improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.12, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA

LGA	the <i>Local Government Act 1993</i>
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

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

Work health and safety

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

- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Obligations in relation to meetings

- 3.15 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.16 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.17 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.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
 - b) your interest as a ratepayer or person liable to pay a charge

- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j) an interest 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
- k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member

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

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) a person who is 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 delegate and the person’s private interest
 - b) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clause 4.15, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 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.

What disclosures must be made by council advisers?

- 4.12 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person’s interest as an adviser.
- 4.13 A person does not breach clause 4.12 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.14 A council committee member must disclose pecuniary interests in accordance with clause 4.22 and comply with clause 4.23.

Note: A council committee member identified by council as a “designated person” for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.15.

Disclosure of interests in written returns

- 4.15 A 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 designated person’s interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a designated person, and
 - b) 30 June of each year, and
 - c) the designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.16 A person need not make and lodge a return under clause 4.15, 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 designated person in the preceding 3 months.
- 4.17 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.18 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.19 Returns required to be lodged with the general manager under clause 4.15(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the general manager under clause 4.15(c) must be tabled at the next council meeting after the return is lodged.
- 4.21 Information contained in returns made and lodged under clause 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.22 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 committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 The council committee member must not be present at, or in sight of, the meeting of the committee:
- a) at any time during which the matter is being considered or discussed by the committee, or

- b) at any time during which the committee is voting on any question in relation to the matter.

4.24 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.

4.25 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the 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 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 committee after the date of the notice.

4.26 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 council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.27 A person does not breach clauses 4.22 or 4.23 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.28 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.

4.29 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.22 and 4.23.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 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.

Loss of quorum as a result of compliance with this Part

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any

interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Personal dealings with council

- 5.15 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.16 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

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

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

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

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

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use

provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Use of certain council information

- 7.1 In regard to information obtained in your capacity as a council official, you must:
- a) 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 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

- 7.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 7.3 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

- 7.4 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

- 7.5 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 7.11 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

- 7.12 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 7.13 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.
- 7.14 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.
- 7.15 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*.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 8.1 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.
- 8.2 For the purposes of clause 8.1, 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

- 8.3 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.
- 8.4 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.
- 8.5 For the purposes of clauses 8.3 and 8.4, 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

- 8.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 8.7 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.
- 8.8 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

- 8.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 8.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 8.11 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.
- 8.12 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.
- 8.13 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

- 8.14 Complaints alleging a breach of this Part by a council committee member or delegate of council are to be managed by the general manager in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

- a) in the case of a return made under clause 4.15(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.15(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.15(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.15 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.

8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.15 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.15 of this code must disclose:

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

Interests and positions in corporations

15. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 4.15 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.15 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.15 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.15 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 designated person.

Sources of income

26. A person making a return under clause 4.15 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

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

Debts

31. A person making a return under clause 4.15 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 4.15 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 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 4.15

'Disclosures by 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 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 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 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 4.15 of the Code of Conduct for Committee Members, Delegates of Council and Council Advisers.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.18 of the Code of Conduct for Committee Members, Delegates of Council and Council Advisers). 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 4.15 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

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

Disclosure of pecuniary interests and other matters

by [full name of designated person]

as at [return date]

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

[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

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

Sources of income I received from a trust since 30 June

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

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

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

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

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C. Gifts

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

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

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

J. Discretionary disclosures

Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF
CONDUCT FOR LOCAL COUNCILS IN NSW**

2020

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(Special arrangements may be made if
these hours are unsuitable)

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Part 1:

Introduction

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

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

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

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

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

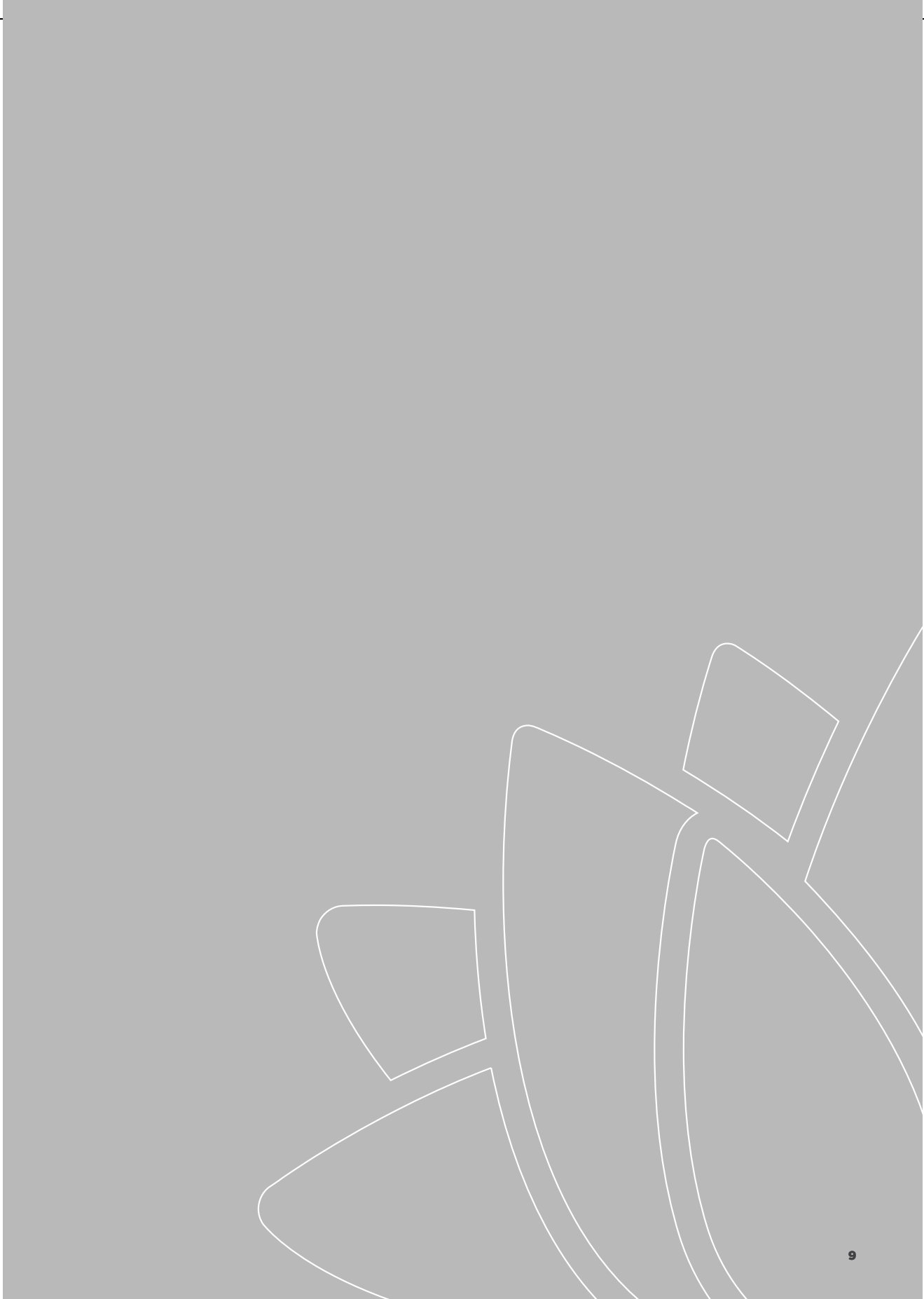
Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

Part 2: Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3:
Administrative
Framework

The establishment of a panel of conduct reviewers

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

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

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



Part 4:
How May Code of Conduct
Complaints be Made?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

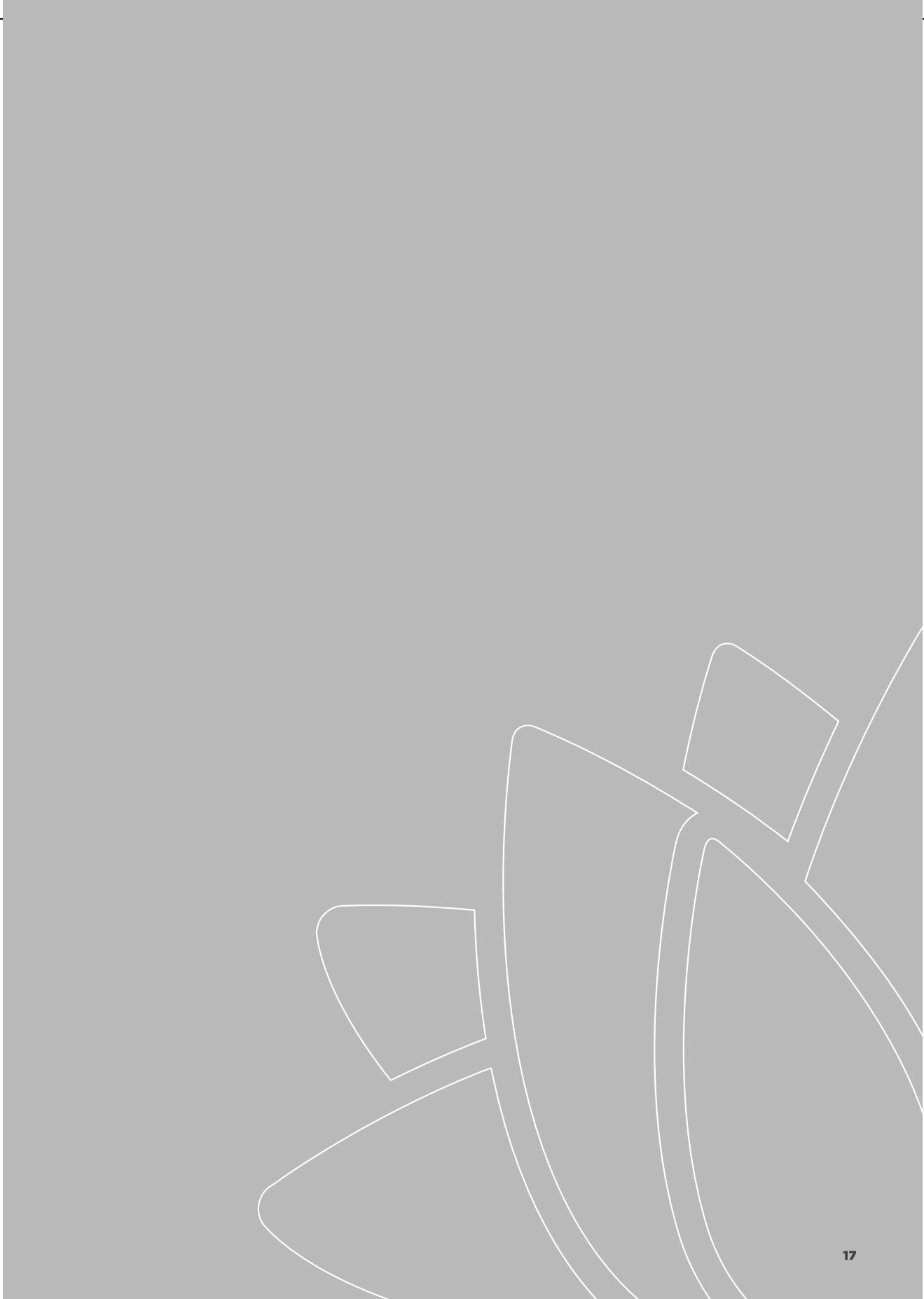
- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint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

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

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

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

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



Part 5:

**How are Code of Conduct
Complaints to be Managed?**

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- 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.
- 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:
- censure
 - 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
 - prosecution for any breach of the law

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

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

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

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, 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:
- 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
 - refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

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

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

Disclosure of the identity of complainants

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

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

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

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

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

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

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

Code of conduct complaints made as public interest disclosures

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

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

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

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

Part 6:
Preliminary Assessment of
Code of Conduct Complaints
About Councillors or the
General Manager by
Conduct Reviewers

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

- 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.

Referral back to the general manager or mayor for resolution

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

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7:

Investigations of Code of Conduct Complaints About Councillors or the General Manager

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.

- 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.

Written and oral submissions

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

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

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

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

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

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:

Oversight and Rights of Review

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

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



Part 9: Procedural Irregularities

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

Part 10: Practice Directions

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

Part 11:
**Reporting Statistics on Code
of Conduct Complaints
About Councillors and the
General Manager**

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

Part 12: Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



General Manager's Unit

G.02.4

COMMUNITY ENGAGEMENT STRATEGY

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

REPORT PREPARED BY: Robyn Cox - Executive Assistant

PURPOSE

The purpose of this report is to note the Community Engagement Strategy 2034.

RECOMMENDATION

That Council note the Community Engagement Strategy 2034.

BACKGROUND

The Community Engagement Strategy supports the development of Council's plans, policies, programs, and key activities – including those relating to Integrated Planning and Reporting, as well as strategic plans and programs required under other legislation.

Councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. In 2009, the Local Government Act was amended to create a new Integrated Planning and Reporting (IP&R) Framework. A key requirement of the Framework is the development of a new 10 year Community Strategic Plan, to be completed by 30 June following a council election. The CSP is to be informed by the community and requires the adoption of a Community Engagement Strategy.

Council reviewed the Community Engagement Strategy process as part of the Councillor Induction at a workshop held on 28 October 2024.

REPORT/PROPOSAL

The community is at the heart of the IP&R framework. Engagement with the community is critical to understand the community's vision for the future and priorities to feed into key elements of the framework. Effective community engagement results from a strong partnership between councils and their communities. The community is involved in each stage of the IP&R process, including in the development of alternative strategies, identification of preferred solutions, and prioritisation of activities. In this way, decision making is informed through an evidence base and the representative views of the community, rather than specific interests or assumptions.

Council is required to create a strategy for how they will engage the community in creating and reviewing their Community Strategic Plan. This strategy must:

- be based on the social justice principles of access, equity, participation and rights
- identify relevant stakeholder groups in the community
- outline the methods that the council will use to engage each of these groups.
- allow sufficient time to effectively undertake the engagement

It is important to understand the difference between informing the community about what the council is proposing, and empowering the community to play an integral role in determining the goals, strategies and actions to be undertaken.

General Manager's Unit

Community Engagement Strategy – CSP 2034

It is critical that Council carries out effective community engagement during the preparation of the Community Strategic Plan 2034 to ensure that:

- Council builds a robust and sustainable Council and Community; and
- Services are aligned with the Community desires, needs and expectations.

Council's Engagement Strategy has been refined and tested to ensure that the approach seeks to inform, identify issues and seek resolutions by engaging with the community in a proactive way, using a range of techniques which suits our large geographic area and diverse community.

Council has aimed to specifically reach out to people in the Upper Hunter Shire who are less likely to participate in conventional methods of consultation or have been traditionally 'hard to reach'.

The Upper Hunter Shire Community Engagement Strategy – CSP 2034 (Attachment 1) reflects Council's approach.

OPTIONS

To note the Community Engagement Strategy

CONSULTATION

- General Manager
- Directors
- Managers/Coordinators
- Staff

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.5 Community is effectively engaged, can provide opinion and contribute to decisions that plan for the present and future of the Upper Hunter Shire.

b. Delivery Program

- A 10 year Community Strategic Plan and 10 year Financial Plan

c. Other Plans

All Council plans link into the Community Strategic Plan and the Community Engagement is summarised in this Report.

IMPLICATIONS

a. Policy and Procedural Implications

With the completion of this Community Engagement Strategy, Council has met its requirements to date consistent with the IP&R Framework.

General Manager's Unit

b. Financial Implications

Noting the Community Engagement Strategy has no financial implications above our current commitments for CSP 2034 community engagement. The implementation will have costs including production of materials, advertising etc.

c. Legislative Implications

Legislative responsibilities have been met with the production of this Community Engagement Strategy.

d. Risk Implications

Risk has been managed as all requirements under the Local Government Act 1993 and the Local Government (General) Regulation 2005, and the IP&R Guidelines have been met.

e. Sustainability Implications

N/A

f. Other Implications

Nil

CONCLUSION

The Community Engagement Strategy CSP 2034 is the primary guiding document to ensure Council meets its obligation under the CSP Community Engagement requirements.

ATTACHMENTS

- [1](#) Community Engagement Strategy - CSP34

Upper Hunter 2034

Engagement Plan



Inclusive planning for our **future**

Under the Local Government Act 1993 and the Local Government (General) Regulation 2005, Council is required to conduct its planning and reporting activities according to the Integrated Planning and Reporting (IP&R) framework. This framework mandates that every four years, Council develops and endorses a Community Strategic Plan (CSP) that guides our Shire's future, with an effective Community Engagement Strategy to ensure that all residents have the opportunity to contribute to its creation.

Upper Hunter Shire Council is committed to a proactive and inclusive approach in developing the CSP 2034, aiming to engage a broader and more diverse cross-section of the community. This year's engagement strategy reflects a renewed focus on meeting residents where they are—through pop-up events, accessible drop-in sessions, and both digital and physical surveys. By actively reducing barriers to participation, we are creating a platform that encourages voices traditionally less likely to participate, including youth, rural residents, and Culturally and Linguistically Diverse (CALD) communities.

This engagement plan is grounded in the principles of social justice: access, equity, participation, diversity, and human rights. It recognises that effective community engagement is

essential for developing policies and decisions that reflect and respond to community needs. Our approach emphasises the importance of capturing the aspirations of our community to guide long-term planning and align with Council's commitment to serving all residents.

While our goal is to achieve informed and broad agreement, the process recognises that consensus may not always be possible. Ultimately, the aim is to build a CSP that is thoughtful, representative, and supportive of the Upper Hunter Shire's shared vision for the future.

What makes a successful **CSP**



Community-centric approach

The plan actively involves residents in shaping its direction, reflecting the diverse needs and aspirations of the community.



Clear vision and priorities

It establishes a long-term vision with meaningful, achievable goals and sets clear priorities across social, environmental, and economic areas.



Broad and inclusive engagement

The plan reaches all segments of the community, including underrepresented groups, using diverse methods to gather comprehensive input.



Transparency and accountability

It demonstrates how community feedback has shaped the final plan and provides ongoing updates on progress towards achieving CSP goals.

What is community engagement?

The IAP2 Public Participation Spectrum provides a structured approach to community engagement, outlining five levels of public involvement in decision-making. Each level represents an increasing degree of public participation and influence, enabling Council to tailor engagement strategies based on the community's needs and the nature of the decisions being made.

At the **Inform** level, Council's goal is to provide balanced, objective information to help the community understand key issues, options, and potential solutions. At this stage, Council commits to keeping the community informed on relevant matters.

Moving to **Consult**, the aim is to gather community feedback on specific analysis, options, or decisions under consideration. Council's commitment here is to listen to the community's concerns, acknowledge their input, and demonstrate how it has influenced the final decision.

The **Involve** level seeks a deeper engagement, working directly with the community throughout the process to ensure that public concerns and aspirations are well understood and integrated into Council's decision-making. Council commits to involving the community meaningfully, ensuring that their perspectives are consistently reflected in the options developed.

At the **Collaborate** level, Council partners closely with the community in all facets of the decision-making process, from identifying issues to developing solutions. The commitment here is to incorporate the community's advice and innovations into Council's actions as much as possible, creating a true partnership.

Finally, the **Empower** level places decision-making power directly in the hands of the community. When Council engages at this level, it commits to implementing what the community decides, allowing residents full ownership over the outcome.

By following these five levels, Council ensures a clear, consistent approach to public participation, balancing community input with effective, informed decision-making.

What is community engagement?

The IAP2 model defines the community broadly as any individual or group with an interest in or potential impact from the outcome of a decision. These stakeholders, ranging from residents to organisations and political entities, may be directly or indirectly affected. Additionally, internal stakeholders, such as Council staff and associated partners, are part of this community, and their needs should also be reflected in the engagement process.

Upper Hunter Shire Council is committed to fostering the participation of all community members. Recognising that individuals and organisations have diverse levels of experience and ability to engage in consultation processes, Council's approach builds on partnerships with community groups, local organisations, and advisory groups. These groups often represent a broad cross-section of our residents, including landowners, business operators, and local workers. Building partnerships enables greater inclusion, helping reach individuals who might not otherwise participate.

Key stakeholder groups include:

- Government agencies
- Environmental groups
- Social groups and service clubs
- Businesses, Chambers of Commerce, and business networks
- Volunteer and Not-for-Profit organisations
- Community and sporting groups

This engagement plan includes targeted outreach to “hard-to-reach” groups who may have traditionally had limited participation in Council processes.

These groups include:

- Young people,
- Working families,
- Culturally and linguistically diverse (cald) communities
- Residents in rural villages and outlying areas.

Through strategic engagement efforts—including drop-in sessions in remote locations, accessible digital and physical survey options, and presence at key community events—Council aims to ensure all voices have an opportunity to shape the Shire's future.

Social justice principles

The Community Strategic Plan Engagement Strategy is underpinned by the following social justice principles:

Equity

There should be fairness in decision-making, prioritising and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community. The planning process should take particular care to involve and protect the interests of people in vulnerable circumstances.

Access

All people should have fair access to services, resources, and opportunities to improve their quality of life.

Participation

Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.

Rights

Everyone should have civil, political, economic, cultural, and social rights to participate in community life. These principles are interrelated and will continue to guide Council through the delivery and assessment of the effectiveness of our Community Strategic Plan.

The role of a Councillor & Staff

Councillors as Community Champions

Councillors play a crucial role as champions of the Community Strategic Plan (CSP) process, actively promoting the initiative and encouraging residents to participate. By engaging with their constituents, Councillors bridge the gap between the community and Council, fostering an environment where all voices are encouraged—especially those from groups that may be underrepresented. Their support reinforces the CSP's inclusivity, ensuring it reflects a broad cross-section of community perspectives.

A Council staff member's role in community engagement is to organise and facilitate discussions, accurately record and provide feedback, evaluate the engagement process, and consider the community's views when making recommendations to Council.

Listening and Leading

Councillors engage directly with diverse community members, listening to understand their unique needs, concerns, and aspirations. They use this feedback to guide their decision-making and shape the CSP in a way that aligns with the community's evolving priorities. As advocates for the importance of public input, Councillors help ensure that the CSP remains a true reflection of the community's vision for the future, driving Council's strategic direction in a way that benefits all residents.

The youth voice

Targeted Youth Survey

A customised youth survey will invite young residents to share their thoughts on the Shire's future in a straightforward and accessible format. The survey will include two focused questions:

- **What do you love about the Upper Hunter Shire?**
- **How would you like to see the Upper Hunter Shire in 10 years?**

These questions are designed to capture both the positive aspects of their current experiences and their aspirations for the future, providing valuable insights into what matters most to the younger generation.

By prioritising The Youth Voice, Council aims to capture the fresh perspectives of our younger residents and ensure that their ideas and aspirations are woven into the strategic vision for Upper Hunter Shire.

Partnerships

Council will collaborate with local schools and local youth centres to distribute and collect surveys, reaching students in a familiar environment. Selected participants may be invited to present their ideas to Council, offering them a platform to share their vision directly with decision-makers. This interaction not only empowers young people but also encourages them to take an active role in local government.

Incentives for Participation

To encourage wide participation, Council will offer three \$50 WeLiveHere gift cards, which will be awarded through a random draw from all youth survey respondents. Additionally, all participants will receive certificates signed by the Mayor, acknowledging their contributions to the Shire's future.

Breaking apathy

Engaging the entire Upper Hunter Shire community in the Community Strategic Plan (CSP) process is our top priority. Recognising that traditional consultation methods often attract only a small segment of the population, Upper Hunter Shire Council is taking an active approach to reach residents who may not typically participate in Council activities. This year, we're shifting our strategy to **bring Council to the community**—making it easy, convenient, and worthwhile for everyone to have their say.

To achieve this, we're meeting people where they are by setting up pop-up engagement booths at popular community events, hosting drop-in sessions across multiple towns, and ensuring the CSP survey is accessible both digitally and in physical formats. By creating spaces for direct engagement in familiar and relaxed settings, we aim to foster meaningful interactions that allow residents to share their perspectives in a comfortable environment.

In addition, we're offering **financial incentives** to encourage wider participation. By completing either the digital or physical CSP survey, community members will go into a draw to win one of several \$100 WeLiveHere gift cards. For young people, a targeted youth survey will provide the chance to win a \$50 WeLiveHere gift card. These

incentives are intended to increase participation across a broad cross-section of the community, including residents who may not usually engage with Council.

Through these proactive steps, we aim to break down barriers to participation, overcome apathy, and ensure that the CSP reflects the values and aspirations of all Upper Hunter Shire residents.

Timeline

This timeline is a guide only
and may shift due to meet
changing audience behaviours

Date	Activity
4-Nov-24	Launch of phone survey (Micromex); social media announcement
4-Nov-24	Printed materials including press ads
4-Nov-24	CSP webpage goes live
12-Nov-24	Media release distributed announcing consultation start
12-Nov-24	Digital and physical surveys go live
12-Nov-24	Main launch post with Mayor's video
12-Nov-24	Email outreach to schools, chambers, agencies, advisory committees, and youth centres
13-Nov-24	Weekly radio segment with the Mayor for updates (recurring Wednesdays)
16-Nov-24	First drop-in session with Councillor and executive attendance
Mid-November to Late November	Ongoing drop-in sessions across various locations (Councillor and executive attendance)
19-Nov-24	Social media post on consultation options (physical locations, online survey link)
26-Nov-24	Post explaining the CSP and its goals
3-Dec-24	FAQ and myths about the CSP post
10-Dec-24	Highlight post on engaging underrepresented groups
17-Dec-24	Post reminder on community events and drop-ins
24-Dec-24	Final reminder post before holidays encouraging participation
12-Dec-24	Christmas on Kelly (Scone) - interactive engagement activities
13-Dec-24	Merriwa - Home for Christmas - interactive engagement activities
14-Dec-24	Murrurundi - Home for Christmas - interactive engagement activities
5-Jan-25	New Year post encouraging final consultation participation
12-Jan-25	Post focused on youth contribution opportunity
19-Jan-25	General reminder for final weeks of consultation
26-Jan-25	FAQ post about CSP impact and consultation process
7-Feb-25	Consultation period closes for all surveys (midnight)
Early March 2025	Councillor workshop to review engagement results and refine CSP
31-Mar-25	Draft CSP on public display; Engagement report published
26-May-25	Final CSP presented to Council for adoption

Privacy

We are committed to protecting your privacy. Any personal information you provide will remain confidential and will not be publicly shared.

We will take all reasonable and necessary steps to safeguard your privacy, in full compliance with applicable legislation. Clear privacy statements and collection notices will accompany all online and hardcopy consultation materials that gather identifying information. Our practices for collecting, storing, and using information are designed to meet all relevant legislative requirements, ensuring your data is handled responsibly and securely.

General Manager's Unit

G.02.5

DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

PURPOSE

The purpose of this report is to table the *Disclosure of Interests and Other Matters* returns for newly elected Councillors, in accordance with Part 4 of the Code of Conduct and section 440AAB of the Local Government Act 1993.

RECOMMENDATION

That Council note the *Disclosure of Pecuniary Interests and Other Matters* returns for newly elected Councillors as tabled at the meeting.

BACKGROUND

Part 4 of Council's Code of Conduct (the Code) requires Councillors and designated persons to complete a written *Disclosure of Pecuniary Interests and Other Matters* return each year.

Under Schedule 1 of the Code, a Councillor must make and lodge with the General Manager a Disclosure of Pecuniary Interests and Other Matters return within 3 months after:

- a) Becoming a Councillor, and
- b) 30 June of each year, and
- c) The Councillor 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).

Section 440AAB(2) of the Local Government Act 1993 states that returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.

REPORT/PROPOSAL

Results from Council elections held 14 September 2024 were declared on Wednesday 3 October 2024. Under Schedule 1 of the Code, a Councillor must make and lodge with the General Manager a *Disclosure of Pecuniary Interests and Other Matters* return within 3 months after becoming a Councillor. Being newly elected Councillors, Councillors Ryan, Fraser, McGill, Shields and Stolz were handed copies of the *Disclosures of Pecuniary Interest & Other Matters* form on 10 October 2024 for completion. Reminders were sent on 6 December 2024, and then again on 3 January 2025. Returning Councillors Collison, Clout, McPhee and Williamson have already lodged their returns and were tabled at the Council meeting held 28 October 2024.

Disclosure of Pecuniary Interests and Other Matters returns for the newly elected Councillors have been completed by Councillors and are tabled at the current meeting, in accordance with the requirements of Part 4 of the Code of Conduct and section 440AAB of the Local Government Act 1993.

General Manager's Unit

OPTIONS

That Council note the written *Disclosure of Interests and Other Matters* returns, as tabled in the meeting.

CONSULTATION

N/A

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- A system where policies and procedures are reviewed on a regular basis

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

This report is prepared in the discharge of obligations under the Code of Conduct.

b. Financial Implications

Nil

c. Legislative Implications

Council's Code of Conduct has been adopted in accordance with the prescribed Model Code of Council, which is prescribed under sections 440-440AA of the Local Government Act 1993.

Section 440AAB(2) of the Local Government Act 1993 states that returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgment, or if the code does not specify a day, as soon as practicable after the return is lodged.

General Manager's Unit

d. Risk Implications

The non-provision of Disclosures of Pecuniary Interest Returns may affect the Council transparent decision making process.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

Disclosure of Pecuniary Interests and Other Matters returns for newly elected Councillors have been completed by all Councillors and are tabled at the current meeting, in accordance with the requirements of the Code of Conduct and section 440AAB of the Local Government Act 1993.

ATTACHMENTS

Nil.

Environmental & Community Services

G.02.6

REGIONAL DROUGHT RESILIENCE PLAN

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Mathew Pringle - Director Environmental & Community Services

PURPOSE

To present the Singleton, Muswellbrook and Upper Hunter Regional Drought Resilience Plan.

RECOMMENDATION

That Council note the completion of the Singleton, Muswellbrook and Upper Hunter Regional Drought Resilience Plan.

BACKGROUND

Council has not considered this matter previously.

REPORT/PROPOSAL

In 2023, Upper Hunter Shire Council along with Singleton Council and Muswellbrook Shire Council received \$200,000 through the Regional Drought Resilience Planning Program, which is jointly funded by the Australian and NSW Governments as part of the Future Drought Fund.

The funding was used to develop a Regional Drought Resilience Plan (Plan) in consultation with local communities.

The Plan is designed to strengthen the capacities of local residents, communities, institutions, businesses, and systems to withstand the economic, social, and environmental challenges arising during periods of drought. The Plan includes:

- Historical and projected drought impacts for the region
- An evidence-based strategy that considers economic, social, and environmental factors to mitigate or adapt to future drought challenges
- A prioritised list of actions and pathways tailored to build drought resilience specific to the Upper Hunter, informed by community needs.

The five (5) priority actions outlined in the Plan are as follows:

- Action A: Comprehensive Drought Communication Plan
- Action B: First Nations Land Management Practices
- Action C: Supporting Our Community Groups
- Action D: Ensuring Economic Prosperity as Our Region Transitions
- Action E: Forward Planning and Helping Our Water Users Prepare for Dry Times

A copy of the Plan is provided in Attachment 1 (under separate cover).

The Plan has been approved by the Minister for Agriculture, Fisheries and Forestry and published on the Department of Agriculture, Fisheries and Forestry website.

As the Plan has received Ministerial approval, it is anticipated that the consortium of Councils will receive an additional \$250,000 in shared seed funding to support the implementation of actions outlined in the Plan.

Environmental & Community Services

OPTIONS

That Council note the completion of the Regional Drought Resilience Plan.

CONSULTATION

Extensive consultation was undertaken in March and April 2024 to gather community input on the draft Plan. The feedback received was considered and incorporated in the draft Plan where appropriate. Singleton Council also placed the draft Plan on public exhibition for 21 days between 23 September 2024 and 14 October 2024. One submission was received from Local Land Services (LLS), which was overall positive.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.1 Advocate for, facilitate and support programs that protect and sustain our diverse environment for future generations.
- 2.3 Ensure all actions, decisions and policy response to natural hazards and climate change remain current.
- 2.8 Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

b. Delivery Program

- Facilitate and support programs that protect and sustain our environment
- Support and encourage Community participation in the protection of the environment

c. Other Plans

- Drought Management and Emergency Response Plan
- Local Strategic Planning Statement
Hunter Regional Plan 2041

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

The Plan has been funded by a \$200,000 grant from both the Australian Government and the NSW Government through the Future Drought Fund. As the Plan has received Ministerial approval, an additional \$250,000 in seed funding will be accessible from the program to assist with the implementation of actions outlined in the Plan.

Environmental & Community Services

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

The Plan promotes sustainability by strengthening the capacities of local residents, communities, institutions, businesses, and systems to withstand the economic, social, and environmental challenges arising during periods of drought.

f. Other Implications

Nil

CONCLUSION

Upper Hunter, Singleton and Muswellbrook Shire Councils have developed a Regional Drought Resilience Plan in consultation with local communities. The Plan has been approved by the Minister for Agriculture, Fisheries and Forestry and further funding is available for the implementation of the five (5) priority actions outlined in the plan.

ATTACHMENTS

- | | |
|---|----------|
| 1 ⇨ Singleton, Muswellbrook and Upper Hunter Regional Drought Resilience Plan | Excluded |
|---|----------|

Corporate Services

G.02.7

REJECTED ITEM OF BUSINESS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Ian Roberts - Governance & Risk Advisor

PURPOSE

The purpose of this report is to inform Council of an item of business which the General Manager has not included in the agenda for the Council meeting on 24 February 2025.

RECOMMENDATION

That Council receive and note this report.

BACKGROUND

Clause 3.20 of the Council's Code of Meeting Practice provides that:

"The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council."

REPORT/PROPOSAL

During preparation of the agenda for the Council Meeting on 24 February 2025, the General Manager received an item of business that, if it had been included in the agenda, the resolution and the debate on the item would have effectively constituted an Act of Disorder under Clause 15.11 of the Code of Meeting Practice, and therefore was unlawful.

The General Manager accordingly determined that this business should be excluded from the agenda for this meeting.

OPTIONS

Council should simply receive and note this report. Because the subject matter of the business referred to in this report is unlawful it must not be discussed.

CONSULTATION

The Office of Local Government was consulted in relation to this matter.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Corporate Services

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- Support for the Mayor and Councillors to fulfil their respective roles

c. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

The Council's Code of Meeting Practice applies.

b. Financial Implications

N/A

c. Legislative Implications

N/A

d. Risk Implications

N/A

e. Sustainability Implications

N/A

f. Other Implications

N/A

CONCLUSION

This report relates to an item of business which the General Manager was obliged to not include in the agenda for the Council meeting on 24 February 2025.

ATTACHMENTS

There are no enclosures for this report

General Manager's Unit

POLICY MATTERS

H.02.1 ***DRAFT CHARTERS - S355 AND ADVISORY COMMITTEES FOR REVIEW***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

PURPOSE

To review and adopt the draft charters of s355 and advisory committees provided in the attachments to this report.

RECOMMENDATION

That Council adopt the charters for the following s355 and advisory committees:

1. Community Advisory Committees (all districts);
2. Aberdeen Investment Committee;
3. Settlement Hall Committee;
4. Upper Hunter & Kia-Ora Youth Music Committee;
5. Floodplain Management and Development Committee;
6. Upper Hunter Shire Traffic Committee;
7. Scone and Upper Hunter Airport Management Committee;
8. Scone and Upper Hunter Regional Saleyard Committee;
9. White Park Management and Development Committee;
10. Bill Rose User Group Sub-Committee;
11. Jefferson Park User Group Sub-Committee;
12. Merriwa Showground User Group Sub-Committee; and
13. Merriwa Sportsground User Group Sub-Committee.

BACKGROUND

At its meeting on 25 November 2024, Council appointed members to Council's s355 and Advisory Committees. Draft charters have been prepared and endorsed by the Senior Management Group and are now provided in attachments for Council's consideration.

REPORT/PROPOSAL

Draft charters for the following committees are for consideration by Council and are provided in attachments 1 - 13:

- Community Advisory Committees (all districts)
- Aberdeen Investment Committee
- Upper Hunter & Kia-Ora Youth Music Committee
- Settlement Hall Committee
- Floodplain Management Committee
- Upper Hunter Shire Traffic Committee
- Scone and Upper Hunter Airport Management Committee
- Scone and Upper Hunter Regional Saleyards Committee
- White Park Management and Development Committee
- Bill Rose User Group Sub-Committee
- Jefferson Park User Group Sub-Committee
- Merriwa Showground User Group Sub-Committee
- Merriwa Sportsground User Group Sub Committee

General Manager's Unit

OPTIONS

Council may adopt, amend or revoke the draft charters provided, as it sees fit.

CONSULTATION

- Senior Management Group

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

b. Delivery Program

- Advice and policy development that supports decision making

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Controlled Documents operational policy identifies Council's process for creating, reviewing and revoking Council policies.

b. Financial Implications

Nil

c. Legislative Implications

Legislative references for each policy are provided in the policy details, as relevant.

d. Risk Implications

Current and accurate policies support Council in managing risks and help to ensure consistency of service.

e. Sustainability Implications

Nil

General Manager's Unit

f. Other Implications

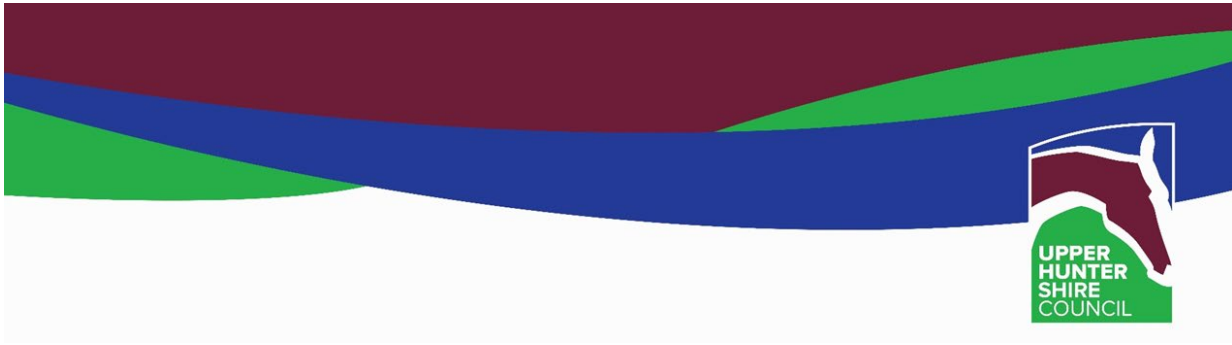
Nil

CONCLUSION

The attached charters have been reviewed by the Senior Management Group and are provided to Council for consideration in accordance with the Controlled Document operational policy.

ATTACHMENTS

- 1 [↓](#) Draft - Committee Charter - Community Advisory Committee - All Districts
- 2 [↓](#) Draft - Committee Charter - Aberdeen Investment Committee
- 3 [↓](#) Draft - Committee Charter - Settlement Hall Sub-Committee
- 4 [↓](#) Draft - Committee Charter - Upper Hunter and Kia Ora Youth Music
- 5 [↓](#) Draft - Committee Charter - Floodplain Management Committee
- 6 [↓](#) Draft - Committee Charter - Upper Hunter Shire Traffic Committee
- 7 [↓](#) Draft - Committee Charter - Scone & Upper Hunter Airport Management
- 8 [↓](#) Draft - Committee Charter - Scone & Upper Hunter Regional Saleyards
- 9 [↓](#) Draft - Committee Charter - White Park Management and Development
- 10 [↓](#) Draft - Committee Charter - Bill Rose User Group Sub-Committee
- 11 [↓](#) Draft - Committee Charter - Jefferson Park User Group Sub-Committee
- 12 [↓](#) Draft - Committee Charter - Merriwa Showground User Group Sub-Committee
- 13 [↓](#) Draft - Committee Charter - Merriwa Sportsground User Group Sub-Committee



COMMITTEE CHARTER

Community Advisory Committees

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-79/24
Due for review	At the expiry of the term of the current Council
Responsible officer	General Manager

Policy: Committee Charter – Community Advisory Committees



Background

Council operates a number of advisory committees in order to access local expertise and help meet its objectives. By using community members, Council can actively work and connect with the community. The advice provided by committees is invaluable as a consultative and information mechanism.

In February 2022 Council resolved to form four new Community Advisory Committees:

- Aberdeen District Community Advisory Committee
- Merriwa District Community Advisory Committee
- Murrurundi District Community Advisory Committee
- Scone District Community Advisory Committee

Purpose and Objectives

The purpose of Council's Community Advisory Committees is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These will be broad based committees that consider a wide range of issues that affect local communities including local capital works and maintenance, town improvement, economic development, tourism and events, local consultation on key issues, and Integrated Planning & Reporting.

Membership

Each of the Community Advisory Committees shall comprise of between two and three councillors and between four and eight community members. Members will be appointed by Council after an expression of interest process, with the term of memberships expiring with the term of the current Council. Community members should reside in the area covered by the Committee to which their application is made. Councillors who are non-committee members are able to attend but will not be able to vote.

Councillors may appoint additional members to the committee by resolution at a Council meeting.

Chairperson

The Committee chairperson is to be a councillor elected by the committee.

Quorum

A quorum shall consist of a majority of members, including at least one councillor.

Policy: Committee Charter – Community Advisory Committees



Roles and Responsibilities

- To represent the views, interests and identified issues that affect the communities in their respective areas and provide strategic advice and positive input.
- The recommendations made will go to the next available Council meeting at which any decision will be made in relation to any recommendation.
- Make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.
- Abide by Council's Code of Conduct at all times and participate in Code of Conduct training if requested to do so.
- No member of an Advisory Committee is able to make media or public comment on behalf of the Council at any time

Meetings

Meetings will take place each quarter. The dates and time will be determined by each Committee

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a UHSC staff member of the committee and distributed to all members and to other persons 3 days prior to the meeting date (in accordance with Council policy).

Venue

Meetings will be held in the towns of Merriwa, Murrurundi and Scone. The Aberdeen Committee could meet in either Scone or a suitable facility in Aberdeen.

Committee Boundaries

The four committees will cover the whole of the Upper Hunter Shire as follows:

- Aberdeen District - Aberdeen and Rouchel
- Merriwa District - Merriwa to Bunnan Bridge and Cassilis (and West)
- Murrurundi District - Murrurundi (and north) and Blandford
- Scone District – Bunnan, Parkville, Wingen, Scone (and east of Scone)

Adopted Date:

Status: Draft

page 3 of 4

Policy: Committee Charter – Community Advisory Committees



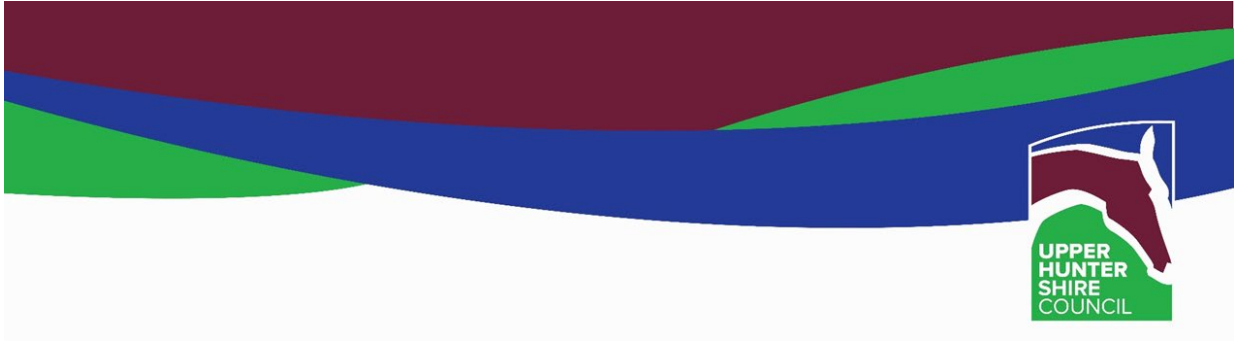
Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-79/24	New term of Council

Adopted Date:

Status: Draft

page 4 of 4



COMMITTEE CHARTER

Aberdeen Investment Committee

Date adopted by Council	
Item & Minute Number	
Endorsed by	Senior Management Group – 18 December 2024 Aberdeen Investment Committee -
CM Ref	CD-95/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Environmental & Community Services

Policy: Committee Charter – Aberdeen Investment Committee**1. Background**

On 6 September 2022, the NSW Independent Planning Commission approved the Mount Pleasant Optimisation Project (State Significant Development Consent (SSD Consent)).

Condition A18 of Schedule 2 of the SSD Consent requires MACH Energy to enter into a planning agreement with Council in accordance with Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979 and MACH Energy's offer in Appendix 8 of the SSD Consent.

The first Item in Appendix 8 of the SSD Consent provides for a Community Enhancement Fund contribution to benefit the community of Aberdeen being:

\$250,000 per annum (index to CPI)

MACH Energy and the Council have entered into a Planning Agreement for the purposes of condition A18 of Schedule 2 of the SSD Consent. In the Planning Agreement MACH Energy has undertaken to make Community Contributions to the Council.

MACH Energy and the Council have also entered into a Community Funding Deed for the purposes of giving effect to the Planning Agreement. Under the terms of the Community Funding Deed, Council must establish an Investment Committee consisting of five Investment Committee Representatives.

2. Definitions

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approved Funding Proposal means a Funding Proposal recommended by the Investment Committee in accordance with Clause 4 and approved by the Council.

Community Contributions means the Contribution monies which are provided by MACH Energy to Council in Item 1 of Schedule 1 of the Planning Agreement.

Community Representative means an Investment Committee Member who is not a representative of MACH Energy or Council.

Council Representative means a person appointed by the Council to be an Investment Committee Member in accordance with clause 3.1.

Investment Committee means the committee established by MACH Energy and Council under clause 3.

Investment Committee Member means a member of the Investment Committee.

Funding Proposal means a proposal for the Council to spend some or all of the Community Contributions paid by MACH Energy and which satisfies the Funding Proposal Criteria.

Funding Proposal Criteria means the criteria set out in Schedule 1 of this Charter.

MACH Energy Representative means a person appointed by MACH Energy to be an Investment Committee Member.

Planning Agreement means the planning agreement entered into by Council and MACH Energy on 14 September 2022, as amended from time to time.

Policy: Committee Charter – Aberdeen Investment Committee

Recommended Funding Proposal means a Funding Proposal recommended by the Investment Committee in accordance with clause 4.

SSD Consent means the consent granted for the Optimisation Project by the NSW Independent Planning Commission on 6 September 2022

3. The role of the Investment Committee

- (a) The role of the Investment Committee is to consider, and, if it sees fit, recommend to the Council, Funding Proposals submitted to it for consideration by an Investment Committee Member or Members.
- (b) The Investment Committee may not recommend a Funding Proposal unless it meets the Funding Proposal Criteria and any applicable terms of the Planning Agreement and the SSD Consent.

4. Membership

- (a) The members of the Investment Committee shall comprise:
 - (i) two Investment Committee members appointed by MACH Energy (**MACH Energy representatives**);
 - (ii) two Investment Committee Members appointed by Council (**Council Representatives**) who shall be either a Councillor or an employee of Council; and
 - (iii) one Community Representative appointed in accordance with clause 3.3 (**Community Representative**).
- (b) An Investment Committee Member appointed by MACH Energy or Council (other than a Community Representative) may act in the best interest of the party which appointed it.

5. Chairperson

- (a) The Chairperson for the Investment Committee must be one of the Council Representatives.
- (b) The Chairperson must be elected by a majority vote of the Investment Committee at the first meeting of the Investment Committee.
- (c) If the Chairperson ceases to be an Investment Committee Member then a new Chairperson must be appointed by majority vote of the Investment Committee at the next meeting.
- (d) The Chairperson shall convene and chair the Investment Committee meetings.
- (e) The Chairperson shall determine the agenda items.

6. Community Representative

- (a) Any resident of the town of Aberdeen in the Upper Hunter Shire Council Local Government Area may make an application to Council to be appointed as the Community Representative on the Investment Committee.

Policy: Committee Charter – Aberdeen Investment Committee

- (b) The Community Representative must be elected by majority vote of the Investment Committee at the first meeting from the persons who made an application to Council for appointment.
- (c) The Community Representative is elected to the Investment Committee for a two year period.
- (d) After the two year term of the Community Representative Council must readvertise the position in the relevant local media and on the Council website, generally in accordance with the process provided for in clause 3.3(a) above.
- (e) A former or existing Community Representative can be re-elected to the position of Community Representative on the Investment Committee.

7. Alternative Investment Committee Member

MACH Energy and Council may appoint an alternative Investment Committee Member for their party who may exercise all powers of the Investment Committee Member when attending in place of that Investment Committee Member.

8. Term of Investment Committee Member

MACH Energy and Council Representatives are appointed for a four year period, provided that for the initial terms, the appointments shall be until the next general election of the Council.

9. Replacement of Investment Committee Members

- (a) If an Investment Committee Member ceases for any reason to be a member or resigns as a member:
 - (i) if the Investment Committee Member is a MACH Energy Representative, MACH Energy must as soon as practicable appoint a new MACH Energy Representative to be one of its Investment Committee Members;
 - (ii) if the Investment Committee Member is a Council Representative, Council must as soon as practicable appoint a new Council Representative to be one of its Investment Committee Members; and
 - (iii) if the Investment Committee Member is a Community Representative:
 - (A) Council must as soon as practicable advertise in the relevant local media and on the Council website for any person interested in being appointed as the Community Representative in the Investment Committee; and
 - (B) the remaining Investment Committee Members at the next meeting must appoint, by majority vote, a new Community Representative from the people who applied to Council for the position.
- (b) If an Investment Committee Member:
 - (i) dies;
 - (ii) becomes bankrupt;

Policy: Committee Charter – Aberdeen Investment Committee

- (iii) in the case of a Council Representative, cease to be a Councillor or employee of Council; or
- (iv) in the opinion of each of the other Investment Committee Members, consistently fails to perform their duty in relation to the Investment Committee

that Investment Committee Member will cease to be a member of the Investment Committee immediately.

10. Meeting of the Investment Committee

- (a) The Investment Committee shall determine the frequency of its meetings.
- (b) Despite clause 10(a) above, the Investment Committee must meet at least twice per annum.
- (c) Only the Chairperson may call a meeting of the Investment Committee.
- (d) Any Investment Committee Member may request the Chairperson to convene an extraordinary meeting of the Investment Committee to discuss any matter warranting urgent consideration. The Chairperson shall determine whether an extraordinary meeting is warranted.
- (e) At least two weeks' notice must be given to all members of any meeting of the Investment Committee (except extraordinary meetings where one week's notice can be given).
- (f) The Council may determine the manner in which meetings of the Investment Committee are to be convened and conducted.
- (g) The Council or MACH Energy shall provide facilities for Investment Committee meetings.

11. Proceedings of Investment Committee

- (a) The quorum of meetings of the Investment Committee is one MACH Energy Representative and one Council Representative.
- (b) Meetings of the Investment Committee may be conducted by telephone or other electronic means provided all Investment Committee Members have access to and can use such means.

12. Liability and duties

If an Investment Committee Member acts in good faith (which shall not preclude acting in the interest of or under the direction of the person appointing the Investment Committee Member as provided by clause 4(b)), he or she is not responsible or liable in any manner to any other Investment Committee Member, the Council or MACH Energy for any loss or expense.

13. Funding Proposals**13.1 Submitting Funding Proposal for consideration**

- (a) Any Investment Committee Member may submit a Funding Proposal to the Investment Committee for consideration if it satisfies the Funding Proposal Criteria in Schedule 1.

Policy: Committee Charter – Aberdeen Investment Committee

- (b) The Funding Proposal must be sent to all the Investment Committee Members at least two weeks before the meeting at which the Funding Proposal is to be considered.

13.2 Consideration of Funding Proposal

- (a) All Funding Proposals that satisfy clause 13.1 above must be considered by the Investment Committee.
- (b) The Council shall provide the Investment Committee with a comprehensive report on all Funding Proposals.
- (c) A Funding Proposal will be recommended by the Investment Committee to be considered by the Council if at least a quorum of the Investment Committee vote in favour of the Funding Proposal (**Recommended Funding Proposal**).
- (d) An Investment Committee Member may declare themselves ineligible to vote on a matter where the Investment Committee Member considers that they have a material personal interest in the outcome of the matter and that this may result in a conflict of interest.
- (e) For the avoidance of any doubt, where an Investment Committee member is ineligible to vote at a meeting at which a decision is made, a vote of all the remaining eligible Investment Committee Members will constitute a vote of the Investment Committee.
- (f) If a Funding Proposal is not approved by the Investment Committee, the Funding Proposal may be submitted for consideration at one further subsequent Investment Committee Meeting for further consideration.

13.3 Approved Funding Proposal

- (a) Council may, in its absolute discretion, approve or refuse a Recommended Funding Proposal submitted to it by the Investment Committee.
- (b) Council must report to the Investment Committee at the next meeting of the Investment Committee as to the progress and status of all Recommended Funding Proposals.
- (c) If, at the end of every four year period, there are funds that have not been allocated, Council may, in its sole discretion and taking into account the matters set out in Schedule 1, expend any unallocated funds.

Version History

Version No.	Date	CM Ref	Reason for Review
1	24/05/2024	CD-48/24	New Policy
2	Draft	CD-95/24	New Term of Council

Adopted Date:

Status: Draft

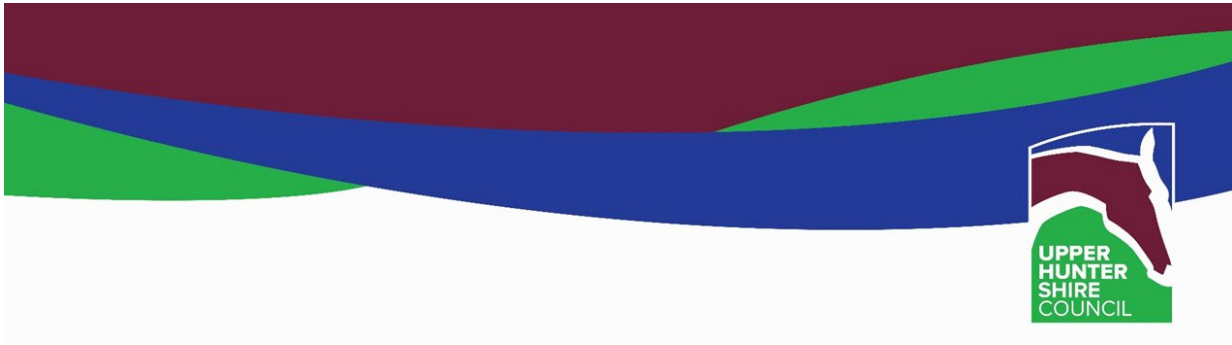
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Schedule 1

Funding Proposal Criteria

1. A Funding Proposal must have an economic, social or environmental benefit for the community within the town of Aberdeen in the Upper Hunter Shire Council Local Government Area and must be for a public purpose as defined by s7.4(2) of the Act.
2. A Funding Proposal may include:
 - (a) the construction and/or maintenance of infrastructure;
 - (b) environmental conservation works;
 - (c) research, training or education;
 - (d) community welfare; or
 - (e) community events.
3. A Funding Proposal submitted to the Investment Committee for consideration must:
 - (a) describe the proposed expenditure including:
 - (i) an overview of its benefits to the Aberdeen Community in the Upper Hunter;
 - (ii) the reasons why the Community Development Contributions paid by MACH Energy should be spent on the Funding Proposal; and
 - (b) Set out an indicative costing for the proposed expenditure including any ongoing costs.
4. A Funding Proposal must not be submitted to the Investment Committee for consideration which:
 - (a) benefits private companies or individuals;
 - (b) seeks finance for individual business activities;
 - (c) seeks to finance endeavours solely for personal gain; or
 - (d) is from a discriminatory and/or exclusive organisation.



COMMITTEE CHARTER

Settlement Hall User Group Sub-Committee

Date adopted by Council	
Minute number	
Endorsed by	
CM Ref	CD-7/25
Due for review	At the expiry of the term of the current Council
Responsible officer	Manager Community Services

Settlement Hall User Group Sub-Committee Charter



Purpose and Objectives

The purpose of the Settlement Hall User-Group Sub-Committee is to monitor the operation of the existing facility and to make recommendations to the Merriwa District Community Advisory Committee (Merriwa District CAC) on the most appropriate means of developing the Hall.

Membership

The membership of the Sub-Committee shall be as follows:

- Eight (8) members from the community

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chairperson

The chairperson is to be a Councillor elected by the sub-committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Staff Attending

One member from Upper Hunter Shire Council (UHSC).

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the sub-committee may be as required with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the sub-committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of

Settlement Hall User Group Sub-Committee Charter



hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

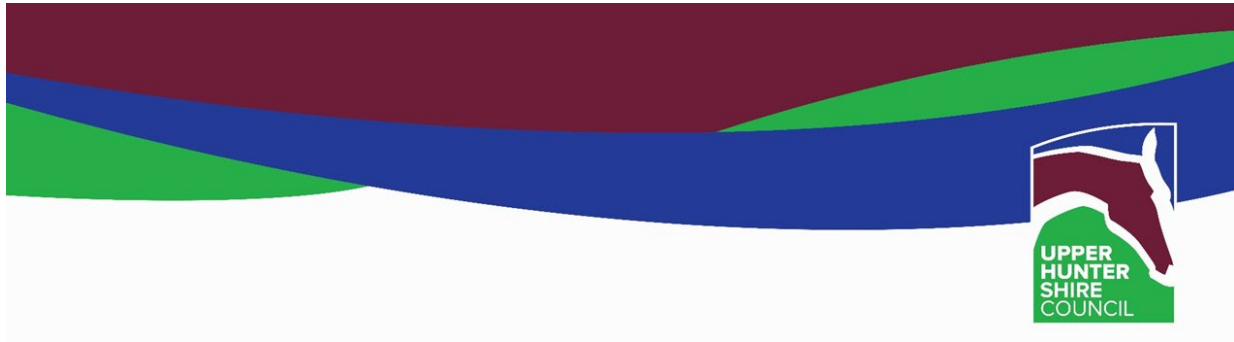
Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons three (3) days prior to the meeting date (in accordance with Council policy).

Minutes of the meeting shall be referred to the Merriwa District Community Advisory Committee for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

Version History

Version No.	Date	CD Ref	Reason for Review
1	Draft	CD-7/25	New term of Council



COMMITTEE CHARTER

Upper Hunter and Kia Ora Youth Music Committee

Date adopted by Council	
Item & Minute Number	
Endorsed by	
CM Ref	CD-6/25
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Environmental & Community Services

Committee Charter – Upper Hunter and Kia Ora Youth Music Committee



Background

Upper Hunter Shire Council & Kia-Ora are the major sponsors of a program to provide school age children in the Upper Hunter Shire the opportunity to develop and extend their talent and performances under the guidance of specialist professional tutoring.

Following on from agreement of all current parties involved in the former incorporated body Council resolved at its meeting on 27 May 2013 to form a S355 Committee under Council's control.

Purpose and Objectives

The purpose is to assist with the long term viability of the program and give guidance to sponsors, participants' families and the general public.

Membership

The Committee shall comprise of the following members who shall hold office until the expiration of three (3) months after each General Election:

- One (1) Councillor
- One (1) representative of Upper Hunter Shire Council
- One (1) representative of Upper Hunter Conservatorium of Music (UHCM) – subject to UHCM Board approval
- One (1) representative of Kia-Ora
- Three (3) community members

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

All Councillors may attend. They may speak on any matter and ask questions but cannot vote.

Councillors may appoint additional members to the committee by resolution at a Council Meeting.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chairperson

The Committee chairperson is to be a councillor elected by the committee.

Quorum

A quorum will consist of three members, and shall include one (1) Councillor and at least the representative of Kia-Ora or Upper Hunter Shire Council.

Functions

Council becomes the custodian of the Community Funds and provides administrative support for bookings, meeting agendas, minutes and financial reporting.

Adopted Date:

Status: Draft

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Committee Charter – Upper Hunter and Kia Ora Youth Music Committee



Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the committee are as considered necessary by the Chair with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

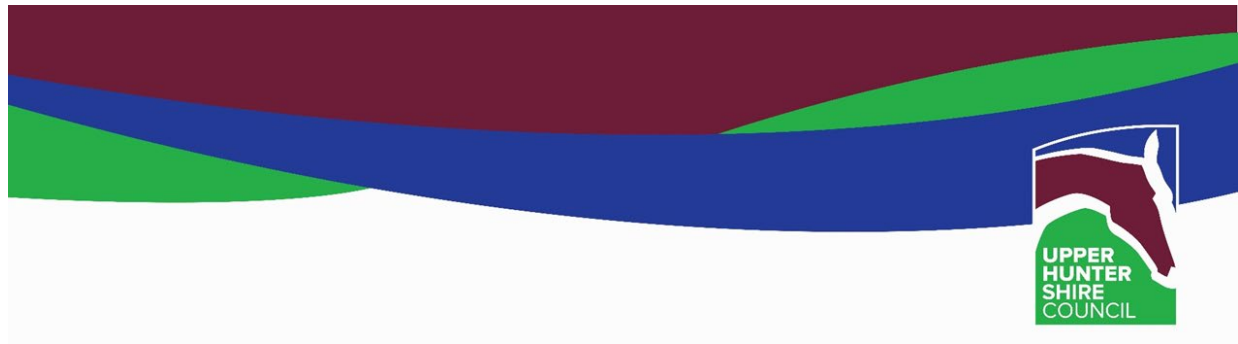
Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Venue

Meetings will be held in Scone at the Scone Administration Centre.

Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-6/25	New Term of Council



COMMITTEE CHARTER

Floodplain Management Committee

Date adopted by Council	
Minute number	
Endorsed by	
CM Ref	CD-103/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Environmental & Community Services

Adopted

page 1 of 3

Floodplain Management Committee Charter



Purpose and Objectives

The purpose of the Floodplain Management Committee Charter is to consider matters referred from time to time by Council or matters considered to be of an urgent nature by the Committee Chairperson, Mayor, General Manager or Director Environmental and Community Services.

Membership

The Committee shall comprise of the following members who shall hold office until the expiration of three (3) months after each General Election:

- Four (4) Councillors
- One (1) member from the State Emergency Services
- One (1) community member

Representatives of other Government Agencies including the Department of Infrastructure Planning and Natural Resources who may attend and contribute to the meetings in an advisory capacity.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

All Councillors may attend. They may speak on any matter and ask questions but cannot vote.

Councillors may appoint additional members to the committee by resolution at a Council Meeting.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chair Person

The chairperson is to be a Councillor elected by the committee

Quorum

A quorum shall consist of two (2) Councillors.

Staff Attending

One member from Upper Hunter Shire Council (UHSC) from the Environmental & Community Services Department.

Note: General Manager may ex officio attend any meeting and other Divisional Directors when necessary and when required.

Floodplain Management Committee Charter



Roles and Responsibilities

To make recommendations to Council on any matters referred to it by Council or matters considered to be of an urgent nature as defined in the objectives and relating to the following areas of responsibility:

Issues associated with development within any areas deemed to be impacted or potentially impacted by flood or other waters.

Meetings

Meetings of the committee are as considered necessary by the Chair.

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons 3 days prior to the meeting date (in accordance with Council policy).

Minutes of the meeting shall be referred to the Environmental and Community Services for consideration and recommendations from the committee shall be effective only after adoption by Council.

Code of Conduct

The Floodplain Management Committee members shall abide by the Upper Hunter Shire Council Code of Conduct.

Venue

Meetings will be held in Scone at the Scone Administration Centre or elsewhere as determined by the Chair.

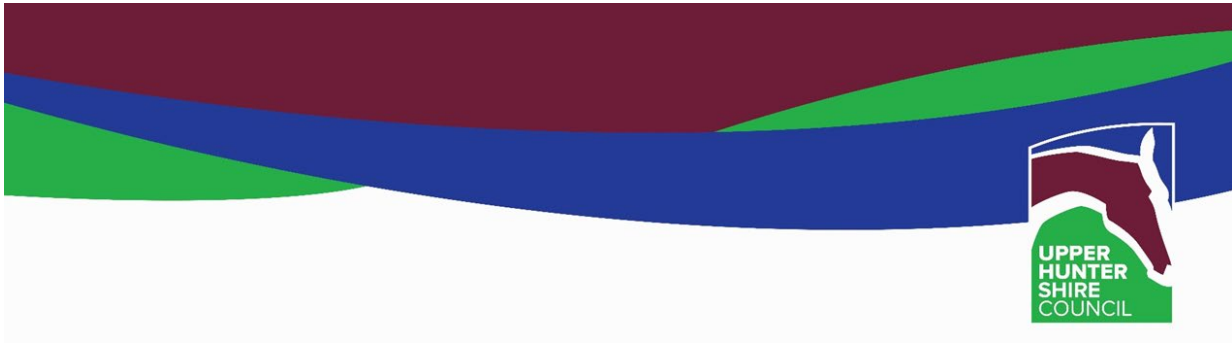
Version History

Version No.	Date	CD Ref	Reason for Review
1	26/09/2017	INT-7888/17	
2	28/09/2020	INT-10447/21	
3	Draft	CD-103/24	New term of Council

Adopted Date:

Status: Draft

page 3 of 3



COMMITTEE CHARTER

Upper Hunter Shire Traffic Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-96/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Manager Strategic Assets

Upper Hunter Shire Traffic Committee Charter



Purpose and Objectives

The purpose of the Committee is to advise Council on all matters concerning local traffic regulations in the Shire of Upper Hunter for the betterment of the community.

The committee will:

- Deal with specific powers delegated by the New South Wales Traffic Authority.
- Consider traffic and safety aspects in the determination of all Development Applications on land uses listed in Schedule 2 of State Environment Planning Policy no.11 (SEPP11) as required by that policy.

Membership

The membership of the Committee shall be as follows:

- A person representing the Local State Member of Parliament
- A representative from the Police Department
- A representative from Transport for New South Wales
- One (1) Council representative

When the Committee is dealing with traffic and safety aspects of traffic generating developments defined in Schedule 2 of SEPP11 the person representing the Local State Member of Parliament may be invited to participate in the meeting as a non-voting member of the Committee.

Chairperson

The Chairperson of the Committee will be Council's delegate.

Quorum

There is no need for a specific quorum to allow a Committee meeting to proceed. The advice of Transport for NSW and the NSW Police must be sought to allow Council to exercise its delegated authority.

Meetings

Meetings will take place quarterly. The time will be determined by the Committee.

Acceptable alternative meeting format for minor issues can include electronic meetings where the advice of the members is sought via email. This allows items to be considered as they arise and may reduce response time.

Members of the public or other stakeholders may address the committee on agenda items to be considered by the committee. The format and number of presentations is as at the discretion of the Chairperson. Committee debate on agenda items is not open to the public.

Upper Hunter Shire Traffic Committee Charter



Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Committee meetings shall be recorded with copies of agenda and minutes sent to Council. Recommendations from the committee shall be effective only after adoption by Council.

Venue

Meetings will be held in Scone at the Scone Administration Centre.

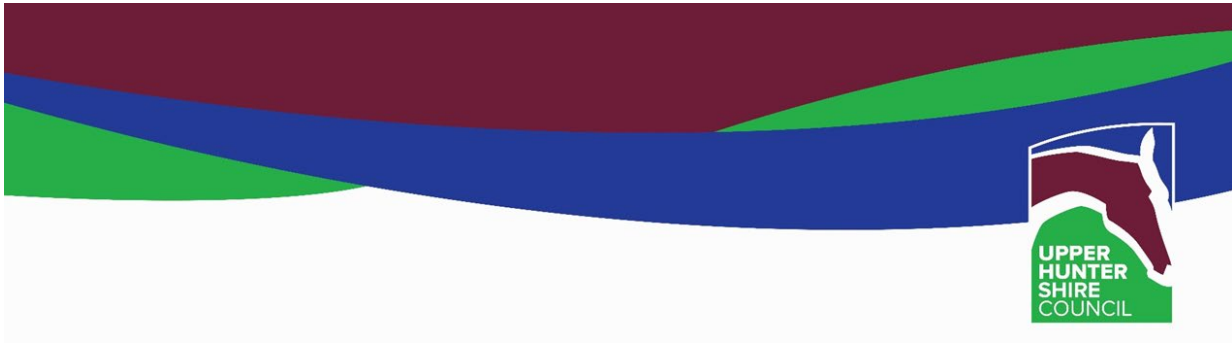
Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-96/24	New term of Council

Adopted Date:

Status: Draft

page 3 of 3



COMMITTEE CHARTER

Scone & Upper Hunter Airport Management Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-98/24
Due for review	At the expiry of the term of the current Council
Responsible officer	General Manager
Department/Section	Business Services
Category	Governance

Scone & Upper Hunter Airport Management Committee Charter



Purpose and Objectives

To maintain, plan and develop the Scone & Upper Hunter Airport to a standard acceptable to Council, Civil Aviation Safety Authority (CASA) and Air Services Australia. This will be achieved through the following objectives:

- Develop and implement an Airport Strategy and Masterplan, and review these documents during the term of each new Council.
- Develop policies and procedures for the operation and maintenance of the Airport.
- Receive reports and provide advice on the operations of the Airport and ensure compliance with all statutory requirements including CASA and Air Services Australia requirements.
- Formulate and maintain rules and regulations for the operation of the Airport.
- Make recommendations to Council on matters relating to:
 - The annual budget for the facility
 - Fees and charges to apply for airport facility use
 - Development projects within the Airport
 - Reviewing Airport budget and operations

Membership

The membership of the committee is to be as follows:

- Two (2) Councillors, one being the chairperson
- Six (6) operators from the aviation industry located within the airport precinct
- One (1) community representative

Councillors may appoint additional members to the committee by resolution at a Council meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chairperson

The committee chairperson is to be a councillor elected by the committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Roles and Responsibilities

Agenda items and reports for the Committee will be forwarded to the Senior Administration Officer – Business Services two weeks before the scheduled meeting.

The Agenda will be distributed to Committee members three (3) business days before the scheduled meeting after confirmation by the Chair of the Committee.

Adopted Date:

Status: Draft

page 2 of 3

Scone & Upper Hunter Airport Management Committee Charter



Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology, their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

The committee meets bi-monthly on a day and time to be determined by the committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

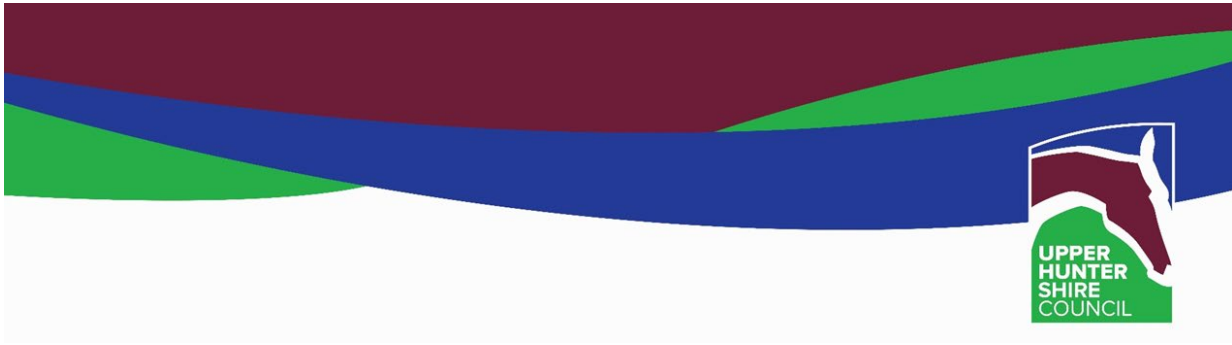
Committee meetings shall be recorded with copies of agenda and minutes sent to Council via the Corporate Services Committee for its approval. Recommendations from the committee shall be effective only after adoption by Council.

Venue

Meetings will be held at the Scone Administration building of the Upper Hunter Shire Council.

Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-98/24	New term of Council



COMMITTEE CHARTER

Scone & Upper Hunter Regional Saleyards Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-99/24
Due for review	At the expiry of the term of the current Council
Responsible officer	General Manager
Department/Section	Business Services
Category	Governance

Scone & Upper Hunter Regional Saleyards Committee Charter



Purpose and Objectives

To monitor the operation of the Scone & Regional Saleyards and make recommendations to Council on all issues relating to the provision of Saleyards facilities within the Upper Hunter Shire. This includes:

- To develop policies and procedures for the operation and maintenance of the Saleyards.
- To monitor the operations of the Saleyards to ensure compliance with all statutory requirements including the licensing conditions as set out by relevant regulatory authorities.
- To formulate and maintain rules and regulations for the operation of the Saleyards.
- To provide advice to Council on the operations of the Saleyards and to make recommendations to Council on potential improvements regarding the operation of the facility.
- To make recommendations to Council on proposed Capital Investment for the Saleyards.
- To consider the requirements of all users of the Saleyards facilities, including buyers, vendors, agents, suppliers and staff.
- To provide strategic advice to Council on matters affecting the operations of the Saleyards. The Committee has no authority to direct operational activities, Council Staff or customers at the Saleyards.
- To actively promote the Scone & Upper Hunter Regional Saleyards within the Region.
- Council delegate authority to the Committee to make decisions on the sale process at the Saleyards.

Membership

The membership of the committee is to be as follows:

- Three (3) Councillors, one being the chairperson
- Two (2) voting representatives from the following:
 - Producer organisations or individuals representing the cattle producers of the Shire
 - Scone Associated Agents
 - Livestock Transport Carriers
- One (1) voting representative from the following:
 - Upper Hunter Local Land Services

Councillors may appoint additional members to the committee by resolution at a Council meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Adopted Date:

Status: Draft

page 2 of 4

Scone & Upper Hunter Regional Saleyards Committee Charter



Chairperson

The Committee chairperson is to be a councillor elected by the committee.

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Roles and Responsibilities

Agenda items and reports for the Committee will be forwarded to the Senior Administration Officer – Business Services two weeks before the scheduled meeting.

The Agenda will be distributed to Committee members three (3) business days before the scheduled meeting after confirmation by the Chair of the Committee.

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

The committee meets quarterly (February, May, August and November) on a day and time to be determined by the committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Committee meetings shall be recorded with copies of agenda and minutes sent to Council via the Corporate Services Committee for its approval. Recommendations from the committee shall be effective only after adoption by Council.

Venue

Meetings will be held in the Scone Administration Building of the Upper Hunter Shire Council.

Scone & Upper Hunter Regional Saleyards Committee Charter



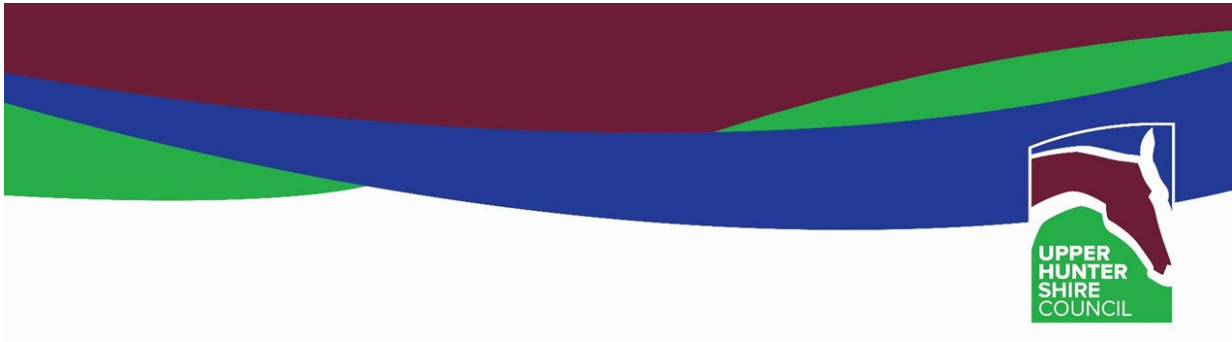
Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-99/24	New term of Council

Adopted Date:

Status: Draft

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COMMITTEE CHARTER

White Park Management & Development Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-100/24
Due for review	At the expiry of the term of the current Council
Responsible officer	General Manager
Department/Section	Business Services
Category	Governance

White Park Management & Development Committee Charter



Purpose and Objectives

To monitor the operation of the existing facility and to make recommendations to Council on the most appropriate means of developing White Park. This includes:

- To represent the views, interests and identified issues that affect the communities in their respective areas and provide strategic advice and positive input.
- To provide input on the care, control and management of White Park.
- To liaise with appropriate bodies for the development of ancillary facilities such as camping grounds, arenas etc. within White Park.
- Any other matter that may be related to the management and development of White Park.

Membership

The membership of the Committee shall be as follows:

- Three (3) Councillors, one being the chairperson
- One (1) voting representative from the following organisations:
 - Scone Campdraft & Rodeo Association
 - Hunter Branch of the Australian Stock Horse Society
 - Upper Hunter Dressage Club
 - Scone Pony Club
 - Scone Show Jumping Club
 - Upper Hunter Beef Bonanza
 - Hunter Valley Cutting Horse
 - Hunter Stockman's Challenge
- One (1) voting representative from the community

Councillors may appoint additional members to the committee by resolution at a Council meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chairperson

The Committee chairperson is to be a Councillor elected by the committee.

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

White Park Management & Development Committee Charter



Roles and Responsibilities

Agenda items and reports for the Committee will be forwarded to the Senior Administration Officer – Business Services two weeks before the scheduled meeting.

The Agenda will be distributed to Committee members three (3) business days before the scheduled meeting after confirmation by the Chair of the Committee.

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings will take place quarterly. The time will be determined by the Committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Committee meetings shall be recorded with copies of agenda and minutes sent to Council via the Corporate Services Committee for its approval. Recommendations from the committee shall be effective only after adoption by Council.

Venue

Meetings will be held in Scone at the Scone Administration Centre.

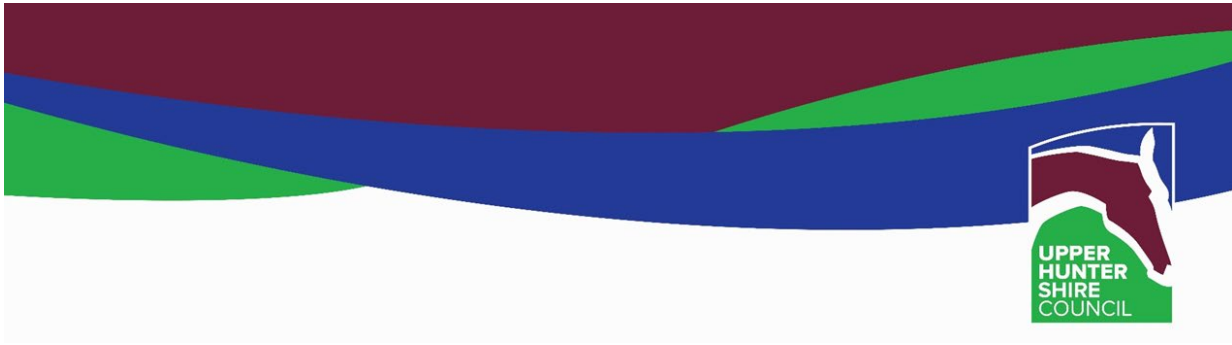
Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-100/24	New term of Council

Adopted Date:

Status: Draft

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COMMITTEE CHARTER

Bill Rose User Group Sub-Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-101/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Infrastructure Service

Bill Rose User Group Sub-Committee Charter



Purpose and Objectives

The purpose of the Bill Rose User Group Sub-Committee is to monitor the operation of the existing facility and to make recommendations to the Scone District Community Advisory Committee (Scone District CAC) on the most appropriate means of developing Bill Rose Sporting Complex facilities.

The sub-committee is established to undertake the following functions:

- To investigate, report and make recommendations to the Scone District CAC on the following matters for consideration by Council:
 - Liaison with appropriate bodies, for example, grant funding bodies, for the development of the sporting grounds.
 - The development of facilities such as canteens, storage sheds, seating, etc.
 - Any other matter regarding the Upper Hunter Shire that may relate to Bill Rose Sporting Complex, Scone.

Membership

The membership of the Sub-Committee shall be as follows:

- Two (2) Councillors
- One (1) voting representative from the following organisations:
 - Scone Junior Cricket Association
 - Upper Hunter District Cricket Association
 - Scone Hockey Club
 - Scone Football Club
 - Scone Netball
 - Scone Athletics Association
 - Scone Junior Rugby Union
 - Scone Touch Football Association
- One (1) non-voting representative from the following schools:
 - Scone Public School
 - Scone High School
 - Scone Grammar School
 - St Marys Primary School
 - St Joseph's High School
 - Aberdeen Public School
 - Belltrees Public School

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Adopted Date:

Status: Draft

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Bill Rose User Group Sub-Committee Charter



Chair Person

The chairperson is to be a Councillor elected by the sub-committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Staff Attending

One member from Upper Hunter Shire Council (UHSC).

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the sub-committee may be as required with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the sub-committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons three (3) days prior to the meeting date (in accordance with Council policy).

Minutes of the meeting shall be referred to the Scone District Community Advisory Committee for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

Venue

Meetings will be held in Scone at the Scone Administration Centre.

Adopted Date:

Status: Draft

page 3 of 4

Bill Rose User Group Sub-Committee Charter



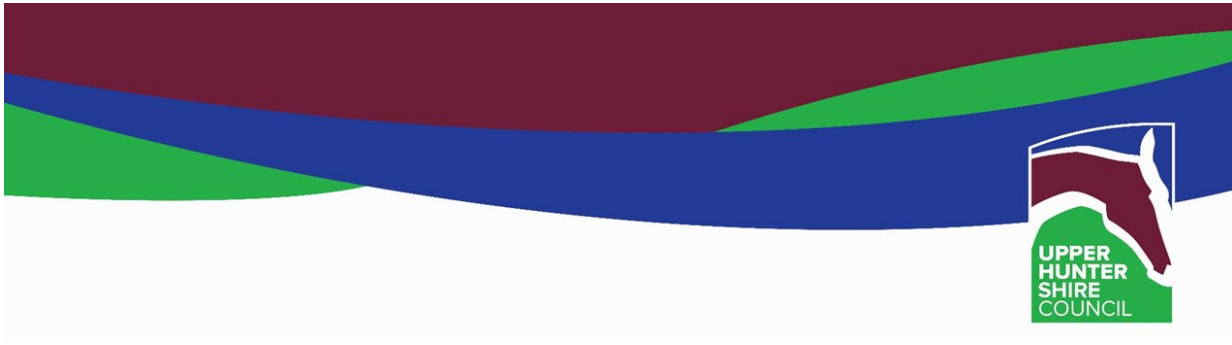
Version History

Version No.	Date	CD Ref	Reason for Review
1	Draft	CD-101/24	New term of Council

Adopted Date:

Status: Draft

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COMMITTEE CHARTER

Jefferson Park User Group Sub-Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-102/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Infrastructure Services

Jefferson Park User Group Sub-Committee Charter



Background

Following the formation of the Aberdeen District Community Advisory Committee (Aberdeen District CAC), the Jefferson Park User Group Sub-Committee was established as an advisory group reporting to the Aberdeen District CAC on matters regarding the development of Jefferson Park at Aberdeen.

Purpose and Objectives

The purpose of the Jefferson Park User Group Sub-Committee is to monitor the operation of the existing facility and to make recommendations to the Aberdeen District CAC on the most appropriate means of developing Jefferson Park sporting facilities.

The sub-committee is established to undertake the following functions:

- To investigate, report and make recommendations to the Aberdeen District CAC on the following matters for consideration by Council:
 - Liaison with appropriate bodies, for example, grant funding bodies, for the development of the sporting grounds.
 - The development of facilities such as canteens, storage sheds, seating, etc.
 - Any other matter regarding the Upper Hunter Shire that may relate to Jefferson Park, Aberdeen.

Membership

The membership of the Sub-Committee shall be as follows:

- One (1) Councillor
- One (1) voting representative from the following organisations:
 - Aberdeen Golf Club
 - Aberdeen Bowling Club
 - Aberdeen Junior Rugby League
 - Aberdeen Little Athletics
 - Aberdeen Senior Rugby League
 - Aberdeen Junior Cricket
 - Aberdeen Highland Games Committee
 - Group 21 Rugby League
- One (1) non-voting representative from the following schools:
 - St Joseph's Catholic College
 - Aberdeen Public School

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

Adopted Date:

Status: Draft

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Jefferson Park User Group Sub-Committee Charter



The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chair Person

The chairperson is to be a Councillor elected by the sub-committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Staff Attending

One member from Upper Hunter Shire Council (UHSC).

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the sub-committee may be as required with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the sub-committee.

Meetings shall be held in Scone at the Scone Administration Centre.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons 3 days prior to the meeting date (in accordance with Council policy).

Adopted Date:

Status: Draft

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Jefferson Park User Group Sub-Committee Charter



Minutes of the meeting shall be referred to the Aberdeen District Community Advisory Committee for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

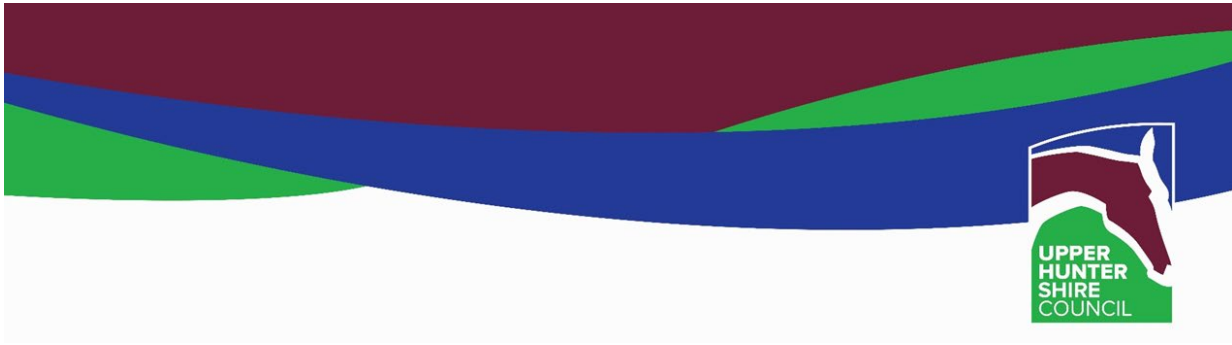
Version History

Version No.	Date	CM Ref#	Reason for Review
1	Draft	CD-102/24	New term of Council

Adopted Date:

Status: Draft

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COMMITTEE CHARTER

Merriwa Showground User Group Sub-Committee

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group – 18 December 2024
CM Ref	CD-104/24
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Infrastructure Services

Merriwa Showground User Group Sub-Committee Charter



Purpose and Objectives

The purpose of the Merriwa Showground User-Group Sub-Committee is to monitor the operation of the existing facility and to make recommendations to the Merriwa District Community Advisory Committee (Merriwa District CAC) on the most appropriate means of developing the Merriwa Showground.

The sub-committee is established to undertake the following functions:

- To investigate, report and make recommendations to the Merriwa District CAC on the following matters for consideration by Council:
 - Liaison with appropriate bodies, for example, grant funding bodies, for the development of the grounds.
 - The development of facilities such as canteens, storage sheds, seating, etc.
 - To assist in the development of an appropriate management plan for Merriwa Showground
 - To assist in liaising with appropriate bodies for the development of Merriwa Showground.
 - To assist in the development of ancillary facilities such as camping grounds, arenas etc. within Merriwa Showground
 - Any other matter that may be related to the development of Merriwa Showground
 - To assist in the development of a plan for the ongoing maintenance of Merriwa Showground.

Membership

The membership of the Sub-Committee shall be as follows:

- One (1) Councillor
- One (1) voting representative from the following organisations:
 - Merriwa PAH&I Association (Show)
 - Merriwa Pony Club
 - Merriwa Bushmans Campdraft & Rodeo Association Inc
 - Merriwa Showjumping and Dressage Club
 - Merriwa Show Festival of the Fleeces

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chair Person

The chairperson is to be a Councillor elected by the sub-committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Merriwa Showground User Group Sub-Committee Charter



Staff Attending

One member from Upper Hunter Shire Council (UHSC).

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the sub-committee may be as required with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the sub-committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

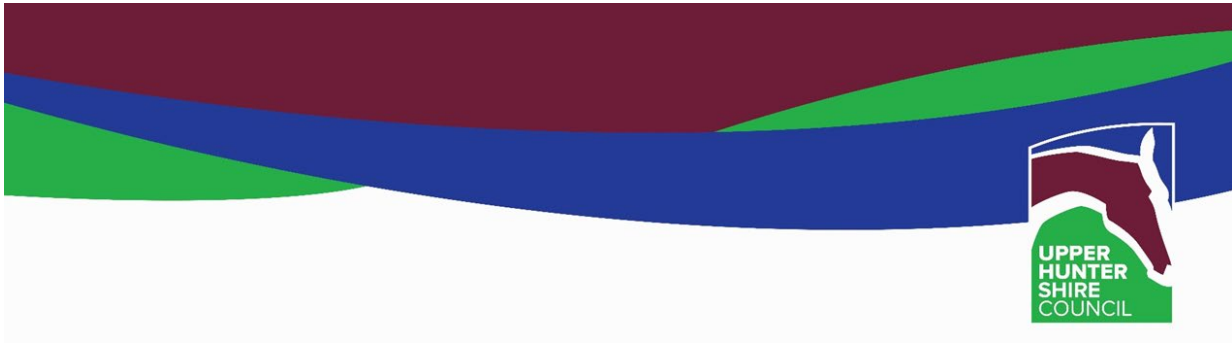
Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons 3 days prior to the meeting date (in accordance with Council policy).

Minutes of the meeting shall be referred to the Merriwa District CAC for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

Version History

Version No.	Date	CM Ref#	Reason for Review
1	Draft	CD-104/24	New term of Council



COMMITTEE CHARTER

Merriwa Sportsground User Group Sub-Committee

Date adopted by Council	
Minute number	
Endorsed by	
CM Ref	CD-8/25
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Infrastructure Services

Merriwa Showground User Group Sub-Committee Charter



Background

Following the formation of the Merriwa District Community Advisory Committee (Merriwa District CAC), the Merriwa Sportsground User Group Sub-Committee was established to as an advisory group reporting to the Merriwa District CAC on matters regarding the development of the Merriwa Sporting Precinct.

Purpose and Objectives

The purpose of the Merriwa Sportsground User Group Sub-Committee is to monitor the operation of the existing facility and to make recommendations to the Merriwa District CAC on the most appropriate means of developing the Merriwa Sporting Precinct and to support grant applications.

The sub-committee is established to undertake the following functions:

- To investigate, report and make recommendations to the Merriwa District CAC on the following matters for consideration by Council:
 - Liaison with appropriate bodies, for example, grant funding bodies, for the development of the sporting grounds.
 - The development of facilities such as canteens, storage sheds, seating, etc.
 - Any other matter regarding the Upper Hunter Shire that may relate to the Merriwa Sporting Precinct.
 - Developing the Merriwa Sporting Precinct Masterplan

Membership

The membership of the Sub-Committee shall be as follows:

- One (1) Councillor
- One (1) voting representative from the following organisations:
 - a. Merriwa Junior Rugby League & Netball
 - b. Merriwa Little Athletics
 - c. Merriwa Senior Cricket
 - d. Merriwa Senior Rugby League
 - e. Merriwa Tennis
 - f. Merriwa Touch Football Association
 - g. Merriwa Gym
 - h. Merriwa Sports Club
 - i. Merriwa Squash
 - j. Merriwa Golf
- One (1) non-voting representative from the following schools:
 - a. St Joseph's Primary School
 - b. Merriwa Central School
 - c. Merriwa Chamber of Commerce

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Merriwa Showground User Group Sub-Committee Charter



Chair Person

The chairperson is to be a Councillor elected by the sub-committee

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Staff Attending

One member from Upper Hunter Shire Council (UHSC).

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Meetings

Meetings of the sub-committee may be as required with two (2) weeks notice to be given.

Meetings shall commence at the time-resolved by the sub-committee.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons 3 days prior to the meeting date (in accordance with Council policy).

Minutes of the meeting shall be referred to the Merriwa District CAC for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

Adopted Date:

Status: Draft

page 3 of 4

Merriwa Showground User Group Sub-Committee Charter



Version History

Version No.	Date	CM Ref#	Reason for Review
1	Draft	CD-8/25	New term of Council

Adopted Date:

Status: Draft

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General Manager's Unit

NOTICES OF MOTION

NM.02.1

***NOTICE OF MOTION - STORM EVENTS ON 15 & 16
JANUARY 2025***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

The following notice of motion has been received by Cr George Fraser:

MOTION

That Council endorse the actions of the General Manager of the Upper Hunter Shire Council in responding to the aftermath of the storms of 15 and 16 January 2025.

General Manager's Unit

NM.02.2

***NOTICE OF MOTION - FORMATION OF A RURAL ROADS
COMMITTEE***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Robyn Cox - Executive Assistant

The following notice of motion has been received from Cr Pat Ryan:

MOTION

That Council establish a Rural Roads Advisory Committee to report to the Infrastructure Services Committee and adopt the draft Charter.

BACKGROUND

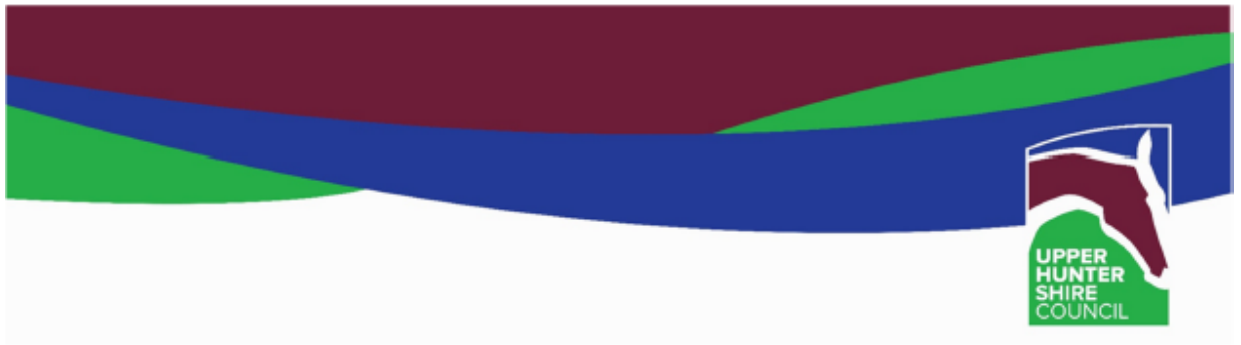
I have been approached by a number of rural ratepayers over the last 6 months that are keen to have an input into the works schedule for unsealed rural roads and priorities around maintenance.

Having had an informal meeting with a number of those ratepayers and representatives in the western part of the shire such as NSW Farmers, MDPA and the Merriwa CAC, this reinforced my desire to form a rural roads committee to contribute ideas around delivering greater efficiencies such as gravel locations and providing the community with greater confidence in our program and operations.

The expectation would be for this committee to be representative of the whole shire and report to the Infrastructure committee twice per year.

STAFF COMMENT

If Council resolve to go ahead with forming a Rural Roads Advisory Committee, the attached draft Charter is provided for Council's consideration.



COMMITTEE CHARTER

Roads Committee

Date adopted by Council	
Minute number	
Endorsed by	
CM Ref	CD-10/25
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Infrastructure Services

Policy: Roads Committee



Purpose and Objectives

The purpose of the Roads Committee is to track the effectiveness of Council's Road Maintenance Program and provide suggestions on operational and strategic improvements.

The sub-committee is established to undertake the following functions and reports directly to Infrastructure Services Committee on a 6-monthly basis:

- The committee is responsible to assess our road maintenance processes, policies and Asset Management Plans to identify areas for improvement, and ensure that the program meets the community's safety and infrastructure needs.
- Discussions on individual CRMs or improvements to a specific road is not within the scope of this committee, however, the overall process improvement can be recommended.
- The scope of road matters should be outside of what is already reported in Infrastructure Services Committee meeting

Membership

The membership of the Sub-Committee shall be as follows:

- Two (2) Councillors plus one alternate
- Up to Eight (8) members from the community – spread across Aberdeen, Scone, Murrurundi, Merriwa and Cassilis. At least one from each community.

Councillors may appoint additional members to the sub-committee by resolution at a Council Meeting.

Where the Mayor isn't elected to a committee they may attend and vote only in the absence of a voting committee member.

The General Manager or their nominee(s) will be non-voting advisors to this committee.

Chair Person

The Committee chairperson is to be a Councillor elected by the Sub-Committee.

Quorum

A quorum shall consist of a majority of members, including at least one Councillor.

Roles and Responsibilities

Committee members shall make every effort to attend Committee meetings. Where a member is absent for three consecutive meetings without registering an apology their position will be declared vacant.

No member of the Committee is able to make media or public comment on behalf of the Council at any time.

Policy: Roads Committee

Meetings

Meetings of the sub-committee is 6 monthly or as determined by the chair with two (2) weeks' notice provided.

Face-to-face meeting is recommended.

Acceptable alternative meeting format for minor issues can include electronic meetings where the advice of the members is sought via email. This allows items to be considered as they arise and may reduce response time.

The committee will attempt to reach consensus of decisions. In situations where it appears that a consensus cannot be reached upon a recommendation, it will be necessary for the chairperson to call a vote on the proposed recommendation. The vote shall be by a show of hands. In cases of a tied vote, the chairperson will have a second or casting vote. Any dissent may be recorded at the request of the dissenter(s).

Meetings will be conducted in accordance with the principles of the Code of Meeting Practice and Code of Conduct.

Agenda & Minutes

The business papers (including the Agenda and Minutes) shall be completed by a member of the committee and distributed to all members and to other persons 5 days prior to the meeting date (in accordance with Council policy). Some administrative support can be sought from Council.

Minutes of the meeting shall be referred to Infrastructure Services Committee for consideration and recommendations from the sub-committee shall be effective only after adoption by Council.

Venue

Meetings shall be held in different townships in the order of Scone, Merriwa and Murrurundi with the first meeting at Scone Administration Centre.

Version History

Version No.	Date	CM Ref	Reason for Review
1	Draft	CD-10/25	New charter



Corporate Services

CR.02.2 **TENDER 03/2025 - PREFERRED SUPPLIERS - HIRE OF PLANT**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

REPORT PREPARED BY: Wayne Phelps - Manager Finance

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to outline the process that has been followed for the evaluation of the Tender 03/2025 received for the Hire of Plant and Services to provide Council with a list of preferred suppliers with fixed hire rates.



Infrastructure Services

CR.02.3

***TENDER NO. 08/2024 WHITE PARK ROOF EXTENSION -
TENDER EVALUATION REPORT***

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

REPORT PREPARED BY: Chris Agosto - Project Manager

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

PURPOSE

The purpose of this report is to outline the process that has been followed for the evaluation of Tender No. 08/2024 for the White Park Roof Extension and to make a recommendation to accept a tender.



Infrastructure Services

CR.02.5

TENDER NO. 05/2025 - FY25 SEWER RELINING - TENDER EVALUATION

RESPONSIBLE OFFICER: Rag Upadhyaya - Director Infrastructure Services

AUTHOR: Mick Doran - Project Manager

This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to outline the process that has been followed for the evaluation of Tender No.05/2025 for the Sewer Relining Program and to make a recommendation to allocate funds and award the tender to the preferred tenderer.

Corporate Services

CR.02.6

***PROPOSED EASEMENT CALL OPTION DEED AND
AMENDMENTS TO ORIGINAL LEASE FOR COUNCIL LAND
HELD IN ABERDEEN***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Manager Finance

This matter is considered to be confidential under Section 10A(2) (d i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to consider the granting of an easement over Council land for the potential installation of electricity transmission lines to and from a Battery Energy Storage System located on Council land in Aberdeen that already has a long-term lease arrangement in place with the proponents Maizewood Pty Ltd.

