



ORDINARY COUNCIL MEETING

AGENDA

3 DECEMBER 2024

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 3 December 2024** commencing at **6:30 PM**.

David Waddell
CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

1.5 OPENING PRAYER

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

2.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING - 13 & 14 NOVEMBER 2024

RECORD NUMBER: 2024/1749

MAYORAL MINUTE

The CEO and I attended the Central NSW Joint Organisation Board Meeting and State Parliament Visit in Sydney on 13 and 14 November 2024. Attached to this report are the minutes from this meeting.

RECOMMENDATION

That Council note the report from the Mayor on the Central NSW Joint Organisation (CNSWJO) Board meetings 13 and 14 November 2024 and seek a presentation from CNSWJO on its program including value to this Local Government Area.

Tony Mileto
MAYOR

SUPPORTING INFORMATION

Please find following advice from the recent meeting of the Central NSW Joint Organisation Board held at Local Government House in Sydney on the 13 November 2024. The Minutes from the meeting are attached. The following day the Board met NSW Government Ministers including the Premier and Treasurer, coordinated through the Office of Mr Phil Donato, Member for Orange.

Notably, there has been substantial change to the CNSWJO Board with recently elected Mayors being as follows:

Cr R Taylor	Bathurst Regional Council
Cr B Reynolds	Blayney Shire Council
Cr K Beatty	Cabonne Council
Cr P Smith	Cowra Council
Cr P Miller, OAM	Forbes Shire Council
Cr J Medcalf, OAM	Lachlan Shire Council
Cr C Coleman	Lithgow City Council
Cr A McKibbin	Oberon Council
Cr T Mileto	Orange City Council
Cr N Westcott	Parkes Shire Council
Cr P Best	Weddin Shire Council



**CENTRAL NSW
JOINT ORGANISATION**

Cr K Beatty and Cr P Miller OAM, Chair and Deputy Chair

2.1 Central NSW Joint Organisation Board Meeting - 13 & 14 November 2024

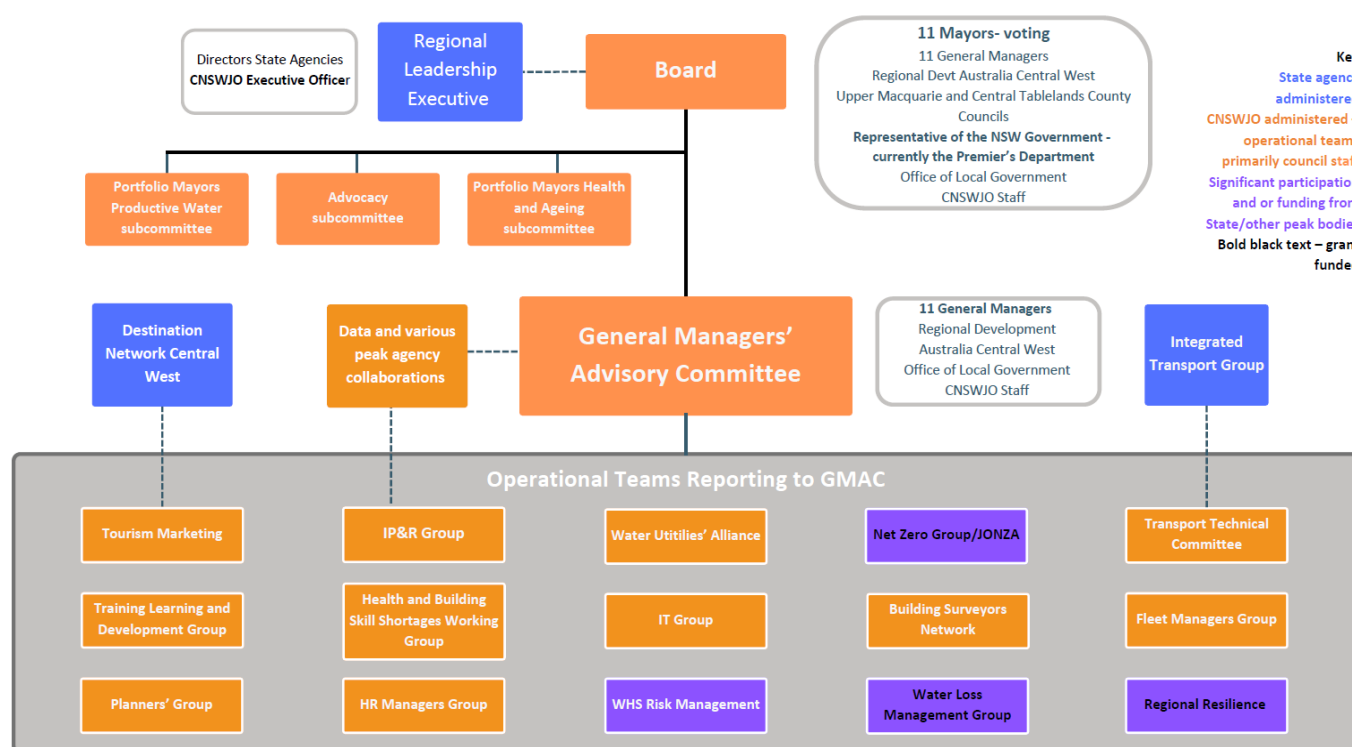
The meeting began with the election of the Chair and Deputy Chair. Cr Kevin Beatty, Mayor of Cabonne was elected Chair, unopposed. Cr Phyllis Miller OAM, Mayor of Forbes was elected Deputy Chair, unopposed.

Given this is the first meeting of the Board after the September election, Portfolio Mayors were appointed to the seven priorities of the Board.

Speakers to the Board were Mr Andrew McConville, Chief Executive from the Murray Darling Basin Authority and Mr David Reynolds, Chief Executive from Local Government NSW.

The Executive Officer provided a brief introduction to the business paper, the region's priorities and the JO structure.

Updates were provided from the Office of Local Government, Regional Development Australia Central West and the Premier's Department.



CNSWJO Structure

More detail on reports to the meeting are below where the agenda can be found at [241113 Board-agenda web-version.pdf](#)

The Board adopted the Annual Statement including Financial Statements which can be found at [Central NSW Joint Organisation Annual Statement for 2024](#). In summary, CNSWJO value to members included:

- 26 submissions lodged on priorities identified in region ranging from council financial sustainability through to water reform;
- 32 plans, strategies and other collateral that members can leverage for funding, advocacy, forward planning and other purposes;
- 175 representation and collaboration opportunities;

2.1 Central NSW Joint Organisation Board Meeting - 13 & 14 November 2024

- \$5m in net cost savings from aggregated procurement and AER determination;
- \$1.3m in grants for members; and
- \$1.43m in public relations value through its regional destination marketing program.

The Board resolved to table correspondence at its meeting with NSW Government representatives regarding concerns about the funding framework, particularly for mining affected communities.

The following day was one of engagement with NSW Government representatives hosted by Mr Phil Donato, Member for Orange. The day began with a welcome by the 47th Premier of NSW, the Hon Chris Minns. Mayors raised local and regional issues with the following Ministers:

- The Hon Chris Minns MP – Premier of NSW;
- The Hon Jenny Aitchison MP – Minister for Regional Transport and Roads;
- The Hon Daniel Mookhey, MLC -Treasurer;
- The Hon Tara Moriarty MLC -Minister for Agriculture, Minister for Regional New South Wales and Minister for Western New South Wales;
- The Hon Rose Jackson MLC- Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth and Minister for the North Coast;
- The Hon Ryan Park MP, Minister for Health, Minister for Regional Health and Minister for the Illawarra and the South Coast;
- The Hon Paul Scully MP, Minister for Planning and Public Spaces;
- The Hon Jihad Dib MP, Minister for Customer Service and Digital Government, Minister for Emergency Services and Minister for Youth Justice; and
- The Hon Ron Hoenig MP – Minister for Local Government.



The Hon Chris Minns, 47th Premier of NSW, speaks to Board members.,

Please request briefing notes.

Submissions

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All previous submissions can be viewed on the CNSWJO website at [Submissions - Central Joint Organisation \(nsw.gov.au\)](https://www.cnswj.org.au/submissions)

2.1 Central NSW Joint Organisation Board Meeting - 13 & 14 November 2024

- Submission on the third inquiry into the Rural and Regional Health Services – October 2024
- Feedback on New National Water Agreement – September 2024
- Feedback on Draft Australian Drought Policy – September 2024
- Submission to the Select Committee on Essential Worker Housing on Options for Essential Worker Housing – September 2024
- Submission on the Council Apprentice, Trainee and Cadet Program Funding Guidelines – September 2024
- Submission on the Draft Disaster Adaption Plan Guidelines – August 2024



A big thanks to Phil Donato, Member for Orange, for bringing together a very successful agenda with State Ministers at Parliament House Sydney.

Memorandum of Understanding (MoU) and work with the Rural Doctors' Network (RDN)

The MoU with the RDN was reconfirmed in the presence of the Minister for Health and Regional Health, the Hon Ryan Park. The past twelve months have seen the completion of a project on health literacy with the RDN. All members of the CNSWJO have received their final reports in this regard and some recommendations were made at the regional level as per the below.



Signing of the MoU with RDN. R-L – Mr Richard Colbran, CEO RDN, Cr K Beatty, Cr P Miller OAM, The Hon Ryan Park, Minister for Health and Minister for Regional Health.,

7.1 Advocacy

There are considerable gaps in the broader system that pose significant barriers to building the pool of healthcare professionals in the Central West. There were concerns about the gradual encroachment of engagement with health and health service delivery beyond the mandated environmental health Councils, work that is beyond the remit of council and unfunded. There is a significant advocacy component – as rural and remote continue to grapple with thin markets in primary care, characterized by inadequate supply of primary healthcare professionals to meet community demands, communities will find access to high quality, local, primary care more difficult. Councils bore the brunt of this and engage with the health system of necessity and often unfunded.

In conversations with Councils, it was also noted that challenges such as insufficient housing, readily available childcare options, and employment opportunities for family members could create barriers to attracting and retaining a health workforce.

There is an opportunity for CNSWJO to advocate for improved housing availability, access to childcare, and alternative funding models to improve health access for their respective constituencies.

There is opportunity to work with RDN to invite government representatives from health to attend a CNSWJO Meeting or visit Councils in the region. Given the recent *NSW Parliamentary Inquiry into Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote New South Wales*, this could provide an opportunity for government to engage directly with Councils and learn more about local challenges.

CNSWJO is encouraged to engage in collaboration with peak agencies to share findings from this project and seek equitable outcomes for the region.

It could also advocate to have updated data on key health metrics including health workforce from RDN and the respective LHDs and PHNs.

7.2 Action Plan Implementation

The *Action Plan* lays out recommendations Council can consider to support access to health services. These can be implemented in collaboration with partners such as RDN and the Local Health Districts.

The steps followed in this project is part of a larger methodology, Collaborative Care, which Councils can consider implementing in partnership with RDN. The steps undertaken in this project form *Part One* of the method – full implementation of the target can help formulate targeted interventions for specific health issues communities face.

7.3 Collaborative Care

Collaborative Care is a community-centred approach to addressing the primary health care challenges in remote and rural NSW. These challenges include the provision of services, recruitment and retention of health practitioners, financial sustainability of health services, and continuity of care for patients.

The approach works with local health professionals and communities to create a primary health care access model that fits their needs. It does this by bringing communities from neighbouring areas together to co-design shared priorities and solutions. Collaborative Care Program is an extension of RDN's town-based health planning approach, which has proven successful for more than 30 years.

Support for incoming Councillors and the CNSWJO Statement of Strategic Regional Priority

Under the Local Government Act, Joint Organisations must undertake a review of their Statement of Strategic Regional Priority (SSRP) every new term of Council. This is a similar document to Council's Community Strategic Plan– but from a regional perspective.

Guidance from the Office of Local Government states that the review should be conducted in consultation with all members and state agencies while referencing Council Community Strategic Plans.

For more detail on the process please go to the relevant chapter in the <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

The Board received advice about the development of the SSRP including two workshops with councillors from all member councils.

2.1 Central NSW Joint Organisation Board Meeting - 13 & 14 November 2024

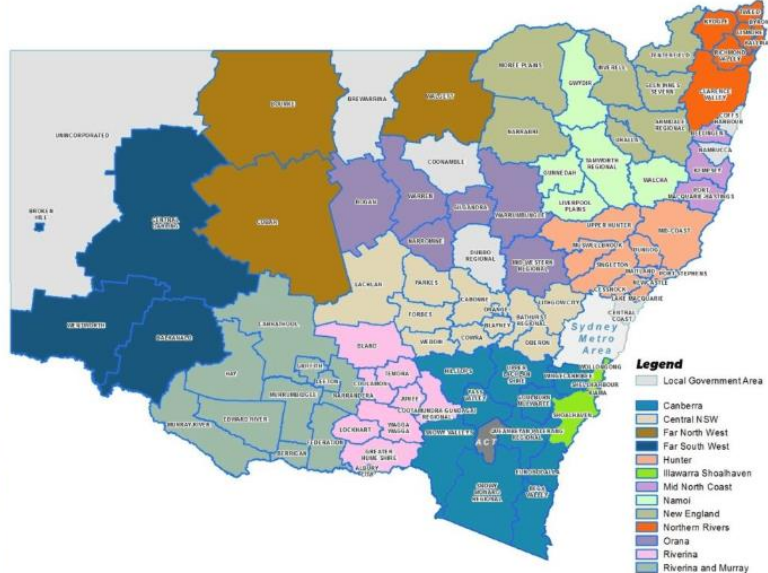
At the time of writing, the first workshop will be held November 28 and will welcome this term of councillors to the region and provide background on CNSWJO. Councillors have an invitation in their diaries for this event.

The second workshop will focus more on what councillors from across the region want to see in the SSRP and this workshop will be held in March 2025.

CNSWJO would also like to provide a presentation to the new Council on its programming and seek feedback on its priorities. This is recommended.

CNSWJO Chair elected as Deputy Chair of the Joint Organisations' Forum

Subsequent to the meeting with State representatives the CNSWJO Chair was elected as Deputy Chair of the Joint Organisation's Chairs' Forum who work together on advocacy and leading practice.



Cr K Beatty, Deputy Chair, Cr S Moore, Mayor of Singleton Council and Chair of the Joint Organisation Chair's Forum and the map of JOs in NSW.

Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. For the 2023/2024 year this program delivered a return on investments of 8.3:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 8.3:1 ROI. However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas at

<https://www.centraljo.nsw.gov.au/business-papers-agendas/> or to review last year's Annual Statement please go to [2023 STATEMENT \(nsw.gov.au\)](#)

Grant funded projects for the 2023/2024 year were:

- The Joint Organisation Net Zero Acceleration Program (ongoing);
- Disaster Risk Reduction Fund Program (Round One completed);
- Disaster Ready Fund (Round 2 application);
- Bridge Assessments (due for completion in 2024/2025);
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security (completed);
- A Regional Centre of Excellence in Water Loss Management (due for completion in 2024/2025);
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting (completed); and
- A Spare Capacity in Housing Project (completed).

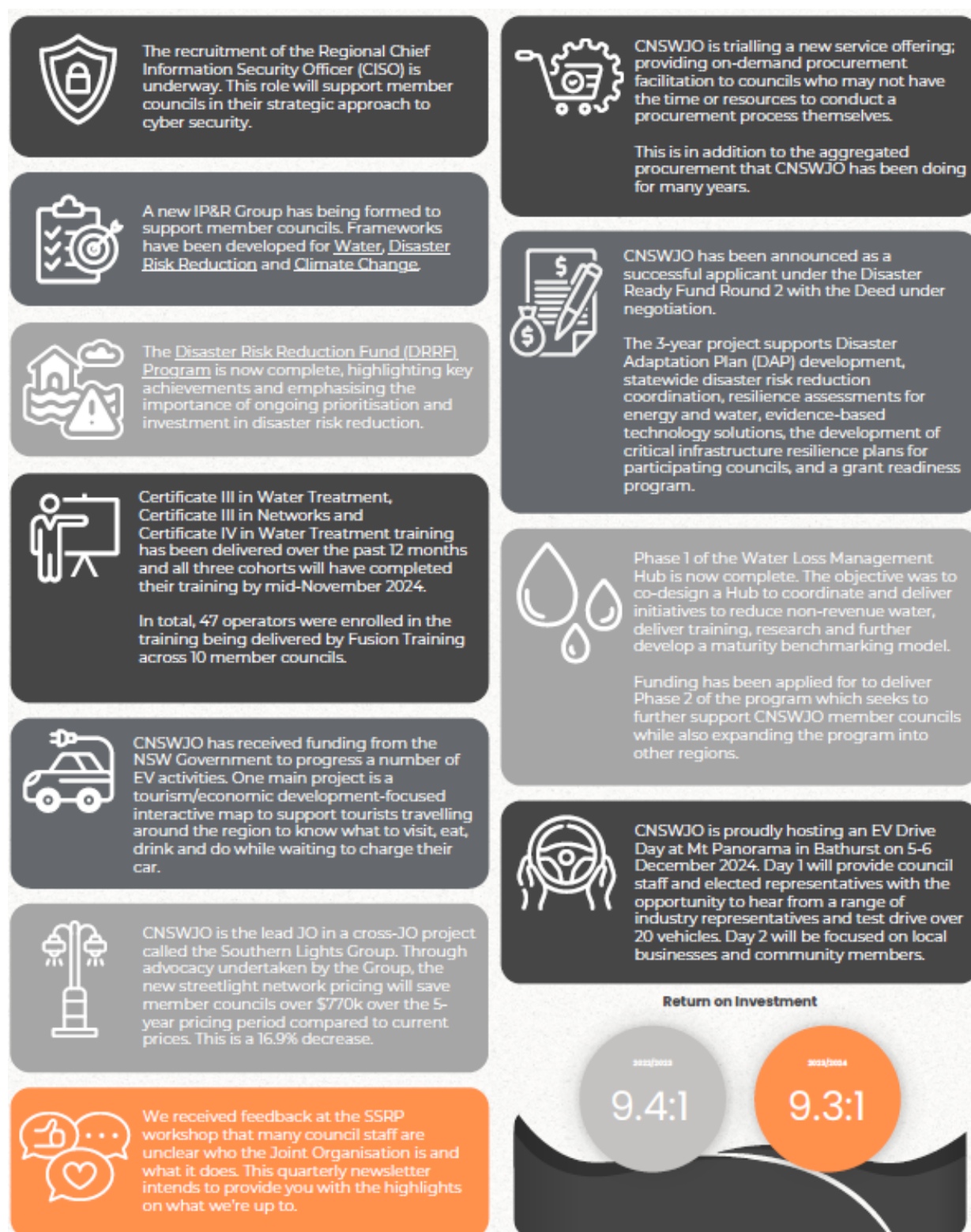
Further applications have been made for programs under the auspices of the Board – please request advice on their status.

This value is delivered primarily by the various operational teams across the region including the CNSWJO;

- General Managers' Advisory Committee
- Water Utilities' Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners' Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Net Zero Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee
- Fleet Managers Group (new!)
- Integrated Planning and Reporting Group (new!)

Please find following some highlights from the various operational support programs taken from a recent newsletter. For the full newsletter please go to [CNSWJO Quarterly Newsletter - Edition 1 - November 2024](#)

2.1 Central NSW Joint Organisation Board Meeting - 13 & 14 November 2024



ATTACHMENTS

- 1 CNSWJO Minutes of the Board meeting 13 November 2024 held in Sydney, D24/130412

Minutes of the Board meeting 13 November 2024 held in Sydney**Board members In Attendance***

Cr R Taylor	Bathurst Regional Council	Cr C Coleman	Lithgow City Council
Cr B Reynolds	Blayney Shire Council	Cr A McKibbin	Oberon Council
Cr K Beatty	Cabonne Council	Cr T Mileto	Orange City Council
Cr P Smith	Cowra Council	Cr M Applebee	Parkes Shire Council
Cr P Miller, OAM	Forbes Shire Council	Cr P Best	Weddin Shire Council
Cr J Medcalf, OAM	Lachlan Shire Council	Ms G Collins	Premier's Dept

Associate Member delegates and others attending

Ms D Sherley	Bathurst Regional Council	Cr A Rawson	Central Tablelands Water
Mr B Byrnes	Cabonne Council	Mr C Harris	Central Tablelands Water
Mr D Wymer	Cowra Shire Council	Mr J Gordon	RDACW
Mr G Tory	Lachlan Shire Council	Ms K Annis-Brown	OLG
Mr R Gurney	Lithgow City Council	Ms J Bennett	CNSWJO
Mr G Wallace	Oberon Council	Ms M Macpherson	CNSWJO
Mr D Waddell	Orange City Council	Ms K Barker	CNSWJO
Mr K Boyd PSM	Parkes Shire Council	Ms C Griffin	CNSWJO
Ms N Vu	Weddin Shire Council		

*Voting members in **bold**

Meeting opened at 12.30pm

1. The Executive Officer welcomed the Board to the meeting, held in Sydney.**2. Acknowledgement of Country****3. Election of Chairperson and Deputy Chairperson**

Cr Kevin Beatty was elected unopposed as the Chair for the CNSWJO for a period of 2 years.

Cr Phyllis Miller was elected unopposed as the Deputy Chair for the CNSWJO for a period of 2 years.

4. Apologies, applications for a leave of absence by Joint Organisation Voting representatives

S Loane OAM, Cr N Westcott, Cr R Fagan Chair RDACW, M Dicker, T Johnson,

Resolved	Cr J Medcalf / Cr P Miller
That the apologies for the Central NSW Joint Organisation Board meeting 13 November 2024 listed above be accepted.	

5. Conflicts of Interest

Resolved	Cr M Applebee / Cr A McKibbin
Nil declared	

6. Speakers

Mr Andrew McConville, Chief Executive from Murray Darling Basin Authority

Mr David Reynolds, Chief Executive from Local Government NSW

Ms Jenny Bennett will provide a briefing on navigating the business paper and an overview of the calendar of meetings for the year

7. The CNSWJO Acronyms and Glossary Guide**8. Minutes****8a Noting of the Minutes of the CNSWJO GMAC Meeting held 31 October 2024 in Blayney**

Resolved	Cr P Miller / Cr J Medcalf
That the Minutes of the CNSWJO GMAC Meeting held 13 November 2024 in Blayney were noted.	

8b Confirmation of the Minutes of the CNSWJO Board Meeting 21 August 2024 in Canberra

Resolved	Cr M Applebee / Cr P Miller
That the Minutes of the CNSWJO Board Meeting held 21 August 2024 in Canberra were accepted.	

9. Business Arising from the Minutes - Matters in Progress

Resolved	Cr M Applebee / Cr A McKibbin
That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.	

10. Reports on Statement of Regional Strategic Priority 2022-2025**10a Financial Report**

Resolved	Cr J Medcalf / Cr A McKibbin
That the Board note the Financial Report and note that CNSWJO is up to date with its obligations under the Office of Local Government compliance calendar.	

10b Adoption of the Audited Financial Statements for the year ended 30 June 2024

Resolved	Cr B Reynolds / Cr P Miller
That the Board adopt the Central NSW Joint Organisation General Purpose Financial Statements for the year ended 30 June 2024.	

10c Annual Compliance and CNSWJO Meeting dates for 2025

Resolved	Cr T Mileto / Cr P Miller
<p>That the Board note the Compliance report and;</p> <ol style="list-style-type: none"> note the Calendar of Compliance and Reporting-Requirements update; endorse the 2024 Annual Performance Statement and place it on the website; note the advice from the Executive Officer that this is summarised in the Annual Performance Statement; note the advice on code of conduct complaint statistics; note the Pecuniary Interest Returns under s450a of the Local Government Act 1993; determine the dates for Board meetings for 2025 be: <ol style="list-style-type: none"> 27 February 2025 in Oberon 29 May 2025 at either State or Federal Parliament House 28 August 2025 in Orange 27 November 2025 at either State or Federal Parliament House determine the dates for GMAC meetings for 2025 be: <ol style="list-style-type: none"> 6 February 2025 in Grenfell 1 May 2025 in Orange 24 July 2025 in Bathurst 23 October 2025 in Orange 	

10d Policy and Procedure Annual Review

Resolved	Cr R Taylor / Cr A McKibbin
<p>That the Board note the CNSWJO Policy Procedure Annual Review report and</p> <ol style="list-style-type: none"> adopt the updated Policy and Procedure Manual noting it includes the following new policies; <ol style="list-style-type: none"> Salary Structure; Motor Vehicle Policy; Vehicle Procedure; Updated Delegations; Cyber Security Policy; End of Term Caretaker Mode Policy; and 	

2. adopt the procedure for the Executive Officer Performance Appraisal.

10e Statement of Strategic Priority Review Progress Report

Resolved	Cr P Miller / Cr M Applebee
That the Board note the Statement of Strategic Regional Priority (SSRP) Review Progress Report and;	
1. ratify the approach to developing this term's SSRP;	
2. note that the Board meeting in February will include a workshop on the SSRP and allow sufficient time for this on the day;	
3. adopt the "problem statement" and "opportunities statement" from the workshop with GMAC; and	
4. agree to a half hour session at Parliament House 14 November to explore short term wins;	
5. appoint a Subcommittee to develop an approach to supporting enduring Council financial sustainability with advice to inform the SSRP, which includes Cr B Reynolds, Mr D Waddell, Ms N Vu, Mr R Gurney and Mr B Byrnes.	

10f Governance and Advocacy Report

Resolved	Cr J Medcalf / Cr A McKibbin
That the Board note the Governance and Advocacy Report and;	
1. nominate Portfolio Mayors to the various portfolios of:	
<ul style="list-style-type: none"> Leveraging our successful collaboration – Cr K Beatty, Cr P Miller Regional Prosperity through better infrastructure and services – Cr B Reynolds, Cr N Westcott Advocate for better infrastructure and services in health and ageing – Cr P Miller, Cr N Westcott, Cr J Medcalf Telecommunications – Cr J Medcalf, Cr P Miller, Cr K Beatty Regional Transport Planning and Infrastructure Prioritisation – Cr P Smith, Cr A McKibbin, Cr B Reynolds Regional Water Security and Productive Water – Cr R Taylor, Cr P Smith, Cr A Rawson Transition to a sustainable, secure and affordable energy future – Cr C Coleman, Cr N Westcott; and 	
2. adopt the Memorandum of Understanding with Rural Doctors Network for signature with the Minister for Health at the parliamentary session 14 November 2025;	
3. note the Final Report from the Rural Doctor's Network on the NSW Regional Community Health System and Workforce Engagement Project;	
4. receive advice on the recommendations from this report;	
5. note the invitations for the Opt-in Subcommittee for Advocacy will be issued for a monthly meeting on a Wednesday at 7:30am;	
6. note that with the federal election being held before September 2025 that the Opt-in Advocacy Subcommittee will be asked to turn its mind to advocacy in the regard;	
7. adopt the Code of Conduct submission to be lodged 29 November; feedback	
8. endorse the following submissions that have been lodged:	
<ul style="list-style-type: none"> a. Submission on the third inquiry into the Rural and Regional Health Services – October 2024 Feedback on New National Water Agreement b. Feedback on Draft Australian Drought Policy c. Submission to the Select Committee on Essential Worker Housing on Options for Essential Worker Housing – September 2024 d. Submission on the Council Apprentice, Trainee and Cadet Program Funding Guidelines – September 2024 e. Submission on the Draft Disaster Adaption Plan Guidelines – August 2024 	

10g Procurement Report

Resolved	Cr M Applebee / Cr A McKibbin
That the Board note the Procurement Report and approve the updates to the procurement plan.	

10h Regional Integrated Planning & Reporting (IP&R) Group Report

Moved	Cr T Mileto / Cr M Applebee
That the Board note the Regional Integrated Planning and Reporting (IP&R) Report and:	
1. endorse the Regional IP&R Group's Terms of Reference;	
2. endorse the Regional IP&R Group's Plan on a Page; and	
3. endorse the Regional Climate Change IP&R Framework and commend it to members.	

10i Regional Resilience Program

Resolved	Cr A McKibbin / Cr R Taylor
1. That the Board note the Regional Resilience Program report and the successful application for Round 2 of the Disaster Ready Fund which includes \$743,130 in grant funding.	

10j Regional Water Report

Resolved	Cr P Miller / Cr M Applebee
That the Board note the Regional Water Report and	
1. note the advice from Frontier Economics that the pilot Regional Water Loss Management Hub has demonstrated excellent value for money with a benefit-cost ratio (BCR) of 9.98 and that based on the Regional Leakage Reduction program the value of the water savings are estimated to be \$5.26/kL;	
2. note that CNSWJO is in negotiations with the Department of Climate Change Energy the Environment Water for further funding as the lead Joint Organisation in a regional cross Joint Organisation approach to water loss management;	
3. continue to advocate for the finalisation and implementation of Regional Water Strategies;	
4. leverage the advice in the Government's response to the Joint Select Committee's Inquiry into the Protection of Local Water Utilities from Privatisation for in-principle support for recommendation 13: that the NSW Government consider how it can better target funding and simplify bureaucracy in order to strengthen existing Alliances and encourage the formation of new Alliances; and	
5. endorse the CSU Policy Lab on Productive Water Final Report.	

10k Energy Program Report

Resolved	Cr R Taylor / Cr B Reynolds
That the Board note the Energy Program Report and	
1. encourage members to attend and support CNSWJO's EV Drive Day in Bathurst on 5 December 2024;	
2. approve CNSWJO to facilitate a regional procurement process for small electricity sites for CNSWJO member councils only, noting a side-by-side approach with REROC;	
3. note the estimate \$770k in savings over the 5-year AER Determination process achieved as a result of the Southern Lights Group advocacy.	

10l Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025

Resolved	Cr J Medcalf / Cr B Reynolds
That the Board note the Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025 and;	
1. adopt the proforma Councillor Training Plan;	
2. seek to aggregate training in region for Councillors with advice from Councillor training plans;	
3. receive a report on developing a Memorandum of Understanding with Skillset;	
4. note that a high-level destination marketing plan will be provided to the Board in February; and	
5. promote the welcome event for councillors 28 November.	

11 Resolve into Confidential Committee of the Whole

Resolved	Cr P Miller / Cr J Medcalf
That the Board	
1. resolve into closed session to consider business identified, together with any late reports tabled at the meeting.	
2. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above	
3. Correspondence and reports relevant to the subject business be withheld from access.	

11a Confidential Report - Executive Officer Performance Review 2023-2024

Resolved	Cr T Mileto / Cr P Miller
That the Board receive the Executive Officer Performance Review 2023-2024, and	
1. note the report regarding the performance management of the Executive Officer and that the performance was better than satisfactory;	
2. note an increase to the Executive Officer's remuneration package of 4.0%. This reflects a 3.5% discretionary increase and an increase of 0.5% to cover the Superannuation Guarantee Charge increase;	
3. delegate the entirety of the performance review function to a Performance Review Panel that:	

- | |
|---|
| <ul style="list-style-type: none"> a. develops (annually) a Performance Agreement in consultation with the Executive Officer; b. undertakes a performance assessment (annually) of the Executive Officer; c. determines the following in relation to the Performance Agreement: <ul style="list-style-type: none"> i. A final list of projects to be included in the Performance Agreement; and ii. Any managerial or behavioural actions that they would like the Executive Officer to address during the review year; d. review and determines salary and any bonus arrangements; and e. provides a report to the Board facilitated by the Chair of GMAC; and |
| <ul style="list-style-type: none"> 4. determine that the performance Review Panel be the Chair, Deputy Chair and a Mayor nominated by the Executive Officer to be facilitated by the Chair of GMAC. |

11b Resolve into Open Session**Resolved****Cr A McKibbin/ Cr P Miller**

That the Board reopen the meeting to the public.

12. Late Reports - Nil**13. Matters raised by Members**

Letter from Blayney Shire Council to the Hon Chris Minns re Royalty Return to Mining Impacted Communities

Resolved**Cr J Medcalf/Cr B Reynolds**

That correspondence to Ministers Houssos and Moriarty be prepared for tabling at the meeting with State representatives 14 November that:

- | |
|--|
| <ul style="list-style-type: none"> 1. seeks to prioritise funding for mining impacted communities in the Regional Trust Fund and Jobs Fund; and 2. seeks advice on funding pathways for councils outside these programs. |
|--|

14. Updates from the Office of Local Government, The Premier's Department and Regional Development Australia Central West.**15. Speakers to the next meeting**

Suggestions:

Ms Kate Lorimer-Ward from Local Land Services
Mr Ian Smith from Dept Primary Industry and Regional Development (DPIRD)
Mr Steve Wills from Regional Delivery, DPIRD
Mr Ash Albury from Energy Co

Meeting closed at 4:33pm

Page 6 is the last page of the Central NSW Joint Organisation Board meeting Minutes of the Meeting of 13 November 2024 held in Sydney.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 November 2024 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 20 November 2024.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 20 November 2024

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 20 NOVEMBER 2024

COMMENCING AT 6:30 PM

1 INTRODUCTION

ATTENDANCE

Cr T Mileto (Mayor), Cr K Duffy (6.31pm), Cr T Greenhalgh(*Audio Visual Link*), Cr G Judge, Cr F Kinghorne (6.42pm), Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Engineering Services

1.1 APOLOGIES

RESOLVED - 24/430

Cr M McDonell/Cr G Power

That the apologies be accepted from Cr Kinghorne (Lateness) for the Council Meeting of Orange City Council on 20 November 2024.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne

RESOLVED - 24/431

Cr M McDonell/Cr G Power

That Cr Greenhalgh be permitted to attend the Council Meeting of Orange City Council on 20 November 2024 via Audio Visual Link.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

Cr Duffy arrived at the meeting with the time being 6.31pm

Cr Duffy left the meeting with the time being 6.31pm

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted an Acknowledgement of Country.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Significant Pecuniary Interest in item 5.6 - Planning Proposal 277 Cargo Road as her husband's consultancy company has undertaken work on this site.

Cr McDonell declared a Significant Non-Pecuniary Interest in item 5.14(2/3) - Social Impact Funding Grant – Domestic Abuse Prevention Orange as she is a member of the applicant group.

Cr Mallard declared a Significant Non-Pecuniary Interest in item 5.14(2/3) - Social Impact Funding Grant – Domestic Abuse Prevention Orange as he is a member of the applicant group.

Cr Ruddy declared a Significant Non-Pecuniary Interest in item 5.14(2/3) - Social Impact Funding Grant – Domestic Abuse Prevention Orange as she is a member of the applicant.

Cr Peterson declared a Significant Non-Pecuniary Interest in item 5.14(2/7)) - Social Impact Funding Grant – Western PTSD Support as he is a volunteer member of this group.

Cr Greenhalgh declared a Non-Significant, Non-Pecuniary interest in item 5.7 – Orange Aquatic Centre – 25m Pool Hall Maintenance, as a tradesman is known to her and a Significant Non-Pecuniary Interest in item 5.12(2/6) - Small Donations – Requests for Donations – Orange 8 day games as the applicant was a member on her election ticket and item 5.13(2/1) – Event Sponsorship – a Night in Nashville as the applicant is known to her.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in item 5.14(2/7) Social Impact Funding Grant – Western PTSD Support as the applicant is known to him.

Cr Stedman declared a Non-Significant, Non-Pecuniary Interest in item 5.14(2/4) – Social Impact Funding Grant – Housing Plus as he is employed by the applicant.

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in item 5.14 Social Impact Funding Grant – (2/2) Foodcare as Octec has donated to this organisation item (2/4) Housing Plus as Octec is the landlord for this organisation, a Significant Non-Pecuniary Interest in (2/5) Impact Church and (2/8) Orange and District Early Learning Program as he is on board member of headspace with applications related to mental health services.

Chief Executive Officer declared a Non-Significant, Non-Pecuniary interest in item 5.14(2/4) Social Impact Funding Grant – Housing Plus as he has recently become a board member of Housing Plus.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.35PM

Item 5.6 – Planning Proposal 277 Cargo Road

- Gregory Toner

Item 5.9 – Hockey Centre Renovation - Loan Guarantee

- Darryn Marjoram – Orange Hockey Association

Cr Kinghorne arrived at the meeting with the time being 6.42pm

Item 5.13 – Event Sponsorship Application

- Application #2(1) - Tim Mortimer - Zolere Enterprises - a Night in Nashville
- Application #2(2) - Anne Tonna - Central West Festival Gold 2025

Item 5.14 – Social Impact Funding Grant

- Application #2(7) - Andrew Greig - Western PTSD Support
- Application #2(3) - Joel Palmer - Domestic Abuse Prevention Orange

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.13PM

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 24/432

Cr J Whitton/Cr D Mallard

That the Minutes of the Ordinary Meeting of Orange City Council held on 5 November 2024 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 5 November 2024.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

4 NOTICES OF MOTION/NOTICES OF RESCISSION

Nil.

5 GENERAL REPORTS

5.1 STATE OF THE CITY

TRIM REFERENCE: 2024/1662

RESOLVED - 24/433**Cr G Power/Cr M Ruddy**

That the information provided in the report by the Chief Executive Officer on the State of the City be acknowledged.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.2 ANNUAL REPORT 2023/2024

TRIM REFERENCE: 2024/1697

RESOLVED - 24/434**Cr D Mallard/Cr F Kinghorne**

That Council endorse the Annual Report 2023/2024, publish the report on Council's Website and notify the Office of Local Government.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.3 COUNCIL ADVOCACY ACTIVITIES - 1 JULY 2023 - 30 JUNE 2024

TRIM REFERENCE: 2024/242

RESOLVED - 24/435**Cr M McDonell/Cr G Power**

That the report by the Executive Support Manager on Council Advocacy Activities 1 July 2023 to 30 June 2024 be noted.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.4 POLICY COMMITTEES OF COUNCIL

TRIM REFERENCE: 2024/1013

RESOLVED - 24/436**Cr D Mallard/Cr G Judge**

That Council resolves:

- 1 To approve the Policy Committee Structure as provided
- 2 To adopt each of the Policy Committee Charters
- 3 To Elect a Chairperson of each Policy Committee for the period November 2024 to September 2026
- 4 That the method of voting for the election of Policy Committee Chairperson(s) be Open Ballot (show of hands)
- 5 That the Chief Executive Officer, acting as Returning Officer, conduct the election for the Policy Committee Chairperson(s).

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Councillors Elected the following Chairpersons for Policy Committees of Council:

Acronym	Policy Committee Name	Councillor Chairperson
PDC	Planning & Development Policy Committee	Cr M McDonell
ESPC	Environmental Sustainability Policy Committee	Cr D Mallard
FPC	Finance Policy Committee	Cr S Peterson
IPC	Infrastructure Policy Committee	Cr J Whitton
REDPC	Regional & Economic Development Policy Committee	Cr T Mileto
RCPC	Recreation & Culture Policy Committee	Cr T Greenhalgh
SPC	Services Policy Committee	Cr M Ruddy

5.5 COMMUNITY COMMITTEE FRAMEWORK AND COUNCILLOR COMMITTEE MEMBERSHIP

TRIM REFERENCE: 2024/1460

RESOLVED - 24/437**Cr M Ruddy/Cr F Kinghorne**

- 1 That this item be heard and voted on *in seriatim*.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/438	Cr M Ruddy/Cr F Kinghorne
<p>2 To establish the Community Committee framework for the 2024-2028 term of Council as outlined in the report.</p> <p>For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton</p> <p>Against: Nil</p> <p>Absent: Cr K Duffy</p>	
RESOLVED - 24/439	Cr M Ruddy/Cr F Kinghorne
<p>3 To Elect a Chairperson and Councillor Members of each Community Committee for the period November 2024 to September 2026.</p> <p>For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton</p> <p>Against: Nil</p> <p>Absent: Cr K Duffy</p>	
RESOLVED - 24/440	Cr M Ruddy/Cr F Kinghorne
<p>4 That the method of voting for the election of Policy Committee Chairpersons and Members be Open Ballot (show of hands) and the Chief Executive Officer, acting as Returning Officer, conduct the election for the Committee Chairpersons and Members.</p> <p>For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton</p> <p>Against: Nil</p> <p>Absent: Cr K Duffy</p>	
RESOLVED - 24/441	Cr S Peterson/Cr M McDonell
<p>5 That Council conduct an expressions of interest process with the community for members and relevant agencies/organisations to join a Community Committee, based on the draft Charter for each Committee.</p> <p>For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton</p> <p>Against: Nil</p> <p>Absent: Cr K Duffy</p>	
RESOLVED - 24/442	Cr M Ruddy/Cr F Kinghorne
<p>6 That Council confirm representation on the following external bodies:</p> <ul style="list-style-type: none">a Orange Rail Action Groupb Joint Regional Planning Panelc Business Orange (Orange Business Chamber)d TDO Limitede Civic Risk Mutualf Central NSW Joint Organisation (CNSWJO) <p>For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton</p> <p>Against: Nil</p> <p>Absent: Cr K Duffy</p>	

Councillors Elected the following Chairpersons & Members for Community Committee of Council:

ACRONYM	COMMUNITY COMMITTEE NAME	CHAIRPERSON	COUNCILLORS 2024-2028 (re-elect Sept 26)	MEMBERS	REPORTS TO
ARIC	Audit Risk & Improvement	Independent Appointed by Council – Mr Robert Lagaida	1 Cr Kinghorne 2 Cr Peterson		Council Closed
AACC	Ageing and Access	Cr Peterson	1 Cr Kinghorne 2 Cr Stedman 3 Cr Ruddy		SPC
OACC	Airport	Cr Greenhalgh	1 Cr McDonell 2 Cr Ruddy		IPC
ADCC	Australia Day	Cr Power	1 Cr Greenhalgh		REDPC
BCC	Bicycle	Cr Mallard	1 Cr Peterson		RCPC
COTC	City of Orange Traffic Committee	Cr Mileto	1 Cr Ruddy (Alternate)		IPC
CGCC	Clifton Grove	Cr Kinghorne	1 Cr Peterson		REDPC
CSCPC	Community Safety & Crime Prevention	Cr Ruddy	1 Cr Greenhalgh 2 Cr Judge 3 Cr Stedman 4 Cr Mileto		SPC
CACC	Companion Animals	Cr Mallard	-		ESPC
HCC	Heritage	Cr Power	1 Cr Mallard		SPC
EDCC	Economic Development	Cr Kinghorne	1 Cr McDonell 2 Cr Greenhalgh 3 Cr Judge 4 Cr Ruddy 5 Cr Mileto		REDPC
ESCC	Environmental Sustainability	Cr Mallard	1 Cr McDonell		ESPC
FDACC	Family & Domestic Abuse	Cr McDonell	1 Cr Greenhalgh 2 Cr Mallard 3 Cr Stedman 4 Cr Ruddy		SPC
FRMCC	Floodplain Risk Management	Cr Greenhalgh	-		IPC

ACRONYM	COMMUNITY COMMITTEE NAME	CHAIRPERSON	COUNCILLORS 2024-2028 (re-elect Sept 26)	MEMBERS	REPORTS TO
LCC	Lucknow	Cr McDonell	1	Cr Greenhalgh	REDPC
MPICC	Major Project & Infrastructure	Cr Peterson	1 2 3 4	Cr McDonell Cr Greenhalgh Cr Judge Cr Ruddy	IPC
NAIDOC	NAIDOC Week	Cr Power	1 2 3 4	Cr McDonell Cr Greenhalgh Cr Mallard Cr Ruddy	SPC
OHLC	Orange Health Liaison	Cr Ruddy	1 2 3 4	Cr Peterson Cr McDonell Cr Kinghorne Cr Mallard	SPC
OCRSCC	Orange & Cabonne Roads Safety	As Elected by the Committee	1 2	Cr Judge Cr Ruddy	SPC
OSCC	Orange Showground	Cr Kinghorne	1 2	Cr Greenhalgh Cr Mallard	SRPC
PTWCC	Parks, Trees & Waterways	Cr McDonell	1	Cr Mallard	ESPC
SCCC	Sister Cities	Cr Peterson	-		REDPC
SRCC	Sport & Recreation	Cr Greenhalgh	1 2 3 4	Cr McDonell Cr Power Cr Judge Cr Stedman	RCPC
SHCC	Spring Hill	Cr Ruddy	1 2	Cr McDonell Cr Mileto	REDPC
TTCC	Tidy Towns	Cr Mileto	1	Cr Ruddy	ESPC

Councillors Elected the following Members for External Committee positions representing Council:

External Agency	Councillor Members
Orange Rail Action Group	1 Cr Kinghorne 2 Cr Power
Joint Regional Planning Panel	1 Cr McDonell 2 Cr Power (Alternate)
Association of Mining Related Councils	1 Cr Duffy 2 Cr Mileto (Mayor) (Alternate)

External Agency	Councillor Members
Business Orange (Orange Business Chamber)	1 Cr Ruddy
TDO Limited (Orange360)	Chief Executive Officer Mayor – Cr Mileto 1 Cr Power
Central NSW Joint Organisation (CNSWJO)	Mayor – Cr Mileto 1 Cr Greenhalgh (Alternate)
Civic Risk Mutual	Mayor – Cr Mileto

Cr Kinghorne left the meeting with the time being 7.54pm

5.6 AMENDMENT TO PLANNING PROPOSAL - 277 CARGO ROAD

TRIM REFERENCE: 2024/1582

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work on this site, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 24/443

Cr M Ruddy/Cr G Judge

That Council resolves:

- 1 To refer the amended Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Alteration, and
- 2 That Upon receipt of Gateway Alteration proceed to address any conditions and undertake formal agency consultation and public exhibition, and
- 3 To place the Draft Planning Agreement on public exhibition with the amended Planning Proposal.
- 4 That Council authorise staff to negotiate any alternative planning mechanisms to achieve Complying Development exemption with the Code SEPP team.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr F Kinghorne

Cr Peterson asked how/when this application had been approved.

The Director Development Services advised that this development was part of the housing strategy approved by the Council before last and through the planning panel at that time.

Cr Kinghorne returned to the meeting with the time being 8.02pm

5.7 ORANGE AQUATIC CENTRE - 25M POOL HALL MAINTENANCE

TRIM REFERENCE: 2024/1698

Cr Greenhalgh declared a Non-Significant, Non-Pecuniary interest in this item as a tradesman is known to her.

RESOLVED - 24/444**Cr M McDonell/Cr M Ruddy**

That Council note the close of the indoor pool hall for maintenance as detailed in this report.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.8 WELCOME TO SUMMER - ORANGE AQUATIC CENTRE

TRIM REFERENCE: 2024/1577

RESOLVED - 24/445**Cr D Mallard/Cr G Judge**

That Council resolves to:

- 1 Grant free entry to the Aquatic Centre for the Start of Summer 1st December 2024 and;
- 2 Provide the use of inflatable equipment free of charge.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.9 HOCKEY CENTRE RENOVATION - LOAN GUARANTEE

TRIM REFERENCE: 2024/1694

RESOLVED - 24/446**Cr T Greenhalgh/Cr M McDonell**

That Council resolves:

- 1 That Council guarantees a loan to Orange Hockey Incorporated up to an amount of \$450,000 for the loan period of 15 years.
- 2 That the Chief Executive Officer be authorised to sign all relevant documents.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Peterson asked what precedent had been set for Council being a guarantor.

The Director Community, Recreation & Cultural Services advised that OHI had previously had a loan which had been repaid as well as Council having supported Emus. The Liability to Council will be if OHI default on the loan, there was no indication in the information received that this would occur.

5.10 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 1 OF 2024/2025

TRIM REFERENCE: 2024/1663

RESOLVED - 24/447**Cr D Mallard/Cr F Kinghorne**

That Council resolves:

- 1 That the information provided in the report on the Quarterly Budget and Performance Indicators review for July – September 2024 be acknowledged.
- 2 To adopt the variations in the consolidated overall cost to Council arising from the September 2024 quarterly review in the amount of \$688,868.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne asked for an update to be provided on the installation of Smart Meters, which would contribute to a saving of \$750k in water meter reading fees.

5.11 STATEMENT OF INVESTMENTS - AUGUST, SEPTEMBER, OCTOBER 2024

TRIM REFERENCE: 2024/1684

RESOLVED - 24/448**Cr M Ruddy/Cr F Kinghorne**

That Council resolves to:

- 1 Note the Statement of Investments for the period August, September & October 2024
- 2 Adopt the certification of the Responsible Accounting Officer.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.12 SMALL DONATIONS - REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/1506

RESOLVED - 24/449**Cr D Mallard/Cr M McDonell**

- 1 That this item be heard and voted on in seriatim.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/450**Cr S Peterson/Cr J Whitton**

2(1) That Council donates \$500 to Orange High School for year 12 annual prize giving.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/451**Cr M Ruddy/Cr S Peterson**

2(2) That Council donates \$2,500 to Orange Community Broadcasters Ltd to assist with the running costs.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/452**Cr M McDonell/Cr G Power**

2(3) That Council donates \$2,500 to Road Safety Education Limited to contribute to the costs associated with providing the Orange LGA 2025 RYDA program.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/453**Cr M Ruddy/Cr J Stedman**

2(4) That Council donates \$890 to Australian National Street Machines to contribute to the costs of hiring grounds for the 2 days for the car swap meet event.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/454**Cr T Greenhalgh/Cr S Peterson**

2(5) That Council donates \$2,500 to Orange Runners Club to contribute to the costs of the Orange Running Festival, enabling them to maintain a low registration fee for the shorter running events.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in this item as the applicant was a member on her election ticket, left the meeting with the time being 8.20pm and did not participate in discussion or voting on this item.

RESOLVED - 24/455**Cr J Whitton/Cr G Power**

2(6) That Council donates \$2,000 to Orange Eight Day Games – King and Queen of Sport to contribute to the costs of the holding the sporting event.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Greenhalgh returned to the meeting with the time being 8.21pm

MOTION**Cr T Mileto/Cr J Whitton**

2(7) That Council donates \$2,500 to the Orange Bush Nippers to contribute to the costs associated with running the club.

AMENDMENT**Cr S Peterson**

2(7) That Council donates \$2,250 to the Orange Bush Nippers to contribute to the costs associated with running the club.

WITH NO SECONDER THE AMENDMENT LAPSED

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/456**Cr T Mileto/Cr J Whitton**

2(7) That Council donates \$2,500 to the Orange Bush Nippers to contribute to the costs associated with running the club.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

MOTION**Cr J Whitton/Cr M Ruddy**

2(8) That Council donates \$2,000 to the Midstate Budgerigar Club Inc. to contribute to the costs of the prizes for the national budgerigar show.

AMENDMENT**Cr F Kinghorne/Cr T Mileto**

2(8) That Council defers consideration of the donation of \$2,000 to the Midstate Budgerigar Club Inc. to contribute to the costs of the prizes for the national budgerigar show for the purpose of obtaining further information.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Cr J Whitton

Absent: Cr K Duffy

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 24/457**Cr F Kinghorne/Cr T Mileto**

2(8) That Council defers consideration of the donation of \$2,000 to the Midstate Budgerigar Club Inc. to contribute to the costs of the prizes for the national budgerigar show for the purpose of obtaining further information.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Cr J Whitton

Absent: Cr K Duffy

RESOLVED - 24/458**Cr T Mileto/Cr J Whitton**

2(9) That Council donates \$2,500 to the Springside Progress Association to contribute to the costs of restoring the Schoolhouse hall floors.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/459**Cr G Power/Cr M Ruddy**

2(10) That Council donates \$2,500 to Friends of Banjo Paterson Park Inc to contribute to the costs of holding the poetry competition and history in the park event.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.13 APPLICATIONS FOR EVENT SPONSORSHIP

TRIM REFERENCE: 2024/1667

RESOLVED - 24/460**Cr S Peterson/Cr F Kinghorne**

1 That this item be heard and voted on in seriatim.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Greenhalgh declared a Significant Non-Pecuniary Interest in this item as the applicant is known to her, left the meeting with the time being 8.28pm and did not participate in discussion or voting on this item.

MOTION**Cr T Mileto/Cr J Whitton**

2(1) That Council sponsor \$5,000 to Zolere Enterprises Pty Ltd for the 2025 A Night in Nashville on 15 March 2025.

AMENDMENT**Cr S Peterson**

2(1) That Council sponsor \$3,000 to Zolere Enterprises Pty Ltd for the 2025 A Night in Nashville on 15 March 2025.

WITH NO SECONDER THE AMENDMENT LAPSED

AMENDMENT**Cr M Ruddy/Cr J Stedman**

2(1) That Council sponsor \$10,000 to Zolere Enterprises Pty Ltd for the 2025 A Night in Nashville on 15 March 2025.

For: Cr M Ruddy, Cr G Judge

Against: Cr T Mileto (Mayor), Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr J Stedman, Cr J Whitton

Absent: Cr K Duffy, Cr T Greenhalgh

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 24/461****Cr T Mileto/Cr J Whitton**

2(1) That Council sponsor \$5,000 to Zolere Enterprises Pty Ltd for the 2025 A Night in Nashville on 15 March 2025.

For: Cr T Mileto (Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr T Greenhalgh

Cr Greenhalgh returned to the meeting with the time being 8.38pm

RESOLVED - 24/462**Cr J Whitton/Cr M McDonell**

2(2) That Council sponsor \$5,000 to the Orange Bridge Club to hold the 2025 CWF Gold event from 10-13 April 2025.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/463**Cr J Whitton/Cr G Judge**

2(3) That Council sponsor \$1,500 to the Orange City Bowling Club for the Golden Eagle Classic from 23 to 27 February 2025.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/464**Cr J Whitton/Cr G Power**

2(4) That Council sponsor \$5,500 to FOOD Week Inc to hold the 2025 Orange FOOD Week event from 28 March to 6 April 2025.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.14 SOCIAL IMPACT FUNDING GRANT - REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/1685

RESOLVED - 24/465**Cr D Mallard/Cr M McDonell**

1 That this item be heard and voted on in seriatim.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

RESOLVED - 24/466**Cr M McDonell/Cr D Mallard**

2(1) That Council donates \$10,000 to The Salvation Army Orange

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

*Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in this item as Octec has donated to this organisation item.***RESOLVED - 24/467****Cr D Mallard/Cr M McDonell**

2(2) That Council donates \$5,000 to FoodCare Orange Incorporated

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

*Cr McDonell, Cr Ruddy & Cr Mallard declared Significant Non-Pecuniary Interests in this item as they are members of the applicant group, left the meeting with the time being 8.42pm and did not participate in discussion or voting on this item.***RESOLVED - 24/468****Cr T Mileto/Cr F Kinghorne**

2(3) That Council donates \$10,000 to Domestic Abuse Prevention Orange

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr S Peterson, Cr G Power, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr D Mallard, Cr M McDonell, Cr M Ruddy

Cr McDonell, Cr Ruddy & Cr Mallard returned with the time being 8.43pm

Cr Whitton declared a Non-Significant, Non-Pecuniary Interest in this item as Octec is the landlord for this organisation.

Cr Stedman declared a Non-Significant, Non-Pecuniary Interest in this item as he is employed by the applicant.

RESOLVED - 24/469

Cr M Ruddy/Cr M McDonell

2(4) That Council donates \$10,000 to Housing Plus

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Whitton declared a Significant Non-Pecuniary Interest in this item as he is on board member of headspace with the application related to mental health services, left the meeting with the time being 8.47pm and did not participate in discussion or voting on this item.

RESOLVED - 24/470

Cr S Peterson/Cr G Judge

2(5) That Council donates \$10,000 to Impact Church Orange

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Nil

Absent: Cr K Duffy, Cr J Whitton

Cr Whitton returned to the meeting with the time being 8.48pm

RESOLVED - 24/471

Cr M McDonell/Cr D Mallard

2(6) That Council donates \$15,500 to Colour City Rainbow Hub

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

Cr Peterson declared a Significant Non-Pecuniary Interest in this item as he is a volunteer member of this group, left the meeting with the time being 8.49pm and did not participate in discussion or voting on this item.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in this item as the applicant is known to him.

RESOLVED - 24/472

Cr D Mallard/Cr F Kinghorne

2(7) That Council donates \$11,750 to Western PTSD Support

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

Cr Peterson returned to the meeting with the time being 8.50pm

Cr Whitton declared a Significant Non-Pecuniary Interest in this item as he is on board member of headspace with applications related to mental health services, left the meeting with the time being 8.50pm and did not participate in discussion or voting on this item.

RESOLVED - 24/473**Cr S Peterson/Cr M Ruddy**

2(8) That Council donates \$11,750 to Orange and District Early Education Program Incorporated.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Nil

Absent: Cr K Duffy, Cr J Whitton

Cr Whitton returned to the meeting with the time being 8.52pm

5.15 STRATEGIC POLICY REVIEW - POST EXHIBITION

TRIM REFERENCE: 2024/1332

RESOLVED - 24/474**Cr M McDonell/Cr S Peterson**

That Council resolves to adopt Strategic Policy ST08 – Fraud & Corruption Prevention.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

5.16 CHRISTMAS/NEW YEAR RECESS 2024/2025

TRIM REFERENCE: 2024/1657

RESOLVED - 24/475**Cr G Power/Cr J Stedman**

That Council resolves:

- 1 The Civic Centre, Giyalang Ganya, Central West Libraries and Works Depot close down for the Christmas period from Wednesday 25 December 2024 to Wednesday 1 January 2025 (inclusive);
- 2 During the period 25 December 2024 to 7 February 2025, Council delegate its function to determine development applications and planning matters, with the exception of matters that cannot be delegated under the Local Government Act 1993 or the Environmental Planning and Assessment Act 1979, in circumstances where it is unreasonable to defer consideration of the matter, to the Mayor, Chairperson of the Planning and Development Committee, and the Chief Executive Officer (so that the Chief Executive Officer and either the Mayor OR the Chairperson of the Planning and Development Committee, are available to determine matters).

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

RESOLVED - 24/476**Cr F Kinghorne/Cr M Ruddy**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Works in Kind Agreement for Shiralee Road construction fronting Lots 1 & A DP381935, Lot 1 DP630681 & Lot 22 DP1212446

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Proposed Lease 6 Astill Drive Orange

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Proposed Sale 6 Astill Drive

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.4 Lease Hangar Site E Orange Airport

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.5 Lease Hangar Site EE Orange Airport

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.56pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.11pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

6.1 WORKS IN KIND AGREEMENT FOR SHIRALEE ROAD CONSTRUCTION FRONTING LOTS 1 & A DP381935, LOT 1 DP630681 & LOT 22 DP1212446

TRIM REFERENCE: 2024/1664

RESOLVED - 24/477

Cr F Kinghorne/Cr G Power

That Council enter into a Works in Kind Agreement with Oakstand for the part construction of Shiralee Road for \$811,300.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6.2 PROPOSED LEASE 6 ASTILL DRIVE ORANGE

TRIM REFERENCE: 2024/1670

RESOLVED - 24/478

Cr J Whitton/Cr G Power

That Council resolves:

- 1 That Council enter into a five-year lease, with one additional five year option for 6 Astill Drive.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonnell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6.3 PROPOSED SALE 6 ASTILL DRIVE

TRIM REFERENCE: 2024/1671

RESOLVED - 24/479**Cr D Mallard/Cr M Ruddy**

That Council resolves:

- 1 To seek a valuation of 6 Astill Drive.
- 2 That the property be sold, by public auction (as a first step) and if not sold, placed on the open market.
- 3 That the Mayor and Chief Executive Officer be authorised to determinate the reserve at any public auction and if necessary, the subsequent sale price.
- 4 To grant delegation to the Chief Executive Officer to accept any offers to purchase within a 5% range of the market appraisal/valuation.
- 5 That approval be granted for the use of the Council Seal on any necessary documentation if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6.4 LEASE HANGAR SITE E ORANGE AIRPORT

TRIM REFERENCE: 2024/1640

RESOLVED - 24/480**Cr J Whitton/Cr F Kinghorne**

- 1 That Council enter into a five-year lease, with two five year options, for Hangar E at the Orange Airport.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6.5 LEASE HANGAR SITE EE ORANGE AIRPORT

TRIM REFERENCE: 2024/550

RESOLVED - 24/481**Cr J Whitton/Cr G Judge**

That Council resolves:

- 1 To enter into a lease of Hangar Site EE at Orange Airport for a term of 5 years with 3 five year consecutive leases.
- 2 That approval be granted for the use of the Council Seal on all relevant documents.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

THE MEETING CLOSED AT 9.13PM

This is Page Number 23 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 20 November 2024.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning & Development - Chaired by Melanie McDonell

Environmental Sustainability - Chaired by Cr David Mallard – NO ITEMS

Finance - Chaired by Cr Steven Peterson

Infrastructure - Chaired by Cr Jeff Whitton

Recreation & Culture - Chaired by Cr Tammy Greenhalgh – NO ITEMS

Services - Chaired by Cr Marea Ruddy – NO ITEMS

Regional & Economic Development - Chaired By Cr Tony Mileto (Mayor) – NO ITEMS

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - REVIEW OF EVENT SPONSORSHIP PROGRAM

RECORD NUMBER: 2024/1752

I, **CR STEVEN PETERSON** wish to move the following Notice of Motion at the Council Meeting of 3 December 2024:

MOTION

- 1 That a report be provided detailing the different budgets and mechanisms Council uses to support events.
- 2 That a review of the Event Sponsorship Program budget be conducted to suggest modifications to increase the likelihood of funds being available for the duration of the financial year.

BACKGROUND

Funding events is a core business of the Council. Whilst there will be predictable differences of opinion around which events are the best recipients of finite Council funds, and for how much, none around this table would not wish for the potential to offer financial support to exist consistently. I am sure all Councillors are disappointed to have our yearly event program sponsorship budget exhausted in under 5 months. I thought only being able to allocate \$5,000 to Food Week, surely the premiere tourist event in Orange, is evidence of a system that should be improved.

Signed Cr Steven Peterson

STAFF COMMENT

Council approved changes to the Strategic Policy ST32 – Donations and Grants in March 2024, which relates to Small Donations, Sports Assistance Program and the Sports Facility Partnership Program.

Staff welcome a review of the Event Sponsorship Program and had already commenced reviewing Strategic Policy – ST144 for Councils consideration. Staff will prepare the report as requested and bring with it a recommendation for changes to the Event Sponsorship Program.

FINANCIAL/RESOURCING IMPLICATIONS

We note that this is a peak time for the events staff with four major events between November and January, therefore we would like to request that this review is not brought to Council until 2025.

The aim of the review would be financially neutral, and the recommendations would be to either not increase the budget for this area or offset any increase from within the existing Council budget.

POLICY AND GOVERNANCE IMPLICATIONS

Any policy changes would be required to be brought to Council for approval and exhibition as deemed appropriate.

4.2 NOTICE OF MOTION - ABORTION SERVICES

RECORD NUMBER: 2024/1753

We, **CR MELANIE MCDONELL & CR MAREA RUDDY** wish to move the following Notice of Motion at the Council Meeting of 3 December 2024:

MOTION

That Orange City Council urgently write to the NSW Health Minister and the NSW Minister for Women to seek urgent clarification as to the following:

- **What does Minister Park's statement on social media that the "level of abortion services previously provided at Orange Hospital will be restored and available to the community" mean exactly?**
- **What review is underway into the impact of "conscientious objection" by healthcare professionals and members of the Health Executive on the availability of consistent, safe abortion services across the Orange region (hospital-based service as well as community-based such as General Practitioners and Pharmacists)?**
- **What role does Minister Harrison's portfolio, as Minister for Women, play in addressing the broader systemic challenges faced by regional women in accessing healthcare, including reproductive services?**

BACKGROUND

Abortion was decriminalised in 2019 in NSW, yet barriers to accessing services are still in place and far greater in non-metropolitan centres.

Timely access to safe, affordable and consistent healthcare for women is essential, including reproductive healthcare.

Executives at Orange Health Service recently faced public criticism for their directive that hospital staff cease providing care to women seeking abortion (medical and surgical) care at Orange Health Service, a decision that was made back in April of this year.

The public outrage forced Minister Park to respond to this decision, but there remains very little clarity, for healthcare professionals and members of the public alike, as to what exactly that level of care he 'reinstated' is.

Whilst some may argue this is not a local government issue, it is adversely affecting an unknown number of women across our region and the wider state every day. As local, elected leaders it is our responsibility to advocate for our community to other levels of government.

It may also be argued that this Motion should come through the Health Liaison Community Committee, however this issue cannot wait. The OHLC will not be meeting until early next year, and in the meantime, access to this time-critical health service remains vital.

Signed Cr Melanie McDonell

Signed Cr Marea Ruddy

FINANCIAL/RESOURCING IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

5 GENERAL REPORTS

5.1 CNSWJO BOARD MEETING & STATE PARLIAMENT VISIT - 21 & 22 AUGUST 2024

RECORD NUMBER: 2024/1602

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

The previous Mayor and I attended the Central NSW Joint Organisation Board Meeting and State Parliament Visit in Canberra on 21 and 22 August 2024. Attached to this report are the minutes from this meeting.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1. Work in partnership with other Councils, regional organisations and State and Federal Governments”.

RECOMMENDATION

That Council resolves:

- 1 To note the report from the CEO on the Central NSW Joint Organisation (CNSWJO) Board meetings 21 and 22 August 2024
- 2 To note that a welcome to new Councillors session is under development for November 2024
- 3 To note the cost savings to Councils for streetlighting charges from CNSWJO’s negotiation through the Australian Energy Regulator delivering an average of 16.9% across regional NSW
- 4 To note the Return on Investment from the CNSWJO for the 2023/2024 year of 8.3:1 for membership fees; and
- 5 To request a presentation from CNSWJO on its programming.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Board members were welcomed to Canberra by the Chair, Cr Kevin Beatty.

Speakers to the Board were the NSW Auditor General Mr Bola Oyetunji and Mr Simon Grice Senior Director–Energy Transformation, Climate Change and Net-Zero Energy Transformation, Climate Change, Energy and Water, ACT Government – Integrated Energy.

The Auditor General is keen to review red tape for Councils including asset revaluation, depreciation and Rural Fire Service Assets. He advised he has the support of the Minister for Local Government in this regard and is looking for an audit framework that has impact. Follow-up with both speakers will be undertaken to progress opportunities for this region.

Updates were provided from the Office of Local Government and the Premier’s Department.

5.1 CNSWJO Board Meeting & State Parliament Visit - 21 & 22 August 2024

Of note is the recent announcement by the Minister for Local Government, the Hon Ron Hoenig, of funding for trainees and apprentices for councils.

A Statement was drafted from the Mayors regarding the partial declaration of the headwaters of the Belubula under Section 10 of The Aboriginal and Torres Strait Islander Heritage Protection Act 1984. This Act enables the Australian Government to protect important Indigenous areas and objects under immediate threat, if it appears that state or territory laws have not provided effective protection.

This land in question is the site for the tailings dam of the Kings Plains' gold mine currently finalising the development assessment. While the Statement is directed to Minister Plibersek who made the decision, the Board has also agreed that development assessment in NSW needs to be questioned given the purpose of the Act is to protect a flawed state process.

More detail on reports to the meeting are below where the agenda can be found at [Board Meeting – 21 August 2024](#). Please note that as this meeting finalised a number of grant funded programs, there are a significant number of reports with links included for review.

The following day was one of engagement with federal representatives hosted by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

Key themes from the day included the need for good NSW Government engagement at the federal level to assure the outcomes this region is looking for.

Please find the list of actions for follow-up attached to the minutes and request briefing notes.

As this was the last meeting of the Board for this term, four Mayors who were standing down were thanked for their service to the region. These were Councillors Jason Hamling, Mayor of Orange; Mark Kellam Mayor of Oberon; Craig Bembrick Mayor of Weddin and Scott Ferguson, Mayor of Blayney.

Submissions

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All submissions can be viewed on the website [Submissions - Central Joint Organisation \(nsw.gov.au\)](#)

Notably, CNSWJO has more than doubled the amount of submission lodged between the 2022/2023 and 2023/2024 years.

1. [Feedback on Draft TOR for Review of NSW Councils Financial Model](#)
2. [Submission – Inquiry into Local Government to Funds Infrastructure and Services](#)
3. [IPART Dam Safety NSW Levy](#)
4. [Feedback on Cemeteries and Crematoria NSW Internment Services Levy](#)
5. [MDB Plan V2 and buy-backs-Draft Restoring our Rivers Framework](#)
6. [Alternate funding models for water utilities –NSW Productivity Commission](#)

The Board resolved to create an Integrated Planning and Reporting Group of staff supported by the JO. They will have carriage of projects like Our Placemat previously reported to Council as well developing a program of support for mandatory community engagement. Further information on Our Placemat can be found at <https://www.centraljo.nsw.gov.au/co-operative-projects/>

Memorandum of Understanding with Regional Development Australia (RDA) Central West

A critically important relationship for CNSWJO is its relationship with Central West RDA. Every year these two organisations refresh their 2024-2025-MOU-between-RDA-Central-West-and-CNSWJO.pdf. The only one of its kind in the nation, it ensures both organisations are working as efficiently and effectively as possible on the priorities of the region.

This year the renewal of the MoU was signed at Parliament House Canberra overseen by the Hon Kristy McBain, Minister for Regional Development, Local Government and Territories.

Central West RDA also provided a report to the Board which can be found in the agenda at Board Meeting – 21 August 2024

Spare Capacity in Housing

Responding to the Statement of Strategic Regional Priority for the CNSWJO, the equivalent of Council's Community Strategic Plan, to deliver advocacy and initiatives on skills and housing shortages; the Spare Capacity in Housing Project has sought to identify short term levers in realising spare bedrooms in Central NSW. With funding from Regional NSW, the project built on work undertaken by Orange 360 working with Cadia Mines. Orange 360 formed a collaboration with Work + Stay and all deliverables are provided below.

An analysis of spare room capacity in the target areas determined that almost 60,000 spare rooms are available, presenting a significant opportunity to address housing shortages. This seems like a big number – but the analysis is robust using ABS data – please go to the Housing Data Report below.

The project also identified a distinct shortage of medical and care worker professionals, worsened by the unaffordability of rental accommodation for most income earners. Inspired by successful models such as the Travelling Nurses and Furnished Finder platform in the USA, which caters to short-term and mid-term rentals for healthcare professionals, this initiative suggests the establishment partnerships between industry bodies, healthcare providers, employers, and homeowners.

The proposed initiative aims to provide a seamless medium for connecting homeowners with prospective tenants, automating contract generation, rent payments, and other necessary processes to streamline the rental experience for all parties involved. However, interviews with homeowners and employers revealed concerns regarding security, safety, and privacy in such arrangements, highlighting the need



Picture 1 Signing of Memorandum of Understanding.
I-r Cr Ruth Fagan Chair of Central West RDA, The Hon Kristy McBain Minister for Regional Devt Local Government and Territories, Cr Kevin Beatty, Chair CNSWJO



5.1 CNSWJO Board Meeting & State Parliament Visit - 21 & 22 August 2024

for targeted communications strategies to address societal norms and perceptions. The solution is a concierge service.

This grant-funded project is now complete with the outputs being as follows.

1. Environmental Scan WA W+S
2. Final Report Spare Capacity in Housing Project
3. Housing Data Report – Bathurst, Orange, Parkes WA W+S
4. Jobs and Skills Analysis Report – WA W+S
5. Space Capacity in Housing Project Implementation Delivery Plan

Disaster Risk Reduction Program

Disaster has varying priority across the region where with climate change there will be more severe storms and longer hotter droughts. Flooding and bushfire have been identified as the two significant disaster challenges for the communities of Central NSW. For some members of CNSWJO the impacts of disasters have been top of mind. For all councils the funding framework for disasters and the challenges of inundated road networks is ongoing.

Using the advocacy strength of eight JOs working together, CNSWJO is seeking to derive systemic change and local outcomes through its collaborative approach to Disaster Risk Reduction.

The Disaster Risk Reduction Fund (DRRF) has funded the below outputs, jointly funded by the Australian and New South Wales governments. DRRF is complete and the Board endorsed the various outputs:

1. Disaster Risk Reduction Integrated Planning and Reporting Framework
2. CNSWJO Evaluation Report Piloting Technology for Enhanced Disaster Risk Reduction: Simtable
3. DRRF Final Project report
4. Regional Resilience Group TOR DRAFT
5. Recommendations and Actions from the Regional Opportunities Report Spatial Data Scoping Study
6. RRP Evaluation Report
7. RRP Evaluation - Summary Report
8. RRP Project Profiles
9. DRRF Final Report
10. DRRF Acquittal
11. DRRF Income and Expenditure Statement

A funding application for Round 2 of the Disaster Ready Fund has been lodged to continue this program and an announcement was made 28 August the CNSWJO was successful. Further advice will be provided in due course on the value of this program to Council.



Picture 2 Staff from Joint Organisations across regional NSW jump for joy for as winners of the local government NSW Award for their work in Disaster Risk Reduction.

Importantly, this project was developed by CNSWJO and recently won a Local Government NSW Award.

Water and the Productive Water Policy Lab

The Regional Water Report provided advice on:

- The Regional Water Loss Management Hub project final report
- Practitioner's Toolkit for Transitioning Local Water Utility Strategic Planning into the Integrated Planning and Reporting framework and its promotion across regional NSW;
- work underway by Frontier Economics on the economic analysis of the value of water conservation for inland regional NSW;
- next steps in the rollout of water loss management programming; and
- an update on consultation underway on the Fish River-Wywindy regional water strategy.

For more detail please see the agenda to the meeting where the reports linked above are leading in NSW local water utility practice. CNSWJO and its members continue to be the go-to region for advice and leadership in local water utilities.



Picture 3: Central Tablelands Water wins the Sam Samra Award

Congratulations were given to the team at Central Tablelands Water for taking out this year's Sam Samra award at the Local Government NSW Water Conference in Goulburn on 24 July. The award was for demonstrating significant strategic commitment to improving water security in the central tablelands region. Through their regional town water supply investigations, CTW partnered with Cabonne Shire Council, Orange City Council, Forbes Shire Council and Parkes Shire Council with the goal of improving town water security for communities across the Lachlan valley.

Councillors from across the region have asked for more opportunities to meet together and influence policy. Accordingly, the CNSWJO Board and Charles Sturt University have developed Policy Labs where the region comes together to develop policy around issues that matter to our communities. All Councillors are welcome to attend these events.

The Policy Lab on Productive Water with Charles Sturt University on 30/31 July was well attended by Councillors from across the region, academics and peak agencies such as the Murray Darling Basin Authority (MDBA), the Murray Darling Association, the Australian Water Association and Lachlan Valley Water.

There were two areas of focus for the Productive Water Policy Lab – the value of town water and doing business differently down the Lachlan Valley given it is a terminal system. The MDBA attendees were very receptive to the thinking at the meeting and a follow-up meeting has been held with them in Canberra. The Board has requested a presentation from the MDBA at its meeting in Sydney in November.

A draft report has been provided to attendees for feedback and is available at [Policy-Lab-Report_Final.pdf](#). The Board will consider the recommendations from this report at its meeting in November and amend policy and programming accordingly.



Picture 4 Productive Water Policy Lab at CSU Bloomfield Campus 30/31 July

Energy

There is a substantial amount of activity being undertaken to address the energy priority of the CNSWJO. Current work includes;

- delivering the cross Joint Organisation Net Zero Accelerator (JONZA) program, funded by the NSW DCCEEW's Sustainable Councils program to deliver net zero outcomes to member councils;
- leading the Southern Lights program [Southern Lights - Central Joint Organisation \(nsw.gov.au\)](#) where the most recent work has been participating in the Australian Energy Regulator program negotiating better pricing for Councils for street lighting; and
- progressing the implementation Business Case for the Nexus Between Energy Security and Emissions, funded under the Regional NSW Business Case and Strategy Development Fund.

Councils have provided advice that they are interested in doing more about waste emissions. The JO is investigating opportunities here where there is no navigable pathway obvious at present.

Meanwhile, the work across the region in EVs and low emission fleet has seen growing interest from member Councils. The very successful EV showcase coordinated by the JO in Parkes in November 2023 will be repeated later this year – even bigger and better where there has been an offer to bring low emission buses to the region. All Councillors will be welcome to attend and an invitation will be provided in due course.

The [AER Determination 2024-2029](#) process has recently concluded. The outcome is complex and advice has been requested from Essential Energy (EE) as to the impact the pricing, specifically in relation to streetlighting, will have on councils from 1 July 2024. Advice received from EE staff in early June was that the pricing models needed to be sent to

5.1 CNSWJO Board Meeting & State Parliament Visit - 21 & 22 August 2024

external modelers to run the new estimates based on the rate changes. A response has been received from Essential Energy stating the following, where a council specific impact has also now been requested.

“Based on the new public lighting regulatory pricing coming into effect from 1 July 2024, on average a council will save 16.9% in real \$FY25 on their SLUoS bills compared to real \$FY24 bills. This was based on a stagnant inventory as of 1 July 2023 so there will be some fluctuation where councils have had lights upgraded to LEDs throughout the year.”

Support for incoming Councillors and the CNSWJO Statement of Strategic Regional Priority

Under the Local Government Act, Joint Organisations must undertake a review of their Statement of Strategic Regional Priority (SSRP) every new term of Council. This is a similar document to Council’s Community Strategic Plan– but from a regional perspective.

Guidance from the Office of Local Government states that the review should be conducted in consultation with all members and state agencies while referencing Council Community Strategic Plans.

For more detail on the process please go to the relevant chapter in the <https://www.olg.nsw.gov.au/wp-content/uploads/Joint-Organisation-Implementation-Guidelines.pdf>

The Board received advice about the development of the SSRP including two workshops with Councillors from all member councils.

The first workshop will be held in November and will welcome this term of Councillors to the region and provide background on CNSWJO. Councillors will have an invitation in their diaries for this event.

The second workshop will focus more on what Councillors from across the region want to see in the SSRP and this workshop will be held in March 2025.

CNSWJO would also like to provide a presentation to the new council on its programming and seek feedback on its priorities. This is recommended.

Value to Council

At this meeting the Board resolved to reserve funds of \$100K to support a regional cyber security support resource. The Board updated its contract management plan to include new procurement processes offering value through aggregation. The five-year plan can be requested. In response to the Board’s concerns for the price of diesel, a media release has been issued via Mayors and a fuel tax rebate audit for councils has been initiated across the region where over \$500,000 of savings were realized in its last iteration.

80% of CNSWJO resources are dedicated to providing its operational support program. For the 2023/2024 year this program delivered a return on investments of 8.3:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 8.3:1 ROI. However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas at

<https://www.centraljo.nsw.gov.au/business-papers-agendas/> or to review last year's Annual Statement please go to [2023 STATEMENT \(nsw.gov.au\)](#)

Grant funded projects for the 2023/2024 year were:

- The Joint Organisation Net Zero Acceleration Program (ongoing);
- Disaster Risk Reduction Fund program (Round One completed, Round 2 application);
- Bridge Assessments (due for completion in 2024/2025);
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security (completed);
- A Regional Centre of Excellence in Water Loss Management (due for completion in 2024/2025);
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting (completed); and
- A Spare Capacity in Housing Project (completed).

Further applications have been made for programs under the auspices of the Board – please request advice on their status.

This value is delivered primarily by the various operational teams across the region including the CNSWJO;

- General Managers' Advisory Committee
- Water Utilities' Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners' Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Net Zero Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee
- Fleet Managers Group (new!)
- Integrated Planning and Reporting Group (new!)

Conclusion

The CNSWJO continues to deliver very good value to Councils. Please contact the Executive Officer, Ms Jenny Bennett for more information.

ATTACHMENTS

- 1 Minutes of the Board Meeting 21-22 August 2024 held in Canberra, D24/107683

Minutes of the Board meeting 21 August 2024 held in Canberra**In Attendance***

Cr J Jennings	Bathurst Regional Council	Cr M Statham	Lithgow City Council
Cr S Ferguson	Blayney Shire Council	Cr A McKibbin	Oberon Council
Cr K Beatty	Cabonne Council	Cr J Hamling	Orange City Council
Cr R Fagan	Cowra Council	Cr M Applebee	Parkes Shire Council
Cr P Miller, OAM	Forbes Shire Council	Cr C Bembrick	Weddin Shire Council
Cr P Phillips	Lachlan Shire Council		

Associate Member delegates and others attending

Mr M Dicker	Blayney Shire Council	Ms C Weston	RDACW
Mr B Byrnes	Cabonne Council	Ms K Annis-Brown	OLG
Mr Matt Teale	Forbes Shire Council	Ms G Collins	Regional Coordination
Mr G Tory	Lachlan Shire Council		
Mr R Gurney	Lithgow City Council	Ms J Bennett	CNSWJO
Mr G Wallace	Oberon Council	Ms M Macpherson	CNSWJO
Mr D Waddell	Orange City Council	Ms K Barker	CNSWJO
Mr K Boyd PSM	Parkes Shire Council	Ms J Parish	CNSWJO
Ms N Vu	Weddin Shire Council	Ms E Grimm	CNSWJO
Cr A Rawson	Central Tablelands Water	Ms C Griffin	CNSWJO
Mr G Haley	Central Tablelands Water	Ms A Thomas	CNSWJO
Cr K Graham	Oberon Council	Ms J Webber	CNSWJO

*Voting members in **bold**

Meeting opened at 12.30pm by Chair, Cr Kevin Beatty

1. The Chair welcomed the Board to the meeting, held in Canberra.**2. Acknowledgement of Country****3. Apologies, applications for a leave of absence by Joint Organisation Voting representatives**

Cr N Westcott, Mr D Sherley, Mr T Johnston, Mr P Devery, Mr S Loane OAM, Mr J Gordon and Cr M Kellam.

Resolved	Cr P Miller / Cr C Bembrick
That the apologies for the Central NSW Joint Organisation Board meeting 21 August 2024 listed above be accepted.	

4. Conflicts of Interest

Resolved
Nil declared

5. Speakers

Mr Bola Oyetunji, NSW Auditor- General, with Ms Renee O’Kane, Chief of Staff

Mr Simon Grice, Senior Director–Energy Transformation, Climate Change and Net-Zero Energy Transformation, Climate Change, Energy and Water, ACT Government – Integrated Energy

Cr S Ferguson and Mr M Dicker arrived 1.10pm

Cr J Jennings arrived 1:33pm

6. Minutes**6a Noting of the Minutes of the CNSWJO GMAC Meeting held 25 July 2024 in Parkes**

Resolved	Cr J Hamling / Cr P Miller
That the Minutes of the CNSWJO GMAC Meeting held 25 July 2024 in Parkes were noted.	

6b**Confirmation of the Minutes of the CNSWJO Board Meeting 23 May 2024 in Lithgow**

Resolved	Cr J Hamling / Cr P Miller
That the Minutes of the CNSWJO Board Meeting held 23 May 2024 in Lithgow were accepted.	

Confirmation of the Minutes of the CNSWJO Board Meeting 5 June 2024 held online

Resolved	Cr J Hamling / Cr P Miller
That the Minutes of the CNSWJO Board Meeting held 5 June 2024 online were accepted.	

7. Business Arising from the Minutes - Matters in Progress

Resolved	Cr P Miller / Cr C Bembrick
That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.	

8. Reports on Statement of Regional Strategic Priority 2022-2025**8a Financial and Compliance Report**

Resolved	Cr C Bembrick / Cr J Hamling
That the Board note the Financial Report; and	
1. form a new internally restricted reserve for Cyber Security of \$100k;	
2. increase the BPAP reserve by \$19,500; and	
3. note the CNSWJO is up to date with its obligations under the Office of Local Government compliance calendar.	

8b Advocacy Report

Resolved	Cr P Miller / Cr P Phillips
That the Board note the Advocacy Update; and	
1. request a presentation from Transport for NSW on the review of the plan for the safe swift and secure link between Central NSW and Sydney;	
2. request from Charles Sturt University that the next Policy Lab workshop explore barriers and enablers to growing our own health workforce;	
3. adopt the reviewed Memorandum of Understanding with Regional Development Australia Central West;	
4. receive a report refreshing advocacy on the Safe Swift and Secure Link from a meeting of interested mayors and Sponsoring General Managers held as soon as possible after the local government election;	
5. note the updated messaging for advocacy for water emphasising critical town water; and	
6. endorse the following submissions;	
a. Submission to provide input to Transport and Infrastructure Net Zero Roadmap and Action Plan – July 2024	
b. Submission to Review the NSW Waste Levy Issues Paper – July 2024	
c. Submission to the Joint Select Committee on the NSW Reconstruction Authority- May 2024	

8c Report from Regional Development Australia Central West

Resolved	Cr S Ferguson / Cr C Bembrick
That the Board note the report from Regional Development Australia Central West.	

8d Caretaker Mode and Chairmanship

Resolved	Cr P Miller / Cr M Applebee
That the Board note the Caretaker Mode and Chairmanship report and;	
1. note that caretaker provisions to not apply to Joint Organisations; and	
2. adopt the following hierarchy between this term's last and next term's first meetings as follows:	
a. the outgoing Chair – if re-elected as Mayor – continuing to exercise functions until the new Board meets;	
b. the outgoing Deputy Chair – if re-elected as Mayor and the Chair not being re-elected – exercising the functions of Chair until the new Board meets and elects a Chair.	
c. should the Chair and Deputy Chair not be re-elected, the Executive Officer exercises the functions of Chair until the new Board meets and elects a Chair and in the interim seeking direction from members where there is no existing policy; and	
3. the CNSWJO Policy Manual be updated accordingly.	

8e Community Engagement and Data Collaboration Report

Resolved	Cr R Fagan / Cr M Statham
That the Board note the Community Engagement and Data Collaboration Report and;	
1. provide in principle support for a four-year regional program adding value to member integrated planning and reporting (IP&R) frameworks and community engagement including:	
a. community sentiment surveying every two years; and	
b. a program of State agency workshops to support the IP&R process;	
2. provide the advice in this report to the Regional IP&R group approved by the Board including seeking for this group to incorporate optimisation of the four-year program going forward;	
3. develop an instrument that shares advice on optimisation of the potential data opportunities of peak agencies in region.	

8f Regional Procurement and Contracts Report

Resolved	Cr M Statham / Cr M Applebee
That the Board note the Regional Procurement and Contracts Report and approve the updates to the procurement plan.	

8g Cyber Security Policy Report

Resolved	Cr R Fagan / Cr C Bembrick
That the Board note the Cyber Security Policy Report and adopt the Cyber Security Policy.	

8h Spare Capacity in Housing

Moved	Cr C Bembrick/Cr J Hamling
That the Board note the Spare Capacity in Housing Final Report and;	
1. note that implementation calls for concierge style support leveraging existing apps;	
2. adopt the report with a view to this being for consideration in the round of JO strategy after the local government election in September;	
3. concurrently work with key stakeholders on opportunities to implement a proof-of-concept phase; and	
4. acquit the project under the auspices of the Chair.	

The motion was defeated

Resolved	Cr R Fagan/Cr C Bembrick
That the Board note the Spare Capacity in Housing Final Report and;	
1. commend the staff for the work undertaken; and	
2. undertake no further work on this project.	

8i Disaster Risk Reduction Fund Project Completion Report

Resolved	Cr M Statham / Cr P Phillips
The Board note the Disaster Risk Reduction Fund Project Completion Report and;	

1. borrow the Simtable from Hunter Joint Organisation periodically over two years to assess its value to the region, then decide on its acquisition;
2. support staff in piloting the Planwisely tool;
3. prioritise disaster risk reduction by continuing to support and invest in both ongoing disaster risk reduction project initiatives and emerging initiatives to further enhance disaster resilience;
4. endorse the draft Terms of Reference for the Regional Resilience Group;
5. endorse the Spatial Data Scoping Study report;
6. endorse the Regional Resilience Program monitoring and evaluation plan and supporting reports; and
7. endorse the final project and acquittal reports.

8j Fuel Prices Report

Resolved	Cr D Waddell / Cr C Bembrick
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- That the Board note the Diesel Prices Report and;
1. commend to members they opt in to the CNSWJO diesel tax audit if they have not undertaken this work recently; and
 2. note a media release has been provided to members to adapt regarding diesel pricing.

8k Regional Asset Management Improvement Program Report

Resolved	Cr M Applebee / Cr J Jennings
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- That the Board note the Regional Asset Management Improvement Program Report and;
1. endorses the Asset Management Audit for Central NSW Councils Final Report (April 2024); and
 2. noting that advice in the Quarterly Review report calls for a workshop of senior staff in Blayney on 31 October as part of the review of the Statement of Strategic Regional Priority for the CNSWJO, support a presentation at that time from Dr Trevor Seymour-Jones from the University of Newcastle, Institute for Regional Futures on his findings and recommendations from the 2023-2024 Asset Management Audits.

8l Regional Water Report

Resolved	Cr J Hamling / Cr P Miller
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- That the Board note the Regional Water Report and;
1. adopt the Regional Water Loss Management Hub Project Final Report; and
 2. invite representatives of the from the Murray Darling Bason Authority responsible for the review of the Murray Darling Basin Plan to the Board meeting in November.

8m Charles Sturt University Productive Water Policy Lab Report

Resolved	Cr P Miller / Cr J Hamling
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- That the Board note the report on the Charles Sturt University Productive Water Policy Lab and that a final report is being drafted.

8n Energy Program Report

Resolved	Cr P Miller / Cr R Fagan
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- That the Board note the Energy Program Report; and
1. endorse the JONZA Round 1 End of Term report;
 2. endorse the Business Case grant acquittal;
 3. adopt the updated Regional Emissions Reduction Plan: Opportunities Report;
 4. note the establishment of an energy advisory panel to advise CNSWJO and its member councils on the broader energy framework to inform consultations and the next AER Determination; and
 5. note the funding of close to \$2m received since 1 January 2023 for energy/net zero related programming, either directly to councils or via CNSWJO.

9. Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025

Resolved	Cr P Miller / Cr M Statham
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- That the Board note the Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025 and;
1. note the advice regarding the timeframes and suggested program for the review of the CNSWJO Statement of Strategic Regional Priorities;
 2. note the development of a high-level marketing strategy of the region as a destination for visitors; and
 3. note the Return on Investment (ROI) for member councils in 2023/2024 was 8.3:1.

10. Regional NSW Update – Ms Gerry Collins provided an update. Ricky Puata will remain as the key contact.

11. Office of Local Government Update – Ms Katrina Annis-Brown provided an update. The Hit the Ground Running webinars will be provided to Councillors after the election. They will be for two hours on Thursdays.

12. Late Reports

The Executive Officer advised that CNSWJO released a media release on 21 August 2024, in response to the omission of Blayney, Forbes and Cabonne councils from the Welcome Grant Program.

13. Matters raised by Members

Cr S Ferguson raised the matter of the Minister for Water, The Hon Tanya Plibersek exercising her power under Section 10 of the ATSIHP for the area of the proposed tailings dam for the Kings Plains gold mine.

It was agreed that a Statement would be prepared and signed by every mayor for presentation to the Minister's

Notes from the attendance with federal representatives 22 August 2024 held at Parliament House, Canberra

In Attendance

Cr J Jennings	Bathurst Regional Council	Cr M Statham	Lithgow City Council
Cr S Ferguson	Blayney Shire Council	Cr N Westcott	Parkes Shire Council
Cr K Beatty	Cabonne Council	Cr J Hamling	Orange City Council
Cr R Fagan	Cowra Council	Cr C Bembrick	Weddin Shire Council
Cr P Miller, OAM	Forbes Shire Council	Cr A McKibbin	Oberon Council
Cr P Phillips	Lachlan Shire Council		
Mr M Dicker	Blayney Shire Council	Cr K Graham	Oberon Council
Mr B Byrnes	Cabonne Council	Ms C Weston	RDACW
Mr P Devery	Cowra Council	Ms K Annis-Brown	OLG
Mr Mat Teale	Forbes Shire Council	Ms G Collins	Regional Coordination
Mr G Tory	Lachlan Shire Council	Ms J Bennett	CNSWJO
Mr R Gurney	Lithgow City Council	Ms M Macpherson	CNSWJO
Mr G Wallace	Oberon Council	Ms K Barker	CNSWJO
Mr D Waddell	Orange City Council	Ms J Parish	CNSWJO
Mr K Boyd PSM	Parkes Shire Council	Ms E Grimm	CNSWJO
Ms N Vu	Weddin Shire Council	Ms C Griffin	CNSWJO
Cr A Rawson	Central Tablelands Water	Ms A Thomas	CNSWJO
Mr G Haley	Central Tablelands Water	Ms J Webber	CNSWJO
Cr M Applebee	Parkes Shire Council		

Meeting opened at 8.45am by Chair, Cr Kevin Beatty

14. The Chair welcomed the Board to the meeting, held in Canberra.

15. Acknowledgement of Country

16. Farewell to Crs Scott Ferguson, Mark Kellam, Craig Bembrick and Jason Hamling with recognition of their substantial contribution to the region's councils and communities.

Meetings with Federal Representatives

1. Michael Wrathall

Senior Adviser to Minister Tanya Plibersek

Representative from the Office of the Hon Tanya Plibersek

Minister for Environment and Water

Action: Follow-up to be undertaken with Mr Wrathall on the aspirations for the region for the Lachlan.

Action: Follow-up with Minister Plibersek on the two requests in the Statement.

Actions:

- Further work in region on the network of pipes proposal identified in the draft Lachlan Regional Water Strategy.
- Continue to advocate for the completion and implementation of the 3 Regional Water Strategies in the CNSWJO footprint.

Action: Mr Wrathall would be included in discussions with CSU partners to talk about engineering solutions to environmental issues and how to manage the continued weather events with a changing climate.

2. The Hon Catherine King, MP

Minister for Infrastructure, Transport, Regional Development and Local Government

Minister King welcomed the opportunity to come to the meeting and meet with represented Councils on a regional basis and thanked the JO for providing this opportunity. Minister King provided an update on the current programs and grants that Councils are eligible for; noting that the focus of the criteria for these projects is capacity for Councils to deliver.

Action: CNSWJO to follow-up on advice provided to Councils where those attending were unsure that this was the advice provided to Councils.

Action: CNSWJO to follow-up with Gerry Collins on how engagement with the Priority housing work stream - \$300m in NSW can be effected.

Action- CNSWJO to review the changed infrastructure policy, procedure and funding frameworks and provide policy advice to the incoming Board.

Action CNSWJO to follow-up on corridor planning status in NSW and advocate accordingly.

Action CNSWJO to review National Freight Strategy and provide policy advice to the incoming Board.

3. Ms Simone McDonnell**Advisor- Emergency Management**

Representative from the Office of the Hon Jenny McAllister

Minister for Cities

Minister for Emergency Management

Action: CNSWJO to provide advocacy regarding in support of the idea that the state and federal governments of Australia should get together and sort a better way for natural disaster funding.

Action: Follow-up with Simon McDonnell regarding Wolgan Road issue.

Action: CNSWJO to provide feedback and advocacy regarding treating LWUs as non-commercial if they do not pay a dividend.

4. The Hon Kristy McBain (Host)**Minister for Regional Development, Local Government and the Territories**

Cr Beatty thanked the Minister for coordinating the meeting and then renewed MoU with RDA Central West with oversight by the Minister.

Action: The Minister's Office to be thanks and a media release to issue.

5. The Hon Michael McCormack MP

Member for Riverina

6. Mr Matt Lowe**Deputy Secretary, Agriculture, Fisheries and Forestry Policy**

Representative from the Office of the Hon Julie Collins

Minister for Agriculture, Fisheries and Forestry

Minister for Small Businesses

Action: CNSWJO to provide follow-up on matters raised in this meeting around biosecurity, feral animals and weeds.

Meeting closed 1:45

5.2 SUBMISSION INVITATION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

RECORD NUMBER: 2024/1637

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

Correspondence was received from the Local Government Remuneration Tribunal notifying that an annual review is being conducted of fees payable to Councillors and Mayors in accordance with s241 of the Local Government Act 1993. Submissions are open to Councils with endorsement.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil at this stage. Council’s budget will be based on the Tribunal recommendations and further adoption of Council.

POLICY AND GOVERNANCE IMPLICATIONS

Section 241 of the Local Government Act 1993 requires an annual review of fees payable to Councillors and Mayors. Council will adopt particulars of those fees after the determination is issued in 2024.

The Code of Conduct section 4.6 “**What interests do not have to be disclosed?**” includes:

(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.

In relation to whether the matter can be considered in a closed meeting of Council, no section of the Act allows for Councillor or Mayoral Remuneration to be considered in a closed session.

RECOMMENDATION

That Council determine whether to make a submission, and on what terms, to the Local Government Remuneration Tribunal on Councillors and Mayoral Remuneration for 2025/2026.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

As outlined in section 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2025.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2025 review process.

The Tribunal invites submissions from individual Councils as part of this review. It is expected that submissions are endorsed by their respective Council. Submissions must be received no later than 20 December 2024.

Attached for information of the Council is the submission Invitation letter.

ATTACHMENTS

- 1 LGRT 2025 - Invitation Letter to Councils - Seeking Submissions (redacted), D24/112923

OFFICIAL



Local Government Remuneration Tribunal

Ref: A9076967

To Mayors/General Managers

via email to Councils

Dear Mayors/General Managers,

I write to advise that the Local Government Remuneration Tribunal (the Tribunal) has commenced its review for the 2025 annual determination.

As outlined in section 241 of the *Local Government Act 1993* (LG Act), the Tribunal is required to make an annual determination, on the fees payable to Councillors and Mayors. The determination is to take effect from 1 July 2025.

The minimum and maximum fee levels for each category will be assessed by the Tribunal as part of the 2025 review process. The Tribunal is required to review the categories every three years under section 239 of the LG Act. The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in 2026, however, this year, the Tribunal will examine if any councils warrant a recategorisation, due to meeting a category's criteria outlined in Appendix 1 of the 2024 Determination.

Submissions

The Tribunal invites submissions from individual councils as part of this review. **It is expected that submissions are endorsed by their respective council.**

Any submission that Council may wish to make should be received no later than 20 December 2024 and should be emailed to remunerationtribunals@premiersdepartment.nsw.gov.au attention Joanne Nava.

2024 Annual Determination

In 2024, the Tribunal made its first determination after the repeal of section 146C of the *Industrial Relations Act 1996*, which had the effect of capping remuneration increases. The Tribunal determined a 3.75% increase in the minimum and maximum fees, effective 1 July 2024.

A copy of the Tribunal's 2024 Annual Determination can be found [here](#).

Please note that any material provided to the Tribunal may be made available under the Government Information (Public Access) Act 2009.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view for local government in NSW.

Level 8, 52 Martin Place, Sydney NSW 2000
■ GPO Box 5341, Sydney NSW 2001 ■ www.remtribunals.nsw.gov.au

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If you require any further information, please email at
or telephone on

Yours sincerely

Viv May PSM
Local Government Remuneration Tribunal
14 October 2024

OFFICIAL

5.3 CODE OF CONDUCT COMPLAINT REPORTING - 1 SEPTEMBER 2023 - 31 AUGUST 2024

RECORD NUMBER: 2024/1325

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

In accordance with the Code of Conduct and Procedures for the Administration of the Code of Conduct, the Complaints Coordinator is required to report to the Office of Local Government within three months of 30 September each year on complaint information for a specified period. This report provides statistics for the period 1 September 2023 to 31 August 2024 as reported to the Office of Local Government on 17 September 2024.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Part 11 of the Procedures for the Code of Conduct sets out the information that is to be reported to Council and the Office of Local Government within 3 months of 30 September each year. Council reported to the Office on 17 September 2024 for the period 1 September 2023 to 31 August 2024.

Other information is not included given the requirements of Part 12 of the Procedures, which require information about complaints and the management and investigation of complaints is to be treated as confidential and not disclosed publicly.

RECOMMENDATION

That the report on Code of Conduct Complaint Reporting be acknowledged.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

This report provides statistics on Code of Conduct complaints against Councillors and the Chief Executive Officer, from 1 September 2023 to 31 August 2024.

Required information	Current period
Total number of Code of Conduct complaints made about Councillors and the Chief Executive Officer under the Code of Conduct between 1 September 2023 to 31 August 2024	6
Number of Code of Conduct complaints referred to a Conduct Reviewer	6
Number of Code of Conduct complaints finalised by a Conduct Reviewer at the Preliminary Assessment stage and the outcome of those complaints	5 (4 – no breaches found, 1 – breach found no further action). Note: 1 recently received and not yet finalised by Conduct Reviewer
Number of Code of Conduct complaints progressed to investigation and investigated by a Conduct Reviewer	Nil
Number of Code of Conduct complaints progressed to investigation and investigated by a Conduct Review Committee	Nil
Without identifying particular matters, the outcome of Code of Conduct complaints investigated by a Conduct Reviewer or Conduct Review Committee under the Procedures	Nil
Number of matters reviewed by the Office of Local Government, and without identifying particular matters, the outcome of the reviews	Nil
The total cost of dealing with Code of Conduct complaints made about Councillors and the Chief Executive Officer in the year from 1 September 2023 to 31 August 2024, including staff costs.	\$6,696 in Conduct Reviewer Fees plus approximately \$2,818 in staff costs.

5.4 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2024/1738

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council is required, under the Local Government Act, to adopt specific codes, policies or documents within 12 months of a Local Government Election. This report presents policies which have been reviewed and are recommended for placement on public exhibition for a period of at least 28 days:

- ST01 - Code of Conduct
- ST01.1 - Procedures for the Administration of the Code of Conduct
- ST02 - Code of Meeting Practice
- ST03 - Councillor Payment of Expenses & Provision of Facilities
- ST04 – Councillor Access to Information & Interaction with Staff
- ST05 – Councillor Records Management

Following a review of Councils Policy Structure, over the coming months, Council will consider policies as they are updated and recommended for exhibition before adoption.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to place the following policies on public exhibition for a period of 28 days:

- **ST01 - Code of Conduct**
- **ST01.1 - Procedures for the Administration of the Code of Conduct**
- **ST02 - Code of Meeting Practice**
- **ST03 - Councillor Payment of Expenses & Provision of Facilities**
- **ST04 - Councillor Access to Information & Interaction with Staff**
- **ST05 - Councillor Records Management**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The following policies have been reviewed and outlined below are changes/updates made to each policy. It is recommended these policies be placed on public exhibition for a period of at least 28 days to allow for Council and public review and submissions. It is expected that the policies will then be provided to Council in February 2025 for adoption.

ST01 – Code of Conduct

The Code of Conduct is based on the Model Code of Conduct issued by the Office of Local Government. Council must adopt a Code that incorporates the Mandatory provision of the Code of Conduct and may also incorporate Non-Mandatory or supplementary provisions.

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only – no change to previously adopted version based on the Office of Local Government Model Code of Conduct.

ST01.1 – Procedures for the Administration of the Code of Conduct

In adopting procedures for the administration of their adopted Codes of Conduct, Councils may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect. Provisions included in the draft version of the Procedures for the Administration of the Code of Conduct are mandatory provisions.

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only – no change to previously adopted version based on the Office of Local Government Model Procedures for the Administration of the Code of Conduct.

ST02 – Code of Meeting Practice

The Code of Meeting Practice is based on the Model Code of Meeting Practice issued by the Office of Local Government. Council must adopt a Code that incorporates the Mandatory provision of the Model Meeting Code and may also incorporate Non-Mandatory or supplementary provisions.

Reference	Update
General	<ul style="list-style-type: none"> • Formatting Update • Section 9.17 relating to Questions Taken on Notice that responses sent to Councillors will be provided in a report to Council at the second meeting of each month, where required. • Time limit on Council Meetings in Section 18 remains at 9.30pm.

ST03 – Councillor Payment of Expenses & Provision of Facilities

The Councillor expenses and facilities policy allows for Councillors to receive adequate and reasonable expenses and facilities to enable them to carry out their Civic Duties as elected representatives of their local communities. This policy is based on the Model Policy issued by the Office of Local Government. The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be provided, paid or reimbursed.

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only

ST04 - Councillor Access to Information & Interaction with Staff

The Councillor Access to Information and Interaction with Staff policy is based on the Model Policy issued by the Office of Local Government. While not mandatory, the policy reflects best practice, and all Councils are encouraged to adopt it. In adopting the Model Policy, Council is free to adapt the policy to suit the circumstances of Council. The Councillor request system allows for requests for information to be managed through the Executive Office. This ensures items are received, followed up, directed to the appropriate staff and notification to Councillors following finalisation.

Reference	Update
General	<ul style="list-style-type: none"> • Updated Formatting • Schedule 1 updated to include Manager Corporate Governance.

ST05 - Councillor Records Management

The Councillor Records Management policy is based on the Model Records Management for Councillors from NSW State Archives and Records. While not mandatory, the policy reflects best practice, and all Councils are encouraged to adopt it. Template Meeting Notes will be available to all Councillors electronically and as a hard copy note pad.

Reference	Update
General	<ul style="list-style-type: none"> • Updated Formatting only.

ATTACHMENTS

- 1 FOR EXHIBITION - Strategic Policy - ST01 - Code of Conduct, D24/130857
- 2 FOR EXHIBITION - Strategic Policy - ST01.1 - Procedures for the Administration of the Code of Conduct, D24/129762
- 3 FOR EXHIBITION - Strategic Policy - ST02 - Code of Meeting Practice, D24/129757
- 4 FOR EXHIBITION - Strategic Policy - ST03 - Councillor Expenses & Provision of Facilities, D24/129763
- 5 FOR EXHIBITION - Strategic Policy - ST04 - Councillor Access to Information & Interaction with Staff, D24/129767
- 6 FOR EXHIBITION - Strategic Policy - ST05 - Councillor Records Management, D24/129758



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Acknowledgement of Country

Orange City Council is situated within the traditional lands of the Wiradjuri Nation.

We acknowledge the traditional custodianship of these lands, and pay our respect to the Wiradjuri people for their care and stewardship of these lands for more than 40,000 years and to the Elders of the Wiradjuri Nation, past, present and emerging.

ORANGE CITY COUNCIL



CODE OF CONDUCT

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Enquiries

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Strategic Policy ST01





Message from the CEO

As individuals we are responsible for our actions and behaviours.

The need for integrity, transparency and accountability is critical in our roles as staff, elected members of Council or committee members in our interactions to ensure we serve the community and manage its resources to the highest standard.

The Code of Conduct is for Councillors, Staff, Delegates, Administrators and Members of Committees and will guide you through complex and often difficult local government issues.

The Code provides obligations and standards for how we operate as individuals and also as an organisation. It fosters good judgement, ensuring our behaviour and actions are undertaken ethically and responsibly. Collectively we should always observe the highest standards of honesty and integrity and avoid any conduct which would bring ourselves or Council into disrepute.

Council's Core values of Respect, Ownership, High Performance, Customer Focus, Safety, Diversity and Leadership are a perfect expression of how we, as a Council, strive to conduct ourselves and what we value in our organisation. The Code of Conduct underpins our abilities to fulfil these core values.

It is expected that all Councillors, Staff, Delegates, Administrators and Committee Members make themselves aware of the Code of Conduct and implement and comply with its provisions acting both within the letter and the spirit of the Code.

David Waddell
Chief Executive Officer
Orange City Council

Live

A healthy, safe, inclusive and vibrant community.

Preserve

Balancing the natural and built environment.

Prosper

A smart, innovative and resilient economy.

Collaborate

Leading and partnering to support the community.

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PART 1

Introduction

This Code of Conduct applied to Councillors, Administrators, Members of Staff (including the Chief Executive Officer, Volunteers & Contractors), Delegates of Council, Committee and Members and is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct"), made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

This Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

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

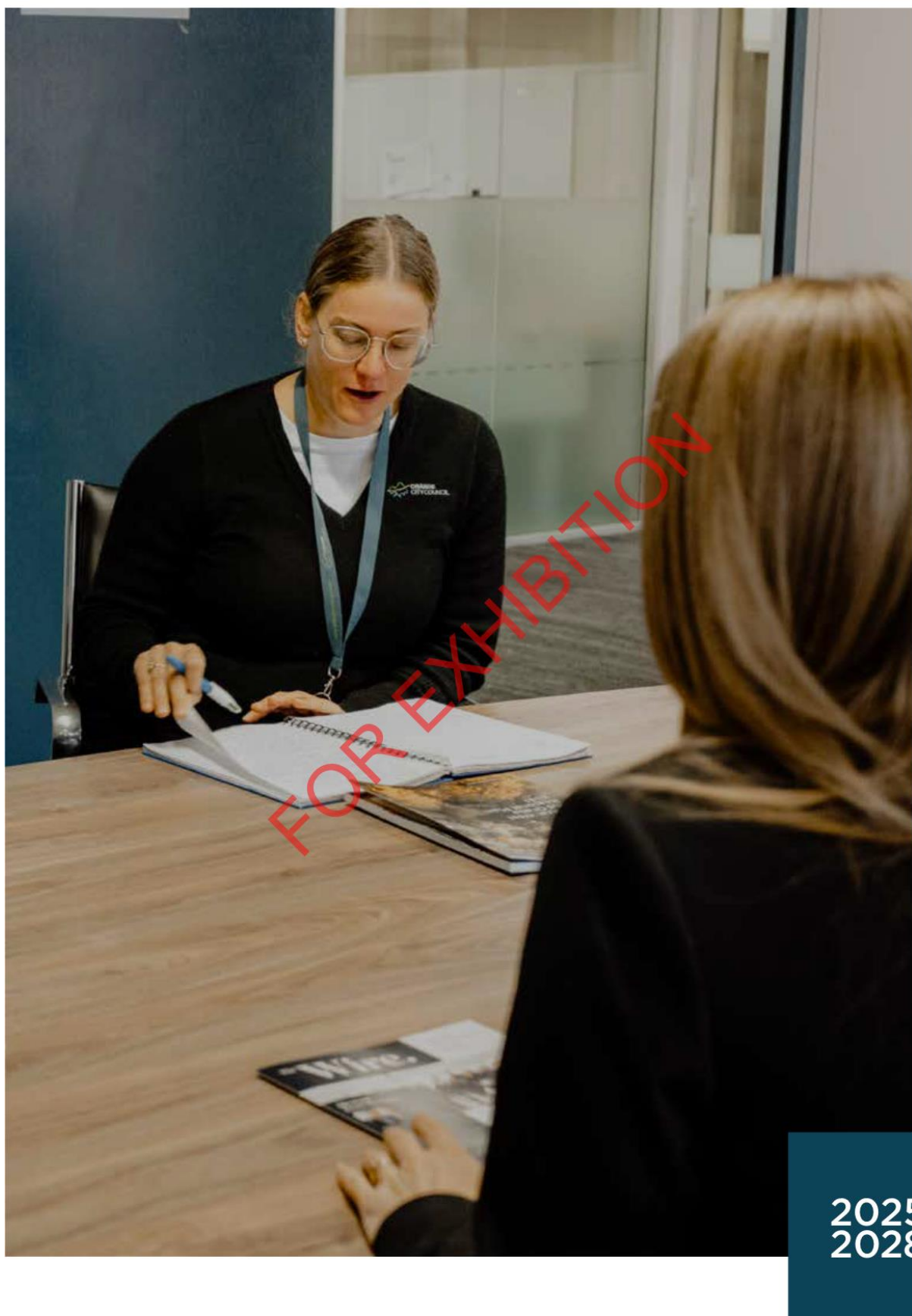
Section 440 of the LGA requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct. A council's adopted Code of Conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

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

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

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

Failure by a member of staff to comply with a Council's Code of Conduct may give rise to disciplinary action.



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PART 2

Definitions

This code contains the following terms and meanings:


administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and council advisers, for purposes of clause 4.16, council advisors
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
environmental planning instrument	has the same meaning as it has in the Environmental Planning and Assessment Act 1979
general manager/ chief executive officer	includes the executive officer of a joint organisation

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joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



PART 3

General Conduct Obligations

GENERAL CONDUCT

3.1 You must not conduct yourself in a manner that:

- 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 treat others with respect at all times.

3.3 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

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 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.

3.6 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.4 or 3.5.

HARASSMENT AND DISCRIMINATION

3.7 You must not harass or unlawfully discriminate

against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.8 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

3.9 You must not engage in bullying behaviour towards others.

3.10 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.

3.11 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.

3.12 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

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

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the chief executive officer or such other staff member nominated by the chief executive officer, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

LAND USE PLANNING, DEVELOPMENT
ASSESSMENT AND OTHER REGULATORY
FUNCTIONS

- 3.14
- 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.
- 3.15
- 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

- 3.16
- You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.17
- For the purposes of clause 3.16, 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.
- 3.18
- Clause 3.16 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.19
- Clause 3.16 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

- 3.20
- 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.
- 3.21
- 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).
- 3.22
- 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.

- 3.23
- 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.

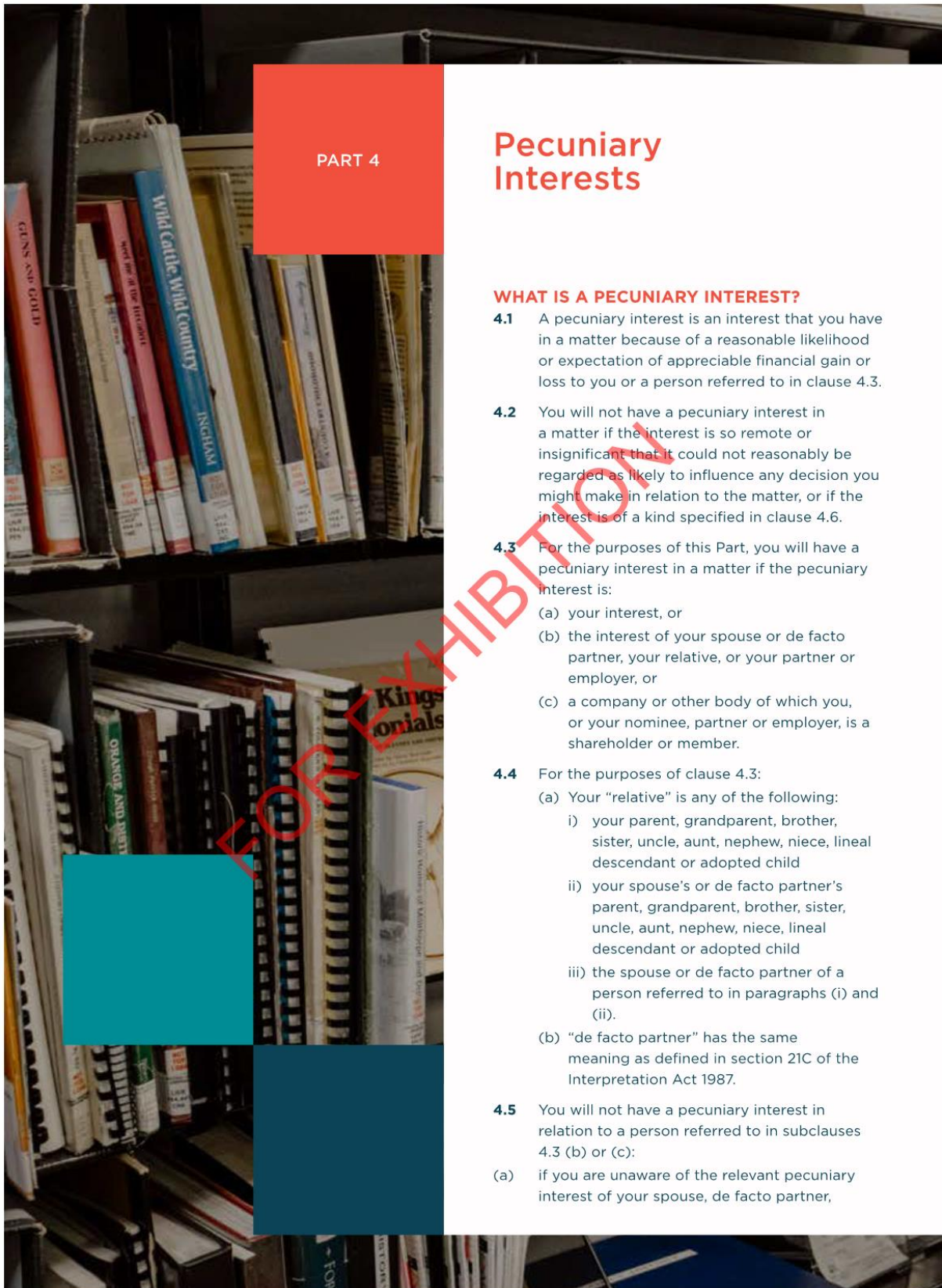
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PART 4

Pecuniary Interests

WHAT IS A PECUNIARY INTEREST?

- 4.1** A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2** You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3** For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4** For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5** You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3 (b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner,

relative, partner, employer or company or other body, or

- (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

WHAT INTERESTS DO NOT HAVE TO BE DISCLOSED?

4.6 You do not have to disclose the following interests for the purposes of this Part:

- (a) your interest as an elector
- (b) your interest as a ratepayer or person liable to pay a charge
- (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor

- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

WHAT DISCLOSURES MUST BE MADE BY A DESIGNATED PERSON?

4.8 Designated persons include:

- (a) the chief executive officer
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

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

4.10 A designated person must disclose in writing to the chief executive officer (or if the person is the chief executive officer, 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 chief executive officer 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 chief executive officer 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 chief executive officer 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 chief executive officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

WHAT DISCLOSURES MUST BE MADE BY COUNCIL ADVISERS?

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

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

WHAT DISCLOSURES MUST BE MADE BY A COUNCIL COMMITTEE MEMBER?

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

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

WHAT DISCLOSURES MUST BE MADE BY A COUNCILLOR?

4.20 A councillor:

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

ORANGE CITY COUNCIL

DISCLOSURE OF INTERESTS IN WRITTEN RETURNS

- 4.21** A councillor or designated person must make and lodge with the chief executive officer a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22** A councillor or designated person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23** A councillor or designated person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24** The chief executive officer must keep a register of returns required to be made and lodged with the chief executive officer.
- 4.25** Returns required to be lodged with the chief executive officer under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26** Returns required to be lodged with the chief executive officer under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27** Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

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

- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.31 A general notice may be given to the chief executive officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.32 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

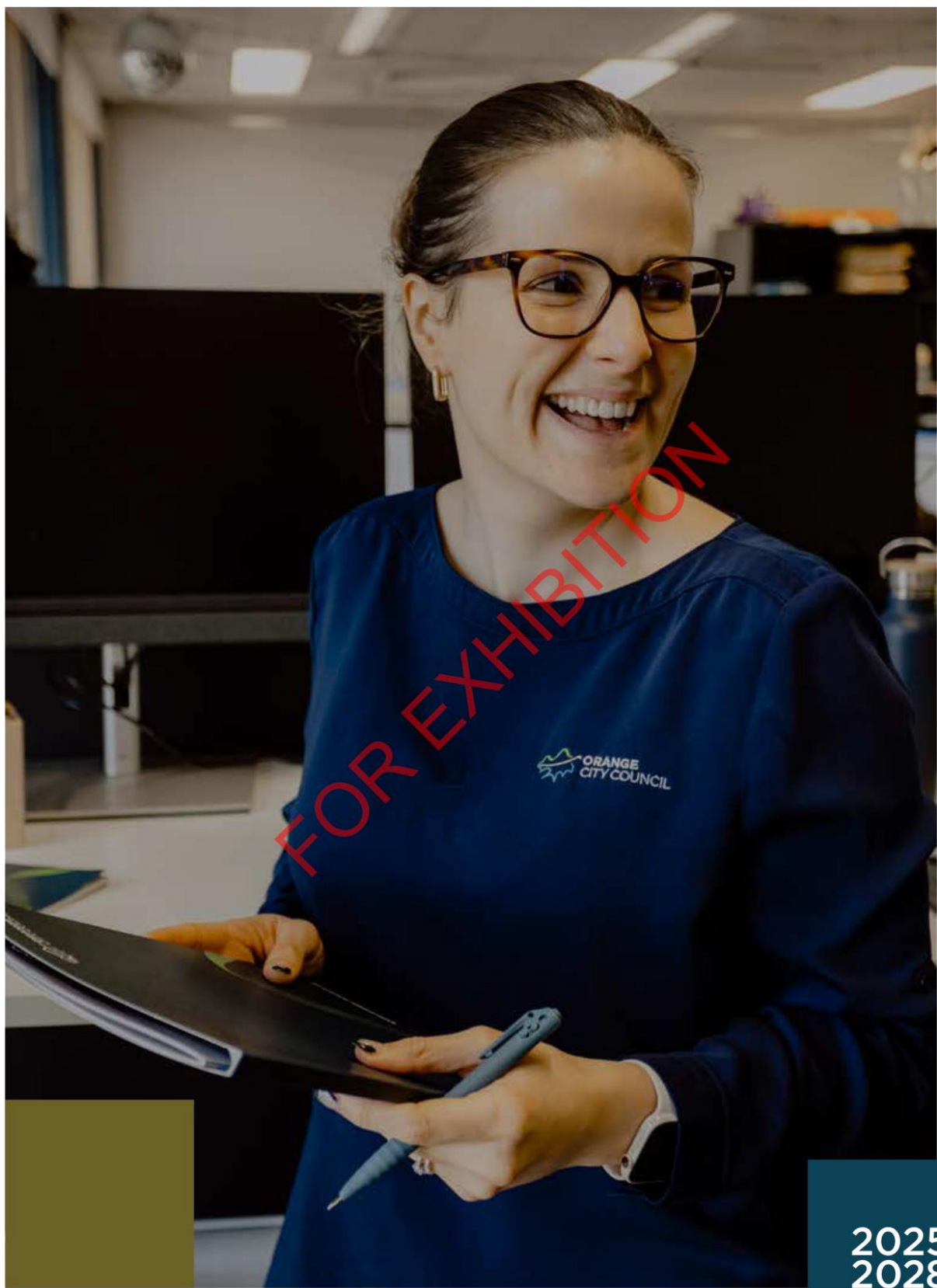
4.33 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.34 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.35 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

- (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 20 4.36 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.37 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.
- 4.38 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



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PART 5

Non-pecuniary Conflict 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 chief executive officer, such a disclosure is to be made to the staff member's manager. In the case of the chief executive officer, such a disclosure is to be made to the mayor.

5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under

consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the chief executive officer, 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 chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

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

POLITICAL DONATIONS

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

24 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

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

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

5.17 For the purposes of this Part:

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

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

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

LOSS OF QUORUM AS A RESULT OF COMPLIANCE WITH THIS PART

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

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

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

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

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

Note: for the purpose of clauses 5.21 and 5.22m a "council committee member" includes a member of staff of Council who is a member of a council committee.

OTHER BUSINESS OR EMPLOYMENT

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

- 5.24** A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the chief executive officer in writing of the employment, work or business and the chief executive officer has given their written approval for the staff member to engage in the employment, work or business.
- 5.25** The chief executive officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26** A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27** Members of staff must ensure that any outside employment, work or business they engage in will not:
- conflict with their official duties
 - involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - require them to work while on council duty
 - discredit or disadvantage the council
 - pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

PERSONAL DEALINGS WITH COUNCIL

- 5.28** You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29** You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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PART 6

Personal benefit

- 6.1** For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2** A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the Electoral Funding Act 2018
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) a benefit or facility provided by the council to an employee or councillor
 - 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 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 chief executive officer in writing. The recipient, manager, or chief executive officer must ensure that, at a minimum, the following details are recorded in the council's gift register:

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

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

GIFTS AND BENEFITS OF TOKEN VALUE

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

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

GIFTS AND BENEFITS OF MORE THAN TOKEN VALUE

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

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

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

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

“CASH-LIKE GIFTS”

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

IMPROPER AND UNDUE INFLUENCE

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

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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 chief executive officer 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 chief executive officer
 - 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 chief executive officer includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:

- a) give their attention to the business of the council while on duty
- b) ensure that their work is carried out ethically, efficiently, economically and effectively
- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor

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



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Access to information and Council resources

COUNCILLOR AND ADMINISTRATOR ACCESS TO INFORMATION

- 8.1** The chief executive officer is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The chief executive officer 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 chief executive officer 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 chief executive officer 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 chief executive officer or public officer must state the reasons for the decision if access is refused.

USE OF CERTAIN COUNCIL INFORMATION

8.9 In regard to information obtained in your capacity as a council official, you must:

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

USE AND SECURITY OF CONFIDENTIAL INFORMATION

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

8.11 In addition to your general obligations relating to the use of council information, you must:

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

PERSONAL INFORMATION

8.12 When dealing with personal information you must comply with:

- a) the Privacy and Personal Information Protection Act 1998
- b) the Health Records and Information Privacy Act 2002
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

USE OF COUNCIL RESOURCES

8.13 You must use council resources ethically, effectively, efficiently and carefully in

exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

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

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

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

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

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

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

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

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

INTERNET ACCESS

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

COUNCIL RECORD KEEPING

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

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

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

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

COUNCILLOR ACCESS TO COUNCIL BUILDINGS

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

8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the chief executive officer (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.





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PART 9

Maintaining the integrity of this code

COMPLAINTS MADE FOR AN IMPROPER PURPOSE

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to bully, intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under the Procedures
- g) to take reprisal action against a person for making a complaint alleging a breach of this code
- h) to take reprisal action against a person for exercising a function prescribed under the Procedures
- i) to prevent or disrupt the effective administration of this code under the Procedures.

DETRIMENTAL ACTION

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

COMPLIANCE WITH REQUIREMENTS UNDER THE PROCEDURES

9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

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

DISCLOSURE OF INFORMATION ABOUT THE CONSIDERATION OF A MATTER UNDER THE PROCEDURES

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

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

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

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

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

COMPLAINTS ALLEGING A BREACH OF THIS PART

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

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

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SCHEDULE 1

Disclosures of interests
and other matters in
written returns submitted
under clause 4.21

PART 1: PRELIMINARY

DEFINITIONS

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

address means:

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

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

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

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

person's own property and to increase the value of the property of another person.

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

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

- a) a person's spouse or de facto partner

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

travel includes accommodation incidental to a journey.

MATTERS RELATING TO THE INTERESTS THAT MUST BE INCLUDED IN RETURNS

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

PART 2: PECUNIARY INTERESTS TO BE DISCLOSED IN RETURNS

REAL PROPERTY

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

GIFTS

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

CONTRIBUTIONS TO TRAVEL

12. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

INTERESTS AND POSITIONS IN CORPORATIONS

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

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- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

INTERESTS AS A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate**, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.
- property developer** has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

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

DISPOSITIONS OF REAL PROPERTY

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which

they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

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

SOURCES OF INCOME

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

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

DEBTS

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

a) on the return date, and

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

a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

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(i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

(ii) the amounts to be paid exceeded, in the aggregate, \$500, or

b) the person was liable to pay the debt to a relative, or

c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

d) in the case of a debt arising from the supply of goods or services:

(i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

DISCRETIONARY DISCLOSURES

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



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SCHEDULE 2

Form of written return of interests submitted under clause 4.21

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS' RETURN

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the chief executive officer 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 chief executive officer 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 chief executive officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the chief executive officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

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

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

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

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

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

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SCHEDULE 2

Form of return
Disclosure of interest

DISCLOSURES BY COUNCILLORS AND
DESIGNATED PERSONS' RETURN

DIRECTIONS

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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

IMPORTANT INFORMATION

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

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

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a Council meeting.

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

Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.

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

DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By _____

(full name of Councillor or designated person)

*as at _____
(return date ie. If this is the first return required to be submitted by you after attaining the position of designated person, put the date that you attained that position, put N/A if this does not pertain to you)

*in respect of the period from _____
1 July 20__ TO 30 June 20__ (return period)

(Councillor's or designated person's signature)

(date)

A. REAL PROPERTY

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

Nature of interest

B. SOURCES OF INCOME

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

C. GIFTS

Description of each gift I received at any time since 30 June

Name and address of donor

D. CONTRIBUTIONS TO TRAVEL

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June

Date on which travel was undertaken

Name of States, Territories of the Commonwealth or overseas countries in which travel was undertaken

E. INTEREST 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

Name of interest (if any)

Description of position (if any)

Description of principal objects (if any) or corporation (except in case of listed company)

F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE? (Please circle)

Yes

No

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

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CODE OF CONDUCT

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2025-
2028

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SCHEDULE 3

Form of special disclosure
of pecuniary interest
submitted under clause 4.37

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

IMPORTANT INFORMATION

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

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

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

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

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

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

FOR EXHIBITION

CODE OF CONDUCT

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2025-
2028

SCHEDULE 3 – FORM OF RETURN – SPECIAL DISCLOSURE OF INTEREST

Submitted under clause 4.25 of the Model Code of Conduct

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)

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 (tick or cross one box)

☐

The Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).

☐

An associated person of the Councillor has an interest in the land.

☐

An associated company or body of the Councillor has an interest in the land.

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MATTER GIVING RISE TO PECUNIARY INTEREST¹

Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land). (tick or cross one box)

☐

The identified land.

☐

Land that adjoins or is adjacent to or is in the proximity to the identified land.

Current zone/planning control (Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land)²

Proposed change of zone/planning control (Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land)

Effect of proposed change of zone/planning control on Councillor or associated person (Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss")

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

Councillor's signature _____ Date _____

¹Clause 4.1 of this Code of Conduct for Councillors (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 Code of Conduct.²A 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 Code of Conduct has a proprietary interest.



ORANGE

CITY COUNCIL

CODE OF CONDUCT

Acknowledgement of receipt form

Name

Position

Address

I hereby certify that I have read, understood and agree to comply with the provisions of the Orange City Council Code of Conduct.

Signature

Date

Please return to the Executive Support Manager or via council@orange.nsw.gov.au

CODE OF CONDUCT



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Enquiries

For information about the
Code of Conduct, contact:
Manager, Corporate Governance
council@orange.nsw.gov.au

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Strategic Policy – ST01.1

Procedures for the Administration
of the Code of Conduct

FOR EXHIBITION

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STRATEGIC POLICY – ST05

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1 INTRODUCTION

These procedures are prescribed for the administration of the Code of Conduct for Orange City Council and are based on the Model Code of Conduct and Procedures.

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").

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 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 Chief Executive Officer.

2 DEFINITIONS

In these procedures the following terms have the following meanings:

TERM	DEFINITION
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 code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complainants coordinator	a person appointed by the Chief Executive Officer 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 Chief Executive Officer
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



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TERM	DEFINITION
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and council advisers, for purposes of clause 4.12, council advisors
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
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager/chief executive officer	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
investigator	A conduct reviewer
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
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
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
the office	Office of Local Government
wholly advisory committee	a council committee that the council has not delegated any functions to (community committees)



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3 ADMINISTRATIVE FRAMEWORK

The Establishment of a Panel of Conduct

Reviewers

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



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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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.

3.21 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the Council's code of conduct



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- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office and
- d) arrange the annual reporting of code of conduct complaints statistics.

4 HOW MANY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a Code of Conduct Complaint?

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

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

When Must a Code of Conduct Complaint be Made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the Chief Executive Officer or their delegate, or, in the case of a complaint about the Chief Executive Officer, 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 Chief Executive Officer be Made?

- 4.6 All code of conduct complaints other than those relating to the Chief Executive Officer are to be made to the Chief Executive Officer 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 Chief Executive Officer 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



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Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.9 The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer be Made?

- 4.11 Code of conduct complaints about the Chief Executive Officer are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the Chief Executive Officer to an external agency.
- 4.12 Where a code of conduct complaint about the Chief Executive Officer 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 Chief Executive Officer, 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 Chief Executive Officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

5 HOW ARE CODE OF CONDUCT COMPLAINTS MANAGED?

Delegation by Chief Executive Officer and Mayor of their Functions Under this Part

- 5.1 A Chief Executive Officer 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 Chief Executive Officer or Mayor are also to be taken to be references to their delegates.

Consideration of Complaints by Chief Executive Officer and Mayor

- 5.2 In exercising their functions under this Part, the Chief Executive Officer and Mayor 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 Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, 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



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- 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 Chief Executive Officer) to be Dealt with?

- 5.4 The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer decides to take no action in relation to a code of

conduct complaint about a member of staff of Council, the Chief Executive Officer 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 Advisors and Council Committee Members to be Dealt with?

- 5.10 The Chief Executive Officer 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 Chief Executive Officer 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.



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- 5.12 The Chief Executive Officer 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 Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a delegate of Council or a Council committee member, the Chief Executive Officer 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 Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer 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 Chief Executive Officer resolves a code of conduct complaint under clause 5.14 to the Chief Executive Officer's satisfaction, the Chief Executive Officer 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 Chief Executive Officer
 - prosecution for any breach of the law
 - removing or restricting the person's delegation
 - 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 Chief Executive Officer or any person making enquiries on behalf of the Chief Executive Officer must comply with the requirements of procedural fairness. In particular:
- 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
 - the person must be given an opportunity to respond to the allegation, and
 - the Chief Executive Officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.



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How are Code of Conduct Complaints About Administrators to be Dealt with?

- 5.18 The Chief Executive Officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer refers a complaint to the Office under clause 5.20, the Chief Executive Officer must notify the complainant of the referral in writing.
- 5.22 The Chief Executive Officer 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 Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a Councillor, the Chief Executive Officer 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 Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer 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 Chief Executive Officer resolves a code of conduct complaint under clause 5.24 to the Chief Executive Officer's satisfaction, the Chief Executive Officer 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 Chief Executive Officer must refer all code of conduct complaints about



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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 Chief Executive Officer to be Dealt with?

5.27 The Mayor must refer the following code of conduct complaints about the Chief Executive Officer 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 Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer and the Mayor to be Dealt with?

5.34 Where the Chief Executive Officer or Mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the Chief



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Executive Officer and the Mayor, the Chief Executive Officer or Mayor must either:

- a) delegate their functions under this part with respect to the complaint to a member of staff of the Council other than the Chief Executive Officer where the allegation is not serious, or to a person external to the Council, or
- b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of Code of Conduct Complaints to External Agencies

- 5.35 The Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer, 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 Chief Executive Officer.

- 5.41 Where a Councillor makes a code of conduct complaint about another Councillor or the Chief Executive Officer, 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 Chief Executive Officer or Mayor, and where the matter is referred to a conduct



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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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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:
- imposed an undue and disproportionate cost burden on the Council's administration of its code of conduct, or
 - impeded or disrupted the effective administration by the Council of its code of conduct, or
 - 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:
- the code of conduct complaints the arrangement relates to, and
 - 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



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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 Chief Executive Officer, 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.

6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXECUTIVE OFFICER BY CONDUCT REVIEWERS

Referral of Code of Conduct Complaints About Councillors or the Chief Executive Officer to Conduct Reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about

Councillors or the Chief Executive Officer that have not been referred to an external agency or declined or resolved by the Chief Executive Officer, 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 Chief Executive Officer or the Mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

- a) a panel of conduct reviewers established by the Council, or
- b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:

- a) they have a conflict of interest in relation to the matter referred to them, or
- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or



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- 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 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:
- comply with these procedures in their consideration of the matter, or
 - comply with a lawful and reasonable request by the complaints coordinator, or
 - 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 Chief Executive Officer 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.



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- 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:
- to take no action
 - 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
 - to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, 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
 - to refer the matter to an external agency
 - 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:
- that the complaint is a code of conduct complaint for the purposes of these procedures, and



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- b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA disciplinary action against the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer or Mayor for Resolution**
- 6.26 Where the conduct reviewer determines to refer a matter back to the Chief Executive Officer or to the Mayor to be resolved by alternative and appropriate means, they must write to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the Chief Executive Officer or Mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The Chief Executive Officer 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 Chief Executive Officer or Mayor under clause 6.13(c), the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, 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 Chief Executive Officer or Mayor under clause 6.13(c), the Chief Executive Officer or, in the case of a complaint about the Chief Executive



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Officer, 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.

7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXECUTIVE OFFICER

What Matters may a Conduct Reviewer Investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise



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from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the Chief Executive Officer, or, in the case of alleged conduct on the part of the Chief Executive Officer, to the Mayor.

- 7.3 The Chief Executive Officer 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 at least 14 days or such other period specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further

information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, 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 at least 14 days or such other period specified by the investigator in the notice.



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Written and Oral Submissions

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

How are Investigations to be Conducted?

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

Referral or Resolution of a Matter After the Commencement of an Investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
- 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
 - refer the matter to the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, to the Mayor, for resolution by alternative



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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 Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, 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 at least 14 days or such other period specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make



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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 Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer'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:



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- 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 make one or more of the following recommendations:
 - a) that the Council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 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 Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.37, the complaints coordinator must, where practical, 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 investigations report to the Office for consideration instead of reporting it to the Council under clause 7.44.



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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 7.76.
- 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 or more of the following sanctions on a respondent:
- a) in the case of a breach by the Chief Executive Officer, that action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a Councillor, that the Councillor be formally



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censured for the breach under section 440G of the LGA

- 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 one or more of 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.

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 Chief Executive Officer or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The Chief Executive Officer must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The Chief Executive Officer 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).



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- 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 7.5, 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 practical, 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



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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 that 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.

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.

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.

11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER

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 Chief Executive Officer 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



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- g) the total cost of dealing with code of conduct complaints made about Councillors and the Chief Executive Officer 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.
- 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 Chief Executive Officer 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 Chief Executive Officer or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the Chief Executive Officer 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 Chief Executive Officer or their delegate.
- 12.5 The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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.

All policies can be reviewed or revoked by Council, at any time.

ST03 - Strategic Policy – Councillor Payment of Expenses and Provision of Facilities

Amendments: General formatting update

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Strategic Policy – ST02

Code of Meeting Practice

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STRATEGIC POLICY – ST02

1 INTRODUCTION

This Code of Meeting Practice for Orange City Council (based on 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).

This code applies to all meetings of Council and Committees of Council of which all the members are Councillors (committees of council). Council committees whose members include persons other than Councillors, such as Council's adopted Community Committees are also required to follow this Code and, in this instance, where the code refers to Committee of Council, this is also taken to refer to Community Committees (with the exception of webcasting requirements or where specifically noted in the Code). Supplementary procedures and processes will be available to assist Community committee members with Meeting Practices outside of this policy.

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

Council's adopted Code of Meeting Practice may incorporate non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however, an adopted Code must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

A Council and a Committee of Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting practice as adopted by Council.

2 MEETING PRINCIPLES

Council, Council Committee and Community 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.



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3 BEFORE THE MEETING

Timing of Ordinary Council Meetings

3.1 Ordinary meetings of the Council will be held on the following occasions:

- The First and Third Tuesday of each month (except January), commencing at 6:30pm in the Council Chambers, 135 Byng Street, Orange NSW 2800.
- On the First Tuesday of each month, Policy Committee Meetings will also be held.

3.2 Council will determine and adopt its Community Committee Structure and Councillor representative members for each committee. Individual Community Committee's will confirm meeting times, dates and locations to suit the needs of that committee.

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

Extraordinary Meetings

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

Notice to the Public of Council Meeting

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 meetings and of each meeting of committees of the Council.

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 Chief Executive Officer, or their nominee, 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.

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

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.

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 no later than **eight (8) business days** before the meeting is to be held.



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3.11 A Councillor may, in writing to the Chief Executive Officer, 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 Chief Executive Officer 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 Chief Executive Officer 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 & Budget 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 Chief Executive Officer must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with Notice

3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the Chief Executive Officer about the performance or operations of the Council.

3.15 A Councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the Chief Executive Officer or a member of staff of the Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the Council.

3.16 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and Business Papers for Ordinary Meetings

3.17 The Chief Executive Officer must cause the Agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

3.18 The Chief Executive Officer 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.



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- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.
- 3.20 The Chief Executive Officer 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 Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- 3.22 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, 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

- 3.24 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.
- 3.25 Clause 3.24 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.
- 3.26 For the purposes of clause 3.24, 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.
- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.



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Agendas and Business Papers for Extraordinary Meetings

- 3.28 The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an Extraordinary Meeting of the Council, even though due notice of the business has not been given, if:
- a motion is passed to have the business considered at the meeting, and
 - the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.
- 3.30 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.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting Briefing Sessions

- 3.33 Prior to each Ordinary Meeting of the Council, the Chief Executive Officer 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.

- 3.34 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 Chief Executive Officer or a member of staff nominated by the Chief Executive Officer 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.
- 3.39 The Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The Council may hold a public forum prior to each Ordinary Meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to Extraordinary Council meetings and meetings of Committees of the Council.
- 4.2 Public forums may be held by audio-visual link, where the member of the public has



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- extenuating circumstances for not being able to attend the meeting in person.
- 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 4pm** on the day of the meeting 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 **1 or more than 1** 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 Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than **ten (10)** 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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 material to be presented in support of their address to the Council at the public forum, no later than **4pm on the day of the scheduled** public forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
- 4.12 The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **five (5)** 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.



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- 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 **two (2)** minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.
- 4.18 The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the Council for up to **two (2)** minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer 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 Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Chief Executive Officer or their delegate considers appropriate.
- 4.24 Oral presentations can be made, however no electronic presentations are permitted.
- 4.25 Speakers should be aware that Orange City Council records and livestreams meetings via Council's website. By agreeing to attend and speak at the Council Meeting, speakers are reminded of the need to ensure all comments are respectful to other people, Councillors and staff. Orange City Council accepts no liability for offensive or defamatory comments made by speakers.
- 4.26 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.



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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 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.
- 5.4 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.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.6 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.

- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least **two (2) days** notice of their intention to attend.

The Quorum for a Meeting

- 5.8 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. The quorum for a Community Committee is outlined in the Committee's adopted Charter.
- 5.9 Clause 5.8 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.
- 5.10 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.
- 5.11 In any case outlined in 5.10, the meeting must be adjourned to a time, date, and place fixed:



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- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the Councillors present, or
 - (c) failing that, by the Chief Executive Officer.
- 5.12 The Chief Executive Officer 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.
- 5.13 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 Chief Executive Officer 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.
- 5.14 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of the Council or at an Extraordinary Meeting called under clause 3.3.
- Meetings held by Audio-Visual Link**
- 5.15 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 Chief Executive Officer and, as far as is practicable, with each Councillor.
- 5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer 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 Chief Executive Officer 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.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 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.



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Attendance by Councillors at meetings by Audio-Visual Link

- 5.18 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.
- 5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.
- 5.20 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 5.19.
- 5.21 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.
- 5.22 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.
- 5.23 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, and
 - 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.
- 5.24 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.
- 5.25 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.
- 5.26 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



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the Council or a Committee of the Council by audio-visual link.

- 5.27 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.
- 5.28 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.
- 5.29 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

- 5.30 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.
- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 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.

Webcasting of Meetings

- 5.33 Each meeting of the Council or a Committee of the Council is to be recorded by means of an audio or audio-visual device.
- 5.34 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.
- 5.35 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.
- 5.36 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and Other Staff at Meetings

- 5.39 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the Council or a Meeting of a Committee of the



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- Council of which all of the members are Councillors.
- 5.40 The Chief Executive Officer is entitled to attend a meeting of any other committee of the Council and may, if a member of the Committee, exercise a vote.
- 5.41 The Chief Executive Officer 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 Chief Executive Officer or the terms of employment of the Chief Executive Officer.
- 5.42 The attendance of other Council Staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.
- 5.43 The Chief Executive Officer 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 Chief Executive Officer.
- ### 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.
- 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.
- #### Election of the Chairperson in the Absence of the Mayor or 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:
- by the Chief Executive Officer or, in their absence, an employee of the Council designated by the Chief Executive Officer to conduct the election, or
 - by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer 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:
- arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.



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Chairperson to Have Precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation [Director] or as Mr/Ms [surname].

FOR EXHIBITION



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8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an Ordinary Meeting of the council shall be:

Agenda Items	Ordinary and Extraordinary meetings of Council	Policy Committees including those called as Extraordinary Committee meetings	Community Committees
a) Emergency procedures	✓	✓	✓
b) Apologies for absence	✓	✓	✓
c) Caution given to participants in meeting that the meeting is being recorded and livestreamed	✓	✓	n/a
d) Acknowledgement of Country	✓	✓	✓
e) Declarations of Interest	✓	✓	✓
f) Prayer	✓ (second meeting of the month)	n/a	n/a
g) Acceptance of late items	✓	n/a	✓
h) Condolences – The Mayor or Chairperson may give condolences and observe a minute's silence	✓	n/a	✓
i) Open Forum	✓	n/a	n/a
j) Mayoral Minutes	✓	n/a	n/a
k) Confirmation of minutes of previous meetings	✓	n/a	✓
l) Conduct of the Policy Committee Meetings	✓	Where items submitted (first meeting of the month)	n/a
m) Notices of Motion and Rescission Motions	✓	n/a	n/a
n) Reports	✓	✓	✓
o) Closed section of meeting	✓	n/a	n/a
p) Adoption of recommendations from Closed Meeting	✓	n/a	n/a

8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.



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9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be Dealt with at a Council Meeting

9.1 The Council must not consider business at a Meeting of the Council:

- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the Council, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
- (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a committee of the Council.

9.3 Despite clause 9.1, business may be considered at a Meeting of the Council even though due notice of the business has not been given to the Councillors if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be considered is ruled by the chairperson to be of

great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

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

Mayoral Minutes

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

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

9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a Resolution of the Council.

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



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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 Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff Reports

9.11 A recommendation made in a staff report is, so far as it is adopted by the Council, a Resolution of the Council.

Reports of Committees of Council

9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, Resolutions of the Council.

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

Questions Taken on Notice

9.14 A question must not be asked at a Meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.

9.16 A Councillor may, through the Chief Executive Officer, put a question to a

Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.

9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to 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 provide a response in writing to Councillors. A report providing any responses to questions taken on notice sent to Councillors will be provided, where required, to the second Council Meeting of each month.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be Seconded

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

Notices of Motion

10.2 A Councillor who has submitted a Notice of Motion under clause 3.10 is to move the motion the subject of the notice of



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motion at the meeting at which it is to be considered.

- 10.3 If a Councillor who has submitted a Notice of Motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the Motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a Meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the Motion at the Meeting, or
 - (b) the chairperson may defer consideration of the Motion until the next meeting of the Council.

Chairperson's Duties with Respect to Motions

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

Motions Requiring the Expenditure of Funds

- 10.9 A Motion or an amendment to a Motion which if passed would require the expenditure of funds on works and/or

services other than those already provided for in the Council's current adopted Operational Plan must identify the source of funding for the expenditure that is the subject of the motion. If the Motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to Motions

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



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original Motion. Debate on the original Motion is to be suspended while the Amendment to the original Motion is being debated.

- 10.15 If the Amendment is carried, it becomes the Motion and is to be debated. If the Amendment is lost, debate is to resume on the original Motion.
- 10.16 An Amendment may become the Motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed Motions

- 10.17 A Councillor may propose a foreshadowed Motion in relation to the matter the subject of the original Motion before the council, without a seconder during debate on the original Motion. The foreshadowed Motion is only to be considered if the original Motion is lost or withdrawn and the foreshadowed Motion is then moved and seconded. If the original Motion is carried, the foreshadowed Motion lapses.
- 10.18 Where an Amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further Amendment that they propose to move after the first Amendment has been dealt with. There is no limit to the number of foreshadowed Amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed Amendment has been moved and seconded.
- 10.19 Foreshadowed Motions and foreshadowed Amendments are to be

considered in the order in which they are proposed. However, foreshadowed Motions cannot be considered until all foreshadowed Amendments have been dealt with.

Limitations on the Number and Duration of Speeches

- 10.20 A Councillor who, during a debate at a Meeting of the Council, moves an original Motion, has the right to speak on each Amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the Motion, and any Amendment to it at the conclusion of the debate before the Motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original Motion, has the right to speak once on the Motion and once on each Amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a Motion or an Amendment, or for longer than **five (5) minutes** at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a Motion or an Amendment, and for longer than five (5) minutes on that Motion or Amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.



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10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:

- (a) if the mover of the Motion or Amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
- (b) if at least **two (2) Councillors** have spoken in favour of the Motion or Amendment and at least **two (2) Councillors** have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a Motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a Motion that the original Motion or an Amendment be now put is passed, the chairperson must, without further debate, put the original Motion or Amendment to the vote immediately after the mover of the original Motion has exercised their right of reply under clause 10.20.

10.28 If a Motion that the original Motion or an Amendment be now put is lost, the chairperson must allow the debate on the original Motion or the Amendment to be resumed.

10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.

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

11 VOTING

Voting Entitlements of Councillors

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

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.

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

Voting at Council Meetings

11.4 A Councillor who is present at a Meeting of the Council but who fails to vote on a Motion put to the meeting is taken to have voted against the Motion.

11.5 If a Councillor who has voted against a Motion put at a Council Meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

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

11.7 When a division on a Motion is called, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the Motion and those who vote against it are recorded in the Council's minutes for the Meeting.

11.8 When a division on a Motion is called, any Councillor who fails to vote will be recorded as having voted Against the



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Motion in accordance with clause 11.4 of this code.

- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
- 11.10 All voting at Council Meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each Motion or Amendment, (including the use of the casting vote), being recorded.

Voting on Planning Decisions

- 11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a Meeting of the Council or a Council Committee.
- 11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public.

12 COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a committee to consider any matter before the Council.
- 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.
- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, 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



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to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The Council or Committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or Committee must resolve to alter the order of business in accordance with clause 8.3.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any Conflicts of Interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on Which Meetings can be Closed to the Public

14.1 The Council or a Committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

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

14.2 The Council or a Committee of the Council may also close to the public so much of its meeting as comprises a



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Motion to close another part of the meeting to the public.

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.

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.

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.

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.

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.

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



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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.

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.

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

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council. Notice for, or the representation to Council is to be given before the meeting adjourns for the closed meeting.

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

14.13 No more than **two (2)** speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the Chief Executive Officer 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 Chief Executive Officer or their delegate is to determine who will make representations to the Council.

14.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.

14.16 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **two (2)** speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed **five (5)** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker



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not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings

Closed to the Public

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

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

Obligations of Councillors Attending Meetings

by Audio-Visual Link

14.20 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

14.21 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.

Resolutions Passed at Closed Meetings to be Made Public

14.22 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.

14.23 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 during a part of the meeting that is webcast.



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15 KEEPING ORDER AT MEETINGS

Points of Order

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

Questions of Order

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

Motions of Dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the chairperson

on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the Motion of Dissent.

- 15.9 If a Motion of Dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any Motion or business has been rejected as out of order, the chairperson must restore the Motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the Mover of a Motion of Dissent and the chairperson can speak to the Motion before it is put. The Mover of the Motion does not have a right of general reply.

Acts of Disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a Meeting of the Council or a Committee of the Council:
- (a) contravenes the Act, 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



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imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a Councillor:

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

How Disorder at Meetings May be Dealt with

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

Expulsion from Meetings

15.14 All chairpersons of meetings of the Council and Committees of the Council

are authorised under this code to expel any person other than a Councillor, from a Council or Committee Meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

15.15 Clause 15.14, does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee Meeting, under section 10(2)(a) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

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

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

15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or



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member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that.

How Disorder by Councillors Attending meetings by Audio-Visual Link may be Dealt With

15.20 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.

15.21 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

15.22 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.

15.23 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.

15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the

purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.

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

16 CONFLICTS OF INTEREST

16.1 All Councillors and, where applicable, all other persons, must declare and manage any Conflicts of Interest they may have in matters being considered at Meetings of the Council and Committees of the Council in accordance with the Council's Code of Conduct. All declarations of Conflicts of Interest and how the Conflict of Interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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-



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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.
- 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.
- 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.
- 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.
- 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.

- 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.

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

- 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 must be submitted to the Chief Executive Officer no later than **12pm on the proceeding 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.

- 17.12 Subject to clause 17.7, in cases of urgency, a Motion to Alter or Rescind a Resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a Notice of Motion signed by three Councillors is submitted to the chairperson, and
- (b) a Motion to have the Motion considered at the meeting is passed, and



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- (c) the chairperson rules the business that is the subject of the Motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.
- 17.13 A Motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a Motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A Motion of dissent cannot be Moved against a ruling by the chairperson under clause 17.12(c).
- Recommitting Resolutions to Correct an Error**
- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to Recommit a Resolution adopted at the same meeting:
- to correct any error, ambiguity or imprecision in the Council's resolution, or
 - to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to Recommit a Resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the Resolution.
- 17.17 The chairperson must not grant leave to Recommit a Resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the Resolution would not alter the substance of the Resolution previously adopted at the meeting.
- 17.18 A Motion moved under clause 17.15 can be Moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A Motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A Motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.
- ## 18 TIME LIMITS ON COUNCIL MEETINGS
- 18.1 Meetings of the council and committees of the council are to conclude no later than **9.30pm**.
- 18.2 If the business of the meeting is unfinished at **9.30pm**, the Council or the Committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **9.30pm**, and the Council does not resolve to extend the meeting, the chairperson must either:
- defer consideration of the remaining items of business on the agenda to the next Ordinary Meeting of the Council, or
 - adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a Committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the Chief Executive Officer must:



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- (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 Chief Executive Officer 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.
- 19.2 At a minimum, the Chief Executive Officer 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 Seconded 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.

- 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.
- 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.
- 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.
- 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



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relate to a matter specified in section 10A(2) 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 Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

20 COUNCIL COMMITTEES

Applications 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:
- such number of members as the Council decides, or
 - 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 Chief Executive Officer 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:

- the time, date and place of the meeting, and
- 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:

- 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
- has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

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

Non-members Entitled to Attend Committee Meetings

- 20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- to give notice of business for inclusion in the agenda for the meeting, or



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- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

20.11 The chairperson of each Committee of the Council must be:

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

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

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

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

Procedure in Committee Meetings

20.15 Subject to any specific requirements of this Code, each Committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of the Council unless the Council or the Committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a Motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

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

Closure of Committee Meetings to the Public

20.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of Meetings of the Council to the public.

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



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20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings

20.21 The provisions of the Act and this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council Committee Meetings

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

- (a) 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.

20.23 All voting at meetings of Committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment,

(including the use of the casting vote), being recorded.

20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the committee.

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

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

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

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

21 IRREGULARITIES

21.1 Proceedings at a Meeting of a Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or committee member, or
- (c) any defect in the election or appointment of a Councillor or committee member, or
- (d) a failure of a Councillor or a committee member to declare a



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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.

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-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
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



STRATEGIC POLICY – ST02

DEFINITIONS CONT.

planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 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

FOR EXHIBITION

All policies can be reviewed or revoked by Council, at any time.

ST02 - Strategic Policy – Code of Meeting Practice

Amendments:

- Formatting Update
- Section 9.17 relating to Questions Taken on Notice that responses sent to Councillors will be provided in a report to Council at the second meeting of each month, where required.
- Time limit on Council Meetings in Section 18 remains at 9.30pm.

Review Due: November 2028	Version V1_25	Last Revision: November 2024
Approved By:	Minute Number:	Approval Date:



Strategic Policy – ST03

Councillor Payment of Expenses
and Provision of Facilities

FOR EXHIBITION

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STRATEGIC POLICY – ST03

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STRATEGIC POLICY – ST03

POLICY OUTLINE

Purpose

To provide a policy for the reasonable and appropriate management and reimbursement of expenses and the provision of facilities to Councillors to assist them in undertaking their civic duties. This Policy ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this Policy.

APPLICABILITY

This policy applies to all Councillors.

SCOPE

The Policy provides for management of the expenses incurred by Councillors, including the reimbursement of expenditure. Payment of expenses or the provision of facilities to Councillors can only be provided in accordance with the adopted policy, and claims for expenses must be made in accordance with the Policy.

Any Councillor expenditure is to be approved by the Mayor and Chief Executive Officer in accordance with this Policy.

Council will reject any claim for payment of expenses or reimbursement of expenses that is made outside the requirements set by the Policy.

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The Policy is based on the Office of Local Government Guidelines in relation to the payment of expenses and provision of facilities to Councillors, as well as the relevant provisions of the Local Government Act 1993 and Local Government (General) Regulation 2021.

SUMMARY OF EXPENSES

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Interstate, overseas and long distance intrastate travel expenses (refer section 6.6)	\$4,000 total for each Councillor	Per year
Accommodation and meals (refer section 6.18)	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development (refer section 6.23)	\$1,500 per Councillor	Per year
Conferences and seminars (registration) (refer section 6.29)	\$60,000 total for all Councillors	Per year



STRATEGIC POLICY – ST03

Expense or facility	Maximum amount	Frequency
Information and communication technology expenses (refer section 6.33-6.37)	Provision of an iPad and mobile phone for the term (ie. Remains the property of Council)	Per Term
Carer expenses (refer section 6.46)	\$500 per Councillor	Per year
Home office expenses (refer section 6.49)	\$250 per Councillor	Per year
Corporate uniform (refer section 9.1)	\$450 per Councillor on a dollar for dollar basis	Per year
Personal protective equipment (refer section 9.1)	\$120 per Councillor	Per year
Access to facilities in Councillors Workroom (refer section 9.1)	Provided to all Councillors	Not relevant
Business cards (refer section 9.4)	500 per Councillor	Per year
Council vehicle and fuel card (refer section 10.1)	Provided to the Mayor (Councillors may use Council pool vehicles for travel on Council business)	Not relevant
Furnished office (refer section 10.4)	Provided to the Mayor	Not relevant
Executive Support Office supporting Mayor and Councillors (refer section 10.6)	Provided to the Mayor and Councillors	Not relevant

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

Councillors must provide claims for reimbursement within **28 days** (section 11.13) of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council Meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.



STRATEGIC POLICY – ST03

PART A: OVERVIEW

1 INTRODUCTION

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

2 POLICY OBJECTIVES

The objectives of this policy are to:

- 2.1 Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- 2.2 Enable facilities and appropriate standard to be provided to Councillors to support them in undertaking their civic duties

- 2.3 Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillor
- 2.4 Ensure facilities and expenses provided to Councillors meet community expectation
- 2.5 Support a diversity of representation
- 2.6 Fulfil the Council's statutory responsibilities.

3 PRINCIPLES

Council commits to the following principles:

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

4 PRIVATE AND POLITICAL BENEFIT

- 4.1 Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2 Private use of Council equipment and facilities by Councillors may occur from



STRATEGIC POLICY – ST03

time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

- 4.3 Such incidental private use does not require a compensatory payment back to Council.
- 4.4 Councillors must avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 4.5 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
- production of election material
 - use of Council resources and equipment for campaigning
 - use of official Council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

PART B: EXPENSES

5 GENERAL EXPENSES

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

Allowances for general expenses are not permitted under this policy

- 5.4 Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6 SPECIFIC EXPENSES

General Travel Arrangements and Expenses

- 6.1 All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport. Councillors should use the Mayoral vehicle where it is available, or a Council pool vehicle, wherever practical for travel on Council business.
- 6.2 Each Councillor may be reimbursed for incidental travel expenses incurred while undertaking official business, professional development or attending approved conferences and seminars. This includes reimbursement for:
- public transport fares
 - the use of a private vehicle or hire car
 - parking costs for Council and other meetings
 - tolls
 - Cabcharge card or equivalent
 - documented ride-share programs, such as Uber, where tax invoices can be issued.
- 6.3 Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4 Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.



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Interstate, overseas and long-distance intrastate travel expenses

- 6.5 Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6 Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be capped at a maximum of \$4000 per year, per Councillor.
- 6.7 Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the Chief Executive Officer prior to travel. The Councillor is to provide a report to Council on their return outlining program highlights and notable learnings relevant to Council strategies and operations.
- 6.8 Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel. The Councillor is to provide a report to Council on their return outlining program highlights and notable learnings relevant to Council strategies and operations.
- 6.9 The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel

- duration and itinerary of travel
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.

6.10 For interstate and long-distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.

6.11 For interstate journeys by air of more than three hours, the class of air travel may be premium economy.

6.12 For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.

6.13 Bookings for approved air travel are to be made through the Chief Executive's office.

6.14 For air travel that is reimbursed as Council business, Councillors are not permitted to accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel Expenses NOT paid by Council

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

Accommodation and Meals

6.16 In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the Chief Executive Officer. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more



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than 50 kilometres from the meeting location.

- 6.17 Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside the central west.
- 6.18 The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 6.19 The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer.
- 6.20 Councillors will not be reimbursed for alcoholic beverages.

Refreshments for Council Related Meetings

- 6.21 Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor Briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
- 6.22 As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer will consider Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional Development

- 6.23 Council will set aside \$1,500 per Councillor annually in its budget to facilitate professional development of

Councillors through programs, training, education courses and membership of professional bodies (as defined in section 6.25). Any further professional development costs would be subject to a business case submitted to the Chief Executive Officer.

- 6.24 In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

- 6.25 Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.

- 6.26 Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

- 6.27 In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 6.26, as well as the cost of the professional development in relation to the Councillor's remaining budget.



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Conferences and Seminars

- 6.28 Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and Local Government in NSW.
- 6.29 Council will set aside a total amount of \$60,000 annually in its budget to facilitate Councillor attendance at conferences and seminars (providing for \$5,000 per Councillor). The \$60,000 allocation is for all Councillors. The Chief Executive Officer will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 6.30 Approval to attend a conference or seminar is subject to approval of the Chief Executive Officer followed by a resolution of Council. In assessing a Councillor request, Council must consider factors including the:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - any business case submitted by a Councillor
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.31 Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included

in the conference fees will be subject to Clauses 6.18-6.21.

Information and Communication Technology (ICT) Expenses

- 6.32 Each Councillor will be provided with a mobile phone on request. Alternatively, Councillor may wish to utilise their own mobile phones for Council use.
- 6.33 For Councillors utilising Council-provided mobile phones, Council will pay the costs of usage up to \$40 per month without requiring substantiation from the Councillor as to usage. Amounts over \$40, and to a maximum of \$100 per month, can be claimed, subject to the Councillor indicating on the mobile phone account all Council-related use. No landline phone costs will be reimbursed where a Council mobile is provided.
- 6.34 For Councillors utilising their own private mobile or landline phones for Council purposes, Council will provide a payment of \$40 per month to cover the cost of calls. Requests for reimbursement above \$40, and to a maximum of \$100 per month, can be claimed, subject to the Councillor indicating on their phone accounts all Council related use.
- 6.35 Council will provide internet access on request. In relation to Council-supplied internet access, the amount provided by Council is set by the data package purchased by Council staff at the time. The package is currently \$40 per month for 4GB of data.
- 6.36 For Councillors utilising Council-provided internet access, Council will pay the costs of the data plan (\$40 per month) without requiring substantiation from the



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- Councillor as to usage. Requests for reimbursement over \$40 per month can be claimed, subject to the Councillor providing verification of Council-related use.
- 6.37 For Councillors utilising their own private internet access, Council will provide payment of a maximum of \$40 per month to cover the cost of this use. Requests for reimbursement above \$40 per month can be claimed, subject to the Councillor providing verification of Council-related use.
- 6.38 Usage of all Council-related technology (including internet access) should be limited to use for Council purposes only, where possible. The viewing, downloading or transmission of any material of a pornographic or offensive nature is not permitted.
- 6.39 Councillors will be provided with an iPad (or similar) to assist in accessing Council information. Appropriate accessories will be provided as necessary. Only one item will be provided per term of Council. All items remain the property of Council and are to be returned to Council at the end of the Council term.
- 6.40 All repairs/maintenance are to be undertaken by Council. On request, Councillors must return the iPad (or provided device) to Council for maintenance/updates. This will occur on at least an annual basis.
- 6.41 Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:
- receiving and reading Council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 6.42 Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit (as outlined in sections 6.34 and 6.37).
- Special Requirement and Carer Expenses**
- 6.43 Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 6.44 Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 6.45 In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 6.46 Councillors who are the principal carer will be entitled to reimbursement of carer's expenses up to a maximum of \$500 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.47 Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.48 In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This



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may take the form of advice from a medical practitioner.

Home Office Expenses

- 6.49 Each Councillor may be reimbursed up to \$250 per year for costs associated with the maintenance of a home office, such as a printer, minor items of consumable stationery and printer ink cartridges.

7 INSURANCES

- 7.1 In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims.
- 7.2 Council will meet on an annual basis the premium costs of Councillors' liability insurance, defamation insurance, personal injury insurance and public liability insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their Council functions) and professional indemnity insurance (for matters arising out of Councillors' performance of their civic duties and/or exercise of their functions). This includes payment of the relevant excess in the event of a claim.
- 7.3 Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.4 Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 7.5 Appropriate travel insurances will be provided for any Councillors travelling on

approved interstate and overseas travel on Council business.

8 LEGAL ASSISTANCE

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



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- 8.3 Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this policy.
- 8.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 8.5 Reimbursement of expenses for reasonable legal expenses (based on a cost estimate of the legal practitioner) must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.
- 9.2 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Support Office.
- 9.3 The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.
- Reasonable administrative support will be provided to Councillors by the Chief Executive Officer's Office during normal office hours for work directly related to the duties of the office of Councillor. Requests for support are to be directed to the Executive Support Manager
 - Councillor pigeon holes
 - Reasonable access to a photocopier and a computer during normal office hours for work directly related to the duties of a Councillor
 - Corporate uniform allowance in accordance with the annual allowance set by Council in the Delivery/Operational Plan, on a dollar for dollar basis
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or mayor or deputy mayor.

PART C: FACILITIES

9 GENERAL FACILITIES TO ALL COUNCILLORS

- 9.1 Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- A Councillors Workroom and reception area will be available for use by Councillors for activities associated with their role as a Councillor

Stationery

- 9.4 Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards (500 per annum per Councillor).



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Administrative support

- 9.5 Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support will be provided by the Executive Support Manager or other staff as delegated by the Chief Executive Officer.
- 9.6 Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

10 ADDITIONAL FACILITIES TO THE MAYOR

- 10.1 Council will provide to the Mayor a maintained vehicle to a similar standard of other Council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the Mayor's office.
- 10.2 The Mayor must keep a log book setting out the date, distance and purpose of all travel. This must include any travel for private benefit. The log book must be submitted to the Executive Support Manager on a monthly basis. Monthly records will be retained in the corporate records system.
- 10.3 The Mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 10.4 Council will provide the mayor with a furnished office, telephone and meeting space.
- 10.5 In performing his or her civic duties, the mayor will be assisted by a member of staff providing administrative and

secretarial support, as determined by the Chief Executive Officer.

- 10.6 The number of staff provided to support the mayor and Councillors will not exceed one full time equivalent.
- 10.7 Staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

PART D: PROCESSES

11 APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

- 11.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 11.2 Approval for incurring expenses beyond amounts resolved for travel, information and communications technology etc, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 11.3 Final approval for payments made under this policy will be granted by the Chief Executive Officer.

Direct Payment to a Supplier

- 11.4 Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Executive Support Manager using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 11.5 All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate tax invoices and be submitted to the Executive



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Support Manager. Councillors are not to earn reward points or other benefits for any Council-related transaction (refer Council's Gifts and Benefits Policy).

Advance Payment

- 11.6 Council may pay a cash advance for Councillors attending Council booked and approved conferences, seminars or professional development.
- 11.7 The maximum value of a cash advance is \$100 per day of the conference. For seminars or professional development courses, a maximum of \$300 per event is available.
- 11.8 Requests for advance payment must be submitted to the Executive Support Manager using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 11.9 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 11.10 If a claim is approved, Council will make payment directly or reimburse the Councillor by direct deposit to a specified account.
- 11.11 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 11.12 If a Councillor has incurred an expense that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy, Council will deduct the expense from the Councillor's monthly allowance.

Timeframe for Reimbursement

- 11.13 Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within 28 days of an expense being incurred. Claims made after this time will not be approved nor reimbursed.

12 DISPUTES

- 12.1 Where an individual Councillor disputes the decision on an expenses claim, or the provision of facilities, the following process will apply:
- The Councillor must notify the Chief Executive Officer, in writing, of the details of the claim or request for facilities.
 - The Chief Executive Officer will investigate the issue and inform the Councillor of the decision, in writing, within seven days of the request being received.
 - Should the Councillor not accept the Chief Executive Officer's decision, the Chief Executive Officer will submit a report to Council outlining the reasons for denying the claim or request.

13 RETURN OR RETENTION OF FACILITIES

- 13.1 All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a



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Councillor ceasing to hold office or at the cessation of their civic duties.

- 13.2 Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the Chief Executive Officer to purchase any such equipment. The Chief Executive Officer will determine an agreed fair market price or written down value for the item of equipment.
- 13.3 The prices for all equipment purchased by Councillors under Clause 13.2 will be recorded in Council's annual report.

14 PUBLICATION

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

15 REPORTING

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

- 15.2 Detailed reports on the provision of expenses and facilities to Councillors will be reported to Council every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

16 BREACHES

- 16.1 Suspected breaches of this policy are to be reported to the Chief Executive Officer.
- 16.2 Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

17 DEFINITIONS

The following definitions apply throughout this policy.

Term	Definition
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct



STRATEGIC POLICY – ST03

Term	Definition
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
Maximum limit	Means the maximum limit for an expense or facility provided in the text
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the Local Government area, and includes: <ul style="list-style-type: none"> meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

FOR EXHIBITION

All policies can be reviewed or revoked by Council at any time.

ST03 - Strategic Policy – Councillor Payment of Expenses and Provision of Facilities

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: November 2024
Approved By:	Minute Number:	Approval Date:



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Reimbursement

REQUEST FORM

Use this form to claim reimbursement where you have paid for something that was required to perform an approved activity in the course of Council business. Please give completed form with relevant receipts to the CEO's Executive Support Office.

CLAIMANT DETAILS

Name

Contact Number

Email address

EXPENSES - INVOICES MUST BE ATTACHED TO VERIFY ALL CLAIMS

Date of Expense	Description of Expense (including names of other persons paid for on this receipt)	Amount	Job Number
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	\$ <input type="text"/>	<input type="text"/>

DECLARATION

☐

I acknowledge that I have read the instructions relating to reimbursements and that these costs were incurred by me in line with Orange City Council Policies and I have attached the required supporting documents

☐

I acknowledge the reimbursement will be made with my monthly Councillors allowance

Date

Name:

Signature:

AUTHORISED BY CEO

Date

Name:

Signature:

AUTHORISED BY MAYOR

Date

Name:

Signature:



Strategic Policy – ST04

Councillor Access to Information
& Interaction with Staff

FOR EXHIBITION

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STRATEGIC POLICY – ST04

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STRATEGIC POLICY – ST04

POLICY OVERVIEW

Purpose

The purpose of this policy is to outline compliance with the Local Government Act 1993 and the Government Information (Public Access) Act 2009, and that Councillors have the same information upon which to make decisions and to ensure that any interaction between Councillors and staff is consistent with Council's Code of Conduct.

This policy :

- documents communication channels to ensure the provision of accurate information from Council records systems to Councillors, within reasonable timeframes to assist Councillors in the performance of their civic duty
- defines appropriate professional interactions between Councillors and Council staff
- outlines Councillors' rights of access to Council buildings
- identifies inappropriate interactions between Councillors and Council staff
- outlines a process for reporting breaches.

APPLICABILITY

This policy applies to all Councillors when requesting information and to staff when providing information.

The Code of Conduct overrides this policy to the extent of information provided to the Conduct Review Panel or Conduct Reviewer.

SCOPE

Schedule 1 of the Government Information (Public Access) Regulation 2009 provides that certain documents held by Council are to be made publicly available for inspection, free of charge. This policy supports that requirement

and outlines the procedure for accessing such information.

Interactions between Councillors and staff at Council meetings are regulated by Council's Code of Meeting Practice (Local Government (General) Regulation 2005 [Part 10 – Meetings] and Council's Code of Conduct.

Clause 3.1(b) of the Model Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy may also constitute a breach of council's code of conduct.

Concerns or complaints about the administration of a council's councillor request system should be raised with the Chief Executive Officer (or the Mayor in the case of a complaint about the Chief Executive Officer). If the matter cannot be resolved locally, councillors may raise their concerns with OLG.



STRATEGIC POLICY – ST04

1 INTRODUCTION

- 1.1 The Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Council's Code of Conduct.
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

2 APPLICATION

- 2.1 This Policy applies to all Councillors and Council Staff.
- 2.2 This Policy applies to all interactions between Councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.

2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

3 POLICY OBJECTIVES

- 3.1 This Policy applies to all councillors and council staff.
- 3.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 3.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 3.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.
- 3.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

4 PRINCIPLES, ROLES AND RESPONSIBILITIES

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a



STRATEGIC POLICY – ST04

good understanding of legislative requirements.

4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

4.3 Section 232 of the Local Government Act 1993 (the LGA) states that the role of a councillor is as follows:

- a) to be an active and contributing member of the governing body
- b) to make considered and well-informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of twelve (12) people.



STRATEGIC POLICY – ST04

Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data
-----------------------------------	---

4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are

implemented without undue delay. Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the Chief Executive Officer or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

5 THE COUNCILLOR REQUESTS SYSTEM

5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.

5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest,



STRATEGIC POLICY – ST04

unless the information is otherwise publicly available.

- 5.3 The Chief Executive Officer may identify Council support staff (the Councillor Support Officer) under this Policy for the management of requests from Councillors.

- 5.4 Councillors can use the Councillor requests system to:

- a) request information or ask questions that relate to the strategic position, performance or operation of the Council
- b) bring concerns that have been raised by members of the public to the attention of staff
- c) request ICT or other support from the Council administration
- d) request that a staff member be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.

- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

- 5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

- 5.7 Schedule 2 to this Policy sets out the process for the Management of Councillor requests:

- a) Requests on behalf of residents will be directed through Council's Customer

Request Management System in the first instance.

- b) Requests, other than initial customer requests, which do not require the expenditure of funds or redirection of resources will be managed through the Councillor request system. The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide an acknowledgement within two (2) business days and a further, if not final response within ten (10) business days.

- c) Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

- d) Requests requiring the expenditure of funds or redirection of resources are to be made by way of a Notice of Motion in accordance with Council's adopted Code of Meeting Practice.

- e) Responses to Councillor requests will be made available to all Councillors. This is in accordance with the Code of Conduct which provides that members of staff who provide 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.

- 5.8 Requests under clause 5.4(d) must be made 5 business days before the meeting. The Chief Executive Officer, or members of staff that are listed at Schedule 1 of this Policy, are responsible for determining:

- whether a staff member can attend the meeting; and



STRATEGIC POLICY – ST04

- which staff member will attend the meeting.
- Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.11 Where a councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.
- 5.12 The Chief Executive Officer may refuse access to information requested by a councillor if:
- a) the information is not necessary for the performance of the councillor's civic functions, or
 - b) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources, or
 - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - d) the Chief Executive Officer is prevented by law from disclosing the information.
- 5.13 Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.
- 5.14 Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under clause 5.12 (a) or (b), the Councillor may instead request the information through a resolution of the Council by way of a notice of motion. This clause does not apply where the Chief Executive Officer refuses a Councillor's request for information under clause 5.12 (c) or (d).
- 5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the Government Information (Public Access) Act 2009.
- 5.16 Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.
- 5.17 Councillor requests are state records and must be managed in accordance with the State Records Act 1998.
- 5.18 A report will be provided to Council **every 6 months** regarding the performance and efficiency of the Councillor requests system against established key performance indicators.
- ## 6 ACCESS TO COUNCIL STAFF
- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The Chief Executive Officer may



STRATEGIC POLICY – ST04

amend this list at any time and will advise Councillors promptly of any changes.

- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours. Emails sent outside of business hours, may not be responded to until ordinary business hours.
- 6.4 If Councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the Chief Executive Officer.
- 6.5 If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.
- 6.6 The Chief Executive Officer or a member of the Council's executive leadership team may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the Chief Executive Officer or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

7 COUNCILLOR ACCESS TO COUNCIL BUILDINGS

- 7.1 Councillors 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 for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer.

8 APPROPRIATE AND INAPPROPRIATE INTERACTIONS

- 8.1 Examples of appropriate interactions between Councillors and staff include, but are not limited to, the following:
 - a) Councillors and Council staff are courteous and display a positive and professional attitude towards one another
 - b) Council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies
 - c) Council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public
 - d) Council staff, including Council's executive team members, document Councillor requests via the Councillor requests system



STRATEGIC POLICY – ST04

- e) Council Meetings and Councillor briefings are used to establish positive working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties
 - f) Councillors and Council staff feel supported when seeking and providing clarification about council related business
 - g) Councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy.
- 8.2 Examples of inappropriate interactions between Councillors and staff include, but are not limited to, the following:
- a) Councillors and council staff conducting themselves in a manner which:
 - i. is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii. constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
 - b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) staff approaching Councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 5.12, staff refusing to give information that is available to other Councillors to a particular Councillor
 - e) Councillors who have lodged an application with the Council, discussing the matter with staff in staff-only areas of the Council
 - f) Councillors being overbearing or threatening to staff
 - g) staff being overbearing or threatening to Councillors
 - h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
 - i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make
 - j) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- 8.3 Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.



STRATEGIC POLICY – ST04

9 COMPLAINTS

- 9.1 Complaints about a breach of this policy should be made to the Chief Executive Officer (if the complaint is about a Councillor or member of Council staff), or the Mayor (if the complaint is about the Chief Executive Officer).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

SCHEDULE 1: AUTHORISED STAFF CONTACTS FOR COUNCILLORS

Clause 6.1 of this Policy provides that Councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.

Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If Councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer or their delegate.

If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team may direct a council staff member to contact Councillors to provide specific

information or clarification relating to a specific matter.

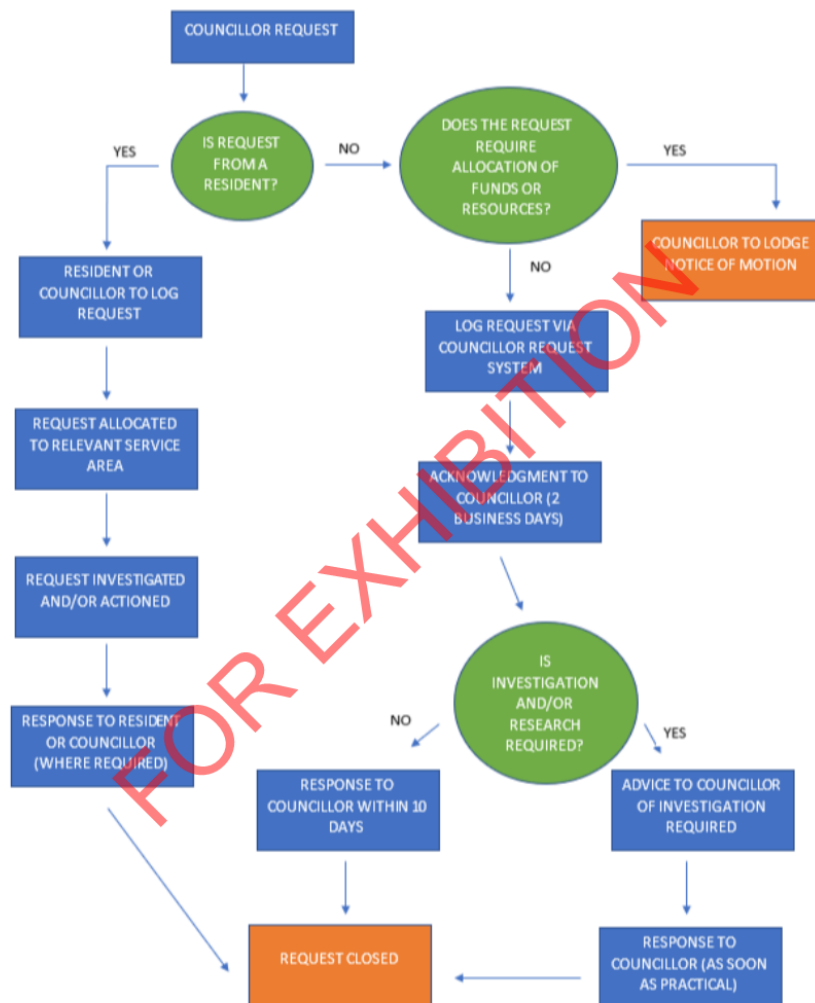
Authorised Staff Members

- Chief Executive Officer
- Director Corporate & Commercial Services
- Director Community, Recreation & Cultural Services
- Director Technical Services
- Director Development Services
- Chief Financial Officer
- Manager Corporate Governance
- Manager Communications & Engagement
- Executive Support Manager
- Executive Support Officer



STRATEGIC POLICY – ST04

SCHEDULE 2: WORKFLOW FOR COUNCILLOR REQUEST SYSTEM



All policies can be reviewed or revoked by Council at any time.

ST03 - Strategic Policy – Councillor Access to Information and Interaction with Staff

Amendments: General Formatting update

Review Due: November 2028 Version V1_25 Last Revision: November 2024

Approved By: Minute Number: Approval Date:



Strategic Policy – ST05

Councillor Records Management

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STRATEGIC POLICY – ST05

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STRATEGIC POLICY – ST05

POLICY OVERVIEW

Purpose

Council is bound by the State Records Act 1998 and the Government Information (Public Access) Act 2009 which establish rules for record keeping to ensure transparency and accountability. Councillors, in undertaking their role as an elected member, are subject to these rules and must ensure proper records management, as set out in this Policy and associated Procedure.

To ensure that full and accurate records of the activities and decisions of Councillors, in the course of their official duties for Council are created, managed and disposed of in accordance with Council's organisational needs, the State Records Act 1998 and the Government Information (Public Access) Act 2009, the Councillor Records Management Policy has been created.

A Council is identified as a public office under section 3(1) of the Act. Councillors are subject to the Act when they create or receive 'Records' while undertaking business on Council's behalf. They are not subject to the Act when conducting personal business or business that is unrelated to their role as Councillors.

APPLICABILITY

All Councillors must comply with this Policy in their conduct of official business for Council. Official business includes business relevant to the performance of the function and duties of the Councillor. This Policy applies to records in all formats, including electronic records.

PROCEDURE

Council has adopted the "Model Records Management for Councillors" procedure prescribed by Records NSW. This procedure is to be applied when dealing with Council records.

Councillors should be aware that any document of information held, created or received relating to Council business, falls within the definition of "Government Information" under the Government Information (Public Access) Act 2009.

Any correspondence directed to Councillors via Orange City Council will be opened by Records Staff and processed in accordance with this policy.



STRATEGIC POLICY – ST05

INTRODUCTION

What is a Record?

- 1.1 A “Record” is ‘any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means’ (State Records Act 1998, Section 3(1))
- 1.2 A “State Record” is ‘any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office’ (State Records Act 1998, Section 3(1)).

Examples of State Records

- 1.3 Examples of “State Records” include (but are not limited to):
- Correspondence, including emails, relating to any Council business (including correspondence sent to a Council-provided or private email or postal address)
 - A petition received from a community group
 - Declarations concerning a Councillor’s pecuniary interests
 - Speech notes made for addresses given at official Council events
 - Complaints, suggestions or enquiries by residents about Council services
 - Any written response provided by the Councillor to any of the above examples.

Examples that are NOT State records

- 1.4 Records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be State records for the

purposes of the State Records Act 1998. Examples of records that are not State records include (but are limited to):

- Records relating to political or electoral issues eg lobbying for votes, supportive emails from members of the community regarding elections or political stances
- Communications regarding matters of personal/general interest rather than Council interest eg information from environmental or other interest groups not specific to issues being considered by Councillors or Council
- Records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council
- Personal records of Councillors such as personal emails, character references for friends (these should not be written on Council letterhead or via Council email), nomination for awards, and letters to local newspapers etc that are not related to Council business.

Importance of Record Keeping

- 1.5 Accurate record keeping provides protection for Councillors, in the event that questions are raised regarding conduct. Documenting events, activities and decisions enables Councillors to recall or provide information on a matter when required and supports transparency of Councillor Conduct.

- 1.6 Records are a vital asset to Council. Many records created and received by Councillors have the potential to:



STRATEGIC POLICY – ST05

- Support the work of Councillors and Council's Delivery/Operational Plan, management and administration.
- Help Councillors and Council deliver customer service in an efficient fair and equitable manner.
- Provide evidence of Councillor's actions and decisions and establish precedents for future decision making.
- Protect the rights and interests of the Council, Councillors and customers.

CREATING AND CAPTURING RECORDS

What Records to Create and Capture

- 1.7 Councillors should create and capture full and accurate records of any significant business undertaken in the course of their official duties for Council. Significant business can include:

- Providing advice, instructions or recommendations
- Drafts of documents for Council containing significant annotations or submitted for comment or approval by others
- Correspondence received and sent relating to their work undertaken for Council.

- 1.8 Council is responsible for:

- Creating and capturing records of Council or committee meetings
- Capturing any Records it sends to Councillors regarding Council business.

How to Create Records

- 1.9 Council has paper and electronic templates available for Councillors to create emails, letters and memos while

conducting business for the Council. These will assist Councillors in ensuring that the essential information is recorded.

- 1.10 Details of significant advice, commitments etc made during telephone or verbal conversations or via SMS should be recorded using the Council's standard meeting note template.

Details should be recorded to include the following:

- Date and time
- Parties involved
- Summary of discussion
- Commitments
- Advice given
- Reasons for commitment/advice given

NOTE: Entries in Councillors' diaries are generally not adequate where there are recordkeeping requirements, they should be converted into a formal file note. These records should be made as soon as possible after the event to ensure the information is accurate.

How to Capture records

- 1.11 Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved into official Council recordkeeping systems as soon as is practicable so that Council can assist with their long term management.

Paper Records

- 1.12 Councillors are to keep paper records together and **at the end of each month**, transfer them to the Executive Support Office. Any confidential documents should be marked "CONFIDENTIAL" so that



STRATEGIC POLICY – ST05

appropriate security measures can be implemented.

- 1.13 Records received from Councillors will be registered into Council's electronic document management system, with appropriate security controls attached.

Email/Electronic Records

- 1.14 Councillors are to provide any electronic records including emails, keeping such records together and at the end of each month, transfer them to the Executive Support Office for registration into Council's Records System. Any confidential documents should be marked "CONFIDENTIAL" so that appropriate security measures can be implemented.

- 1.15 For Councillors utilising a Council email address, a copy of all emails are automatically and securely stored in Council's archives.

- 1.16 Records received from Councillors will be registered into Council's electronic document management system, with appropriate security controls attached in accordance with Council's Operational Policy – Records Management.

Councillor Copies

- 1.17 Councillors may wish to retain a copy of any record. Copies should only be retained while needed for current Council business.

Councillor Mail

- 1.18 Any incoming mail or email addressed to Councillors will be opened and processed by Records Staff. Mail or emails relating to Council business will be processed into Council's Electronic Document Management System where correspondence addressed to Councillors relates to operational matters, the letter

will be referred to the Executive Support Office for forwarding to the relevant staff member for response. Councillors will be notified of this and be provided a copy of the correspondence. Any mail not related to Council business will be forwarded to the Councillor.

Creation of State Records

- 1.19 Should a Councillor create a document on behalf of Council that provides instructions, gives permission or consent, makes decisions, commitments or agreements binding on Council, then the document must be approved by the Mayor and/or Chief Executive Officer prior to it being sent. This applies to hard copy and electronic documents.

- 1.20 Approval is not required for documents created purely on behalf of the Councillor, with no implicit or explicit impact on Orange City Council.

- 1.21 If it is deemed that a proposed document will contravene Council policy, breach a Council resolution or intention, the Mayor may rule the document inappropriate and require the document to be destroyed.

UNAUTHORISED ACCESS OR DISCLOSURE OF COUNCILLOR RECORDS

- 1.22 The Local Government Act 1993 section 664(1) prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances.

- 1.23 Councillors are also bound by the Council's Code of Conduct and Code of Meeting Practice **not** to:



STRATEGIC POLICY – ST05

- Attempt to access records they are not authorised to see
- Provide unauthorised access to other parties while Council records are in their care
- Disclose confidential information about Council business, or
- Disclose personal information of employees, clients etc without the subject's consent.

1.24 These rules help to ensure that Council and its staff and clients are protected and that the requirements of relevant legislation, such as privacy legislation, are met.

HANDLING AND STORAGE OF RECORDS

Damage or Neglect of Records is an Offence

1.25 Damage or neglect of a State Record is an offence under section 21 of the State Records Act.

Storing of Records

1.26 When storing Council records temporarily the following rules apply:

- Records are to be kept away from known risks such as water, fire, mould, vermin, vandalism, chemicals, direct sunlight, extreme temperatures etc
- Electronic records should be protected against additional hazards such as viruses
- Records should be secured appropriate to their level of sensitivity. No Council records should be left in plain view in vehicles or lying around the house.

- Councillors who are storing records of a sensitive or confidential nature should ensure that they are appropriately protected.

1.27 Copies of confidential business papers or documents can be returned to the Executive Support Office for destruction.

DISPOSAL OF RECORDS

Disposal IN Accordance with the State Records Act

1.28 State records held by Councillors must be disposed of in accordance with the State Records Act 1998. Such records should be returned to the Executive Support Office.

1.29 State Records NSW has issued General Retention and Disposal Authority – Local Government Records (GA39), which outlines classes of records and how long they should be kept before being legally destroyed or transferred to archives. Periods specified are based on relevant legislation, guidelines and standards. Failure to keep records for the length of time specified in the GA39 may put Councillors and Council at risk.

Liaison with Council for Disposal

1.30 Councillors should liaise with the Manager Corporate Governance regarding the disposal of any records of Council business as Council is responsible for:

- Ensuring legislative requirements are met
- Ensuring destruction is undertaken appropriately (eg that no sensitive information is released due to inappropriate destruction methods), and
- Documenting disposal decisions for accountability purposes.



STRATEGIC POLICY – ST05

ACCESS TO RECORDS

- 1.31 For information regarding Councillors' Access to Information/records, please refer to separate policy and associated procedure – Strategic Policy ST04 "Councillors Access to Information and Interaction with Staff".

SECURITY AND CONFIDENTIALITY OF RECORDS

Building Controls

- 1.32 Council's paper records are kept securely in Council's buildings with security controls to protect against unauthorised access.

System Controls

- 1.33 Council's records management software which controls electronic records restricts access according to security levels. Each electronic record is classified on registration and this classification determines users who have access to the record.

ACCESS TO RECORDS

- 1.34 Breaches of this Policy will be dealt with by the Mayor and/or Chief Executive Officer in accordance with the Code of Conduct.

REFERENCES

State Records Act

<https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-017#pt.1>

State Records - What have records got to do with me? available at:

<https://www.records.nsw.gov.au/recordkeeping/what-have-records-got-do-me-local-government>

State Records – Recordkeeping Fundamentals for Councillors, available at:

<https://www.records.nsw.gov.au/sites/default/files/Recordkeeping/Councillors%202018%20printable.pdf>

State Records - Destruction of records, available at:

<http://www.records.nsw.gov.au/recordkeeping/advice/retention-and-disposal/destruction-of-records>

State Records - General retention and disposal authority: local government records (GA39) available at:

<https://www.records.nsw.gov.au/recordkeeping/rules/gdas/ga39>

All policies can be reviewed or revoked by Council at any time.

ST05 - Strategic Policy – Councillor Records Management

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: November 2024
Approved By:	Minute Number:	Approval Date:



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Meeting notes

FORM

Use this form to record meeting discussions undertaken in the course of Council business.
Please return this completed form to the Executive Support Office.

MEETING DETAILS	
Subject: <div></div>	
Date: <div></div>	Time: <div></div>
PRESENT	
<div></div>	
DISCUSSED	
<div></div>	
ACTIONS	
<div></div>	
COUNCILLOR DETAILS	
Name: <div></div>	Signature: <div></div>



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Conference Report

FORM

Use this form to record notes from conferences undertaken in the course of Council business.
Please return this completed form to the Executive Support Office.

CONFERENCE DETAILS	
Councillor:	
<div></div>	
Conference:	
<div></div>	
Date:	Location:
<div></div>	<div></div>

PROGRAM HIGHLIGHTS AND SUMMARY
<div></div>

NOTABLE LEARNINGS AND POSSIBLE IMPLEMENTATIONS

BENEFITS TO THE COMMUNITY (LINK TO THE COMMUNITY STRATEGIC PLAN)

DECLARATION

Date:

Signature:

DIRECTOR COMMENT (IF APPLICABLE)

5.5 PROPOSED ESSENTIAL ENERGY EASEMENT THROUGH CIVIC CENTRE CAR PARK - LOT 100 DP 1072260

RECORD NUMBER: 2024/1731

AUTHOR: Shirley Hyde, Legal and Property Officer

EXECUTIVE SUMMARY

Essential Energy has requested Council consent to the registration of an easement for their infrastructure through Council Civic Centre car park.

This report seeks a Council resolution to consent to the registration of the easement.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “17.1. Work in partnership with other Councils, regional organisations and State and Federal Governments”.

FINANCIAL IMPLICATIONS

It will be necessary for Council to obtain an independent valuation under the Land Acquisition (Just Terms Compensation) Act to assess the compensation payable.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

- 1 That Council consent to the registration of an easement through Lot 100 DP 1072260 on the terms contained in this report.**
- 2 That permission be granted to affix the Common Seal on any necessary documentation.**

SUPPORTING INFORMATION

Council has been contacted by Essential Energy requesting Council consent to an easement through the carpark behind the Civic Centre. A map depicting the proposed easement is below.

Essential Energy have advised the reason for work is that high voltage (HV) switchgear at the substation at the rear of the Civic Theatre is at the end of its life, they have done repairs on it and there are no more spares for this type of equipment.

They also would like to upgrade the existing HV feed from near Hampden Avenue as it is over 50 years old. All this infrastructure is part of the Essential Energy electricity network that supplies the Orange CBD and surrounds.

The majority of the easement is required to cover an existing Essential Energy asset (underground cable) that, due to its age, did not have an easement created when it was installed more than 50 years ago. (See red line on plan).

The smaller section of the easement is required to allow Essential Energy to make some alterations to how the existing cable enters the sub-station at the rear of the Civic Theatre. (see circle indicating area of change).

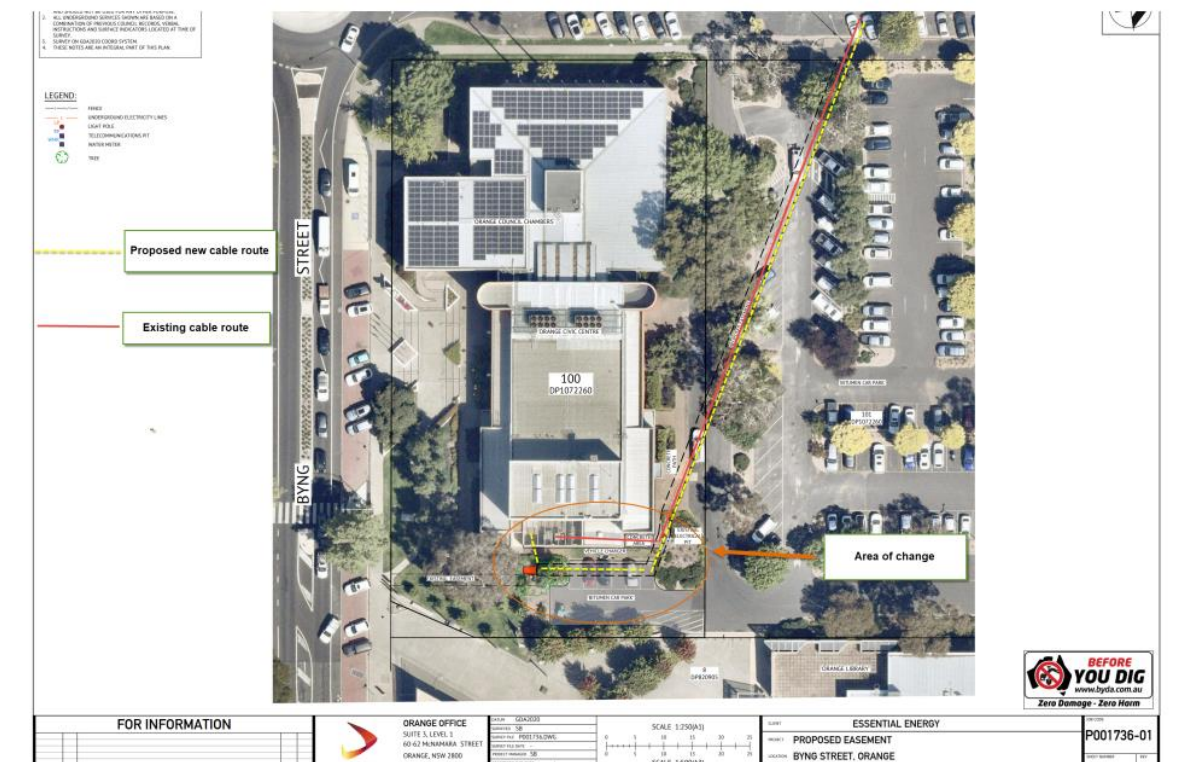
5.5 Proposed Essential Energy Easement through Civic Centre Car Park - Lot 100 DP 1072260

The new work requiring an easement (see area of change) is related to the replacement of the existing high voltage cable that runs from Lords Place through to the theatre substation at the rear of the Civic Centre. The existing cable runs underground southeast (as indicated in red) through the Civic Centre carpark and is in conduit until the cable changes direction heading South into the theatre substation.

Like Council, Essential Energy have legislation to allow them to upgrade their infrastructure however, as advised above, they wish to register an easement.

Lot 100 DP 1072260 is classified Operational land and accordingly Council has the ability to approve the requested easement. If agreed it would be a condition that Essential Energy pay compensation to be assessed together with all legal, survey and other associated costs.

It is recommended that Council resolve to proceed with the proposed easement.



5.6 RESPONSES TO QUESTIONS TAKEN ON NOTICE

RECORD NUMBER: 2024/1754

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

The current practice has been that updates on outstanding resolutions, questions taken on notice, matters arising, and notices of motion are to be reports for the information of Council on a quarterly basis. This report routinely only includes a notation that a response was provided, not the actual response.

At the Council Meeting of 20 August 2024, Cr Kinghorne asked:

QUESTION TAKEN ON NOTICE**Cr F Kinghorne**

Cr Kinghorne requested information on how the outcome of actions from Council Meetings, particularly Matters Arising and Questions Taken on Notice can be made available to the public as many responses are circulated to Councillors only.

In accordance with the Code of Meeting practice, responses to Questions Taken on Notice are to be provided to Council at its next meeting. This is often time constrained with the short turnaround times, and an update to the Code of Meeting Practice is proposed to provide a monthly report at the second meeting of each month to provide information on any questions from the previous meetings and any responses that have been circulated to Councillors.

This report provides responses below to Questions Taken on Notice relating to Sister Cities as circulated to Councillors via email on 12 November 2024. This has been the only response to a question taken on notice since the reporting matter was raised on 20 August 2024.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “18.1. Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That the information contained in the report on responses to Questions Taken on Notice be acknowledged.

SUPPORTING INFORMATION**CCL 6 AUGUST 2024****RESOLVED - 24/382 Cr J Whitton/Cr K Duffy**

That the Sister City Community Committee consider commencing a Sister City Relationship with Patna, Bihar India.

The new Council will review whether to re-establish the Sister City Community Committee. If it is re-established, there will be a process of EOI to find members. If and when the committee is re-established this matter will be added to their first agenda.

CCL 6 AUGUST 2024**QUESTION TAKEN ON NOTICE Cr F Kinghorne**

Cr Kinghorne asked that information be provided on the Sister City selection criteria.

Each of the four current Sister Cities were established many years ago (Mt Hagen, PNG – 1985, Ushiku, Japan – 1990, Timaru, NZ – 1986, City of Orange, California - 1963)

For this reason, there are currently no established criteria for choosing a new sister city.

If recent experience was used as a guide to produce criteria, it would be clear that the most active Sister City relationships are those where there is an active group of residents in Orange who organise activities to build closer links. For example, because there are many high school students who are learning Japanese, there is a community of local residents who engage in exchange visits and organise an annual Japanese speaking contest.

The Timaru links have been strengthened by recent visits by Council staff and elected councillors in recent years.

The Mt Hagen connection is still strengthened by a smaller number of local residents.

In contrast, the link with the City of Orange California is currently at a low ebb due to a lack of local enthusiasts.

Orange currently has an active group of residents from both Nepal and India who routinely stage events to celebrate this culture. This may point to the value of new proposed new links in this direction.

Orange's recently-established Ukrainian community may be the base for a *future* successful connection with a Ukrainian city, but as new arrivals, these families may currently have more pressing preoccupations.

EEDPC – 6 AUGUST 2024**RESOLVED - 24/340 Cr J Hamling/Cr T Greenhalgh**

- 1 That Council acknowledge the reports presented to the Sister Cities Community Committee at its meeting held on 11 July 2024.**
- 2 That Council determine recommendations 3.2.2 from the minutes of the Sister Cities Community Committee meeting of 11 July 2024.**
 - 1 That, following the success of the recent exchange visit by staff from Timaru District Council, Council be requested to consider allocating funding for a return visit in the 2025/26 budget.***
 - 2 That planning for a return visit include consideration of opening up the visit to the wider Orange community.***
- 3 That the remainder of the minutes of the Sister Cities Community Committee from its meeting held on 11 July 2024 be adopted.**

This resolution should be directed to the Finance team as the draft budget for 2025-26 budget is assembled.

If there was an indication that funding may be made available (say, informally by the CEO), preliminary contact with Timaru and planning could begin, including opening up the visit to the wider community.

EEDPC – 6 AUGUST 2024**QUESTION TAKEN ON NOTICE Cr M McDonell**

Cr McDonell asked if the Mayor of the proposed Sister City had been contacted.

Contact has been made with the leadership of the Zaporizhzhia District State Administration. They have replied and initial meeting with the Mayor (via zoom) has been planned.

EEDPC – 6 AUGUST 2024**QUESTION TAKEN ON NOTICE Cr M McDonell**

Cr McDonell asked for clarification as to the existence and purpose of the Sister City Committee, and if this would be better absorbed into Council operations.

The purpose of the Sister City Community Committee as contained in the Committee Charter is to : *‘To advise Council and make recommendations in relation to the promotion of relationships with Council’s four Sister Cities of Orange (California), Timaru (New Zealand), Mt Hagan (Papua New Guinea) and Ushiku (Japan) through personal exchanges of information and support of cultural and academic visitations.’*

The question of whether the work of the committee could better delivered by Council staff and hands-on volunteers, without the involvement of a community committee, would be best considered following the election when all Community Committees are reviewed.

EEDPC – 6 AUGUST 2024**QUESTON TAKEN ON NOTICE Cr M McDonell**

Cr McDonell asked for information on what the \$19,820 budget for this Committee is spent on.

In the 2022/23 period a total of \$2,723 was spent from this budget. This is comprised \$2,287 for functions and events (such as civic welcomes for exchange students groups visiting Orange and the annual Japanese Language Speaking contest) and \$436 for gifts for visitors.

In the 2024/24 period a total of \$3,005.68 was spent from this budget. This is comprised \$2,250 for functions and events (such as civic welcomes for exchange students groups visiting Orange, the Timaru Council staff exchange and the annual Japanese Language Speaking contest) and \$755 for gifts for visitors.

6 CLOSED MEETING - SEE CLOSED AGENDA

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Proposed sale 73a Hill Street

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.2 Proposed sale Lots 166 and 168 Seiben Drive

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.3 Entering into a Contract - Central NSW Joint Organisation - Asset Management of Sewer Pipes

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.1 PROPOSED SALE 73A HILL STREET

RECORD NUMBER: 2024/1729

AUTHOR: Chris Rawlins, Manager Economic Development

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.2 PROPOSED SALE LOTS 166 AND 168 SEIBEN DRIVE

RECORD NUMBER: 2024/1741

AUTHOR: Chris Rawlins, Manager Economic Development

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**6.3 ENTERING INTO A CONTRACT - CENTRAL NSW JOINT ORGANISATION - ASSET
MANAGEMENT OF SEWER PIPES**

RECORD NUMBER: 2024/1734

AUTHOR: Joshua Barnes, Water and Sewer Engineer

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

7 RESOLUTIONS FROM CLOSED MEETING