



ORDINARY COUNCIL MEETING

AGENDA

18 FEBRUARY 2025

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, 18 February 2025** 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

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2025 (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 4 February 2025.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2025

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

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

ON 4 FEBRUARY 2025

COMMENCING AT 6:30 PM

1 INTRODUCTION

ATTENDANCE

Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, 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

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

1.1 APOLOGIES

Nil.

1.2 LIVESTREAMING AND RECORDING

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

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 Peterson declared a Significant Non-Pecuniary Interest in PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as he is a volunteer of the Orange Evangelical Church.

Cr Peterson declared a non-significant Non-Pecuniary Interest in RCPC Item 2.1 – Response to Question on the Digitisation of the Central Western Daily (CWD) Negative Collection as he is a paid member with the Orange & District Historical Society.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he and other family members are actively involved in various sporting clubs and activities locally.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as the previous Orange District Basketball Association President ran on her election ticket.

Cr McDonell declared a Significant Non-Pecuniary Interest in CCL Closed Item 6.1 – NSW ALGWA Conference 2025 - Nomination(s) for Councillor Attendance as she is a Board member of the NSW Local Government Women's Association (ALGWA).

Cr Mileto declared a Significant Non-Pecuniary Interest in RCPC Item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he is the President of the Orange & District Football Association (ODFA).

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in RCPC Item 2.2 – Grounds Maintenance – Waratah Sports Club 2023-2024 as he is the President of the Orange & District Football Association (ODFA).

Cr Mileto declared a Significant Non-Pecuniary Interest in FPC Item 2.1(6) – Small Donations – Request for Donations as the applicant is an acquaintance.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as she resides nearby.

Cr Whitton declared a significant non-pecuniary interest in this CCL Closed Item 6.4 – Electricity Procurement for Small Market Sites as he is on the Board of a company that may tender for the opportunity.

Cr Mallard declared a Non-Significant Non-Pecuniary interest in the Matter Arising from Cr Duffy in PDC relating generally to Solar Farms as he is a member and shareholder of Central West renewable Energy.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.34PM.

PDC Item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way

- Steve Adams – Orange Evangelical Church

Cr Kinghorne joined the meeting with the time being 6.35pm

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.40PM.

2 MAYORAL MINUTES

Nil.

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 25/001**Cr D Mallard/Cr M McDonell**

That the Minutes of the Ordinary Meeting of Orange City Council held on 17 December 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 17 December 2024.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Duffy asked about the use of funding, reporting and what steps are being taken to ensure no inappropriate paraphernalia or displays are included in the Rainbow Festival.

The Director of Corporate & Commercial Services advised that the event this year is of a smaller scale, and therefore staff labour costs will be less significant.

The Chief Executive Officer advised that Staff can provide regular updates including this information during the planning process.

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy requested a list of the names of individuals who are representing organisations on the Rainbow Festival committee and details of what steps are being taken to ensure no inappropriate paraphernalia or displays are included in the Rainbow Festival.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.47PM.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 8.11PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - PUBLIC WIFI

TRIM REFERENCE: 2025/14

RESOLVED - 25/017**Cr S Peterson/Cr D Mallard**

That Council investigates costs and options to provide public Wi-Fi in Cook Park.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Greenhalgh asked if we track and have data on usage of public Wi-Fi that it is currently supplied.

The Chief Executive Officer advised that we do have access to basic data usage.

5 GENERAL REPORTS

Nil.

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 - 25/018**Cr T Greenhalgh/Cr K Duffy**

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 NSW ALGWA Conference 2025 - Nominations(s) for Councillor Attendance

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 Transfer of Ownership - Lot 11 DP 1206162

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 Lease hangar Site J 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.

6.4 Electricity Procurement for Small Market Sites

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.

6.5 Minutes of the Audit Risk and Improvement Committee Meeting 28 August 2024

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.6 Minutes of the Extraordinary Audit Risk and Improvement Committee Meeting 4 December 2024

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.7 Minutes of the Audit Risk and Improvement Committee Meeting 18 December 2024

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.8 Submission Redaction Report 4 February 2025

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 (e) information that would, if disclosed, prejudice the maintenance of law.

FPC Item 2.1(6) – Small Donations Program – Requests for Donations

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 (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.22pm.

The Mayor declared the Ordinary Meeting of Council resumed at 9.24pm.

7 RESOLUTIONS FROM CLOSED MEETING

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

Cr McDonell left the meeting with the time being 8.24pm.

6.1 NSW ALGWA CONFERENCE 2025 - NOMINATIONS(S) FOR COUNCILLOR ATTENDANCE

TRIM REFERENCE: 2025/34

Cr McDonell declared a Significant Non-Pecuniary Interest in this item as she is a Board member of the NSW Local Government Women's Association (ALGWA), left the room and did not participate in discussion or voting on this item.

MOTION

Cr K Duffy/Cr J Whitton

That any Councillors who so request be permitted to attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

AMENDMENT

Cr D Mallard/Cr G Power

That three (3) Councillors will attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

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

Against: Cr K Duffy

Absent: Cr M McDonell

RESOLVED - 25/019

Cr D Mallard/Cr G Power

That three (3) Councillors will attend the 2025 Australian Local Government Women's Association (ALGWA) Conference in the Griffith NSW from 1-3 May 2025.

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

Against: Nil

Absent: Cr M McDonell

Cr McDonell returned to the meeting with the time being 8.40pm.

6.2 TRANSFER OF OWNERSHIP - LOT 11 DP 1206162

TRIM REFERENCE: 2025/1

RESOLVED - 25/020

Cr K Duffy/Cr T Greenhalgh

- 1 That Council proceed with the transfer of ownership of Lot 11 DP 1206162 under the terms contained in this report.
- 2 That Council grant approval for the use of the Council Seal on any necessary documentation.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

6.3 LEASE HANGAR SITE J ORANGE AIRPORT

TRIM REFERENCE: 2025/3

RESOLVED - 25/021**Cr T Greenhalgh/Cr K Duffy**

- 1 That Council enter into a lease of Hangar Site J for a term of five years with one five year option.
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Duffy asked if there were tie downs out at the airport, as he was aware of plane damage that occurred during a recent windstorm.

The Director Development Services advised there are tie downs on the apron.

Cr Whitton left the meeting with the time being 8.43pm.

6.4 ELECTRICITY PROCUREMENT FOR SMALL MARKET SITES

TRIM REFERENCE: 2025/36

Cr Whitton declared a Significant Non-Pecuniary interest in this item as he is on the Board of a company that will likely tender for the opportunity, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/022**Cr D Mallard/Cr S Peterson**

That Council resolves:

- 1 To note the report on electricity procurement for small market sites;
- 2 To participate in the regional procurement process, facilitated by Central NSW Joint Organisation, for the supply of electricity for small market sites;
- 3 To note the extreme volatility of the energy market currently being experienced;
- 4 To agree to purchase 100% of renewable energy for each site in line with Council's current large site PPA with Iberdrola;
- 5 To note the short timeframe for acceptance of offers for the supply of electricity;
- 6 That because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for small market sites which are due to commence on 1 January 2025;
- 7 To note that the reasons for the decision of the Council in resolution 6 are as follows:
 - a. The services with respect to which the tender relates can only be provided by energy retailers.
 - b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
 - c. Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
 - d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
 - e. This would not be a satisfactory result for Council.
- 8 To delegate the determination, acceptance or rejection of proposals on behalf of Council to the Chief Executive Officer;
- 9 To delegate the execution of the contract for the supply of electricity for small sites to the Chief Executive Officer;
- 10 To receive a report on conclusion of the process detailing the outcome; and
- 11 To advise Central NSW Joint Organisation of its decisions.

For: Cr T Mileto (Mayor), Cr K Duffy, 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 J Whitton

Cr Whitton returned to the meeting with the time being 8.49pm.

6.5 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 28 AUGUST 2024

TRIM REFERENCE: 2025/32

RESOLVED - 25/023

Cr S Peterson/Cr G Power

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 28 August 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 28 August 2024 be adopted.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

MATTER ARISING

Cr S Peterson

Cr Peterson asked that a summary of key points from ARIC meetings and papers be provided with future reports.

6.6 MINUTES OF THE EXTRAORDINARY AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 4 DECEMBER 2024

TRIM REFERENCE: 2025/31

RESOLVED - 25/024

Cr K Duffy/Cr S Peterson

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its Extraordinary meeting held 4 December 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 4 December 2024 be adopted.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

6.7 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 18 DECEMBER 2024

TRIM REFERENCE: 2025/29

RESOLVED - 25/025

Cr K Duffy/Cr S Peterson

That Council resolves:

- 1 That Council acknowledge the reports presented to the Audit, Risk & Improvement Committee at its meeting held 18 December 2024.
- 2 That the minutes of the Audit, Risk & Improvement Committee from its meeting held on 18 December be adopted.
- 3 That Council acknowledge the ARIC Annual Report for the year ended 31 December 2024.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

6.8 SUBMISSION REDACTION REPORT 4 FEBRUARY 2025

TRIM REFERENCE: 2025/50

RESOLVED - 25/026**Cr M Ruddy/Cr T Greenhalgh**

That the information contained in the Submission Redaction report be acknowledged.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Mileto left the meeting with the time being 8.55pm.**In the absence of the Mayor, Deputy Mayor - Cr Greenhalgh chaired the meeting for this item.****FPC ITEM 2.1(6) – SMALL DONATIONS – REQUESTS FOR DONATIONS**

TRIM REFERENCE: 2024/1800

*Cr Mileto declared a significant non-pecuniary interest in this item as the applicant is an acquaintance, left the meeting and did not participate in discussion or voting on this item***RESOLVED - 25/027****Cr D Mallard/Cr M Ruddy**

That Council donate \$222 to Wiradjuri Nation Sovereignty Conference to cover the venue hire fees for the events on 25 and 26 January 2025 (deferred from FPC Meeting 5 February 2025).

For: Cr K Duffy, Cr T Greenhalgh, 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: Cr M McDonell, Cr G Judge

Absent: Cr T Mileto (Mayor)

Cr Mileto returned to the meeting and resumed the Chair with the time being 9.15pm.**THE MEETING CLOSED AT 9.28PM**

This is Page Number 11 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 4 February 2025.

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - ORANGE PCYC SHUTTER VENTILATION

RECORD NUMBER: 2025/87

I, **CR TAMMY GREENHALGH** wish to move the following Notice of Motion at the Council Meeting of 18 February 2025:

MOTION

That Council and Orange PCYC work collaboratively to assess and implement the most effective solution to restore or improve ventilation at the PCYC facility, ensuring the safety and comfort of all users while maintaining the venue's reputation as a premier sporting facility.

BACKGROUND

The Orange PCYC is a vital community hub hosting numerous sporting events, training sessions, and recreational activities. Recently, during the Indoor Hockey State Championships, athletes and spectators reported significant discomfort due to excessive heat and lack of airflow.

These conditions not only hinder performance but also pose potential health risks to participants, particularly during warmer weather.

The existing ventilation system, including shutters, appears to be non-functional, (and has been for a number of years) resulting in stagnant air within the facility.

It is imperative to investigate solutions to address this issue to ensure the PCYC remains a safe, welcoming, and high-performing venue for all users.

Proposal:

1. That Orange City Council engages with the PCYC management to:
 - Assess the condition of the existing ventilation system, including the shutters.
 - Identify the most effective and cost-efficient solutions to restore or enhance airflow within the facility.
2. That Council considers potential solutions, including but not limited to:
 - Repairing or upgrading the shutters to allow adequate airflow.
 - Installing ceiling or wall-mounted fans to improve air circulation.
 - Exploring modern ventilation systems or alternative methods suitable for the building's structure and usage.
3. That Council works with PCYC to ensure timely implementation of the identified solution, prioritizing the comfort and safety of sportspeople, spectators, and other facility users.

Supporting Information:

- Numerous participants in the Indoor Hockey State Championships reported overheating and lack of airflow during the event, raising concerns about player health and safety.
- Poor ventilation directly impacts athlete performance, spectator comfort, and the facility's overall usability.
- Addressing this issue will not only improve conditions for current users but will also enhance the venue's appeal for hosting future regional and state-level events.

4.1 Notice of Motion - Orange PCYC Shutter Ventilation

- This event contributes significantly to our economic development with over 63 teams competing in December this year over the weekend and into Monday.
- Council has partnered with this event for the last 7 years, and we need to ensure we maintain a safe facility to ensure we secure this into the future.

I am requesting that Orange City Council works collaboratively with the Orange PCYC to reach a mutually beneficial solution to restore or improve ventilation within the PCYC facility.

Signed Cr Tammy Greenhalgh

FINANCIAL/RESOURCING IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Nil

4.2 NOTICE OF MOTION - INDOOR PLAY SPACE FOR ORANGE

RECORD NUMBER: 2025/95

I, **CR MAREA RUDDY** wish to move the following Notice of Motion at the Council Meeting of 18 February 2025:

MOTION

That Council resolves to:

- 1 Acknowledge the ongoing community demand for a dedicated indoor play space in Orange, as highlighted in the Community Strategic Plan (CSP) and community engagement efforts.**
- 2 Direct Council staff to conduct a feasibility study into the development of an indoor play space that is inclusive, stimulating, and suitable for children of all abilities. This study should include:**
 - **Identifying potential locations for the play space.**
 - **Estimating the capital and operational costs.**
 - **Exploring possible partnerships and funding opportunities.**
 - **Assessing the impact on the local community and economy.**
- 3 Ensure that the indoor play space project is prioritised in the upcoming budget period and included as part of the Council's infrastructure planning.**
- 4 Request a progress update on the feasibility study to be presented at the next Council meeting to ensure that the project is moving forward in a timely and transparent manner.**

BACKGROUND

The demand for an indoor play space in Orange has been consistently highlighted by the community, both in previous consultations and in the current Community Strategic Plan being developed. The existing indoor play area at the tennis courts does not adequately address the needs of the community, particularly in terms of providing an inclusive, engaging, and all-weather play experience for children of various abilities.

The development of an indoor play space would not only meet this gap but also provide a much-needed facility for families in Orange, offering a safe, weatherproof environment for children to play and learn, while also creating an inclusive space for children of all abilities.

Given the significant community support for this project, it is crucial that Council takes immediate steps to explore the feasibility and ensure that it is included in the upcoming budget. This will allow Council to assess the viability of such a facility, determine the necessary resources, and begin planning for its delivery.

The creation of an indoor play space would be a valuable asset for the Orange community and align with the priorities outlined in the Community Strategic Plan. I am confident that the feasibility study and further planning will provide a solid foundation for making this project a reality. I look forward to seeing the results of the study and working with Council to ensure that this important community need is addressed in the upcoming budget.

Signed Cr Marea Ruddy

5 GENERAL REPORTS

5.1 CONFIRMATION OF THE MINUTES FROM POLICY COMMITTEES 4 FEBRUARY 2025

RECORD NUMBER: 2025/100

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Environmental Sustainability Policy Committee, Finance Policy Committee, Infrastructure Policy Committee, Recreation & Culture Policy Committee, Services Policy Committee and Regional & Economic Development Policy Committee) have delegation to determine matters before those Committees.

This report provides minutes of the Policy Committees held this month. Resolutions made by the Committees are presented for adoption or amendment by Council.

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 Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 4 February 2025 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 2 That the Minutes of the Finance Policy Committee at its meeting held on 4 February 2025 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 3 That the Minutes of the Infrastructure Policy Committee at its meeting held on 4 February 2025 be and are hereby confirmed as a true and accurate record of the proceedings.**
- 4 That the Minutes of the Recreation & Culture Policy Committee at its meeting held on 4 February 2025 be and are hereby confirmed as a true and accurate record of the proceedings.**

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**Planning and Development Policy Committee**

At the Planning and Development Policy Committee meeting held on 4 February 2025, all resolutions were made under delegation, and the minutes are presented for adoption.

Finance Policy Committee

At the Finance Policy Committee meeting held on 4 February 2025, all resolutions were made under delegation, and the minutes are presented for adoption.

Infrastructure Policy Committee

At the Infrastructure Policy Committee meeting held on 4 February 2025, all resolutions were made under delegation, and the minutes are presented for adoption.

Recreation & Culture Policy Committee

At the Recreation & Culture Policy Committee meeting held on 4 February 2025, all resolutions were made under delegation, and the minutes are presented for adoption.

ATTACHMENTS

- 1 PDC 4 February 2025 Minutes, 2025/83 [↓](#)
- 2 FPC 4 February 2025 Minutes, 2025/82 [↓](#)
- 3 IPC 4 February 2025 Minutes, 2025/84 [↓](#)
- 4 RCPC 4 February 2025 Minutes, 2025/85 [↓](#)

ORANGE CITY COUNCIL

MINUTES OF THE

PLANNING & DEVELOPMENT COMMITTEE

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

ON 4 FEBRUARY 2025

COMMENCING AT 6:47 PM

1 INTRODUCTION**ATTENDANCE**

Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, 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, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Cr Peterson declared a Significant Non-Pecuniary Interest in item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as he is a volunteer of the Orange Evangelical Church.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in item 2.2 – Development Application DA 405/2017(6) – 2 Cottonwood Way as she resides nearby.

Cr Mallard declared a Non-Significant Non-Pecuniary interest in the Matter Arising from Cr Duffy relating generally to Solar Farms as he is a member and shareholder of Central West renewable Energy.

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE

4 FEBRUARY 2025

2 GENERAL REPORTS**2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL**

TRIM REFERENCE: 2024/1760

RESOLVED - 25/002**Cr J Whitton/Cr T Greenhalgh**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

*Note: Cr Peterson had moved to the rear of the room in anticipation of leaving for the next time and voted for item 2.1 out of camera view.

Cr Kinghorne & Cr Peterson left the meeting with the time being 6.48pm

2.2 DEVELOPMENT APPLICATION DA 405/2017(6) - 2 COTTONWOOD WAY

TRIM REFERENCE: 2025/2

Cr Peterson declared a Significant Non-Pecuniary interest in this item as he is a volunteer of the Orange Evangelical Church, left the meeting and did not participate in discussion or voting on this item.

Cr Kinghorne declared a Significant Non-Pecuniary Interest in this item as she resides nearby, left the meeting and did not participate in discussion or voting on this item.

MOTION**Cr T Mileto/Cr M Ruddy**

That Council defer consideration of development consent DA 405/2017(5) for Place of Public Worship and Business Identification Sign at Lot 9 DP 746439 - 2 Cottonwood Way, Orange (formerly known as 241 Ploughmans Lane), to the Council Meeting on 18 February 2025 for the purpose of Councillors receiving additional information including the Acoustics report and information of the specific events to be held.

AMENDMENT**Cr J Whitton/Cr D Mallard**

That Council modifies development consent DA 405/2017(5) for Place of Public Worship and Business Identification Sign at Lot 9 DP 746439 - 2 Cottonwood Way, Orange (formerly known as 241 Ploughmans Lane), pursuant to the conditions of consent in the attached modified Notice of Approval.

For: Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr G Power, Cr J Whitton

Against: Cr T Mileto (Mayor), Cr K Duffy, Cr G Judge, Cr M Ruddy, Cr J Stedman

Absent: Cr F Kinghorne, Cr S Peterson

Casting Vote: For – Cr M McDonell (Chairperson)

THE AMENDMENT ON BEING PUT WAS TIED.

THE CHAIRPERSON (CR MCDONELL) USED A CASTING VOTE TO VOTE FOR THE AMENDMENT.

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION.

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE

4 FEBRUARY 2025

THE MOTION ON BEING PUT WAS CARRIED.**RESOLVED - 25/003****Cr J Whitton/Cr D Mallard**

That Council modifies development consent DA 405/2017(5) for Place of Public Worship and Business Identification Sign at Lot 9 DP 746439 - 2 Cottonwood Way, Orange (formerly known as 241 Ploughmans Lane), pursuant to the conditions of consent in the attached modified Notice of Approval.

For: Cr T Greenhalgh, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr T Mileto (Mayor), Cr K Duffy, Cr G Judge

Absent: Cr F Kinghorne, Cr S Peterson

Cr Mileto asked if the application can be approved for a trial period of six months, to determine the extent of any impact to surrounding residents.

The Director Development Services advised that the Land and Environment Court does not allow trial approvals.

Cr Mileto asked for clarification on where in the report the additional information is provided.

The Director Development Services advised that Conditions at 57 indicated events and activities that could be undertaken; and Condition 51 restrict events to 12 per year and people onsite are limited to 40 people after 10.30-11pm. It was also noted that while full technical information is not provided, the report provides information that the application is compliant.

Cr McDonell asked how when the application has been lodged with Council.

The Director Development Services advised the application was lodged in October 2023.

Cr Kinghorne & Cr Peterson returned to the meeting with the time being 7.03pm.

MATTER ARISING**Cr K Duffy**

Cr Duffy noted that Solar Farms were not permitted within 10kms of an urban area and requested that comprehensive reports for Solar Farm developments (including such information as shareholders and independent funding) be included on reports presented to Council for consideration.

The Chief Executive Officer advised that staff would include as much information as possible, including a site visit, however the Solar Farm application will go to the Regional Planning Panel for determination.

Cr Mallard noted that he would declare a Non-Significant Non-Pecuniary interest in the Matter Arising from Cr Duffy generally relating to Solar Farms as he is a member and shareholder of Central West renewable Energy.

THE MEETING CLOSED AT 7.08PM.

ORANGE CITY COUNCIL

MINUTES OF THE

FINANCE POLICY COMMITTEE

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

ON 4 FEBRUARY 2025

COMMENCING AT 7:09 PM

1 INTRODUCTION

ATTENDANCE

Cr S Peterson (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Cr Mileto declared a Significant Non-Pecuniary Interest in item 2.1(6) – Small Donations – Request for Donations as the applicant is an acquaintance.

MINUTES OF FINANCE POLICY COMMITTEE

4 FEBRUARY 2025

2 GENERAL REPORTS

2.1 SMALL DONATIONS - REQUESTS FOR DONATIONS

TRIM REFERENCE: 2024/1800

RESOLVED - 25/004

Cr M McDonell/Cr D Mallard

That Item 2.1 – Small Donations – Requests for Donations be heard and voted for in seriatim.
For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

RESOLVED - 25/005

Cr T Mileto/Cr D Mallard

2(1) That Council donate \$2,500 to Orange Little Athletics for track line marking.
For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

RESOLVED - 25/006

Cr M Ruddy/Cr K Duffy

2(2) That Council donate \$2,500 to Lions' Club of Orange for the purchase of microdebrider handpieces.
For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

RESOLVED - 25/007

Cr G Power/Cr M Ruddy

2(3) To donate \$1,000 to Classic & Enthusiasts Motorcycle Club Central West to contribute to holding the annual bike rally.
For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

RESOLVED - 25/008

Cr D Mallard/Cr J Stedman

2(4) To donate \$2,500 to Blossoms Rescue to contribute to desexing and rehoming unwanted, injured and stray cats and kittens in the Orange area.
For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

MINUTES OF FINANCE POLICY COMMITTEE

4 FEBRUARY 2025

RESOLVED - 25/009**Cr T Greenhalgh/Cr M McDonell**

2(5) To donate \$2,500 to Orange U3A contribute to holding the NSW Network Annual Conference for 2025.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Mileto declared a Significant Non-Pecuniary interest in item 2(6) as the applicant is an acquaintance, left the meeting with the time being 7.13pm and did not participate in discussion or voting on this item.

MOTION**Cr G Power/Cr M Ruddy**

2(6) To donate \$222 to Wiradjuri Nation Sovereignty Conference to cover the venue hire fees for the events on 25 and 26 January 2025.

AMENDMENT**Cr J Whitton/Cr G Power**

2(6) That FPC Item 2.1(6) - To donate \$222 to Wiradjuri Nation Sovereignty Conference to cover the venue hire fees for the events on 25 and 26 January 2025 be deferred to the Closed meeting of this Council Meeting for determination.

For: Cr K Duffy, 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 T Mileto (Mayor)

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION.

THE MOTION ON BEING PUT WAS CARRIED.

RESOLVED - 25/010**Cr J Whitton/Cr G Power**

6 That FPC Item 2.1 (6) - To donate \$222 to Wiradjuri Nation Sovereignty Conference to cover the venue hire fees for the events on 25 and 26 January 2025 be deferred and addressed in the closed meeting.

For: Cr K Duffy, 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 T Mileto (Mayor)

Cr McDonell noted that the application does not comply with the process and there is no application form and asked for clarification as to why it was presented to the meeting.

The Director Corporate & Commercial Services advised that an application form was requested but not received.

Cr Mileto returned to the meeting with the time being 7.22pm

MINUTES OF FINANCE POLICY COMMITTEE**4 FEBRUARY 2025****2.2 FEES AND CHARGES AMENDMENTS - ORANGE AQUATIC CENTRE AND ORANGE YOUTH HUB - POST EXHIBITION**

TRIM REFERENCE: 2025/19

RESOLVED - 25/011**Cr D Mallard/Cr G Power**

That Council adopt the fee to hire out the inflatable obstacle course at of cost of \$200 per hour for private use and for the hire of the Orange Youth Hub at a cost of \$12.50 an hour ex GST (plus cleaning fees where applicable).

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

THE MEETING CLOSED AT 7.23PM.

ORANGE CITY COUNCIL

MINUTES OF THE

INFRASTRUCTURE POLICY COMMITTEE

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

ON 4 FEBRUARY 2025

COMMENCING AT 7:25 PM

1 INTRODUCTION

ATTENDANCE

Cr J Whitton (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Nil.

2 GENERAL REPORTS

2.1 CURRENT WORKS

TRIM REFERENCE: 2025/28

RESOLVED - 25/012

Cr K Duffy/Cr M McDonell

That the information provided in the report on Current Works be acknowledged.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE**4 FEBRUARY 2025****QUESTION TAKEN ON NOTICE****Cr M McDonell**

Cr McDonell asked for information on when Kite Street (from Lords Place to Peisley Street) is scheduled for resurfacing.

Cr Ruddy noted that at a community information session on Brabham Way (SFR) she heard concerns regarding the road, guttering and footpaths on Woodward Street toward the railway crossing, and asked what was being done on this matter.

The Chief Executive Officer advised Council is working with residents of the area who are satisfied with the plans in place.

QUESTION TAKEN ON NOTICE**Cr G Judge**

Cr Judge advised that with the upcoming opening of Brabham Way (SFR) he had concerns regarding the intersections and asked for whether roundabouts at these intersections are included in the budget and what the timeframe is for the work:

- Anson Street and Brabham Way
- Woodward Street and Gardiner Road
- Woodward Street and Racecourse Road.

Cr Peterson asked whether we could start work on the East Orange Harvesting wetlands pending the outcome of the appealed approval, what conciliation is in place to resolve the matter and if the appeal information was publicly available.

The Chief Executive Officer advised that the Land and Environment Court does not approve of moving forward when there is an active appeal. Conciliation and Mediation are always the first steps which we will be looking to in the next few months. Regarding publicising the issue, this needs to be a balanced and considered approach.

QUESTION TAKEN ON NOTICE**Cr K Duffy**

Cr Duffy again requested detailed future development plans and designs for Brabham Way so that Council is prepared to apply for funding (shovel ready) when opportunities arise.

QUESTION TAKEN ON NOTICE**Cr D Mallard**

Cr Mallard requested that the Environmental Sustainability information included in current works reports presented to Council could be updated to reflect best information, current measurements and reporting, including gas consumption.

Cr Whitton asked how the Adventure Playground Project is progressing.

The Acting Technical Services Director (Davies) advised that they are in final stages of installing the soft fall, furniture and turf, with an estimated finish date of 21 February 2025.

QUESTION TAKEN ON NOTICE**Cr T Mileto**

Cr Mileto asked if there is an opportunity for accessibility to be reviewed for access at the Guildry at Cook Park, particularly with regard to replacing metal handrails and ramp installation.

MINUTES OF INFRASTRUCTURE POLICY COMMITTEE

4 FEBRUARY 2025

QUESTION TAKEN ON NOTICE

Cr T Mileto

Cr Mileto asked for additional maintenance services that can be carried out to clean and rejuvenate the pavers along Summer Street.

THE MEETING CLOSED AT 7.41PM.

ORANGE CITY COUNCIL

MINUTES OF THE

RECREATION & CULTURE POLICY COMMITTEE

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

ON 4 FEBRUARY 2025

COMMENCING AT 7:42 PM

1 INTRODUCTION**ATTENDANCE**

Cr T Greenhalgh (Deputy Mayor)(Chairperson), Cr T Mileto (Mayor), Cr K Duffy, 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

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Acting Director Technical Services (Davies), Manager Corporate Governance, Governance Officer

APOLOGIES AND LEAVE OF ABSENCE

Nil.

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

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in item 2.1 – Response to Question on the Digitisation of the Central Western Daily (CWD) Negative Collection as he is a paid member with the Orange & District Historical Society.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he and other family members are actively involved in various sporting clubs and activities locally.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as the previous Orange District Basketball Association President ran on her election ticket.

Cr Mileto declared Significant Non-Pecuniary Interest in item 2.2 – Grounds Maintenance – Waratah Sports Club 2023-2024 as he is the President of the Orange & District Football Association (ODFA).

Cr Mileto declared Non-Significant Non-Pecuniary Interest in item 2.4 – 2024-2025 Sports Facility Partnership Program Application Assessment as he is the President of the Orange & District Football Association (ODFA).

MINUTES OF RECREATION & CULTURE POLICY COMMITTEE

4 FEBRUARY 2025

2 GENERAL REPORTS**2.1 RESPONSE TO QUESTION ON THE DIGITISATION OF THE CENTRAL WESTERN DAILY (CWD) NEGATIVE COLLECTION**

TRIM REFERENCE: 2024/1902

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in this item as he is a paid member with the Orange & District Historical Society.

MOTION**Cr J Whitton/Cr K Duffy**

That Council fund the digitisation of the CWD Negative Collection project over the next 4 years at \$25,000 per year.

AMENDMENT**Cr M McDonell/Cr S Peterson**

That Council defer this item to the next Council meeting for the purpose of clarifying use of funding and expenditure.

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

Against: Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr J Stedman, Cr J Whitton

Absent: Nil

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION.

THE MOTION ON BEING PUT WAS CARRIED.

RESOLVED - 25/013**Cr M McDonell/Cr S Peterson**

That Council defer this item to the next Council meeting for the purpose of clarifying use of funding and expenditure.

For: Cr T Mileto (Mayor), Cr T Greenhalgh, 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: Cr K Duffy, Cr G Judge

Absent: Nil

Cr Mileto left the meeting with the time being 7.54.pm

2.2 GROUNDS MAINTENANCE - WARATAH SPORTS CLUB 2023-2024

TRIM REFERENCE: 2024/1830

Cr Mileto declared Significant Non-Pecuniary Interest in this item as he is the President of the Orange & District Football Association (ODFA), left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/014**Cr K Duffy/Cr S Peterson**

That the report on Grounds Maintenance – Waratah Sports Club be noted.

For: Cr K Duffy, 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 T Mileto (Mayor)

MINUTES OF RECREATION & CULTURE POLICY COMMITTEE**4 FEBRUARY 2025**

Cr McDonell asked whether the new sports precinct will have an impact on other facilities, like Waratahs Sports Club.

The Chief Executive Officer advised that a change to the sports landscape in Orange will be seen and that while he cannot answer in detail, he expects there will be an impact and that it will be a positive.

Cr Mileto returned to the meeting with the time being 8.00pm.

2.3 UPDATE ON EXPRESSION OF INTEREST - ESTABLISHMENT OF INDOOR RECREATIONAL FACILITY**TRIM REFERENCE:** 2024/1834**RESOLVED - 25/015****Cr M McDonell/Cr G Power**

That Council acknowledges the information provided in the Update on EOI – Establishment of Indoor Recreational Facility report.

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

2.4 2024-2025 SPORTS FACILITY PARTNERSHIP PROGRAM - APPLICATION ASSESSMENT**TRIM REFERENCE:** 2025/24

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in this item as he and other family members are actively involved in various sporting clubs and activities locally.

Cr Greenhalgh declared a Non-Significant Non-Pecuniary Interest in this item as the previous Orange District Basketball Association President ran on her election ticket.

Cr Mileto declared Non-Significant Non-Pecuniary Interest this item as he is the President of the Orange & District Football Association (ODFA).

MINUTES OF RECREATION & CULTURE POLICY COMMITTEE

4 FEBRUARY 2025

RESOLVED - 25/016**Cr K Duffy/Cr M Ruddy**

That Council allocate funds from the 2024/2025 Sports Facility Partnership Program as per the following table:

Organisation	Project	Funding Request	Recommended Funding
Waratah Soccer Club	Purchase a set of portable competition goal posts.	\$3,495	\$3,495
Orange District Basketball Association	Establishment of two basketball courts at the Orange Showground Naylor Pavilion including linemarking, four portable backboard systems and storage.	\$15,000	\$15,000
Orange Little Athletics	Purchase of athletics event equipment including high jump mats, javelins and hurdles.	\$6,900	\$6,900
Orange Equestrian Club	Installation of permanent shade shelter at the Equestrian Reserve at Towac Park	\$5,690	\$5,690
Orange Mountain Bike Club	Upgrade of pump track at the Lake Canobolas Mountain Bike Park	\$4,035	\$4,035
Orange District Softball Association	Construction of batting cage and bullpen (pitching) facility and upgrade of electrical infrastructure in the softball canteen at Sir Jack Brabham Park	\$15,000	\$15,000
TOTAL		\$50,120	\$50,120

For: Cr T Mileto (Mayor), Cr K Duffy, 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: Nil

Cr Ruddy asked for clarification on work planned for roofing at the agriculture and Naylor Pavilions.

The Chief Executive Officer advised that the current budget provides for works at the agriculture pavilion, but the Naylor is a new structure which does not require any current work.

THE MEETING CLOSED AT 8.11PM.

5.2 COUNCIL ADVOCACY ACTIVITIES - 1 JULY 2024 - 31 DECEMBER 2024

RECORD NUMBER: 2024/1704

AUTHOR: Catherine Davis, Executive Support Manager

EXECUTIVE SUMMARY

As part of Council's Corporate Planning & Reporting it is necessary to report to Council activities showing most recent advocacy on emerging strategic matters important to the City and region as well as report on meetings and interactions with key lobby groups. This report is for the information of Council and is up to and including 31 December 2024.

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

Any travel or accommodation associated with such activities are allowed for as part of staff and Councillor travel budgets.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the report by the Executive Support Manager on Council Advocacy Activities 1 July 2024 to 31 December 2024 be noted.

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

Advocacy Group	Minister	Matter
Country Mayor's Association 9 August 2024	Paul Pisanos Deputy Commissioner NSW Police Force	<ul style="list-style-type: none">• Youth crime (serious and violent)• Establishment of Crime Prevention Agreements• Domestic violence ongoing issue• Tobacco and vape products – significant quantities being smuggled across state borders• Driving behaviours

Advocacy Group	Minister	Matter
	Cr Linda Scott President ALGA	<ul style="list-style-type: none"> • Rex Airlines • Housing – staging a summit
	The Hon Bronnie Taylor MLC Shadow Minister for Regional Health	<ul style="list-style-type: none"> • Retiring from politics • Need to engage youth and give them a voice • As an Association CMA needs to push the re-establishment of the Regional Youth Taskforce
	Dr Michael Holland Parliamentary Secretary for Health and Parliamentary Secretary for Regional Health	<ul style="list-style-type: none"> • Safe working staffing levels in NSW hospitals • Increased funding to Ambulance services
	Greg Page Founder of “Heart of the Nation” The Wiggles founder	<ul style="list-style-type: none"> • Publicly accessible AED’s rolled out in Orange and Parkes
Mayor Jason Hamling Bush Summit 29 August 2024	The Hon. Rose Jackson MP Minister for Water, Housing, Homelessness, Mental Health, Youth, Northcoast	<ul style="list-style-type: none"> • Blackmans II Stormwater Harvesting approval matter
CNSWJO 22 August 2024	Michael Wrathall Senior Adviser to Minister Tanya Plibersek <i>Representative from the Office of the Hon Tanya Plibersek</i> <i>Minister for Environment and Water</i>	<p>Action: Follow-up to be undertaken with Mr Wrathall on the aspirations for the region for the Lachlan.</p> <p>Action: Follow-up with Minister Plibersek on the two requests in the Statement.</p> <p>Actions:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>

Advocacy Group	Minister	Matter
	<p>The Hon Catherine King, MP</p> <p>Minister for Infrastructure, Transport, Regional Development and Local Government</p>	<p>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.</p> <p>Action: CNSWJO to follow-up on advice provided to Councils where those attending were unsure that this was the advice provided to Councils.</p> <p>Action: CNSWJO to follow-up with Gerry Collins on how engagement with the Priority housing work stream - \$300m in NSW can be effected.</p> <p>Action- CNSWJO to review the changed infrastructure policy, procedure and funding frameworks and provide policy advice to the incoming Board.</p> <p>Action CNSWJO to follow-up on corridor planning status in NSW and advocate accordingly.</p> <p>Action CNSWJO to review National Freight Strategy and provide policy advice to the incoming Board.</p> <p>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 natura disaster funding.</p> <p>Action: Follow-up with Simon McDonell regarding Wolgan Road issue.</p> <p>Action: CNSWJO to provide feedback and advocacy regarding treating LWUs as non-commercial if they do not pay a dividend.</p>

Advocacy Group	Minister	Matter
	<p>Ms Simone McDonnell</p> <p>Advisor- Emergency Management</p> <p><i>Representative from the Office of the Hon Jenny McAllister</i></p> <p><i>Minister for Cities</i></p> <p><i>Minister for Emergency Management</i></p> <p>The Hon Kristy McBain (Host)</p> <p>Minister for Regional Development, Local Government and the Territories</p> <p>The Hon Michael McCormack MP</p> <p>Member for Riverina</p> <p>Mr Matt Lowe</p> <p>Deputy Secretary, Agriculture, Fisheries and Forestry Policy</p> <p><i>Representative from the Office of the Hon Julie Collins</i></p> <p><i>Minister for Agriculture, Fisheries and Forestry</i></p> <p><i>Minister for Small Businesses</i></p>	<p>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.</p> <p>Action: Follow-up with Simon McDonnell regarding Wolgan Road issue.</p> <p>Action: CNSWJO to provide feedback and advocacy regarding treating LWUs as non-commercial if they do not pay a dividend.</p> <p>Action: The Minister's Office to be thanks and a media release to issue.</p> <p>Action: The Minister's Office to be thanks and a media release to issue.</p> <p>Action: CNSWJO to provide follow-up on matters raised in this meeting around biosecurity, feral animals and weeds.</p>

Phil Donato 1 November 2024	Meeting with Phil Donato MP State Member for Orange	Matters discussed included: <ul style="list-style-type: none"> • LifeVac Devices and funding for such into NSW schools and daycare centres. • Solar Farm development 643 Mitchell Hwy
CNSWJO 13/14 November 2024	Meetings with Ministers – State Parliament Sydney	<ul style="list-style-type: none"> • 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.
Mining & Energy Related Councils 14 November 2024	<p>Invitation to Minister for Regional Transport & Roads</p> <p>Small Claims Title Mines Act Review Process</p>	<ul style="list-style-type: none"> • A request was made to invite Jenny Aitchison as the Minister for Regional Transport and Roads to a future meeting. This idea was supported by delegates noting the importance of her portfolio in their discussions and her preparedness to meet. • A position paper to be prepared to respond to the small claims review recommendations highlighting the challenges faced by miners and the community due to land use conflicts and administrative issues.

	Data for Energy Options	<ul style="list-style-type: none"> Executive Officer liaise with the Australian Energy Market Operator in regards to accurate costing data for energy sources such as solar, batteries and wind power
Country Mayor's Association AGM 15 November 2024	The Hon Mark Speakman, MP NSW Opposition Leader & Liberal Leader	<ul style="list-style-type: none"> Regional connectedness, reductions in funding, prefabricated, smaller homes to address housing needs in country NSW
	The Hon Steve Whan MP Minister for Skills, TAFE & Tertiary Education	<ul style="list-style-type: none"> Linkages between educational institutions, training providers and industry A NSW Skills Plan being released this year Strong investment in skill development fee-free courses in VET

In addition to the above, Central NSW Joint Organisation lodged the following submissions, all have been at the request of members and/or part of supporting the advocacy policy of the Board. All previous submissions can be viewed on the CNSWJO website at <https://www.centraljo.nsw.gov.au/submissions/>

- [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](#)

In addition to the above, the Mayor, Deputy Mayor, Councillor(s) and/or CEO or Council staff attended meetings or Board meetings during this period with the following key lobby groups:

- General Managers Advisory Committee (GMAC) – July 24 and October 24
- Orange360 – November 24
- Netwaste – August and November 24
- Local Land Services – with a changeover of staff there was no meeting in this period
- Mayoral Taskforce for People Seeking Asylum – July 24, August 24 and September 24

By Council resolution the following advocacy occurred during the period:

Meeting / Date	Agenda Item	Responsible Officer	Advocacy
Council 3 December 2024	Notice Of Motion	CEO Office	<p>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:</p> <ul style="list-style-type: none"> • 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?
Council 17 December 2024	Notice of Motion	Development Services	<ul style="list-style-type: none"> • That Council contact the relevant NSW Government department(s) and request information regarding State owned land earmarked for affordable housing or otherwise currently redundant in Orange, and clarify the intentions and proposed timelines for developing these sites.
	Notice of Motion	Development Services	<ul style="list-style-type: none"> • Notes the report of the inquiry into Pounds in New South Wales conducted by Legislative Council Portfolio Committee No. 8, including its four findings and 24 recommendations. • Writes to the NSW Minister for Local Government urging the Government to support the recommendations of the inquiry and introduce the legislation, policies, funding and resources needed to support

Meeting / Date	Agenda Item	Responsible Officer	Advocacy
			Councils, rehoming organisations and communities in addressing the animal rehoming crisis.

Separate to the above summary, the Mayor, Councillors, CEO and senior staff of Council have had opportunities to have discussions with key Government personnel at different functions, conferences and gatherings which will contributed to the progression of the Orange region's priorities.

5.3 SMALL DONATIONS - REQUESTS FOR DONATIONS

RECORD NUMBER: 2025/80

AUTHOR: Jen Sharp, Director Corporate & Commercial Services

EXECUTIVE SUMMARY

This report provides information to Council to allow for the consideration of a resolution regarding applications for funding through the Small Donations Program received between November 2024 and February 2025.

The Small Donations Program has been established to provide assistance to community and not-for-profit groups that offer significant contribution to the social, economic and/or environmental wellbeing of the Orange Local Government Area (LGA)

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “16.2. Support community organisations and groups to deliver services and programs”.

FINANCIAL IMPLICATIONS

The budget for General Donations within the Small Donations Program for 2024/2025 is **\$80,000** with \$42,539.02 spent to date. The total requested in this round is **\$2,842.50**.

<i>Annual budget 24/25</i>	\$80,000.00
<i>Total spent to date</i>	\$42,539.02
<i>Requested amount this round</i>	\$2,842.50
<i>Remaining balance</i>	\$34,618.48

POLICY AND GOVERNANCE IMPLICATIONS

Refer to Council’s Donations and Grants Policy - ST32

This policy is in accordance with these sections in the Local Government Act 1993:

1. Section 356 (financial assistance)
2. Section 377 (delegated authority)
3. Section 610E (waive or reduce fees)

And in accordance with this section in the Local Government Regulation 2021:

Section 207 (record of donations for auditing purposes)

RECOMMENDATION

- 1 That this item be heard and voted on *in seriatim*.
- 2 That Council determines the following applications:
 - 1) To donate \$2,500 to Orange Radio Control Car Club to help meet costs for on-road events.
 - 2) To donate \$342.50 to RSPCA Orange Supporters Group to pay for the hire fee for the use of the Naylor Pavilion for the event.

5.3 Small Donations - Requests for Donations

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

Applicant 1	Orange Radio Control Car Club
Assistance Would Support	The assistance would contribute to the costs associated with on-road events.
Amount Requested	\$2,500
Policy Category	Community event not being event sponsorship
Category Maximum	\$2,500
Complies With Policy	Yes
Previously funded by Council?	No

Applicant 2	RSPCA Orange Supporters Group
Assistance Would Support	The assistance would contribute cover the cost of hiring the Naylor Pavilion for the Orange People and Pets Community Day.
Amount Requested	\$342.50
Policy Category	Community event not being event sponsorship
Category Maximum	\$2,500
Complies With Policy	Yes
Previously funded by Council?	No

ATTACHMENTS

- 1 Small Donations Program - Application Form - General Donations - Orange Radio Control Car Club (Redacted), D25/9639[↓](#)
- 2 Small Donations Program - Application Form - General Donations - RSPCA Orange Supporters Group (Redacted), D25/10587[↓](#)



SMALL DONATIONS PROGRAM - APPLICATION FORM

General donations

Community or not-for-profit group providing benefit to the local community can apply for a maximum of \$2,500

This document will be made public, and only fields with this icon  will be redacted.

APPLICANT'S DETAILS

Name of organisation: Orange Radio Control Car Club

Contact name: Brad Schaffli

Position: Secretary

 Postal address

 Phone:

 Mobile:

 Email:

ABN (if applicable):

ACN (if applicable):

99 377 006 281

YOUR ORGANISATION

☐ Not-for-Profit ☒ Community Group

Please provide a short description of your organisation, and its purpose.

To provide a safe, inclusive and social space for members and visitors to enjoy the model car racing hobby. The club is enjoyed by people and families of all ages and abilities.

YOUR REQUEST

Amount requested: \$ 2,500

Date event if applicable:

What round are you applying for? ☐ Round 1 ☐ Round 2 ☒ Round 3 ☐ Round 4

If you have attempted to seek funding for this project from any other source, including other grants, requests for in kind donations or reduction in costs from suppliers, please provide details:

No

What will this donation be used for?

ORCCC runs both on-road and off-road events each month. On-road events are currently held at Orange Indoor Tennis with court rental costs currently paid from entries and club funds. In an effort to ensure we can continue to hold on-road events, assistance from Council is requested to help meet these costs. An average monthly meeting costs \$240 in court hire, for a total of \$2,880. Additionally, the off-road venue is now charged a rental fee for the use of the land at an annual total of \$1,800.

BENEFIT TO ORANGE

Please outline how the donation will contribute to the social, economic and/or environmental wellbeing of the Orange Local Government Area.

Providing a safe, inclusive space for members of all ages and their families to enjoy the hobby and social side. We are planning numerous large events this year with the hope of attracting 100+ entrants and support crew to the area. These visitors usually enjoy the hospitality offered by our region, staying at local accommodation and eating at local venues.

COSTS AND FUNDING

Please provide a summary of your event costs and funding sources. For equipment purchase, please attach quotes.

COSTS	Court hire - Orange Indoor Tennis annually	\$ 2,880
	Rent - Offroad track Annually	\$ 1,800
	Food and catering estimate for multiple events annually - \$1,000	\$
	insurance - \$900	\$
	Track timing subscription - \$480 Annually	\$ 7,060
	Total costs	\$ 7,060

FUNDING	Your contribution	\$ 4,560
	Funding from other councils	\$ nil
	Contribution from other sources	\$ nil
	Total funding	\$ 4,560

BANK ACCOUNT DETAILS FOR PAYMENT



BSB No:



Account No:



Account Name:



Bank:

ALIGNMENT TO COUNCIL'S COMMUNITY STRATEGIC PLAN

Which theme/s best match your reason for donation?

**LIVE: A healthy, safe, inclusive and vibrant community**

This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging.

**PRESERVE: Balancing the natural and built environment**

This theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and improvement.

**PROSPER: A smart, innovative and resilient economy**

This theme focuses on providing the community with positive choices for investment, employment and study.

**COLLABORATE: Leadership and partnership**

This theme looks at forging a collaborative community that engages with open and ongoing decision making.

DECLARATION

On behalf of: (name of organisation if applicable) Orange Radio Control Car Club



I certify to the best of my knowledge that the statements made in this application and any supporting documentation are true.



Signed

Date

30/01/25

Print name

BRADLEY SCHAFLI

Position in organisation

SECRETARY

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.

**ORANGE
CITY COUNCIL**

SMALL DONATIONS PROGRAM - APPLICATION FORM
General donations

Community or not-for-profit group providing benefit to the local community can apply for a maximum of \$2,500


This document will be made public, and only fields with this icon  will be redacted.



APPLICANT'S DETAILS


Name of organisation: RSPCA Orange Supporters Group

Contact name: Alison Dick

Position: Volunteer with the RSPCA Orange Supporters Group

 Postal address: _____

 Phone: _____  Mobile: _____

 Email: _____

ABN (if applicable): _____ ACN (if applicable): _____

YOUR ORGANISATION

☒ Not-for-Profit ☐ Community Group

Please provide a short description of your organisation, and its purpose.

RSPCA NSW support branches and supporter groups work hard to protect animals and improve their welfare. The Orange Supporter Group are a group of volunteers that play a vital role in supporting our community through desexing/microchipping programs and events, fund raising initiatives and raising awareness.

YOUR REQUEST

Amount requested: \$ 342.50

Date event if applicable:

Wednesday 5th March
9.30am - 2.30pmWhat round are you applying for? ☐ Round 1 ☐ Round 2 ☒ Round 3 ☐ Round 4

If you have attempted to seek funding for this project from any other source, including other grants, requests for in kind donations or reduction in costs from suppliers, please provide details:

The cost of Microchipping services ie: microchips and person to implant, will be met by RSPCA NSW Orange / Central West shelter.

What will this donation be used for?

The donation will be used to pay the hire fee to Orange City Council for the use of the Naylor Pavilion at Orange showground for the Orange People & Pets Community Day.

BENEFIT TO ORANGE

Please outline how the donation will contribute to the social, economic and/or environmental wellbeing of the Orange Local Government Area.

Please see attached

COSTS AND FUNDING

Please provide a summary of your event costs and funding sources. For equipment purchase, please attach quotes.

COSTS	Hire of Naylor Pavilion	\$ 342.50
	25 x Dog identification tags @ \$15 each	\$ 375.00
	50 x Microchips @ \$3.03 each	\$ 151.50
	(Microchipping service no cost to RSPCA Orange Supporters Group)	\$
	50 x \$200 vet vouchers for desexing	\$ 10,000.00
	Total costs	\$ 10,869.00

FUNDING	Your contribution	\$ 10,375
	Funding from other councils	\$ N/A
	Contribution from other sources	\$ 151.50
	Total funding	\$ 10,526.50

* Please note:

Equipment required such as trestle tables & chairs will be supplied by volunteers of the RSPCA Orange Supporters Group. Gazebo, posters & donated Royal Canin Kibble to be supplied by the RSPCA NSW Branch & Volunteers Manager - Joshua O'Donnell

BENEFIT TO ORANGE

Given the huge issues with dogs and cats in Orange not being Microchipped/Desexed the RSPCA NSW Orange Supporters Group will be running a community event aimed at helping those in the community who are less fortunate and struggling with the high cost of living.

The Orange City Council Pound has been inundated with dogs that are not microchipped hence making it difficult to reunite stray animals with their owners. This has led to many healthy pups and dogs being euthanised.

The Orange People & Pets Community Day event will be on a much smaller scale to our Healthy Pet Day events we have held in the past with the assistance of RSPCA NSW employees, the Outreach team and the RSPCA Orange/Central West shelter.

We will be concentrating on dogs this time, offering free microchipping and subsidised desexing vouchers that will be able to assist community members who may not normally be able to afford the procedure. Desexing can help prevent medical and behavioural issues while also reducing unwanted litters, ultimately decreasing the number of animals entering impound facilities.

RSPCA NSW employees are supporting the community day with 4 staff members attending (2 x Animal Attendants, Animal Behaviourist and Branch Manager). The qualified animal behaviourist will be on-site to answer any questions or concerns pet owners may have about undesirable behaviours. This support can help owners, and their pets implement training and management options to live a more harmonious life, potentially reducing the need for behavioural surrenders.

There will be giveaways such as free bags of dog kibble (courtesy of Royal Canin) and plenty of information to help educate the community members on responsible pet ownership and pet care, contributing to the overall welfare of animals in the Orange Community.

As an incentive, the RSPCA Orange Supporters Group will be giving out vouchers to Petbarn to receive a free 'dog identification tag' to the value of \$15. The tag will have the dog's name engraved on one side and contact details on the other. This will help with identifying dogs that may become separated from their owner and hopefully get reunited.

This event is funded by money raised locally by the RSPCA Orange Supporters Group with assistance from RSPCA NSW Orange/Central West Shelter for their Microchipping services and donations of kibble courtesy of Royal Canin.

BANK ACCOUNT DETAILS FOR PAYMENT

 BSB No:	 Account No:
 Account Name:	
 Bank:	

ALIGNMENT TO COUNCIL'S COMMUNITY STRATEGIC PLAN


Which theme/s best match your reason for donation?

<input checked="" type="checkbox"/> LIVE: A healthy, safe, inclusive and vibrant community  This theme recognises the importance of encouraging healthy lifestyles, community pride and a sense of belonging.	<input type="checkbox"/> PRESERVE: Balancing the natural and built environment  This theme ensures that the unique natural, cultural, social and historical aspects of our community are preserved while recognising the need for growth and improvement.
<input type="checkbox"/> PROSPER: A smart, innovative and resilient economy  This theme focuses on providing the community with positive choices for investment, employment and study.	<input type="checkbox"/> COLLABORATE: Leadership and partnership  This theme looks at forging a collaborative community that engages with open and ongoing decision making.

DECLARATION

On behalf of: (name of organisation if applicable) RSPCA Orange Supporters Group

☒ I certify to the best of my knowledge that the statements made in this application and any supporting documentation are true.

 Signed _____ Date 4/2/2025

Print name Alison Dick

Position in organisation Volunteer with the RSPCA Orange Supporters Group

The information you provide will be handled in accordance with the Privacy and Personal Information Protection Act 1998. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, your application may be unable to be processed. Any personal information collected from you will be in order to process your application.

5.4 QUARTERLY BUDGET REVIEW AND PROGRESS REPORT - QUARTER 2 OF 2024/2025

RECORD NUMBER: 2025/112

AUTHOR: John Thompson, Chief Financial Officer

EXECUTIVE SUMMARY

This report presents the Quarterly Budget Review for the second quarter (Oct-Dec 24) of the financial year ending 30 June 2025. The purpose of the quarterly budget review is to advise the Council of the forecasted financial position and present any variations for approval that have occurred since the original budget adopted in June 2024.

A significant change to the original budget proposed in this paper is a drop in capital revenue for capital projects of \$5.1 million. This has reduced our capital revenue in 2024/25 and correspondingly increased it in subsequent years. This has a nil bottom line impact anyway since expenses similarly get deferred also.

Also, a duplicated grant entry for Fixing Local Roads (FLR) in the original budget has now been reversed in this quarter (which has a nil bottom line impact again since expenses offset the revenue in this budget).

And lastly, an increase can be seen to forecasted depreciation due to Council's asset position increasing following the completion of the 2023/24 audit. This is a non-cash line item so has nil impact on our Restricted cash assets position.

The Oct-Dec 24 quarterly result shows us that Council is tracking well to budget financially. The operating result was very close to the forecasted result which is very pleasing. Our cash and debt positions also remain in a sound position.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.2. Ensure financial stability and support efficient ongoing operation."

FINANCIAL IMPLICATIONS

The Oct-Dec 2024 Quarterly Review has identified variations totalling \$2.67m to Council's Operating Result before Capital, decreasing the Operating Surplus from \$7.15 million in the July-Sept 2024 quarter to \$4.48m in the current quarter. This is largely made up of additional depreciation calculated on a higher asset base. During the audit process and following the July-Sept quarter, Council was able to move more 'completed work in progress' to 'completed assets' on the balance sheet. As a result, depreciation has also increased.

A Fixing Local Roads (FLR) operating grant for \$3.3 million was duplicated in error in the 2024/25 budget so this has now been removed. The financial impact is nil since the corresponding expenses also reduce.

The remaining changes are from capital projects of about \$5.1 mil that will not now happen this year (again it has a nil impact as capital income and expenses both get deferred to a later year).

Table 1 below presents Council's Operating result before Capital - by Fund.

	Original Budget 2024/25	Carry Forwards	Previously adopted Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Consolidated							
Income from Continuing Operations	176,976,191	44,297,804	(6,839,488)	214,434,507	(3,293,588)	211,140,919	110,828,543
<i>less</i> Expenditure for Continuing Operations	126,126,958	2,290,106	1,788,848	130,205,912	2,369,517	132,575,429	59,301,589
Net Operating Result from Continuing Operations	50,849,233	42,007,698	(8,628,336)	84,228,595	(5,663,105)	78,565,490	51,526,953
Operating Result before Capital	7,838,771	(60,532)	(628,336)	7,149,903	(2,665,737)	4,484,166	38,141,817

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That Council resolves:

- 1 That the information provided in the report on the Quarterly Budget and Performance Indicators review for October – December 2024 be acknowledged.
- 2 To adopt the variations in the consolidated overall cost to Council arising from the December 2024 quarterly review in the amount of \$2,665,737.

SUPPORTING INFORMATION**Income – Reduction of \$3.3m**

The Oct-Dec 2024 quarter budget variations for income has decreased by \$3.3m. The removal of the duplicated \$3m for the FLR grant in the original budget represents most of this change. This is a capital grant duplication to revenue only. There is a nil bottom line impact again since expenses offset the revenue in this budget

CFO Comment: In summary, from the FLR adjustment there is no change to the Operating Result before capital.

Figure 1 below provides a snapshot of the split of Council's income against budget.

As Council's annual rates are levied in July of each year, this income is almost fully recognised in the first quarter. Income streams such as User Charges and Fees and Other Revenues are currently on track as generally their rate of receipt is consistent throughout the year.

Other income streams with the largest component being operational and capital grants are subject to external influences including occurrences of development, or the success of grant applications. These income streams are routinely reviewed, and adjusted as appropriate, at each quarterly review.

Investment interest is progressively recognised through the year as investments mature and interest is received. It is also then accrued at the end of the financial year for any unexpired investments to accurately reflect the complete 2024-2025 earnings.

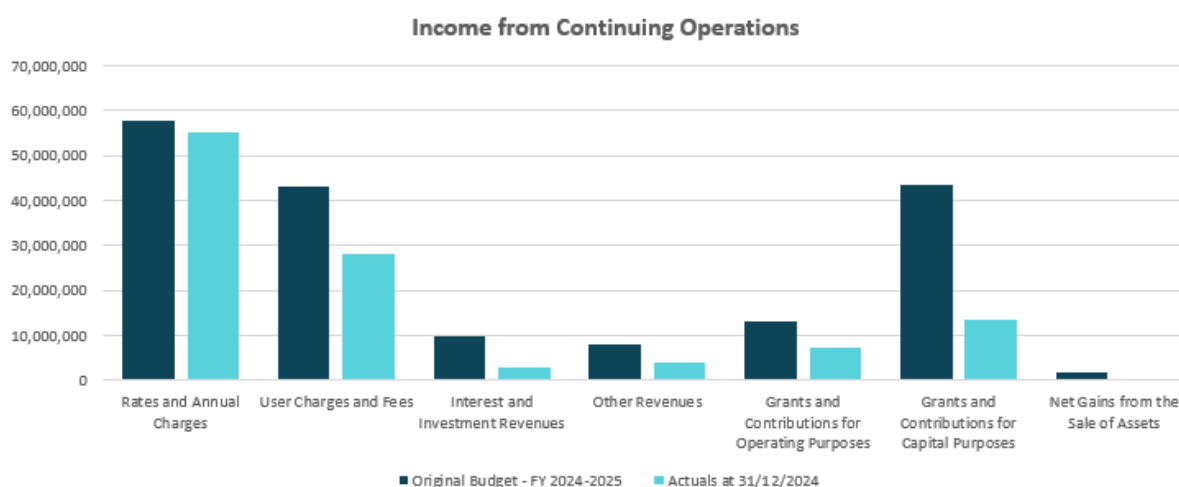


Figure 1: Income with Original Budget (FY 2024/2025) and Actuals as of 31 December 2024

Operating Expenditure

The December quarter budget variations for operational expenditure has increased by \$2.4m mainly due adjustments to depreciation (\$1.9m) reflecting the increased quantum of assets post the 2023/24 financial statements audit. Previously the September 2024/25 quarter depreciation was based on the pre audited changes to Council's depreciable assets.

Actual expenditure is tracking in line as expected, however there could be pressure on existing budgets as rising and escalating costs are realised. Project materials and contactor price increases of around 25% continue to be experienced and will continue to impact the budget in the foreseeable future. Interest rates remaining higher for longer is a contributor to that as well as supply chain factors.

In general, Council's routine operational expenses should be incurred at a consistent rate. These include expense groupings such as Employee Costs, other non-project Materials and Contracts, Depreciation and Other Expenses.

CFO Comment: In summary, the Operating result before capital is largely only impacted due to the change to the increase in depreciation.

Figure 2 provides a snapshot of the split of Council's operating expenditure.

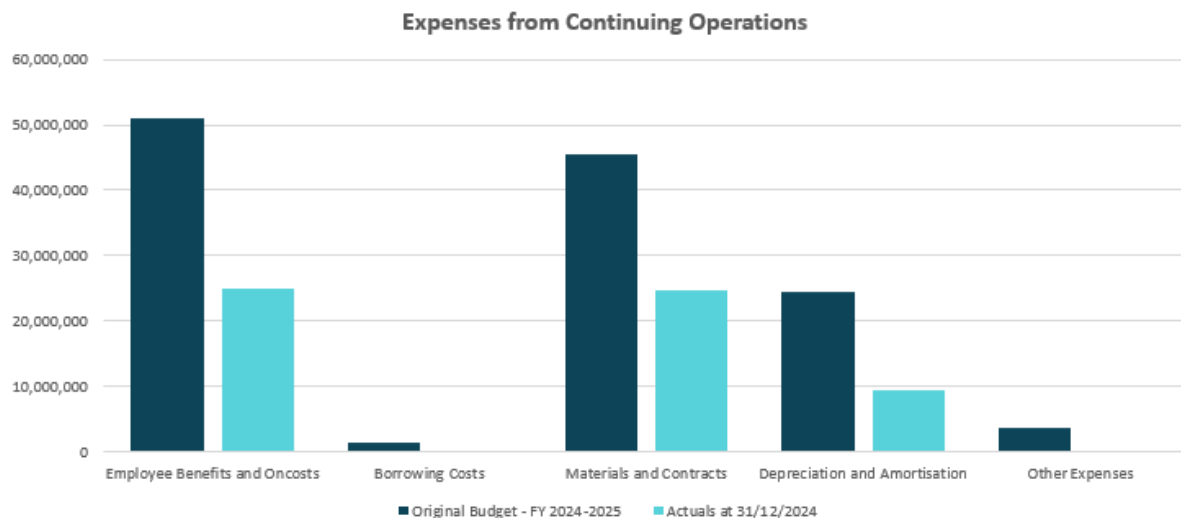


Figure 2: Expenditure Report with Revised Budget (FY 2024/2025) and Actuals as of 31 December 2024

Capital Expenditure – Decrease of \$8.1m

The Oct-Dec 2024 quarter budget variations (reductions) for capital expenditure has decreased by \$8.1m. Projects have been deferred into a later year due to resource constraints, administrative matters and weather events for water and sewer projects. This decrease in current year expenses also includes the \$3m reduction in the expenses for the duplicated Fixing Local Roads (FLR) grant as mentioned previously. The remainder being approximately \$5.1m is a reforecast of major capital projects in both water and sewer projects.

CFO Comment: These water and sewer projects are funded from water and sewer reserves and therefore have a nil impact overall on the budget.

A list of major variations is included in the attached report. The table below represents Council's capital expenditure by fund.

	Original Budget 2024/25	Carry Forwards	Previously adopted Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Consolidated							
Capital Funding	47,158,958	42,619,054	(7,982,000)	81,796,012	(2,997,368)	78,798,644	15,060,388
less Capital Expenditure	94,001,776	57,485,006	(16,578,715)	134,908,067	(8,149,034)	126,759,034	30,937,025
plus New Loans	18,500,000	0	0	18,500,000	0	18,500,000	0
plus Rates & other untied funding	7,838,771	0	(628,336)	7,210,435	(2,665,737)	4,484,166	38,141,817
plus Adjust for Non-Cash Depreciation	24,370,099	0	0	24,370,099	1,915,596	26,285,695	9,458,161
Unrestricted Reserves - increase / (decrease)*	3,866,052	(14,865,952)	7,968,379	(3,031,521)	4,401,525	1,309,472	31,723,340

Table 2: Projected Capital Budget Result

Council's capital expenditure is funded by a mix of funding sources. The following table shows the funding source for capital expenditure.

Source of Capital Funding - Original Budget 2024-2025

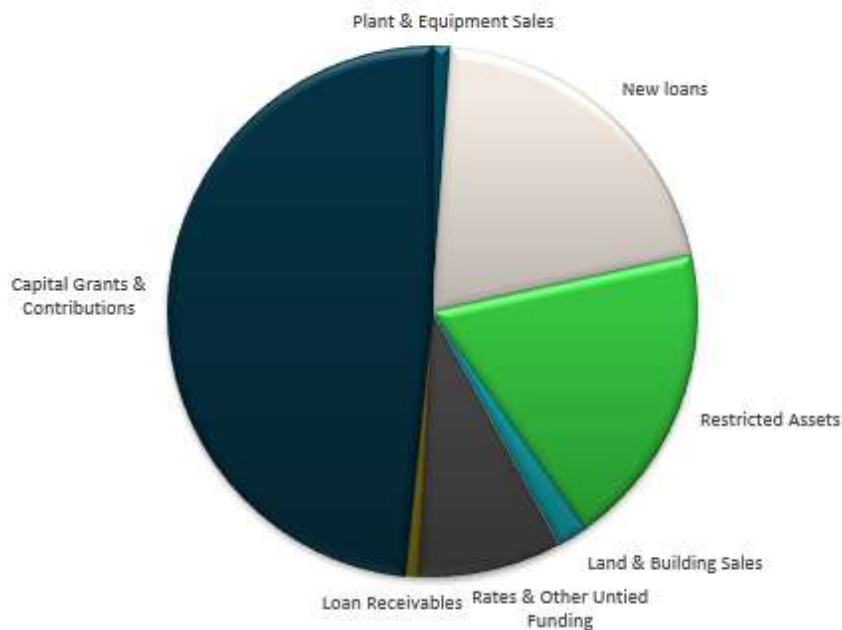


Figure 3: Capital Funding Sources

Restricted Cash

Restricted cash is cash that is restricted for a defined purpose such as water and sewer projects. On an operational basis, the Oct-Dec 2024 quarter budget variations for restricted asset movements have resulted in a modest draw down (reduction of) on internally restricted reserves of \$307k.

On a capital basis restricted Cash has increased however due to the above-mentioned deferred capital expenditure of about \$5.1 mil which reflects the reforecast of several capital projects in both water and sewer.

Some adjustments to our restricted grants revenue to liabilities and corresponding unrestricted to restricted cash was also made because of adjustments to the final audit of the 2023/2024 financial statements.

The above variations have resulted in a total Restricted Cash balance held of \$251,687 million. The Table below shows the restricted cash held by each fund and the projected closing balance. The detailed list of restrictions is included in the attached report.

Cash Restrictions Movements

Fund	Opening Balance	Adopted Budget Transfers	Proposed Variations Transfers	Projected Closing Balance
General	81,865,849	(2,218,970)	(400,234)	79,246,645
Water	95,359,000	833,787	3,946,555	100,139,342
Sewer	68,481,000	3,202,848	617,309	72,301,157
Total	245,705,849	1,817,665	4,163,630	251,687,144

Table 2: Cash Restrictions Movements

CFO Comment: In this financial year, available cash to spend for Unrestricted purposes has now reduced by about \$5.0 mil.

Financial Performance Indicators

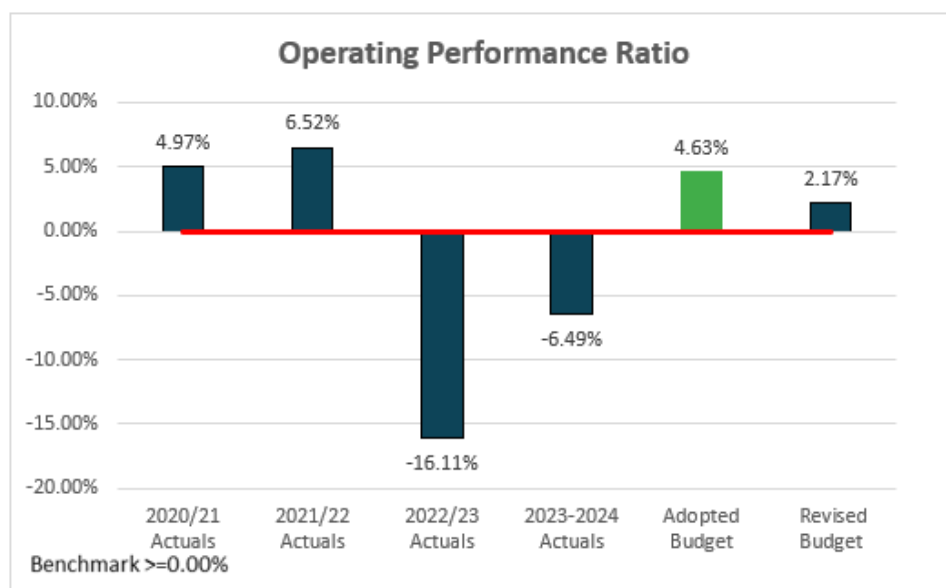
The graphs below represent our financial performance against local government industry indicators from the annual financial statements. They compare actual performance from the last 3 years against the adopted 2024/25 budget and the proposed Q2 revised 2024/25 budget.

1. Operating Performance Ratio:

The purpose of the operating performance ratio is to measure the extent to which Council succeeds in containing operating expenditure within operating revenue (excluding capital grants and contributions).

CFO Comment: This is otherwise known as “Living within our Means”.

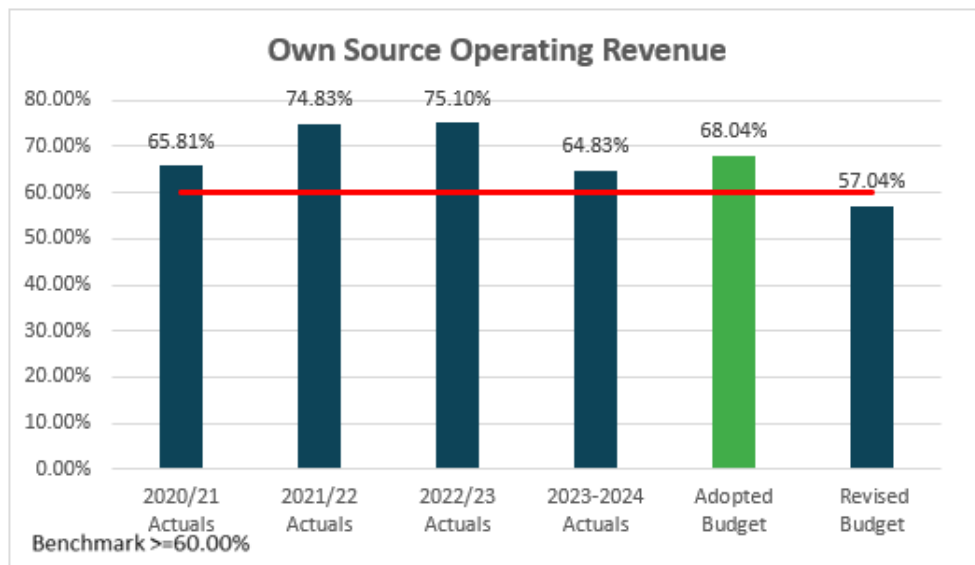
The performance to date indicates Council is tracking above the Office of Local Government (OLG) benchmark for the 2024/25 year. The 2022/23 result is reflective of the transfer of the Northern Distributor Road (NDR) to the NSW State Government.

**2. Own Source Operating Revenue:**

The purpose of the own source operating revenue ratio is to measure fiscal flexibility by analysing the degree of reliance on external funding sources.

CFO Comment: That is, how well we manage our loans and funding for projects and operations by ourselves.

The performance to date indicates Council has met the OLG benchmark for the past 3 years. The 2024/25 proposed budget has resulted in a drop below benchmark due an increase in the amount of expected funding to come from capital grants and contributions for major projects in 2024/25 (which conversely reduces the relative reliance on our own sourced revenue).

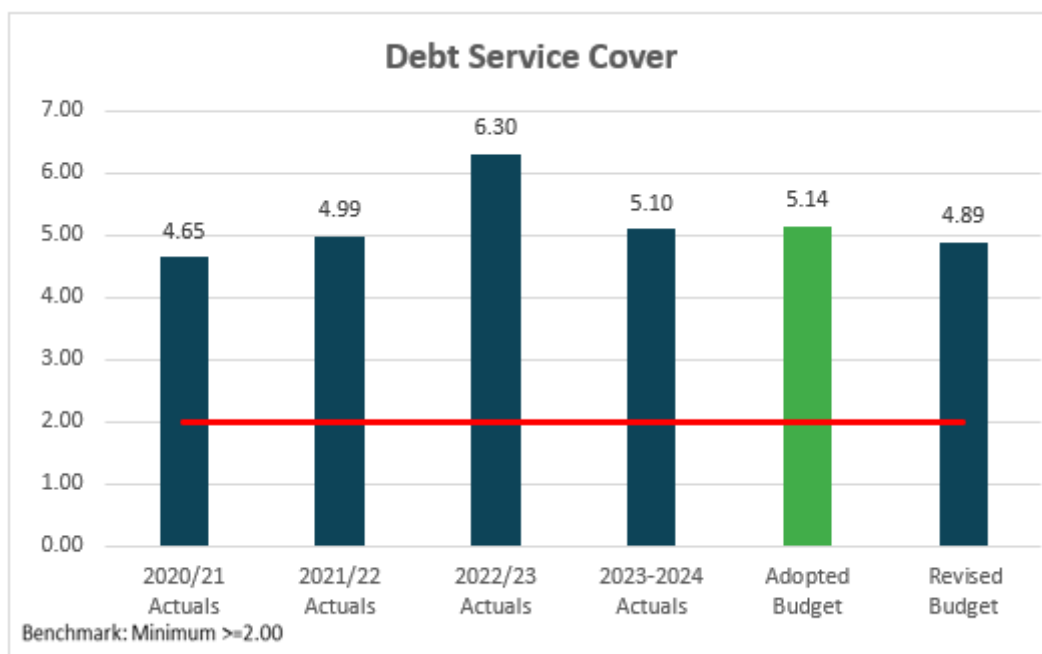


3. Debt Service Cover:

The purpose of the debt service cover ratio is to measure the availability of operating cash to service debt including interest, principal, and lease payments.

CFO Comment: How effectively or well can we pay back our debts.

The 2023-2024 audited statements (now completed) resulted in a Debt Service Cover Ratio of 5.1 which indicates Council is comfortably meeting its debt repayment as seen per the OLG benchmark of above 2. Council has budgeted to take out an \$18.5m loan in the 2024/2025 financial year, which has been ratified in the 3rd quarter. This impacts our Debt Service Cover ratio, hence the drop in the ratio in the revised budget. This remains well above the OLG benchmark. The 2022/23 result is strong as it excludes any gain or loss on disposals (the transfer of the Northern Distributor to the NSW State Government).



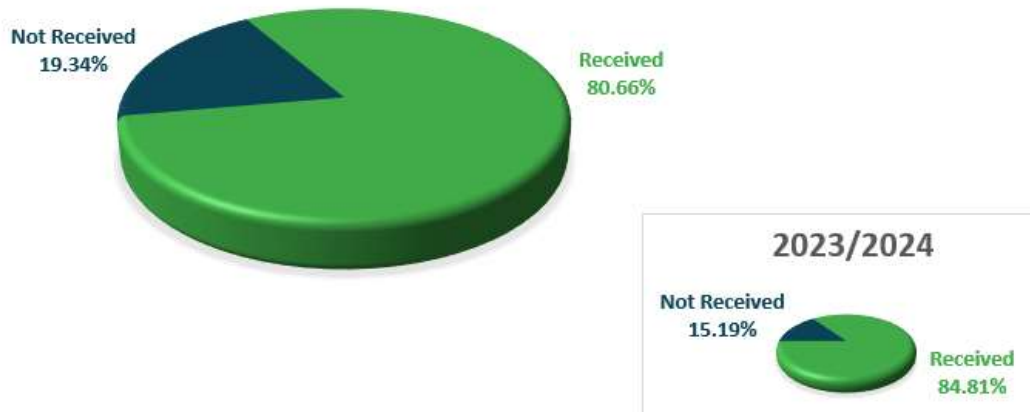
4. Rates and Charges Collection

As of December 2024, a total of \$9.8m (19.34%) remains outstanding for rates and annual charges. For the purposes of comparison, for the same quarter last financial year, \$7.0m (15.19%) of the

amount payable remained outstanding (noting last year's report included water payments received in early January, due to a change in timing of the report).

Rate Collection as at Q1 2024/25 vs Q2 2023/24

**Consolidated Rates 2024-2025 2nd Quarter
(Includes Arrears)**



During the Oct-Dec 24 quarter, Council received payments for rates and charges of \$21m. The next rate instalment is due on 28 February 2025 and Council staff will continue to monitor outstanding rates and charges. A third-party has been engaged to assist in more active debt recovery actions. Council is monitoring this closely and will continue to work to reducing this to an acceptable level (OLG benchmark is 10%).

CFO Comment: Council needs to apply renewed focus on outstanding rates debt collection.

The attached Quarterly Budget Review Statement (QBRs) has been updated to reflect the Office of Local Government's recommended QBRs format.

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

As the Responsible Accounting Officer, it is my opinion that the Quarterly Budget Review Statement for Orange City Council for the quarter ended 31 December 2024 indicates that Council's projected financial position for 30 June 2025 will be satisfactory having regard to the project estimates of income and expenditure, and variations contained therein.

John Thompson, Responsible Accounting Officer

ATTACHMENTS

- 1 Quarterly Budget Review Statement (QBRs) Council Summary Q2 December 2024 -2025, D25/12198 [↓](#)



**Quarterly Budget Review Statement
for the period 01/09/2024 to 31/12/2024**

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Operating Expenditure
Capital Income
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5. Cash Restrictions

External Restrictions
Internal Restrictions

6. Key performance indicators

7. Contracts and other expenses



Summary - Budget Review for the quarter ended:

31 December 2024

	Original Budget 2024/25	Carry Forwards	Previously adopted Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Consolidated							
Income from Continuing Operations	176,976,191	44,297,804	(6,839,488)	214,434,507	(3,293,588)	211,140,919	110,828,543
<i>less</i> Expenditure for Continuing Operations	126,126,958	2,290,106	1,788,848	130,205,912	2,369,517	132,575,429	59,301,589
Net Operating Result from Continuing Operations	50,849,233	42,007,698	(8,628,336)	84,228,595	(5,663,105)	78,565,490	51,526,953
Operating Result before Capital	7,838,771	(60,532)	(628,336)	7,149,903	(2,665,737)	4,484,166	38,141,817
Capital Funding	47,158,958	42,619,054	(7,982,000)	81,796,012	(2,997,368)	78,798,644	15,060,388
<i>less</i> Capital Expenditure	94,001,776	57,485,006	(16,578,715)	134,908,067	(8,149,034)	126,759,034	30,937,025
<i>plus</i> New Loans	18,500,000	0	0	18,500,000	0	18,500,000	0
<i>plus</i> Rates & other untied funding	7,838,771	0	(628,336)	7,210,435	(2,665,737)	4,484,166	38,141,817
<i>plus</i> Adjust for Non-Cash Depreciation	24,370,099	0	0	24,370,099	1,915,596	26,285,695	9,458,161
Unrestricted Reserves - increase / (decrease)*	3,866,052	(14,865,952)	7,968,379	(3,031,521)	4,401,525	1,309,472	31,723,340
*excludes budgeted use of reserves	Increase	Decrease	Increase	Decrease	Increase	Increase	

	Original Budget 2024/25	Carry Forwards	Previously adopted Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
General Fund							
Income from Continuing Operations	135,138,436	44,297,804	(6,839,488)	172,596,752	(3,221,913)	169,374,839	85,204,851
<i>less</i> Expenditure for Continuing Operations	95,927,882	2,290,106	1,458,848	99,676,836	1,260,981	100,937,817	45,343,088
Net Operating Result from Continuing Operations	39,210,554	42,007,698	(8,298,336)	72,919,916	(4,482,894)	68,437,022	39,861,763
Operating Result before Capital	(186,461)	(60,532)	(298,336)	(545,329)	(1,485,526)	(2,030,855)	29,684,490
Capital Funding	42,383,887	42,538,130	(7,982,000)	76,940,017	(2,997,368)	73,942,649	11,755,646
<i>less</i> Capital Expenditure	56,417,516	47,465,215	5,186,285	109,069,016	(2,383,689)	106,685,328	25,858,534
<i>plus</i> Rates & other untied funding	(186,461)	0	(298,336)	(484,797)	(1,485,526)	(2,030,855)	29,684,490
<i>plus</i> Adjust for Non-Cash Depreciation	15,207,405	0	0	15,207,405	835,385	16,042,790	7,603,703
Unrestricted Reserves - increase / (decrease)*	19,487,315	(4,927,085)	(13,466,621)	1,093,609	(1,263,820)	(230,743)	23,185,304
*excludes budgeted use of reserves	Increase	Decrease	Decrease	Increase	Decrease	Decrease	



Summary - Budget Review for the quarter ended:

31 December 2024

	Original Budget 2024/25	Carry Forwards	Previously adopted Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Water							
Income from Continuing Operations	24,015,875	0	0	24,015,875	(71,675)	23,944,200	12,507,344
less Expenditure for Continuing Operations	17,614,972	0	330,000	17,944,972	201,731	18,146,703	7,190,769
Net Operating Result from Continuing Operations	6,400,903	0	(330,000)	6,070,903	(273,406)	5,797,497	5,316,574
Operating Result before Capital	4,017,931	0	(330,000)	3,687,931	(273,406)	3,414,525	2,921,798
Capital Funding	2,696,497	45,924	0	2,742,421	0	2,742,421	2,394,776
less Capital Expenditure	23,613,626	4,097,371	(12,790,000)	14,920,997	(4,004,345)	10,916,652	1,715,296
plus Rates & other untied funding	4,017,931	0	(330,000)	3,687,931	(273,406)	3,414,525	2,921,798
plus Adjust for Non-Cash Depreciation	5,453,778	0	0	5,453,778	273,406	5,727,184	0
Unrestricted Reserves - increase / (decrease)*	(11,445,420)	(4,051,447)	12,460,000	(3,036,867)	4,004,345	967,478	3,601,278
*excludes budgeted use of reserves	Decrease	Decrease	Increase	Decrease	Increase	Increase	

	Original Budget 2024/25	Carry Forwards	Previously adopted variations Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Sewer							
Income from Continuing Operations	17,821,880	0	0	17,821,880	0	17,821,880	13,116,348
less Expenditure for Continuing Operations	12,405,317	0	0	12,405,317	906,805	13,312,122	6,762,343
Net Operating Result from Continuing Operations	5,416,563	0	0	5,416,563	(906,805)	4,509,758	6,354,004
Operating Result before Capital	4,007,301	0	0	4,007,301	(906,805)	3,100,496	5,535,529
Capital Funding	2,078,574	35,000	0	2,113,574	0	2,113,574	909,966
less Capital Expenditure	13,970,634	5,922,420	(5,975,000)	13,918,054	(1,761,000)	12,157,054	3,363,195
plus Rates & other untied funding	4,007,301	0	0	4,007,301	(906,805)	3,100,496	5,535,529
plus Adjust for Non-Cash Depreciation	3,708,916	0	0	3,708,916	806,805	4,515,721	1,854,458
Unrestricted Reserves - increase / (decrease)*	(4,175,843)	(5,887,420)	5,975,000	(4,088,263)	1,661,000	(2,427,263)	4,936,758
*excludes budgeted use of reserves	Decrease	Decrease	Increase	Decrease	Increase	Decrease	

This document forms part of Orange City Council's Quarterly Budget Review Statement (QBRs) for the quarter shown above and should be read in conjunction with the other QBRs documents.



Consolidated - Budget Review for the quarter ended:

31 December 2024

Income & Expenses - Continuing Operations

	Original Budget 2024/25	Previously adopted variations		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
		Carry Forwards	Q1				
Income							
Rates and Annual Charges	57,738,753	0	192,938	57,931,691	0	57,931,691	55,038,470
User Charges and Fees	43,061,743	0	0	43,061,743	(64,675)	42,997,068	28,132,190
Other Revenues	8,039,737	0	230,309	8,270,046	(346,435)	7,923,611	3,870,370
Grants & Contributions for Operating Purposes	12,905,559	2,229,574	737,265	15,872,398	114,890	15,987,288	7,384,616
Grants & Contributions for Capital Purposes	43,657,299	42,068,230	(8,000,000)	77,725,529	(2,997,368)	74,728,161	13,390,524
Interest and Investment Income	9,906,400	0	0	9,906,400	0	9,906,400	3,012,372
Net Gains from the Sale of Assets	1,666,700	0	0	1,666,700	0	1,666,700	0
Total Income from Continuing Operations	176,976,191	44,297,804	(6,839,488)	214,434,507	(3,293,588)	211,140,919	110,828,543
Expenses							
Employee Benefits and Oncosts	51,087,645	0	268,578	51,356,223	20,486	51,376,709	24,901,576
Materials and Contracts	45,498,476	2,290,106	1,480,345	49,268,927	377,503	49,646,430	24,675,982
Borrowing Costs - Operational	866,214	0	39,925	906,139	0	906,139	131,349
Borrowing Costs - Capital	646,837	0	0	646,837	0	646,837	5,388
Depreciation and Amortisation	24,370,099	0	0	24,370,099	1,915,596	26,285,695	9,458,161
Other Expenses	3,657,687	0	0	3,657,687	55,932	3,713,619	129,133
Net Loss from the Sale of Assets	0	0	0	0	0	0	0
Total Expenses from Continuing Operations	126,126,958	2,290,106	1,788,848	130,205,912	2,369,517	132,575,429	59,301,589
Net Operating Result from Continuing Operations	50,849,233	42,007,698	(8,628,336)	84,228,595	(5,663,105)	78,565,490	51,526,953
Net Operating Result before Capital Items	7,838,771	(60,532)	(628,336)	7,149,903	(2,665,737)	4,484,166	38,141,817
	Increase	Decrease	Decrease	Increase	Decrease	Increase	

Notes:

Original Budget +/- approved budget changes in previous quarters = Revised Adopted Budget

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General Fund - Budget Review for the quarter ended:

31 December 2024

Income & Expenses - Continuing Operations

	Original Budget 2024/25	Previously adopted variations		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
		Carry Forwards	Q1				
Income							
Rates and Annual Charges	51,273,833	0	192,938	51,466,771	0	51,466,771	51,635,245
User Charges and Fees	18,626,357	0	0	18,626,357	7,000	18,633,357	11,299,414
Other Revenues	6,979,621	0	230,309	7,209,930	(346,435)	6,863,495	3,549,542
Grants & Contributions for Operating Purposes	12,576,142	2,229,574	737,265	15,542,981	114,890	15,657,871	7,225,944
Grants & Contributions for Capital Purposes	39,865,065	42,068,230	(8,000,000)	73,933,295	(2,997,368)	70,935,927	10,177,273
Interest and Investment Income	4,150,718	0	0	4,150,718	0	4,150,718	1,317,435
Net Gains from the Sale of Assets	1,666,700	0	0	1,666,700	0	1,666,700	0
Total Income from Continuing Operations	135,138,436	44,297,804	(6,839,488)	172,596,752	(3,221,913)	169,374,839	85,204,851
Expenses							
Employee Benefits and Oncosts	46,457,985	0	268,578	46,726,563	89,486	46,816,049	22,766,119
Materials and Contracts	30,042,721	2,290,106	1,150,345	33,483,172	280,178	33,763,350	14,718,172
Borrowing Costs - Operational	687,427	0	39,925	727,352	0	727,352	125,961
Borrowing Costs - Capital	468,050	0	0	468,050	0	468,050	0
Depreciation and Amortisation	15,207,405	0	0	15,207,405	835,385	16,042,790	7,603,703
Other Expenses	3,064,294	0	0	3,064,294	55,932	3,120,226	129,133
Net Loss from the Sale of Assets	0	0	0	0	0	0	0
Total Expenses from Continuing Operations	95,927,882	2,290,106	1,458,848	99,676,836	1,260,981	100,937,817	45,343,088
Net Operating Result from Continuing Operations	39,210,554	42,007,698	(8,298,336)	72,919,916	(4,482,894)	68,437,022	39,861,763
Net Operating Result before Capital Items	(186,461)	(60,532)	(298,336)	(545,329)	(1,485,526)	(2,030,855)	29,684,490
	Decrease	Decrease	Decrease	Decrease	Decrease	Decrease	

Notes:

Original Budget +/- approved budget changes in previous quarters = Revised Adopted Budget

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This document forms part of Orange City Council's Quarterly Budget Review Statement (QBRs) for the quarter shown above and should be read in conjunction with the other QBRs documents.

**Water Fund - Budget Review for the quarter ended:****31 December 2024****Income & Expenses - Continuing Operations**

	Original Budget 2024/25	Previously adopted variations		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
		Carry	Q1				
Income							
Rates and Annual Charges	6,464,920	0	0	6,464,920	0	6,464,920	3,403,225
User Charges and Fees	11,127,229	0	0	11,127,229	(71,675)	11,055,554	5,320,015
Other Revenues	739,733	0	0	739,733	0	739,733	183,787
Grants & Contributions for Operating Purposes	152,951	0	0	152,951	0	152,951	36,078
Grants & Contributions for Capital Purposes	2,382,972	0	0	2,382,972	0	2,382,972	2,394,776
Interest and Investment Income	3,148,070	0	0	3,148,070	0	3,148,070	1,169,461
Net Gains from the Sale of Assets	0	0	0	0	0	0	0
Total Income from Continuing Operations	24,015,875			24,015,875	(71,675)	23,944,200	12,507,344
Expenses							
Employee Benefits and Oncosts	2,576,100	0	0	2,576,100	(69,000)	2,507,100	1,231,209
Materials and Contracts	8,817,319	0	330,000	9,147,319	(2,675)	9,144,644	5,956,076
Borrowing Costs	174,382	0	0	174,382	0	174,382	3,485
Depreciation and Amortisation	5,453,778	0	0	5,453,778	273,406	5,727,184	0
Other Expenses	593,393	0	0	593,393	0	593,393	0
Net Loss from the Sale of Assets	0	0	0	0	0	0	0
Total Expenses from Continuing Operations	17,614,972	0	330,000	17,944,972	201,731	18,146,703	7,190,769
Net Operating Result from Continuing Operations	6,400,903	0	(330,000)	6,070,903	(273,406)	5,797,497	5,316,574
Net Operating Result before Capital Items	4,017,931	0	(330,000)	3,687,931	(273,406)	3,414,525	2,921,798
	Increase	Nil	Decrease	Increase	Decrease	Increase	

Notes:

Original Budget +/- approved budget changes in previous quarters = Revised Adopted Budget

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This document forms part of Orange City Council's Quarterly Budget Review Statement (QBRs) for the quarter shown above and should be read in conjunction with the other QBRs documents.

**Sewer Fund - Budget Review for the quarter ended:****31 December 2024****Income & Expenses - Continuing Operations**

	Original Budget 2024/25	Previously adopted variations Carry	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Income							
Rates and Annual Charges	0	0	0	0	0	0	0
User Charges and Fees	13,308,157	0	0	13,308,157	0	13,308,157	11,512,762
Other Revenues	320,383	0	0	320,383	0	320,383	137,041
Grants & Contributions for Operating Purposes	176,466	0	0	176,466	0	176,466	122,594
Grants & Contributions for Capital Purposes	1,409,262	0	0	1,409,262	0	1,409,262	818,475
Interest and Investment Income	2,607,612	0	0	2,607,612	0	2,607,612	525,476
Net Gains from the Sale of Assets	0	0	0	0	0	0	0
Total Income from Continuing Operations	17,821,880	0		17,821,880	0	17,821,880	13,116,348
Expenses							
Employee Benefits and Oncosts	2,053,560	0	0	2,053,560	0	2,053,560	904,248
Materials and Contracts	6,638,436	0	0	6,638,436	100,000	6,738,436	4,001,734
Borrowing Costs	4,405	0	0	4,405	0	4,405	1,903
Depreciation and Amortisation	3,708,916	0	0	3,708,916	806,805	4,515,721	1,854,458
Other Expenses	0	0	0	0	0	0	0
Net Loss from the Sale of Assets	0	0	0	0	0	0	0
Total Expenses from Continuing Operations	12,405,317	0	0	12,405,317	906,805	13,312,122	6,762,343
Net Operating Result from Continuing Operations	5,416,563	0	0	5,416,563	(906,805)	4,509,758	6,354,004
Net Operating Result before Capital Items	4,007,301	0	0	4,007,301	(906,805)	3,100,496	5,535,529
	Increase	Nil	Nil	Increase	Decrease	Increase	

Notes:

Original Budget +/- approved budget changes in previous quarters = Revised Adopted Budget

Revised Adopted Budget +/- proposed variations this quarter = Proposed Revised Budget

This document forms part of Orange City Council's Quarterly Budget Review Statement (QBRs) for the quarter shown above and should be read in conjunction with the other QBRs documents.



Consolidated - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Capital Funding							
Total Income from the Sale of Assets	2,693,659	550,824	18,000	3,262,483	0	3,262,483	1,669,864
Total Loan Income	808,000	0	0	808,000	0	808,000	0
Grants and Contributions for Capital Purposes							
Capital Grants	36,974,537	42,068,230	(8,000,000)	71,042,767	(2,997,368)	68,045,399	8,615,677
Capital Contributions	514,321	0	0	514,321	0	514,321	281,866
Contributions - Section 64	3,792,234	0	0	3,792,234	0	3,792,234	2,149,221
Contributions - Section 7.11	2,376,207	0	0	2,376,207	0	2,376,207	2,343,200
Total Grants and Contributions for Capital	43,657,299	42,068,230	(8,000,000)	77,725,529	(2,997,368)	74,728,161	13,390,524
Total Capital Funding	47,158,958	42,619,054	(7,982,000)	81,796,012	(2,997,368)	78,798,644	15,060,388
Capital Expenditure							
Capital Renewals							
Plant & Equipment	156,373	0	0	156,373	0	156,373	81,742
Office Equipment	5,248	0	0	5,248	0	5,248	230
Furniture & Fittings	0	10,335	0	10,335	0	10,335	8,615
Buildings	992,301	734,621	4,000	1,730,922	9,500	1,740,422	524,672
Other Structures	23,839,250	22,723,838	90,000	46,653,088	67,054	46,720,142	4,074,157
Roads	2,129,367	245,627	(76,000)	2,298,994	(377,000)	1,921,994	566,927
Stormwater Drainage	70,000	0	0	70,000	0	70,000	0
Water Supply Network	1,691,000	811,375	400,000	2,902,375	(1,025,538)	1,876,837	184,677
Sewer Network	1,120,000	692,541	0	1,812,541	(60,000)	1,752,541	7,797
Other	1,342,026	1,513,145	(600,000)	2,255,171	20,446	2,275,617	2,238,228
Total Capital Renewals	31,345,565	26,731,482	(182,000)	57,895,047	(1,365,538)	56,529,509	7,687,043
Capital Upgrades							
Sewer Network	0	0	0	0	0	0	16,174
Other	50,000	42,000	0	92,000	0	92,000	0
Total Capital Upgrades	238,460	42,000	0	280,460	0	280,460	81,228
Capital Replacements							
Plant & Equipment	4,931,321	3,505,756	(872,682)	7,564,395	(76,000)	7,488,395	2,831,578
Office Equipment	25,000	0	0	25,000	0	25,000	39,749
Land	910,000	0	5,000	915,000	(900,000)	15,000	109,223
Buildings	9,197,274	4,452,903	1,277,731	14,927,908	215,738	15,143,646	6,210,190



Consolidated - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards Q1		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Other Structures	4,120,252	2,671,658	(3,072,590)	3,719,320	(37,380)	3,681,940	1,865,963
Roads, Bridges, Footpaths	7,308,514	10,662,791	1,130,826	19,102,131	(2,319,426)	16,782,705	5,299,077
Stormwater Drainage	2,600,000	2,108,459	0	4,708,459	0	4,708,459	137,667
Water Supply Network	16,603,000	2,987,280	(10,090,000)	9,500,280	(2,031,427)	7,468,853	1,126,476
Sewer Network	10,750,000	4,322,677	(4,775,000)	10,297,677	(1,635,000)	8,662,677	2,720,046
Library Books	401,645	0	0	401,645	0	401,645	261,983
Other	0	0	0	0	0	0	12,541
Total Capital Replacements	56,847,006	30,711,524	(16,396,715)	71,161,815	(6,783,496)	64,378,320	20,614,492
Total Loan Repayments	5,570,745	0	0	5,570,745	0	5,570,745	2,554,261
Total Capital Expenditure	94,001,776	57,485,006	(16,578,715)	134,908,067	(8,149,034)	126,759,034	30,937,025
Net Capital Result	(46,842,818)	(14,865,952)	8,596,715	(53,112,055)	5,151,665	(47,960,390)	(15,876,638)
Funding							
New Loans	18,500,000	0	0	18,500,000	0	18,500,000	0
Restricted Assets - transfers from	16,858,008	18,019,415	(19,576,673)	15,300,750	(4,220,426)	11,080,324	6,462,812
Rates & other untied funding	7,838,771	0	(628,336)	7,210,435	(2,665,737)	4,484,166	38,141,817
Adjust for Non-Cash Depreciation	24,370,099	0	0	24,370,099	1,915,596	26,285,695	9,458,161
Unrestricted Reserves - increase / (decrease)	20,724,060	3,153,463	(11,608,294)	12,269,229	181,099	12,389,796	
	Increase	Increase	Decrease	Increase	Increase	Increase	

Notes:

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Revised Adopted Budget +/- proposed variations this quarter = Proposed Revised Budget

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General Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Capital Funding							
Total Income from the Sale of Assets	2,518,822	469,900	18,000	3,006,722	0	3,006,722	1,578,373
Grants and Contributions for Capital Purposes							
Capital Grants	36,974,537	42,068,230	(8,000,000)	71,042,767	(2,997,368)	68,045,399	7,552,207
Capital Contributions	514,321	0	0	514,321	0	514,321	281,866
Contributions - Section 7.11	2,376,207	0	0	2,376,207	0	2,376,207	2,343,200
Total Grants and Contributions for Capital	39,865,065	42,068,230	(8,000,000)	73,933,295	(2,997,368)	70,935,927	10,177,273
Total Capital Funding	42,383,887	42,538,130	(7,982,000)	76,940,017	(2,997,368)	73,942,649	11,755,646
Capital Expenditure							
Capital Renewals							
Plant & Equipment	6,373	0	0	6,373	0	6,373	0
Office Equipment	5,248	0	0	5,248	0	5,248	230
Furniture & Fittings	0	10,335	0	10,335	0	10,335	8,615
Buildings	992,301	734,621	4,000	1,730,922	9,500	1,740,422	524,672
Other Structures	23,779,250	22,723,838	90,000	46,593,088	67,054	46,660,142	4,074,157
Roads	2,129,367	245,627	(76,000)	2,298,994	(377,000)	1,921,994	566,927
Stormwater Drainage	70,000	0	0	70,000	0	70,000	0
Other	742,026	1,513,145	0	2,255,171	20,446	2,275,617	2,238,228
Total Capital Renewals	27,724,565	25,227,566	18,000	52,970,131	(280,000)	52,690,131	7,412,828
Capital Upgrades							
Total Capital Upgrades	0	0	0	0	0	0	0



General Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Capital Replacements							
Plant & Equipment	3,584,137	2,379,218	(272,682)	5,690,673	0	5,690,673	2,256,872
Office Equipment	25,000	0	0	25,000	0	25,000	39,749
Land	0	0	5,000	5,000	0	5,000	109,223
Buildings	9,197,274	4,452,903	1,277,731	14,927,908	215,738	15,143,646	6,210,190
Other Structures	520,252	2,634,278	27,410	3,181,940	0	3,181,940	1,865,795
Roads, Bridges, Footpaths	7,308,514	10,662,791	1,130,826	19,102,131	(2,319,426)	16,782,705	5,299,077
Stormwater Drainage	2,600,000	2,108,459	0	4,708,459	0	4,708,459	137,667
Library Books	401,645	0	0	401,645	0	401,645	261,983
Total Capital Replacements	23,636,822	22,237,649	2,168,285	48,042,756	(2,103,689)	45,939,068	16,193,096
Loan Repayments							
Total Loan Repayments	5,056,129	0	3,000,000	8,056,129	0	8,056,129	2,252,610
Total Capital Expenditure	56,417,516	47,465,215	5,186,285	109,069,016	(2,383,689)	106,685,328	25,858,534
Net Capital Result	(14,033,629)	(4,927,085)	(13,168,285)	(32,128,999)	(613,680)	(32,742,679)	(14,102,888)
Funding							
New Loans	18,500,000	0	0	18,500,000	0	18,500,000	0
Restricted Assets - transfers from	2,459,643	8,080,548	(1,141,673)	9,398,518	552,021	9,950,539	6,462,812
Rates & other untied funding	(186,461)	0	(298,336)	(484,797)	(1,485,526)	(2,030,855)	29,684,490
Adjust for Non-Cash Depreciation	15,207,405	0	0	15,207,405	835,385	16,042,790	7,603,703
Unrestricted Reserves - increase / (decrease)	21,946,958	3,153,463	(14,608,294)	10,492,127	(711,799)	9,719,796	
	Increase	Increase	Decrease	Increase	Decrease	Increase	

Notes:

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Water Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Capital Funding							
Income from the Sale of Assets							
Plant & Equipment	103,837	45,924	0	149,761	0	149,761	0
Total Income from the Sale of Assets	103,837	45,924	0	149,761	0	149,761	0
Loan Receivables							
Total Loan Income	209,688	0	0	209,688	0	209,688	0
Grants and Contributions for Capital Purposes							
Capital Grants	0	0	0	0	0	0	1,063,470
Contributions - Section 64	2,382,972	0	0	2,382,972	0	2,382,972	1,331,306
Total Grants and Contributions for Capital	2,382,972	0	0	2,382,972	0	2,382,972	2,394,776
Total Capital Funding	2,696,497	45,924	0	2,742,421	0	2,742,421	2,394,776
Capital Expenditure							
Capital Renewals							
Other Structures	60,000	0	0	60,000	0	60,000	0
Water Supply Network	1,691,000	811,375	400,000	2,902,375	(1,025,538)	1,876,837	184,677
Total Capital Renewals	1,751,000	811,375	400,000	2,962,375	(1,025,538)	1,936,837	184,677
Capital Upgrades							
Water Network	188,460	0	0	188,460	0	188,460	65,054
Total Capital Upgrades	188,460	0	0	188,460	0	188,460	65,054
Capital Replacements							
Plant & Equipment	228,329	261,336	0	489,665	(10,000)	479,665	173,468
Land	910,000	0	0	910,000	(900,000)	10,000	0
Other Structures	3,600,000	37,380	(3,100,000)	537,380	(37,380)	500,000	168
Water Supply Network	16,603,000	2,987,280	(10,090,000)	9,500,280	(2,031,427)	7,468,853	1,126,476
Total Capital Replacements	21,341,329	3,285,996	(13,190,000)	11,437,325	(2,978,807)	8,458,518	1,300,112



Water Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
		Carry Forwards	Q1				
Loan Repayments							
LIRS	332,837	0	0	332,837	0	332,837	165,454
Total Loan Repayments	332,837	0	0	332,837	0	332,837	165,454
Total Capital Expenditure	23,613,626	4,097,371	(12,790,000)	14,920,997	(4,004,345)	10,916,652	1,715,296
Net Capital Result	(20,917,129)	(4,051,447)	12,790,000	(12,178,576)	4,004,345	(8,174,231)	679,480
Funding							
New Loans							
Restricted Assets - transfers from	11,626,213	4,051,447	(12,460,000)	3,217,660	(4,515,138)	(1,297,478)	0
Rates & other untied funding	4,017,931	0	(330,000)	3,687,931	(273,406)	3,414,525	2,921,798
Adjust for Non-Cash Depreciation	5,453,778	0	0	5,453,778	273,406	5,727,184	0
Unrestricted Reserves - increase / (decrease)	180,793	0	0	180,793	(510,793)	(330,000)	
	Increase	Nil	Nil	Increase	Decrease	Decrease	

Notes:

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Sewer Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards	Q1	Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Capital Funding							
Income from the Sale of Assets							
Total Income from the Sale of Assets	71,000	35,000	0	106,000	0	106,000	91,490
Loan Receivables							
Total Loan Income	598,312	0	0	598,312	0	598,312	0
Grants and Contributions for Capital Purposes							
Contributions - Section 64	1,409,262	0	0	1,409,262	0	1,409,262	817,915
Total Grants and Contributions for Capital	1,409,262	0	0	1,409,262	0	1,409,262	818,475
Total Capital Funding	2,078,574	35,000	0	2,113,574	0	2,113,574	909,966
Capital Expenditure							
Capital Renewals							
Plant & Equipment	150,000	0	0	150,000	0	150,000	81,742
Sewer Network	1,120,000	692,541	0	1,812,541	(60,000)	1,752,541	7,797
Other	600,000	0	(600,000)	0	0	0	0
Total Capital Renewals	1,870,000	692,541	(600,000)	1,962,541	(60,000)	1,902,541	89,538
Capital Upgrades							
Sewer Network	0	0	0	0	0	0	16,174
Other	50,000	42,000	0	92,000	0	92,000	0
Total Capital Upgrades	50,000	42,000	0	92,000	0	92,000	16,174
Capital Replacements							
Plant & Equipment	1,118,855	865,202	(600,000)	1,384,057	(66,000)	1,318,057	401,238
Sewer Network	10,750,000	4,322,677	(4,775,000)	10,297,677	(1,635,000)	8,662,677	2,720,046
Total Capital Replacements	11,868,855	5,187,879	(5,375,000)	11,681,734	(1,701,000)	9,980,734	3,121,284



Sewer Fund - Budget Review for the quarter ended:

31 December 2024

Capital Budget

	Original Budget 2024/25	Previously adopted variations Carry Forwards Q1		Revised Adopted Budget	Proposed Variations	Proposed Revised Budget	Actuals YTD 31-Dec-24
Loan Repayments							
LIRS	181,779	0	0	181,779	0	181,779	136,198
Total Loan Repayments	181,779	0	0	181,779	0	181,779	136,198
Total Capital Expenditure	13,970,634	5,922,420	(5,975,000)	13,918,054	(1,761,000)	12,157,054	3,363,195
Net Capital Result	(11,892,060)	(5,887,420)	5,975,000	(11,804,480)	1,761,000	(10,043,480)	(2,453,229)
Funding							
New Loans							
Restricted Assets - transfers from	2,772,152	5,887,420	(5,975,000)	2,684,572	(257,309)	2,427,263	0
Rates & other untied funding	4,007,301	0	0	4,007,301	(906,805)	3,100,496	5,535,529
Adjust for Non-Cash Depreciation	3,708,916	0	0	3,708,916	806,805	4,515,721	1,854,458
Unrestricted Reserves - increase / (decrease)	(1,403,691)	0	0	(1,403,691)	1,403,691	0	
	Decrease	Nil	Nil	Decrease	Increase	Nil	

Notes:

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Dec Qtr Review - Major Variations

31 December 2024

TYPE	DETAILS	OPERATIONAL		CAPITAL	
		INCOME	EXPENDITURE	INCOME	EXPENDITURE
Grant Income + Capital Expenditure	Removal of duplicated grant			(3,000,000.00)	(3,000,000.00)
Capital Expenditure	Additional funds to Adventure Playground - funded from Section 7.11 Open Space Contributions				95,000.00
Operating Expenditure	Small donations program as per Council Resolution 2024/1128 - funded from sale of BioBank Credits		84,000.00		
Operating Expenditure	Active Transport Strategy and Implementation Plan 2025 - funded from Section 7.11 Contributions		150,000.00		
Capital Expenditure	Work in Kind Agreement for Shiralee Road - funded from Section 7.11 Contributions		151,787.00		
Grant Income + Operating Expenditure	Connecting Seniors Grant Program 2025	30,000.00	30,000.00		
Grant Income + Operating Expenditure	Refugee and Humanitarian Assistance Program	71,645.00	71,645.00		
Operating Expenditure	Depreciation budgets updated to reflect the 2023/2024 actuals as audited		1,915,596.00		



Dec Qtr Review - Cash Restrictions

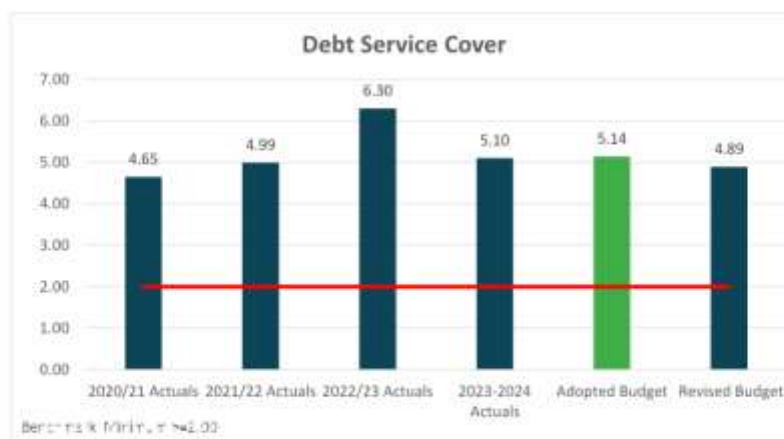
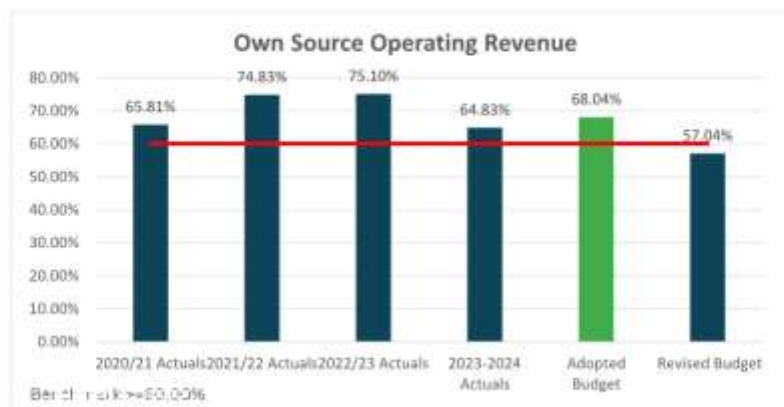
31 December 2024

	Closing Balance 30 June 2024	Original Budget Transfers	Revised	Q1 Movements	Q2 Movements	Q3 Movements	Projected Balance 30 June 2025
Externally restricted							
Specific Purpose Unexpended Grants - General	7,231,000	0	7,231,000	0	0	0	7,231,000
Specific Purpose Unexpended Loans - General	1,167,917	0	1,167,917	0	0	0	1,167,917
Specific Purpose Unexpended Grants - Water	1,063,000	0	1,063,000	0	0	0	1,063,000
Developer Contributions - General	15,357,000	1,411,954	16,768,954	(112,500)	(93,213)	0	16,563,241
Developer Contributions - Water	29,478,000	(17,631,952)	11,846,048	13,300,000	1,197,420	0	26,343,468
Developer Contributions - Sewer	15,189,000	(6,774,841)	8,414,159	5,745,000	1,895,000	0	15,854,159
Water Supplies	64,818,000	6,005,739	70,823,739	(840,000)	2,749,135	0	72,732,874
Sewerage Services	53,292,000	4,002,689	57,294,689	230,000	(1,077,691)	0	56,446,998
Domestic Waste Management	12,748,766	112,418	12,861,184	(104,335)	0	0	12,756,849
Stormwater Management	2,698,242	(1,819,451)	878,891	0	0	0	878,891
Total externally restricted	203,042,924	(14,693,344)	188,349,580	18,218,165	4,470,651	-	211,038,396
Internally restricted							
Plant and Vehicle Replacement	2,930,461	(1,627,278)	1,303,183	313,682	0	0	1,616,865
Infrastructure Replacement	295,089	49,404	344,493	0	0	0	344,493
Employees Leave Entitlements	3,468,018	0	3,468,018	0	0	0	3,468,018
Ageing / Disability Services	349,558	0	349,558	0	0	0	349,558
Airport Operations	1,520,609	524,985	2,045,594	0	0	0	2,045,594
Asset renewal / Capital Reserve	6,246,151	(342,026)	5,904,125	0	0	0	5,904,125
Children's Services	13,838	0	13,838	0	0	0	13,838
Heritage and Tourism promotion	59,868	0	59,868	0	0	0	59,868
Insurance Incentive Bonus	64,073	0	64,073	0	0	0	64,073
Land Development	6,500,637	8,406	6,509,043	0	0	0	6,509,043
Library	4,343	0	4,343	0	0	0	4,343
Parks / Sportgrounds / Recreation	40,209	0	40,209	0	0	0	40,209
Pool Redevelopment	181,981	0	181,981	0	0	0	181,981
Quarry Operation	137,537	(21,024)	116,513	0	0	0	116,513
Regional Art Gallery	22,139	1,854	23,993	0	0	0	23,993
Rural Fire Service	69,231	0	69,231	0	0	0	69,231
Community Safety	7,486	0	7,486	0	0	0	7,486
Election Expenses	295,000	(295,000)	-	0	0	0	-
Other	2,629,301	(6,985)	2,622,316	4,000	(119,000)	0	2,507,316
Private work - Income in advance	901,000	(901,000)	-	0	0	0	-
FAG in Advance	4,165,857	0	4,165,857	0	0	0	4,165,857
Carry Forward	7,765,722	(457,000)	7,308,722	1,040,826	(188,021)	0	8,161,527
Future Fund	4,994,815	0	4,994,815	0	0	0	4,994,815
Total internally restricted	42,662,925	(3,065,664)	39,597,261	1,358,508	(307,021)	-	40,648,748
Total Restricted Cash	245,705,849	(17,759,008)	227,946,841	19,576,673	4,163,630	-	251,687,144
Actual Unrestricted cash	2,481,151		2,481,151				
Quarterly Reviews - Cash Adjustment Cost to Council							(29,171,915)
Estimated Unrestricted Cash							26,063,701
Estimated Cash at Year End							254,795,358
Actual Total Cash and Investments	248,187,000						248,814,063
	30/06/2024						31/12/2024



Dec Qtr Review - Performance Ratios

31 December 2024





Dec Qtr Review - Contracts & Other Expenses

31 December 2024

Ref	Contractor	Contract Start Date	Contract End Date	Contract Description	Contract Estimated Total \$ GST INCL
1	Sims Group Australia Holdings Limited t/a Sims Metal	1-Sep-21	31-Aug-23 plus 2 x 12 months terms	Collection and Recycling Scrap Metal	Schedule of Rates paid to Council
2	Skilltech Consulting Services Pty Ltd	28-Jun-22	27-Jun-2025 plus 1 x 2 year option	Provision of water meter readings	Schedule of Rates (Total: 750,505)
3	TDO Pty Limited trading as Orange 360	20-Oct-22	30-Jun-25	Provision of Destination Marketing Services	1,485,000
4	MAAS Civil Pty Ltd	6-Mar-23	11-Apr-24	Construction of Southern Feeder Road Stage 4 and Shiralee Collector Road Stage 5	10,378,343
5	Telstra	9-Mar-23	8-Mar-25	LGP Mobile Phone Contract and Bluewater Management Implementation 2022	277,082
6	Boral Resources (Country) Pty Ltd	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
7	CPB Excavations	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
8	Hanson Construction Materials	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
9	Charlmont Gravel Pty Ltd t/as Central West Gravel	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
10	Westtime Canowindra Pty Ltd	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
11	Regional Quarries Australia	25-Jul-23	30-Jun-25	Panel Contract - Supply of Road base and other Quarry Products	Schedule of Rates
12	G R Spurr Concreting Pty Ltd	21-Jul-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
13	Ace Concreting Central West	25-Jul-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
14	Royall Building Construction and Contracting	26-Jul-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
15	Matt Foley Concreting	25-Jul-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
16	Will Concrete	1-Aug-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
17	FB Concreting Pty Ltd	1-Aug-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
18	Spencers Landscape Construction and Contracting Pty Ltd	24-Aug-23	30-Jun-25	Panel Contract - concrete civil works (Footpaths, Kerb & Gutter) 2023-2025	Schedule of Rates
19	Barnes Prestige Pty Ltd	1-Sep-23	31-Aug-26 Plus 3 year option	Maintenance of public open space	2,040,000
20	Boral Resources (NSW) Pty Ltd	12-Sep-23	30-Jun-25	Panel Contract - Supply of ready mix concrete	Schedule of Rates
21	Holcim (Australia) Pty Ltd	12-Sep-23	30-Jun-25	Panel Contract - Supply of ready mix concrete	Schedule of Rates
22	Zamorcraft Pty Ltd t/as Midwestern Mini Mix	12-Sep-23	30-Jun-25	Panel Contract - Supply of ready mix concrete	Schedule of Rates
23	Downer Edl Works Pty Ltd	14-Sep-23	2025	Southern Feeder Road Stage 4 - supply and lay asphalt	3,579,454
24	Platinum Traffic Services	18-Sep-23	31-Aug-24 with 2 x 1 year options	Panel Contract - Provision of Traffic Management Services	Schedule of Rates
25	Workcontrol Operations	17-Oct-23	31-Aug-24 with 2 x 1 year options	Panel Contract - Provision of Traffic Management Services	Schedule of Rates
26	Microsoft & Data#3	1-Nov-23	1-Nov-26	Microsoft Enterprise Agreement	1,290,000
27	Tucarma Pty Ltd	6-Nov-23	31-Oct-24 with 2 x 2 year options	Provision of Cleaning Services	Schedule of Rates
28	Large Industries Pty Limited t/as JLE Electrical	21-Nov-23	4-Apr-24	Detailed Design and Construct - Icely Road Water Treatment Plant (WTP) Generator and Main Switchboard Build	1,226,432



Ref	Contractor	Contract Start Date	Contract End Date	Contract Description	Contract Estimated Total \$ GST INCL
29	GEA Westfalia Separator Australia Pty Ltd	6-Dec-23	Completion of works	Supply of Centrifuge Equipment and Support Services for Orange Sewage Treatment Plant (STP) Centrifuge Replacement	193,803
30	Synergy Resource Management Pty Ltd	19-Dec-23	5-Aug-24	Euchareena Road Resource Recovery Centre Stage 4 Construction and Stages 1 and 2 Finishing works	3,615,243
31	Qmax Pumping Systems Pty Ltd	11-Jan-24	26-Jul-24	Design and construction Lake Canobolas Sewer Pump Station	1,535,325
32	Renascent Australia Pty Ltd	5-Feb-24	8-Aug-25	Construction of Orange Conservatorium and Planetarium	29,200,000
33	MDE Projects Pty Ltd	8-Mar-24	1/07/2024	Installation of Lake Canobolas Boardwalk	385,229
34	Creative Recreation Solutions Pty Ltd	18-Mar-24	18/10/2024	Design, supply and installation of playground – Anzac Park	172,448
35	Waeger Constructions Pty Ltd	16-Apr-24	N/A	Supply and install pedestrian bridge - Molong Road	291,500
36	Infrastructure Renewal Services Pty Ltd	17-May-24	20/08/2024	Sewer Mains Upgrade 2023/2024	1,286,803
37	Paramount Landscaping Pty Ltd (Daracon Landscaping)	20-May-24	9/12/2024	Orange Adventure Playground Upgrade	2,677,166
38	Johnson Controls Australia Pty Ltd	21-May-24	16/09/2024	Design and construction of the Orange Aquatic Centre 50 metre pool heating	424,314
39	DeNeefe Pty Ltd t/as DeNeefe Signs	21-May-24	31/12/2026 with 1 year option	Supply and Delivery of Road Signs	Schedule of Rates
40	Downer Edi Works Pty Ltd	4-Jun-24	N/A	Supply and lay Asphalt for Hill and Moulder Roundabout	265,030
41	State Asphalt Services Pty Ltd	5-Jun-24	30/06/2025	Provision of Spray Sealing Services 2024-25	Schedule of Rates
42	Never Stop Water Harvesting Pty Ltd	24-Jun-24	45 weeks	Orange Turf/Precinct Natural Turf Fields - Establish Training Fields 1-8	8,798,419
43	Barrier Signs Pty Ltd	28-Jun-24	31/12/2026 with 1 year option	Supply and Delivery of Road Signs	Schedule of Rates
44	Icom Operations Pty Ltd	1-Jul-24	1/07/2026	Supply of Liquid Polyaluminium Chlorohydrate	324,000
45	ILW Services Pty Ltd	4-Jul-24	04-Jul-26 plus option of 2 x 1 year	Collection and Recycling of Used Tyres	Schedule of Rates
46	Western Safety Barriers Group Pty Ltd	18-Jul-24	30/04/2026	Supply, Delivery and/or Installation of Guardrail and Wire Rope Safety Fencing	Schedule of Rates
47	RBK Pty Ltd	18-Jul-24	30/04/2026	Supply, Delivery and/or Installation of Guardrail and Wire Rope Safety Fencing	Schedule of Rates
48	Williams Oriel Services Pty Ltd	23-Jul-24	23-Jul-26 plus 2 year option plus 1 year option	Provision of Heating, Ventilation & Air Conditioning (HVAC) Services	140,720
49	Wormald Australia Pty Ltd	23-Jul-24	23-Jul-26 plus 2 year option plus 1 year option	Provision of Fire Systems Maintenance Services	234,725
50	Precision Civil Infrastructure Pty Ltd	26-Jul-24	23 weeks from date of site possession	Remediation of Pines Lane C7 Stormwater Basin	630,629
51	Mode Design Corp. Pty Ltd	14-Aug-24	38 weeks	Design of football and athletics stadium including athletics track and all associated infrastructure	116,528,610
52	Department of Regional NSW (NSW Public Works)	5-Sep-24	30-June-29 plus 12-month option	Supply of Dam Surveillance and Inspection	204,482
53	Stabilcorp Pty Ltd	16-Sep-24	Completion of works - expected October 2024	Road Stabilisation Works 2024-2025	230,084
54	State Asphalt Services Pty Ltd	18-Sep-24	Completion of works - expected October 2024	Asphalt Surfacing for Road Stabilisation Works	334,046
55	ILW Services Pty Ltd	24-Sep-24	04-Jul-26 plus 2 x 1 year options	Collection and Recycling of Used Mattresses	Schedule of Rates
56	BG & E Pty Ltd	8-Oct-24	30/06/2025	Flood Modification Scheme Feasibility and Design Project	964,222

5.5 STATEMENT OF INVESTMENTS - DECEMBER 2024 / JANUARY 2025

TRIM REFERENCE: 2025/111

AUTHOR: John Thompson, Chief Financial Officer

EXECUTIVE SUMMARY

The purpose of this report is to provide a statement of Council's investments held for the period December 2024 to January 2025 (November 2024 was tabled in our last meeting dated 17 December 2024).

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "18.2. Ensure financial stability and support efficient ongoing operation."

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That Council resolves to:

- 1 Note the Statement of Investments for the periods December 2024 and January 2025.
- 2 Adopt the certification of the Responsible Accounting Officer.

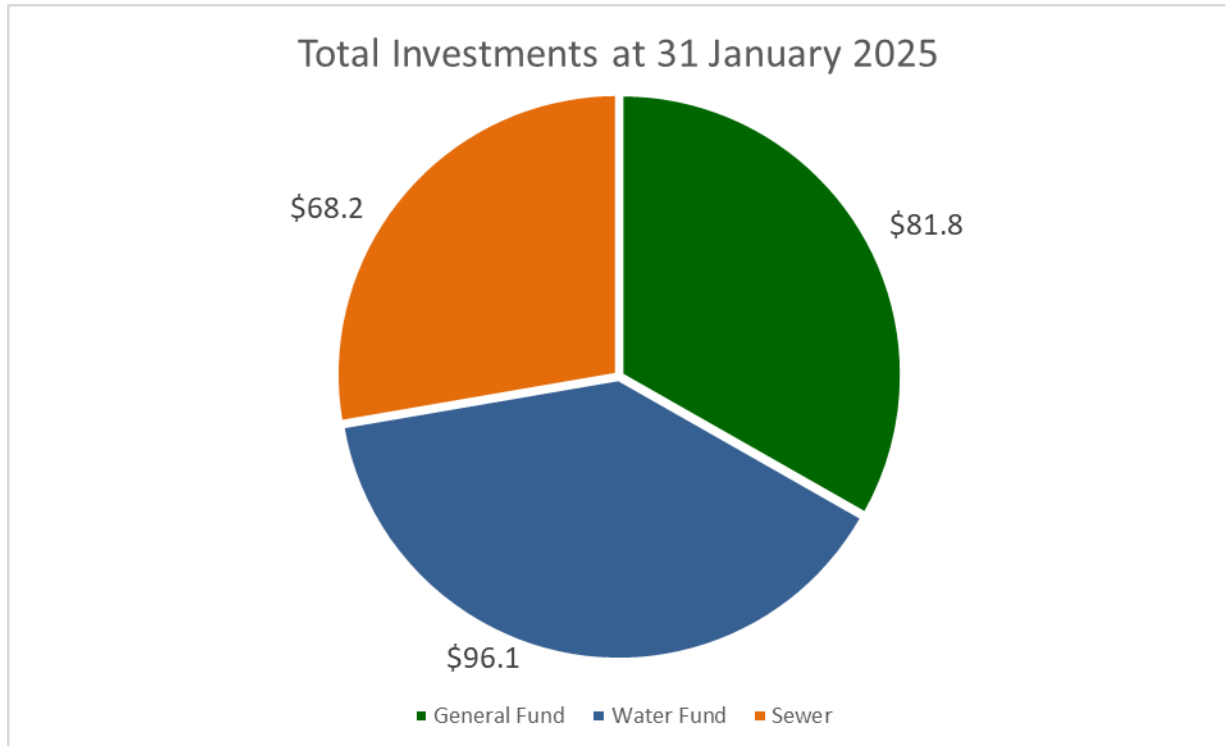
SUPPORTING INFORMATION**Statement of investments – December 2024 / January 2025**

The investments held by Council in each fund is shown below:

	30/11/2024	31/12/2024	31/01/2025
General Fund	85,903,163	91,840,495	81,792,825
Water Fund	93,078,292	88,772,275	96,142,906
Sewer Fund	68,937,142	68,201,293	68,186,019
Total Funds	247,918,596	248,814,063	246,121,750

There has been a stable investment holding across the past two months from the November 2024 investment position.

See also fund balances in the graphic below:



Portfolio Performance

As at the end of January 2025, Council's investment portfolio remains largely secured through fixed rate term deposits (89%, up from 86% as at November 2024), with the remaining portfolio allocated to floating rate note (3%, no change from November 2024), bonds (1%, no change from November 2024) and cash (7%, down from 10% in November 2024).

Overall Council's portfolio remains highly liquid and diversified with approximately 75% of assets maturing under 12 months and no exposure to the unrated ADI sector. All investments are within Council's risk appetite as per our investment Policy.

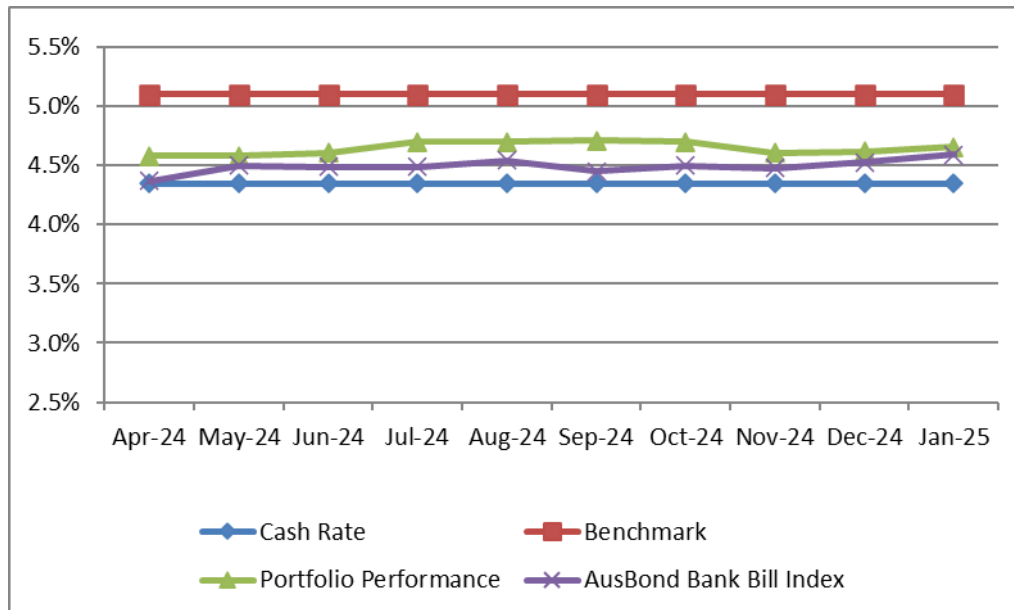
The weighted average interest rate of **Council's investment portfolio** (refer to the **green line** in below chart) for the period ending 31 December 2024 and 31 January 2025 was 4.62 and 4.66 percent respectively, which is below **Council Policy's target** or '**mandated**' **cash rate** (refer to the **red line** in the chart below) of 5.10 percent or 510 basis points (based on a target of 75 basis points above the cash rate for December and January at 4.35 percent).

Council acknowledges that it is currently not achieving its 'mandated' target rate of return as per its Investment Policy and will continue to monitor maturing investments to ensure these are reinvested at optimum investment rates available at the time. Retiring investments are being monitored closely and reinvested to optimise returns in line with Council's Investment Policy.

A review of the current target benchmark is being progressed as part of the broader review of Council's Investment Policy as discussed and agreed at the 26 June 2024 Audit, Risk, and Improvement Committee. Any outcomes will be advised to Council in due course.

5.5 Statement of Investments - December 2024 / January 2025

Council has also compared its performances to the Bloomberg **AusBond Bank Bill Index** (baubil or Ausbond) to provide a further benchmark (refer to the **purple line** in the below chart). This index is focused on short term Australian money market investments. For the period December 2024 and January 2025, the AusBond rate was 4.53 and 4.59 percent, respectively. The weighted average interest rate of Council's investment portfolio exceeded the AusBond rates at the same reporting dates were 4.62 and 4.66 percent, respectively. The AusBond rate is supplied to Council by our investment consultants Arlo Advisory Pty Ltd.



Council's Investment Policy also establishes limits in relation to the maturity terms of Council's investments as well as the credit ratings of the institutions with whom Council can invest.

The following tables provide a dissection of Council's investment portfolio as required by the Policy. The Policy identifies the maximum amount that can be held in a variety of investment products or with institutions based on their respective credit ratings.

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – term limits

Term to Maturity Allocation	Maximum	Holdings	Capacity
0 - 3 Months	100.00%	29.12%	70.88%
3 - 12 Months	100.00%	46.12%	53.88%
1 - 2 Years	70.00%	15.44%	54.56%
2 - 5 Years	50.00%	9.32%	40.68%
5+ Years	25.00%	0.00%	25.00%

5.5 Statement of Investments - December 2024 / January 2025

Table 2 (below) shows the total amount held, and the weighted average interest rate (or return on investment), by credit rating. The credit rating is an independent opinion of the capability and willingness of a financial institution to repay its debts, or in other words, the providers' financial strength or creditworthiness. The rating is typically calculated as the likelihood of a failure occurring over a given period, with the higher rating (AAA) being superior due to having a lower chance of default. However, it is accepted that this lower risk will be accompanied by a lower return on investment.

The level of money held in the bank accounts has been added to the table to illustrate the ability of Council to cover the operational liabilities that typically occur (for example payroll, materials and contracts, utilities).

Table 2: Credit rating limits

Credit Rating	Maximum	Holding	Remaining Capacity	Value	Return on investment
Bank Accounts	100.00%	7.53%	92.47%	18,524,968.91	4.30%
AAA	100.00%	0.41%	99.59%	1,000,613.00	4.50%
AA	100.00%	42.84%	57.16%	105,428,909.90	4.35%
A	60.00%	26.03%	33.97%	64,057,549.20	4.88%
BBB & NR	40.00%	23.20%	16.80%	57,109,708.60	5.07%
Below BBB	0.00%	0.00%	0.00%	0.00	0.00%
				246,121,749.61	

It is noted that Council still holds several investments with a lower than market interest rate. These investments will incur significant costs to redeem (or break) early and would thus impact Council's expected interest income. These investments will naturally be redeemed at maturity and reinvested into higher performing products.

Portfolio advice

Council uses the services of an independent investment advisor in maintaining its portfolio of investments. Council's current investment advisor is Arlo Advisory Pty Ltd. Services provided to Council currently include:

- quarterly portfolio summary reports;
- advice on investment opportunities, in particular Floating Rate Note products;
- advice on policy construction; and
- year-end market values for Floating Rate Note products held by Council.

Certification by Responsible Accounting Officer

Section 212(1) of the Local Government (General) Regulation 2021 requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under *Section 625 of the Local Government Act 1993*.

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

ATTACHMENTS

- 1 Investment Report - December 2024, D25/10958 [↓](#)
- 2 Investment Report - January 2025, D25/10959 [↓](#)



Investment Report

01/12/2024 to 31/12/2024



Portfolio Valuation as at 31/12/2024

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	A	TD	WATER	At Maturity	14/11/2024	02/01/2025	4.4800	7,000,000.00	7,000,000.00	41,240.55	26,634.52
MyState Bank	BBB	TD	SEWER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	30,049.32	19,406.85
MyState Bank	BBB	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	30,049.32	19,406.85
Australian Unity Bank	BBB+	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.7000	4,000,000.00	4,000,000.00	24,723.29	15,967.12
Westpac	AA-	TD	GENERAL	At Maturity	12/09/2024	16/01/2025	4.9400	2,000,000.00	2,000,000.00	30,046.03	8,391.23
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	350,034.30	350,000.00	3,081.76	1,647.15
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	350,034.30	350,000.00	3,081.76	1,647.15
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	19,618.22	14,833.29
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	5,560.27	4,204.11
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	2,780.14	2,102.05
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,740.49	630.19
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,740.49	630.19
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	228,217.81	22,039.73
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	6,997.81	4,930.27



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	12,205.48	12,205.48
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	210,410.96	21,742.47
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	145,687.67	15,627.40
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	3,082.19	3,082.19
ING Bank (Australia) Ltd	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	28,089.86	3,023.56
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	78,512.88	8,510.14
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	58,884.66	6,382.60
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	282.88	282.88
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	121.23	121.23
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	22,690.41	17,156.16
Rabobank Australia Limited	A	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	4,704.11	4,289.04
Rabobank Australia Limited	A	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	18,816.44	17,156.16
BOQ	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	85,616.44	10,616.44
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	32,380.82	4,501.37
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	32,380.82	4,501.37



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	31,364.38	4,501.37
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	31,364.38	4,501.37
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	30,347.95	4,501.37
Rabobank Australia Limited	A	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	112,712.33	18,684.93
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	84,534.25	14,013.70
Rabobank Australia Limited	A	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	134,634.25	23,058.90
Rabobank Australia Limited	A	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	135,130.14	23,143.84
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	135,130.14	23,143.84
Rabobank Australia Limited	A	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	137,621.92	23,186.30
Rabobank Australia Limited	A	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	48,773.15	9,053.70
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	51,484.93	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	51,484.93	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	70,356.16	13,631.51
Rabobank Australia Limited	A	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	73,159.73	13,580.55



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	72,747.95	13,504.11
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	46,904.11	9,087.67
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	42,060.27	8,578.08
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	43,309.59	8,832.88
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	43,309.59	8,832.88
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	9,501.37	8,663.01
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	14,252.05	12,994.52
AMP Bank	BBB+	TD	GENERAL	At Maturity	05/12/2024	11/09/2025	5.1000	6,000,000.00	6,000,000.00	22,635.62	22,635.62
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	05/12/2024	18/09/2025	5.1000	1,000,000.00	1,000,000.00	3,772.60	3,772.60
NAB	AA-	TD	GENERAL	At Maturity	05/12/2024	18/09/2025	4.9500	5,000,000.00	5,000,000.00	18,308.22	18,308.22
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	3,933.15	3,295.34
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	10,257.53	10,257.53
ING Bank (Australia) Ltd	A	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	5,698.63	5,698.63
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	6,838.36	6,838.36
ING Bank (Australia) Ltd	A	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	10,301.37	10,301.37
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	183,645.48	15,100.82
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	145,130.96	12,637.81



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Rabobank Australia Limited	A	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	63,623.01	16,714.52
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	1,380.82	1,380.82
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	920.55	920.55
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	10,301.37	10,301.37
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	24,890.41	9,767.12
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,169.86	1,511.78
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,169.86	1,511.78
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	6,339.73	3,023.56
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	14,264.38	6,803.01
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	1,643.84	1,643.84
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,287.67	3,287.67
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,287.67	3,287.67
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	9,016.99	4,110.68
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	3,283.56	1,995.89
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	24,851.68	5,542.46
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	435,952.35	450,000.00	4,576.44	1,108.36



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	435,952.35	450,000.00	4,576.44	1,108.36
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	999,865.00	1,000,000.00	20,958.90	3,821.92
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.7304	3,417,897.60	3,400,000.00	10,142.02	10,142.02
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4763	1,528,851.00	1,500,000.00	225.05	225.05
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,806,769.80	1,800,000.00	11,267.51	8,316.49
Rabobank Australia Limited	A	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	87,698.63	20,595.89
Rabobank Australia Limited	A	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	49,828.77	12,357.53
Rabobank Australia Limited	A	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	62,717.81	16,476.71
Commonwealth Bank	AA-	CASH	WATER	Monthly	31/12/2024	31/12/2024	4.3000	3,136,423.12	3,136,423.12	9,022.50	9,022.50
Commonwealth Bank	AA-	CASH	SEWER	Monthly	31/12/2024	31/12/2024	4.3000	1,778,557.42	1,778,557.42	12,725.85	12,725.85
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/12/2024	31/12/2024	4.3000	15,283,725.38	15,283,725.38	73,712.31	73,712.31
TOTALS								248,814,062.62	248,788,705.92	3,609,318.29	915,339.46



Portfolio by Asset as at 31/12/2024

Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	AA-	CASH	WATER	Monthly	31/12/2024	31/12/2024	4.3000	3,136,423.12	3,136,423.12	9,022.50	9,022.50
Commonwealth Bank	AA-	CASH	SEWER	Monthly	31/12/2024	31/12/2024	4.3000	1,778,557.42	1,778,557.42	12,725.85	12,725.85
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/12/2024	31/12/2024	4.3000	15,283,725.38	15,283,725.38	73,712.31	73,712.31
CASH SUBTOTALS								20,198,705.92	20,198,705.92	95,460.67	95,460.67

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	A	TD	WATER	At Maturity	14/11/2024	02/01/2025	4.4800	7,000,000.00	7,000,000.00	41,240.55	26,634.52
MyState Bank	BBB	TD	SEWER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	30,049.32	19,406.85
MyState Bank	BBB	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.5700	5,000,000.00	5,000,000.00	30,049.32	19,406.85
Australian Unity Bank	BBB+	TD	WATER	At Maturity	14/11/2024	16/01/2025	4.7000	4,000,000.00	4,000,000.00	24,723.29	15,967.12
Westpac	AA-	TD	GENERAL	At Maturity	12/09/2024	16/01/2025	4.9400	2,000,000.00	2,000,000.00	30,046.03	8,391.23
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	19,618.22	14,833.29
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	5,560.27	4,204.11



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	2,780.14	2,102.05
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,740.49	630.19
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	3,740.49	630.19
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	228,217.81	22,039.73
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	6,997.81	4,930.27
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	12,205.48	12,205.48
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	210,410.96	21,742.47
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	3,511.78	3,511.78
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	145,687.67	15,627.40
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	3,082.19	3,082.19
ING Bank (Australia) Ltd	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	28,089.86	3,023.56
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	78,512.88	8,510.14
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	58,884.66	6,382.60
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	282.88	282.88
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	121.23	121.23



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	22,690.41	17,156.16
Rabobank Australia Limited	A	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	4,704.11	4,289.04
Rabobank Australia Limited	A	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	18,816.44	17,156.16
BOQ	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	85,616.44	10,616.44
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	32,380.82	4,501.37
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	32,380.82	4,501.37
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	31,364.38	4,501.37
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	31,364.38	4,501.37
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	30,347.95	4,501.37
Rabobank Australia Limited	A	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	112,712.33	18,684.93
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	84,534.25	14,013.70
Rabobank Australia Limited	A	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	134,634.25	23,058.90
Rabobank Australia Limited	A	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	30,462.47	4,518.36
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	135,130.14	23,143.84
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	135,130.14	23,143.84
Rabobank Australia	A	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	137,621.92	23,186.30



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Limited											
Rabobank Australia Limited	A	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	48,773.15	9,053.70
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	51,484.93	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	51,484.93	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	70,356.16	13,631.51
Rabobank Australia Limited	A	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	73,159.73	13,580.55
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	72,747.95	13,504.11
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	46,904.11	9,087.67
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	42,060.27	8,578.08
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	43,309.59	8,832.88
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	43,309.59	8,832.88
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	9,501.37	8,663.01
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	14,252.05	12,994.52
AMP Bank	BBB+	TD	GENERAL	At Maturity	05/12/2024	11/09/2025	5.1000	6,000,000.00	6,000,000.00	22,635.62	22,635.62
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	05/12/2024	18/09/2025	5.1000	1,000,000.00	1,000,000.00	3,772.60	3,772.60
NAB	AA-	TD	GENERAL	At Maturity	05/12/2024	18/09/2025	4.9500	5,000,000.00	5,000,000.00	18,308.22	18,308.22
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	3,933.15	3,295.34
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	10,257.53	10,257.53



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	A	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	5,698.63	5,698.63
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	6,838.36	6,838.36
ING Bank (Australia) Ltd	A	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	10,301.37	10,301.37
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	183,645.48	15,100.82
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	145,130.96	12,637.81
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	3,004.11	1,826.03
Rabobank Australia Limited	A	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	63,623.01	16,714.52
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	1,380.82	1,380.82
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	920.55	920.55
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	10,301.37	10,301.37
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	24,890.41	9,767.12
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,169.86	1,511.78
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	3,169.86	1,511.78
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	6,339.73	3,023.56
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	14,264.38	6,803.01



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	1,643.84	1,643.84
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,287.67	3,287.67
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	3,287.67	3,287.67
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	9,016.99	4,110.68
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	3,283.56	1,995.89
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	24,851.68	5,542.46
Rabobank Australia Limited	A	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	87,698.63	20,595.89
Rabobank Australia Limited	A	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	49,828.77	12,357.53
Rabobank Australia Limited	A	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	62,717.81	16,476.71
TD SUBTOTALS								219,290,000.00	219,290,000.00	3,455,947.73	791,862.30

Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	350,034.30	350,000.00	3,081.76	1,647.15
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	350,034.30	350,000.00	3,081.76	1,647.15
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.7304	3,417,897.60	3,400,000.00	10,142.02	10,142.02
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4763	1,528,851.00	1,500,000.00	225.05	225.05



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,806,769.80	1,800,000.00	11,267.51	8,316.49
FRN SUBTOTALS								7,453,587.00	7,400,000.00	27,798.11	21,977.87

Asset Type: BOND

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	435,952.35	450,000.00	4,576.44	1,108.36
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	435,952.35	450,000.00	4,576.44	1,108.36
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	999,865.00	1,000,000.00	20,958.90	3,821.92
BOND SUBTOTALS								1,871,769.70	1,900,000.00	30,111.78	6,038.63



Portfolio by Asset Totals as at 31/12/2024

Type	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
CASH	20,198,705.92	20,198,705.92	95,460.67	95,460.67
TD	219,290,000.00	219,290,000.00	3,455,947.73	791,862.30
FRN	7,453,587.00	7,400,000.00	27,798.11	21,977.87
BOND	1,871,769.70	1,900,000.00	30,111.78	6,038.63
TOTALS	248,814,062.62	248,788,705.92	3,609,318.29	915,339.46



Counterparty Compliance as at 31/12/2024

Long Term Investments

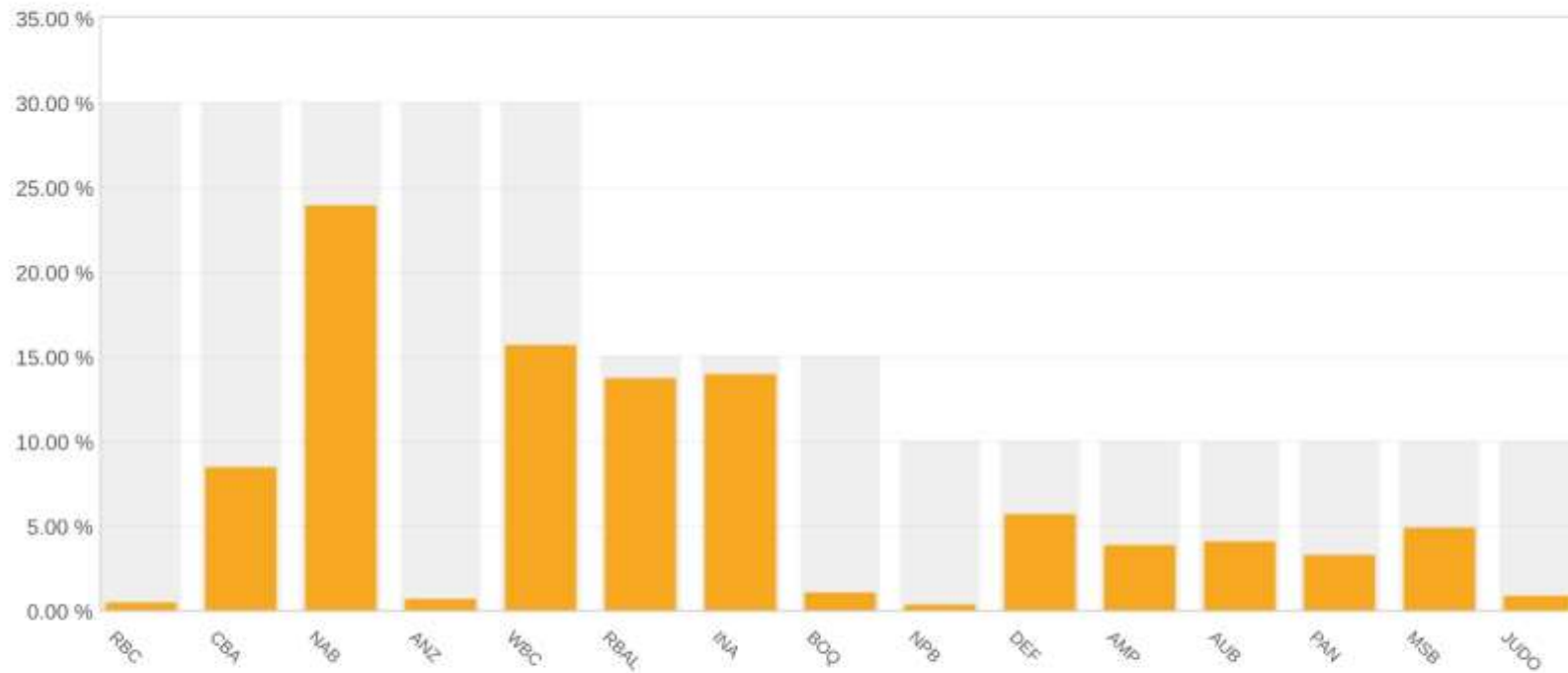
Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	Royal Bank of Canada	Long	AA-	999,865.00	0.40	30.00	-	73,644,353.79
✓	Commonwealth Bank	Long	AA-	20,898,705.92	8.40	30.00	-	53,745,512.87
✓	NAB	Long	AA-	59,371,904.70	23.86	30.00	-	15,272,314.09
✓	ANZ Bank	Long	AA-	1,528,851.00	0.61	30.00	-	73,115,367.79
✓	Westpac	Long	AA-	38,840,000.00	15.61	30.00	-	35,804,218.79
✓	Rabobank Australia Limited	Long	A	34,000,000.00	13.66	15.00	-	3,322,109.39
✓	ING Bank (Australia) Ltd	Long	A	34,556,769.80	13.89	15.00	-	2,765,339.59
✓	BOQ	Long	A-	2,500,000.00	1.00	15.00	-	34,822,109.39
✓	Newcastle Permanent	Long	BBB+	700,068.60	0.28	10.00	-	24,181,337.66
✓	Defence Bank	Long	BBB+	14,000,000.00	5.63	10.00	-	10,881,406.26
✓	AMP Bank	Long	BBB+	9,417,897.60	3.79	10.00	-	15,463,508.66
✓	Australian Unity Bank	Long	BBB+	10,000,000.00	4.02	10.00	-	14,881,406.26
✓	P&N Bank	Long	BBB+	8,000,000.00	3.21	10.00	-	16,881,406.26
✓	MyState Bank	Long	BBB	12,000,000.00	4.82	10.00	-	12,881,406.26



Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	JUDO	Long	BBB	2,000,000.00	0.80	10.00	-	22,881,406.26
TOTALS				248,814,062.62	100.00			



Counterparty Compliance - Long Term Investments



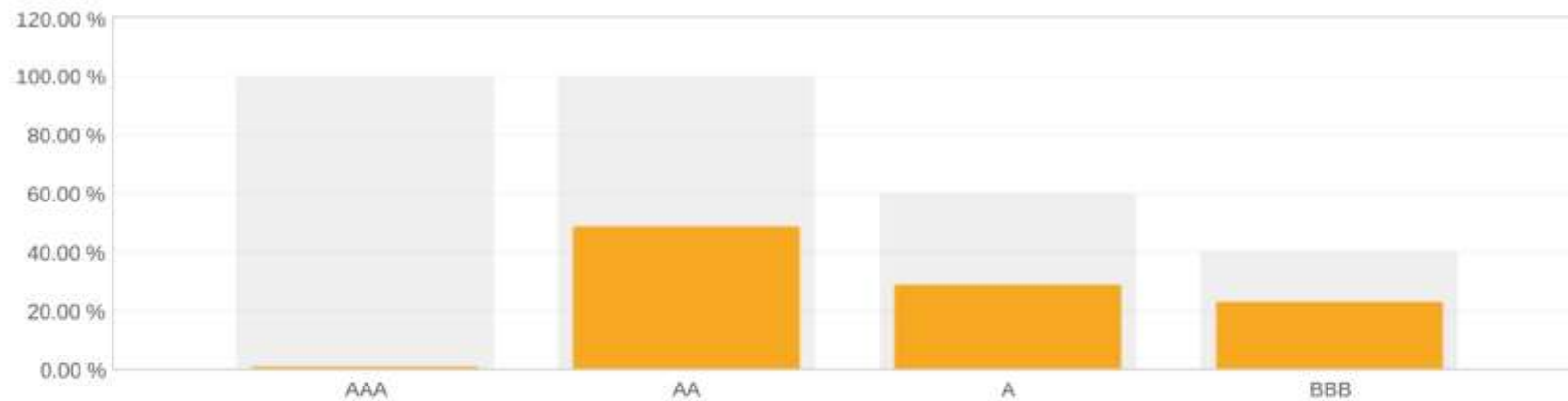


Credit Quality Compliance as at 31/12/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	999,865.00	0.40	100.00	247,814,197.62
✓	AA	120,639,461.62	48.49	100.00	128,174,601.00
✓	A	71,056,769.80	28.56	60.00	78,231,667.77
✓	BBB	56,117,966.20	22.55	40.00	43,407,658.85
TOTALS		248,814,062.62	100.00		

Credit Quality Compliance - Long Term Investments

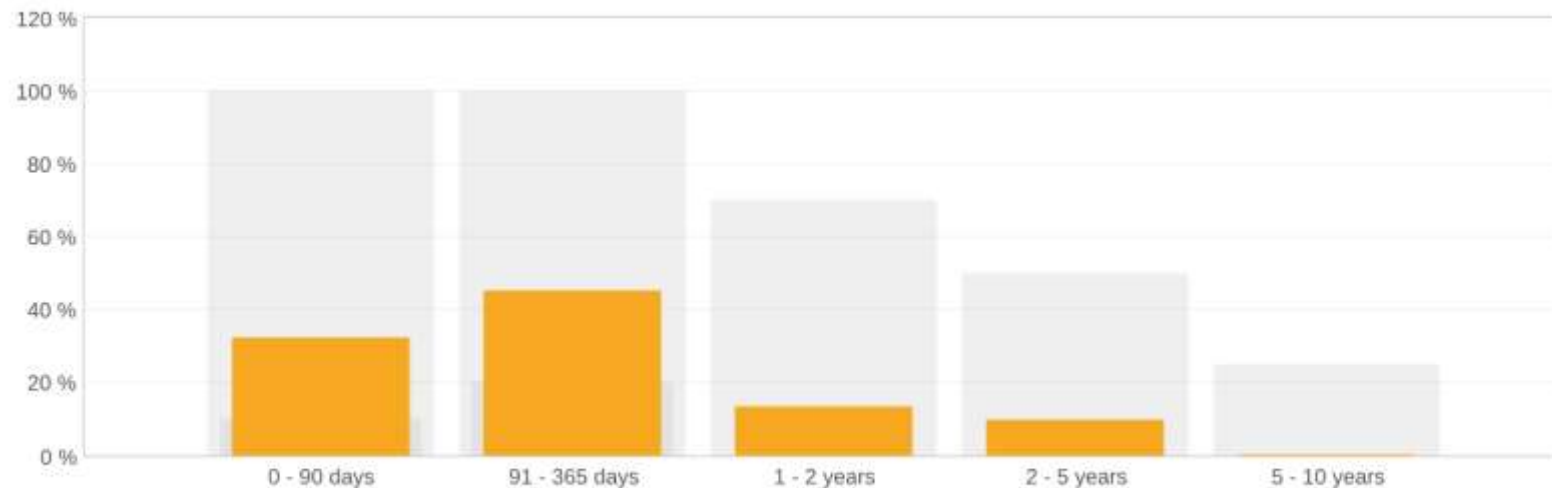




Maturity Compliance as at 31/12/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	79,848,774.52	32.09	10.00	100.00	168,965,288.10
✓	91 - 365 days	112,000,000.00	45.01	20.00	100.00	136,814,062.62
✓	1 - 2 years	33,000,000.00	13.26	0.00	70.00	141,169,843.83
✓	2 - 5 years	23,965,288.10	9.63	0.00	50.00	100,441,743.21
✓	5 - 10 years	-	0.00	0.00	25.00	62,203,515.66
TOTALS		248,814,062.62	100.00			

Maturity Compliance





Investment Report

01/01/2025 to 31/01/2025



Portfolio Valuation as at 31/01/2025

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	349,825.70	350,000.00	4,728.91	1,647.15
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	349,825.70	350,000.00	4,728.91	1,647.15
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	34,451.51	14,833.29
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	9,764.38	4,204.11
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	4,882.19	2,102.05
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	609.86	609.86
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	609.86	609.86
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	250,257.53	22,039.73
ING Bank (Australia) Ltd	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	11,928.08	4,930.27
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	24,817.81	12,612.33
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	232,153.42	21,742.47
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	161,315.07	15,627.40



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	13,698.63	10,616.44
ING Bank (Australia) Ltd	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	31,113.42	3,023.56
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	87,023.01	8,510.14
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	65,267.26	6,382.60
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	9,052.05	8,769.18
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	3,879.45	3,758.22
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	39,846.58	17,156.16
Rabobank Australia Limited	A	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	8,993.15	4,289.04
Rabobank Australia Limited	A	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	35,972.60	17,156.16
BOQ	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	96,232.88	10,616.44
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	36,882.19	4,501.37
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	36,882.19	4,501.37
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	35,865.75	4,501.37
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	35,865.75	4,501.37
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	34,849.32	4,501.37
Rabobank Australia Limited	A	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	34,960.82	4,518.36
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	131,397.26	18,684.93
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	98,547.95	14,013.70



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Rabobank Australia Limited	A	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	34,980.82	4,518.36
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	157,693.15	23,058.90
Rabobank Australia Limited	A	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	34,980.82	4,518.36
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	158,273.97	23,143.84
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	158,273.97	23,143.84
Rabobank Australia Limited	A	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	160,808.22	23,186.30
Rabobank Australia Limited	A	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	57,826.85	9,053.70
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	60,657.53	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	60,657.53	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	83,987.67	13,631.51
Rabobank Australia Limited	A	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	86,740.27	13,580.55
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	86,252.05	13,504.11
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	55,991.78	9,087.67
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	50,638.36	8,578.08
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	52,142.47	8,832.88
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	52,142.47	8,832.88
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	18,164.38	8,663.01
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	27,246.58	12,994.52



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
AMP Bank	BBB+	TD	GENERAL	At Maturity	05/12/2024	11/09/2025	5.1000	6,000,000.00	6,000,000.00	48,624.66	25,989.04
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	05/12/2024	18/09/2025	5.1000	1,000,000.00	1,000,000.00	8,104.11	4,331.51
NAB	AA-	TD	GENERAL	At Maturity	05/12/2024	18/09/2025	4.9500	5,000,000.00	5,000,000.00	39,328.77	21,020.55
Auswide Bank	BBB	TD	WATER	At Maturity	09/01/2025	02/10/2025	5.0000	6,000,000.00	6,000,000.00	18,904.11	18,904.11
AMP Bank	BBB+	TD	WATER	At Maturity	22/01/2025	09/10/2025	5.0500	4,000,000.00	4,000,000.00	5,534.25	5,534.25
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	7,228.49	3,295.34
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	30,131.51	19,873.97
ING Bank (Australia) Ltd	A	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	16,739.73	11,041.10
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	20,087.67	13,249.32
ING Bank (Australia) Ltd	A	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	30,260.27	19,958.90
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	198,746.30	15,100.82
Defence Bank	BBB+	TD	SEWER	At Maturity	23/01/2025	08/01/2026	4.9000	5,000,000.00	5,000,000.00	6,041.10	6,041.10
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	7,745.75	7,745.75
Westpac	AA-	TD	WATER	At Maturity	23/01/2025	05/02/2026	4.8700	7,000,000.00	7,000,000.00	8,405.75	8,405.75
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Rabobank Australia Limited	A	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	80,337.53	16,714.52
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	2,909.59	1,528.77
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	1,939.73	1,019.18
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	30,260.27	19,958.90
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	5,986.30	5,986.30
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	195.07	195.07
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	195.07	195.07
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	390.14	390.14
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	877.81	877.81
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	3,342.47	1,698.63
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	6,684.93	3,397.26
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	6,684.93	3,397.26
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	530.41	530.41
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	5,279.45	1,995.89
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	30,394.14	5,542.46
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	436,684.95	450,000.00	5,684.79	1,108.36
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	436,684.95	450,000.00	5,684.79	1,108.36
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	1,000,613.00	1,000,000.00	2,342.47	2,342.47
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.7304	3,410,057.20	3,400,000.00	26,689.53	16,547.51



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4763	1,515,540.00	1,500,000.00	7,201.71	6,976.66
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,807,549.20	1,800,000.00	19,584.00	8,316.49
Rabobank Australia Limited	A	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	108,294.52	20,595.89
Rabobank Australia Limited	A	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	62,186.30	12,357.53
Rabobank Australia Limited	A	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	79,194.52	16,476.71
Commonwealth Bank	AA-	CASH	WATER	Monthly	31/01/2025	31/01/2025	4.3000	9,505,782.13	9,505,782.13	12,204.75	12,204.75
Commonwealth Bank	AA-	CASH	SEWER	Monthly	31/01/2025	31/01/2025	4.3000	1,783,911.04	1,783,911.04	6,496.02	6,496.02
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/01/2025	31/01/2025	4.3000	7,235,275.74	7,235,275.74	54,868.83	54,868.83
TOTALS								246,121,749.61	246,114,968.91	4,023,966.39	900,639.35



Portfolio by Asset as at 31/01/2025

Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Commonwealth Bank	AA-	CASH	WATER	Monthly	31/01/2025	31/01/2025	4.3000	9,505,782.13	9,505,782.13	12,204.75	12,204.75
Commonwealth Bank	AA-	CASH	SEWER	Monthly	31/01/2025	31/01/2025	4.3000	1,783,911.04	1,783,911.04	6,496.02	6,496.02
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/01/2025	31/01/2025	4.3000	7,235,275.74	7,235,275.74	54,868.83	54,868.83
CASH SUBTOTALS								18,524,968.91	18,524,968.91	73,569.60	73,569.60

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	21/11/2024	06/02/2025	4.9900	3,500,000.00	3,500,000.00	34,451.51	14,833.29
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	1,000,000.00	1,000,000.00	9,764.38	4,204.11
Australian Unity Bank	BBB+	TD	WATER	At Maturity	21/11/2024	06/02/2025	4.9500	500,000.00	500,000.00	4,882.19	2,102.05
Commonwealth Bank	AA-	TD	SEWER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	609.86	609.86
Commonwealth Bank	AA-	TD	WATER	Semi-Annual	11/02/2022	13/02/2025	2.1200	350,000.00	350,000.00	609.86	609.86
Westpac	AA-	TD	WATER - GREEN TD	At Maturity	15/02/2024	20/02/2025	5.1900	5,000,000.00	5,000,000.00	250,257.53	22,039.73
ING Bank (Australia)	A	TD	GENERAL	Quarterly	17/02/2022	20/02/2025	2.5800	2,250,000.00	2,250,000.00	11,928.08	4,930.27



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Ltd											
Westpac	AA-	TD	WATER	Quarterly	02/03/2023	03/03/2025	4.9500	3,000,000.00	3,000,000.00	24,817.81	12,612.33
Defence Bank	BBB+	TD	GENERAL	At Maturity	07/03/2024	06/03/2025	5.1200	5,000,000.00	5,000,000.00	232,153.42	21,742.47
Westpac	AA-	TD	SEWER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Westpac	AA-	TD	WATER	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Westpac	AA-	TD	GENERAL	Quarterly	06/03/2023	06/03/2025	4.9300	1,000,000.00	1,000,000.00	7,698.90	4,187.12
Defence Bank	BBB+	TD	SEWER	Annual	16/03/2023	20/03/2025	4.6000	4,000,000.00	4,000,000.00	161,315.07	15,627.40
Westpac	AA-	TD	WATER	Quarterly	21/03/2024	20/03/2025	5.0000	2,500,000.00	2,500,000.00	13,698.63	10,616.44
ING Bank (Australia) Ltd	A	TD	WATER	Annual	19/03/2020	20/03/2025	1.7800	2,000,000.00	2,000,000.00	31,113.42	3,023.56
NAB	AA-	TD	WATER	At Maturity	21/03/2024	20/03/2025	5.0100	2,000,000.00	2,000,000.00	87,023.01	8,510.14
NAB	AA-	TD	SEWER	At Maturity	21/03/2024	20/03/2025	5.0100	1,500,000.00	1,500,000.00	65,267.26	6,382.60
NAB	AA-	TD	SEWER	Quarterly	31/03/2022	03/04/2025	2.9500	3,500,000.00	3,500,000.00	9,052.05	8,769.18
NAB	AA-	TD	WATER	Quarterly	31/03/2022	03/04/2025	2.9500	1,500,000.00	1,500,000.00	3,879.45	3,758.22
NAB	AA-	TD	SEWER	At Maturity	21/11/2024	10/04/2025	5.0500	4,000,000.00	4,000,000.00	39,846.58	17,156.16
Rabobank Australia Limited	A	TD	WATER	At Maturity	28/11/2024	01/05/2025	5.0500	1,000,000.00	1,000,000.00	8,993.15	4,289.04
Rabobank Australia Limited	A	TD	GENERAL	At Maturity	28/11/2024	01/05/2025	5.0500	4,000,000.00	4,000,000.00	35,972.60	17,156.16
BOQ	A-	TD	WATER	Annual	26/04/2024	01/05/2025	5.0000	2,500,000.00	2,500,000.00	96,232.88	10,616.44
JUDO BANK	BBB	TD	WATER	At Maturity	23/05/2024	22/05/2025	5.3000	1,000,000.00	1,000,000.00	36,882.19	4,501.37
JUDO BANK	BBB	TD	SEWER	Annual	23/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	36,882.19	4,501.37



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
MyState Bank	BBB	TD	SEWER	At Maturity	30/05/2024	29/05/2025	5.3000	1,000,000.00	1,000,000.00	35,865.75	4,501.37
MyState Bank	BBB	TD	WATER	Annual	30/05/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	35,865.75	4,501.37
P&N Bank	BBB+	TD	GENERAL	At Maturity	06/06/2024	05/06/2025	5.3000	1,000,000.00	1,000,000.00	34,849.32	4,501.37
Rabobank Australia Limited	A	TD	GENERAL	Annual	06/06/2024	12/06/2025	5.3200	1,000,000.00	1,000,000.00	34,980.82	4,518.36
NAB	AA-	TD	WATER	At Maturity	28/06/2024	19/06/2025	5.5000	4,000,000.00	4,000,000.00	131,397.26	18,684.93
NAB	AA-	TD	SEWER	At Maturity	28/06/2024	19/06/2025	5.5000	3,000,000.00	3,000,000.00	98,547.95	14,013.70
Rabobank Australia Limited	A	TD	WATER	Annual	06/06/2024	19/06/2025	5.3200	1,000,000.00	1,000,000.00	34,980.82	4,518.36
NAB	AA-	TD	GENERAL	At Maturity	04/07/2024	26/06/2025	5.4300	5,000,000.00	5,000,000.00	157,693.15	23,058.90
Rabobank Australia Limited	A	TD	SEWER	Annual	06/06/2024	26/06/2025	5.3200	1,000,000.00	1,000,000.00	34,980.82	4,518.36
NAB	AA-	TD	SEWER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	158,273.97	23,143.84
NAB	AA-	TD	WATER	At Maturity	04/07/2024	03/07/2025	5.4500	5,000,000.00	5,000,000.00	158,273.97	23,143.84
Rabobank Australia Limited	A	TD	GENERAL	Annual	01/07/2024	03/07/2025	5.4600	5,000,000.00	5,000,000.00	160,808.22	23,186.30
Rabobank Australia Limited	A	TD	WATER	At Maturity	18/07/2024	17/07/2025	5.3300	2,000,000.00	2,000,000.00	57,826.85	9,053.70
NAB	AA-	TD	WATER	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	60,657.53	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	11/07/2024	17/07/2025	5.4000	2,000,000.00	2,000,000.00	60,657.53	9,172.60
NAB	AA-	TD	GENERAL	At Maturity	25/07/2024	24/07/2025	5.3500	3,000,000.00	3,000,000.00	83,987.67	13,631.51
Rabobank Australia Limited	A	TD	GENERAL	Annual	18/07/2024	24/07/2025	5.3300	3,000,000.00	3,000,000.00	86,740.27	13,580.55



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	TD	SEWER	At Maturity	18/07/2024	31/07/2025	5.3000	3,000,000.00	3,000,000.00	86,252.05	13,504.11
NAB	AA-	TD	SEWER	At Maturity	25/07/2024	31/07/2025	5.3500	2,000,000.00	2,000,000.00	55,991.78	9,087.67
NAB	AA-	TD	GENERAL	Annual	02/08/2024	07/08/2025	5.0500	2,000,000.00	2,000,000.00	50,638.36	8,578.08
NAB	AA-	TD	GENERAL	Annual	02/08/2024	14/08/2025	5.2000	2,000,000.00	2,000,000.00	52,142.47	8,832.88
NAB	AA-	TD	WATER	Annual	02/08/2024	28/08/2025	5.2000	2,000,000.00	2,000,000.00	52,142.47	8,832.88
Defence Bank	BBB+	TD	SEWER	At Maturity	28/11/2024	04/09/2025	5.1000	2,000,000.00	2,000,000.00	18,164.38	8,663.01
Defence Bank	BBB+	TD	GENERAL	At Maturity	28/11/2024	04/09/2025	5.1000	3,000,000.00	3,000,000.00	27,246.58	12,994.52
AMP Bank	BBB+	TD	GENERAL	At Maturity	05/12/2024	11/09/2025	5.1000	6,000,000.00	6,000,000.00	48,624.66	25,989.04
Australian Unity Bank	BBB+	TD	SEWER	At Maturity	05/12/2024	18/09/2025	5.1000	1,000,000.00	1,000,000.00	8,104.11	4,331.51
NAB	AA-	TD	GENERAL	At Maturity	05/12/2024	18/09/2025	4.9500	5,000,000.00	5,000,000.00	39,328.77	21,020.55
Auswide Bank	BBB	TD	WATER	At Maturity	09/01/2025	02/10/2025	5.0000	6,000,000.00	6,000,000.00	18,904.11	18,904.11
AMP Bank	BBB+	TD	WATER	At Maturity	22/01/2025	09/10/2025	5.0500	4,000,000.00	4,000,000.00	5,534.25	5,534.25
Westpac	AA-	TD	WATER	Quarterly	25/11/2021	27/11/2025	1.9400	2,000,000.00	2,000,000.00	7,228.49	3,295.34
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	14/12/2023	11/12/2025	5.2000	4,500,000.00	4,500,000.00	30,131.51	19,873.97
ING Bank (Australia) Ltd	A	TD	WATER	Annual	14/12/2023	11/12/2025	5.2000	2,500,000.00	2,500,000.00	16,739.73	11,041.10
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	14/12/2023	11/12/2025	5.2000	3,000,000.00	3,000,000.00	20,087.67	13,249.32
ING Bank (Australia) Ltd	A	TD	WATER	Quarterly	16/12/2022	18/12/2025	4.7000	5,000,000.00	5,000,000.00	30,260.27	19,958.90
ING Bank (Australia)	A	TD	GENERAL	At Maturity	21/12/2023	18/12/2025	5.0800	3,500,000.00	3,500,000.00	198,746.30	15,100.82



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Ltd											
Defence Bank	BBB+	TD	SEWER	At Maturity	23/01/2025	08/01/2026	4.9000	5,000,000.00	5,000,000.00	6,041.10	6,041.10
ING Bank (Australia) Ltd	A	TD	SEWER	Annual	11/01/2024	15/01/2026	4.9600	3,000,000.00	3,000,000.00	7,745.75	7,745.75
Westpac	AA-	TD	WATER	At Maturity	23/01/2025	05/02/2026	4.8700	7,000,000.00	7,000,000.00	8,405.75	8,405.75
Westpac	AA-	TD	SEWER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03
Westpac	AA-	TD	WATER	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03
Westpac	AA-	TD	GENERAL	Quarterly	10/02/2022	12/02/2026	2.1500	1,000,000.00	1,000,000.00	4,830.14	1,826.03
Rabobank Australia Limited	A	TD	GENERAL	Annual	05/09/2024	05/03/2026	4.9200	4,000,000.00	4,000,000.00	80,337.53	16,714.52
Westpac	AA-	TD	WATER	Quarterly	04/03/2021	05/03/2026	1.2000	1,500,000.00	1,500,000.00	2,909.59	1,528.77
Westpac	AA-	TD	SEWER	Quarterly	04/03/2021	05/03/2026	1.2000	1,000,000.00	1,000,000.00	1,939.73	1,019.18
P&N Bank	BBB+	TD	WATER	Quarterly	16/03/2023	19/03/2026	4.7000	5,000,000.00	5,000,000.00	30,260.27	19,958.90
P&N Bank	BBB+	TD	WATER	Quarterly	13/07/2023	16/07/2026	5.7500	2,000,000.00	2,000,000.00	5,986.30	5,986.30
Westpac	AA-	TD	GENERAL	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	195.07	195.07
Westpac	AA-	TD	SEWER	Quarterly	28/10/2021	29/10/2026	1.7800	1,000,000.00	1,000,000.00	195.07	195.07
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	2,000,000.00	2,000,000.00	390.14	390.14
Westpac	AA-	TD	WATER	Quarterly	28/10/2021	29/10/2026	1.7800	4,500,000.00	4,500,000.00	877.81	877.81
Westpac	AA-	TD	WATER	Quarterly	02/12/2021	03/12/2026	2.0000	1,000,000.00	1,000,000.00	3,342.47	1,698.63
Westpac	AA-	TD	SEWER	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	6,684.93	3,397.26
Westpac	AA-	TD	GENERAL	Quarterly	02/12/2021	03/12/2026	2.0000	2,000,000.00	2,000,000.00	6,684.93	3,397.26



Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Westpac	AA-	TD	WATER	Quarterly	25/01/2024	28/01/2027	4.8400	1,000,000.00	1,000,000.00	530.41	530.41
NAB	AA-	TD	SEWER	Quarterly	10/02/2022	09/02/2027	2.3500	1,000,000.00	1,000,000.00	5,279.45	1,995.89
Westpac	AA-	TD	SEWER	Semi-Annual	15/02/2024	18/02/2027	4.8700	1,340,000.00	1,340,000.00	30,394.14	5,542.46
Rabobank Australia Limited	A	TD	GENERAL	Annual	22/08/2024	29/08/2029	4.8500	5,000,000.00	5,000,000.00	108,294.52	20,595.89
Rabobank Australia Limited	A	TD	GENERAL	Annual	29/08/2024	30/08/2029	4.8500	3,000,000.00	3,000,000.00	62,186.30	12,357.53
Rabobank Australia Limited	A	TD	SEWER	Annual	05/09/2024	06/09/2029	4.8500	4,000,000.00	4,000,000.00	79,194.52	16,476.71
TD SUBTOTALS								218,290,000.00	218,290,000.00	3,873,751.67	787,375.61

Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
Newcastle Greater Mutual Group Ltd	BBB+	FRN	WATER	Quarterly	05/02/2020	04/02/2025	5.5411	349,825.70	350,000.00	4,728.91	1,647.15
Newcastle Greater Mutual Group Ltd	BBB+	FRN	SEWER	Quarterly	05/02/2020	04/02/2025	5.5411	349,825.70	350,000.00	4,728.91	1,647.15
AMP Bank	BBB+	FRN	SEWER	Quarterly	13/09/2024	13/09/2027	5.7304	3,410,057.20	3,400,000.00	26,689.53	16,547.51
ANZ Bank	AA-	FRN	SEWER	Quarterly	31/03/2023	31/03/2028	5.4763	1,515,540.00	1,500,000.00	7,201.71	6,976.66
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.4400	1,807,549.20	1,800,000.00	19,584.00	8,316.49
FRN SUBTOTALS								7,432,797.80	7,400,000.00	62,933.07	35,134.96



Asset Type: BOND

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
NAB	AA-	BOND	WATER	Semi-Annual	25/02/2022	25/02/2027	2.9000	436,684.95	450,000.00	5,684.79	1,108.36
NAB	AA-	BOND	SEWER	Semi-Annual	25/02/2022	25/02/2027	2.9000	436,684.95	450,000.00	5,684.79	1,108.36
Royal Bank of Canada	AAA	BOND	WATER	Semi-Annual	13/07/2022	13/07/2027	4.5000	1,000,613.00	1,000,000.00	2,342.47	2,342.47
BOND SUBTOTALS								1,873,982.90	1,900,000.00	13,712.05	4,559.18

**Portfolio by Asset Totals** as at 31/01/2025

Type	Capital Value (\$)	Face Value (\$)	Accrued (\$)	Accrued MTD (\$)
CASH	18,524,968.91	18,524,968.91	73,569.60	73,569.60
TD	218,290,000.00	218,290,000.00	3,873,751.67	787,375.61
FRN	7,432,797.80	7,400,000.00	62,933.07	35,134.96
BOND	1,873,982.90	1,900,000.00	13,712.05	4,559.18
TOTALS	246,121,749.61	246,114,968.91	4,023,966.39	900,639.35



Counterparty Compliance as at 31/01/2025

Long Term Investments

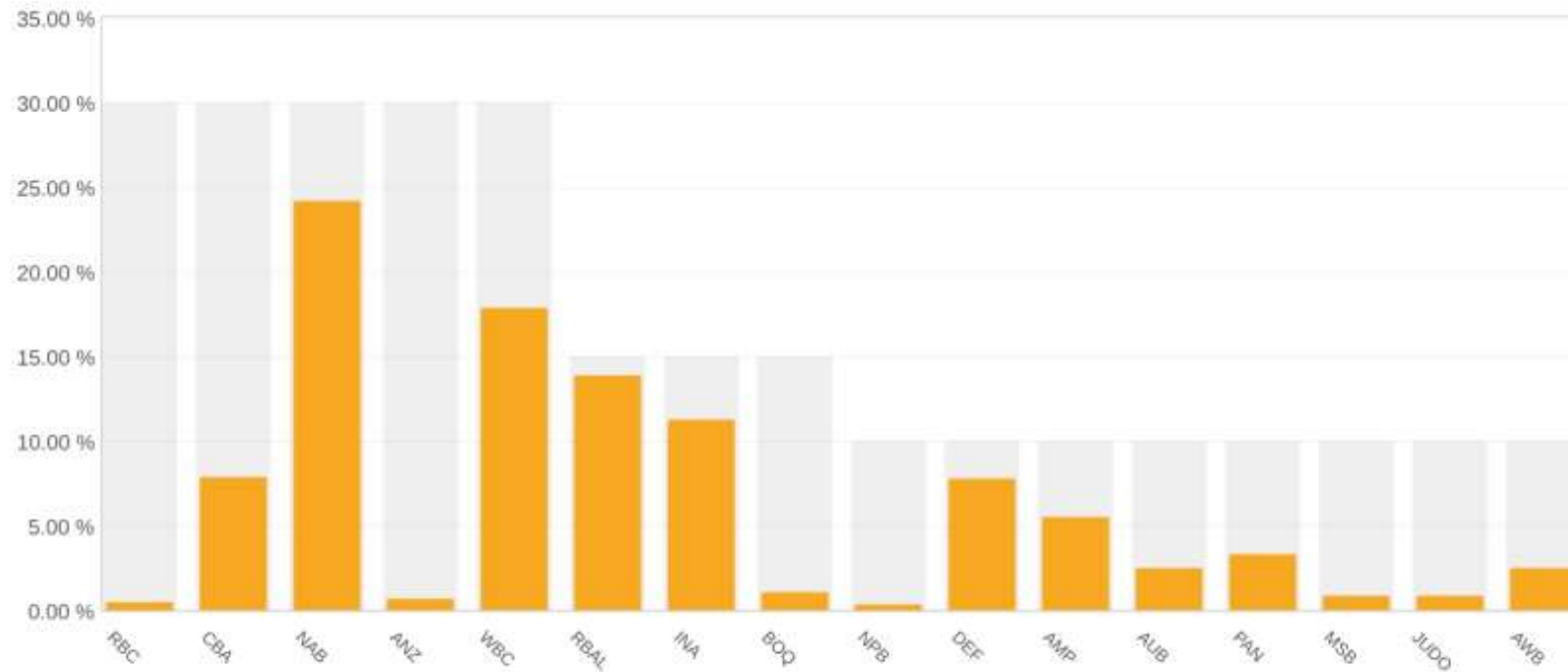
Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	Royal Bank of Canada	Long	AA-	1,000,613.00	0.41	30.00	-	72,835,911.88
✓	Commonwealth Bank	Long	AA-	19,224,968.91	7.81	30.00	-	54,611,555.97
✓	NAB	Long	AA-	59,373,369.90	24.12	30.00	-	14,463,154.98
✓	ANZ Bank	Long	AA-	1,515,540.00	0.62	30.00	-	72,320,984.88
✓	Westpac	Long	AA-	43,840,000.00	17.81	30.00	-	29,996,524.88
✓	Rabobank Australia Limited	Long	A	34,000,000.00	13.81	15.00	-	2,918,262.44
✓	ING Bank (Australia) Ltd	Long	A	27,557,549.20	11.20	15.00	-	9,360,713.24
✓	BOQ	Long	A-	2,500,000.00	1.02	15.00	-	34,418,262.44
✓	Newcastle Permanent	Long	BBB+	699,651.40	0.28	10.00	-	23,912,523.56
✓	Defence Bank	Long	BBB+	19,000,000.00	7.72	10.00	-	5,612,174.96
✓	AMP Bank	Long	BBB+	13,410,057.20	5.45	10.00	-	11,202,117.76
✓	Australian Unity Bank	Long	BBB+	6,000,000.00	2.44	10.00	-	18,612,174.96
✓	P&N Bank	Long	BBB+	8,000,000.00	3.25	10.00	-	16,612,174.96
✓	MyState Bank	Long	BBB	2,000,000.00	0.81	10.00	-	22,612,174.96



Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	JUDO	Long	BBB	2,000,000.00	0.81	10.00	-	22,612,174.96
✓	Auswide Bank	Long	BBB	6,000,000.00	2.44	10.00	-	18,612,174.96
TOTALS				246,121,749.61	100.00			



Counterparty Compliance - Long Term Investments



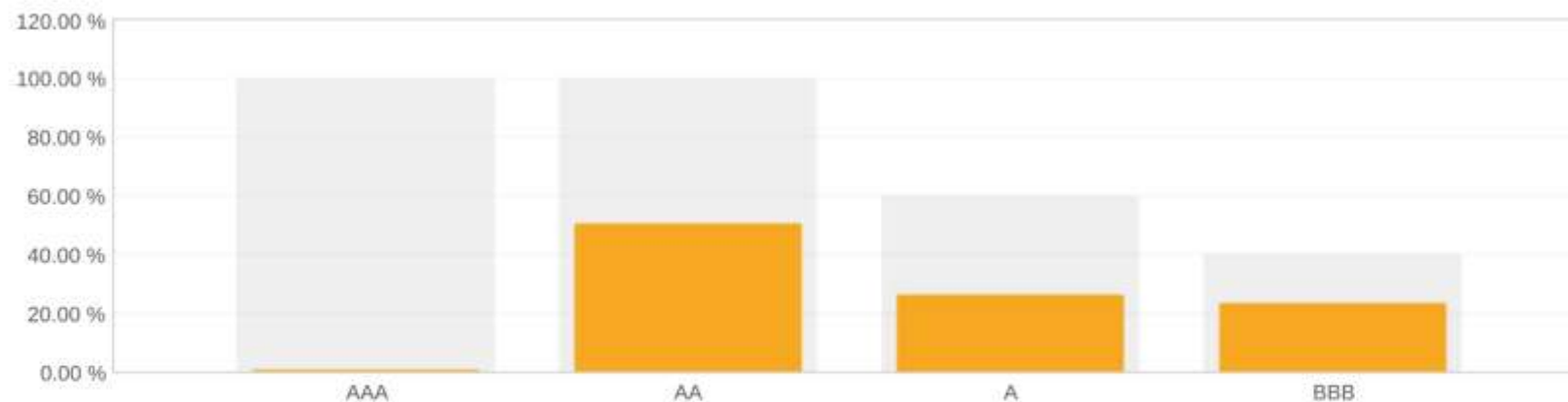


Credit Quality Compliance as at 31/01/2025

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	1,000,613.00	0.41	100.00	245,121,136.61
✓	AA	123,953,878.81	50.36	100.00	122,167,870.80
✓	A	64,057,549.20	26.03	60.00	83,615,500.57
✓	BBB	57,109,708.60	23.20	40.00	41,338,991.24
TOTALS		246,121,749.61	100.00		

Credit Quality Compliance - Long Term Investments

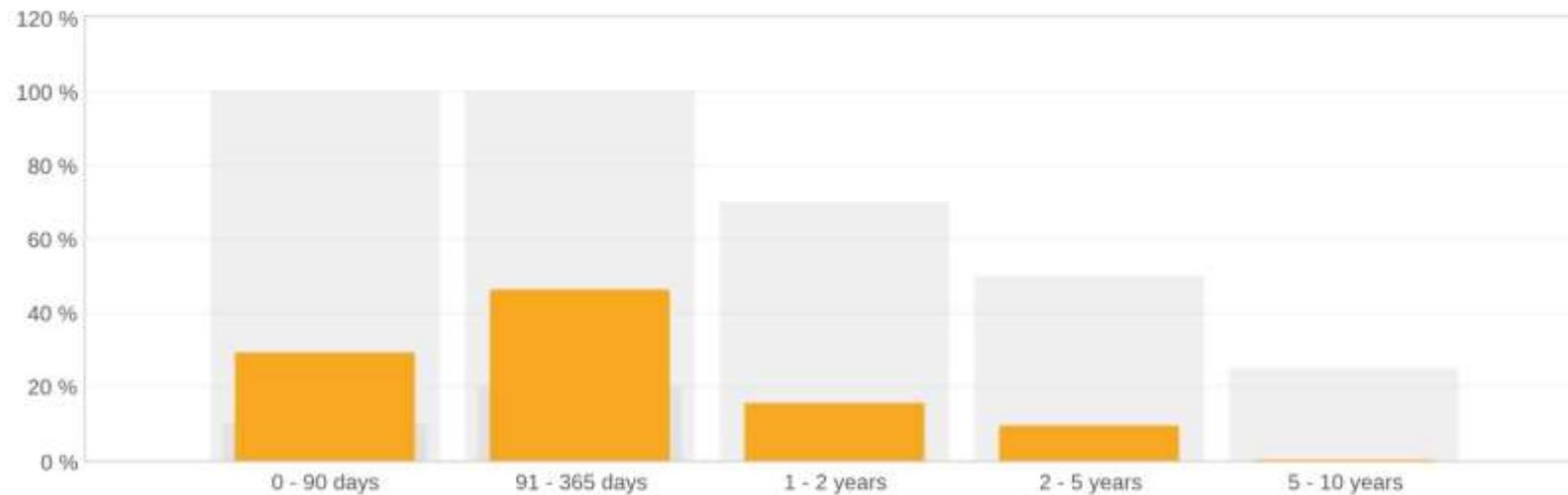




Maturity Compliance as at 31/01/2025

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	71,674,620.31	29.12	10.00	100.00	174,447,129.30
✓	91 - 365 days	113,500,000.00	46.12	20.00	100.00	132,621,749.61
✓	1 - 2 years	38,000,000.00	15.44	0.00	70.00	134,285,224.73
✓	2 - 5 years	22,947,129.30	9.32	0.00	50.00	100,113,745.51
✓	5 - 10 years	-	0.00	0.00	25.00	61,530,437.40
TOTALS		246,121,749.61	100.00			

Maturity Compliance



5.6 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2025/88

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 the following policies which have been reviewed and are recommended for adoption/deletion:

- ST120 - Smoke Free Zone (delete)
- ST06 - Statement of Business Ethics
- ST09 - Gifts & Benefits
- ST11 - Public Interest Disclosures
- ST15 - Risk Management
- ST16 - Access to Information held by Council
- ST22 - Vandalism Reporting Scheme
- ST33 - Liquid Trade Waste

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

- 1 To delete Strategic Policy - ST120 - Smoke Free Zones**
- 2 To adopt Strategic Policy - ST06 - Statement of Business Ethics**
- 3 To adopt Strategic Policy - ST09 - Gifts & Benefits**
- 4 To adopt Strategic Policy - ST11 - Public Interest Disclosures**
- 5 To adopt Strategic Policy - ST15 - Risk Management**
- 6 To adopt Strategic Policy - ST16 - Access to Information held by Council**
- 7 To adopt Strategic Policy - ST22 - Vandalism Reporting Scheme**
- 8 To adopt Strategic Policy - ST33 - Liquid Trade Waste**

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**Policy Deletion****ST120 – Smoke Free Zones**

This policy has not been updated since 2011 and is now out of date.

Smoking and smoke free zones have not been well enforced in the city. It is difficult to enforce with limited powers for staff to request a person for their details.

Butt pollution is a separate matter and could be dealt with through a Pollution Regulatory & Investigation Policy.

The health matters of smoking in public spaces needs a major review due to changes with community behaviour including the increase in vaping that is not considered in this policy.

A future new Policy is required and it is recommended that until such time as a new policy is finalise that ST120 – Smoke Free Zones be deleted.

Policy Adoption

The following policies have been reviewed with no updates (besides formatting) from their last recent adoption. It is recommended that these policies be adopted without the need for a further public exhibition period.

ST06 – Statement of Business Ethics

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 7 February 2023

ST09 – Gifts & Benefits

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 7 February 2023

ST11 – Public Interest Disclosures

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 21 November 2023

ST15 – Risk Management

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 16 May 2023

ST16 – Access to Information held by Council

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 7 February 2023

ST22 – Vandalism Reporting Scheme

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 19 March 2024

ST33 – Liquid Trade Waste

Reference	Update
General	<ul style="list-style-type: none"> • Formatting update only • Last Adoption 19 December 2023

ATTACHMENTS

- 1 FOR DELETION - Strategic Policy - ST120 - Smoke Free Zones, D25/11891[↓](#)
- 2 FOR ADOPTION - Strategic Policy - ST06 - Statement of Business Ethics, D25/11890[↓](#)
- 3 FOR ADOPTION - Strategic Policy - ST09 - Gifts & Benefits, D25/11893[↓](#)
- 4 FOR ADOPTION - Strategic Policy - ST11 - Public Interest Disclosures & Internal Reporting, D25/11895[↓](#)
- 5 FOR ADOPTION - Strategic Policy - ST15 - Risk Management, D25/11897[↓](#)
- 6 FOR ADOPTION - Strategic Policy - ST16 - Access to Information held by Council, D25/11899[↓](#)
- 7 FOR ADOPTION - Strategic Policy - ST22 - Vandalism Reporting Scheme, D25/11901[↓](#)
- 8 FOR ADOPTION - Strategic Policy - ST33 - Liquid Trade Waste, D25/11902[↓](#)

STRATEGIC 2011

All policies can be reviewed or revoked by a resolution of Council, at anytime.
This document is scheduled for review in September 2012



POLICY TITLE Smoke Free Zones

CATEGORY

ST120

112/212/25/7

OBJECTIVE

The objectives of Orange City Council in banning smoking in various Council areas are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned waterways, parks and other open space areas.

APPLICABILITY

This policy applies to any place within the local government area of Orange City Council, in respect of which Council is the owner or occupier public areas as identified within this policy.

GENERAL

The following Council open space areas will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 (ten) metres of all children's playgrounds;
- At all Council playing fields, sporting grounds and at outdoor sporting facilities (including grandstands but excluding carparks servicing the designated sporting facility);
- The entrances of major shopping centres within the Central Business District (CBD);
- Bus stops within the CBD;
- All entrances to the Orange Base Hospital precinct;
- Within the Orange Aquatic Centre; and
- In Post Office Lane

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and the wording:

"WARNING: Heavy Penalty. Regulated under s632 NSW Local Government Act 1993."

PROCEDURE

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in "public places" within the local government area of Orange City Council prohibiting smoking;
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice;
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice;

STRATEGIC 2011

All policies can be reviewed or revoked by a resolution of Council, at anytime.
This document is scheduled for review in September 2012



- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice; and
- Otherwise prohibit smoking in, as a condition of entry to that place.

LEASES AND HIRE OF COUNCIL BUILDINGS

Council buildings that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

ENFORCEMENT OF BAN

In implementing Council's Smoke-free Policy a program of community education and awareness is to be undertaken. Enforcement of this Policy will supported by persuasion and self-policing, rather than punitive enforcement.

Responsible Area – Development Services

		REVISION			
	DATE	RESOLUTION		DATE	RESOLUTION
1	July 2010	10/388	2	January 2011	11/

FOR DELETION



Strategic Policy – ST06

Statement of Business Ethics

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST06

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FOR ADOPTION



STRATEGIC POLICY – ST06

1 OVERVIEW

- 1.1 This policy provides guidance regarding the standards of ethical behaviour that organisations, service providers, small businesses and individuals can expect from Councillors and members of staff and that are expected of them, in their dealings with Council.
- 1.2 It outlines the ethical standards and business principles that are expected to be complied with to ensure integrity and professionalism and meet mutual expectations of the relationship.

2 APPLICABILITY

- 2.1 This policy applies to all Councillors, Council employees, volunteers, tenderers, consultants, suppliers and contractors.
- 2.2 If you engage subcontractor(s) in your work for Council, you must make your subcontractor(s) aware of this policy and ensure they comply with this policy.

3 REFERENCE TO THE CODE OF CONDUCT

- 3.1 Council's Code of Conduct sets the requirements of conduct for Council officials in carrying out their functions. It reflects Council's determination to support the highest level of community confidence in the integrity of Council.
- 3.2 The Code of Conduct has been developed to assist Council officials to:
 - Understand 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 – Local Government Act (NSW) 1993); and
 - Act in a way that enhances public confidence in the integrity of local government.

4 COUNCIL'S CORPORATE VALUES

- 4.1 Council's corporate values are the guiding principles on which Council bases its beliefs and behaviour. They underpin all that Council does as an organisation.

Respect

Honest and respectful towards others and works as part of a team.

Ownership

Takes responsibility for actions.

High Performance

Pursues performance excellence and continually looks for improvement.

Customer Focus

Demonstrates a customer focused approach towards internal and external customers.

Safety

Works safely, in accordance with Council's Work Health and Safety policy and procedures.

Diversity

Champion a diverse and inclusive workforce.

Leadership

Council encourages all its employees to lead by example and role model our values. Leaders also need to ensure they provide constructive feedback and encourage high performance by coaching, developing, recognising and managing people effectively.

5 KEY BUSINESS PRINCIPLES

Commitment to (Local) Business

- 5.1 Council recognises the importance of their local (small) business sector as a vital community and economy contributor.
- 5.2 Council values local (small) businesses as an important stakeholder in community consultation and will undertake regular and targeted consultation with the small business sector.
- 5.3 Council acknowledges that a 'one-size-fits-all' approach will not meet the needs of all small businesses.



STRATEGIC POLICY – ST06

- 5.4 Council actively engages where appropriate with State-based businesses on matters affecting the local economy
- 5.5 Council strives to ensure that strategic and day-to-day decision making is based on the consideration of the needs and potential impacts of all stakeholders including small businesses.
- 5.6 Council supports education, networking and other development opportunities for the local business community.

Value for Money

- 5.7 The principle of best value for money is central to Council's business relationship with private sector suppliers of goods and services. Decisions based on price alone are not necessarily representative of best value for money.
- 5.8 Best value requires an assessment of whole of life cycle costs including factors such as initial cost, quality suitability, reliability, ongoing costs, legal compliance, timelessness, environmental sustainability in order to determine the true value for money.
- 5.9 An important element in obtaining the best value of money also includes ensuring Council's business dealings are impartial, honest, ethical, fair and consistent.

Transparency

- 5.10 Transparency means visible and verifiable confirmation of the integrity of the purchasing process and compliance with the relevant legislation and adopted Council procedures.
- 5.11 Council's business decision will be transparent with decisions based upon merit and in accordance with Council's policies and procedures. Under the Government Information (Public Access) Act, there is a presumption to provide access to government information unless there is an overriding public interest against disclosure.
- 5.12 Impartiality means the purchasing process must be undertaken in a fair, objective consistent and business-like manner leading

to improve performance and cost effective business processes and procedures for Council. Council strives to be impartial by ensuring its processes are appropriate.

- 5.13 Tenders will not be called unless Council has a firm intention to proceed to contract. All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids. All procurement activities will be clearly documented to allow for effective performance review.

Openness and Accountability

- 5.14 Council is committed to the purchase of goods, equipment and services in accordance with Council's Purchasing policies and legislation and be able to account for all decisions and provide feedback on these decisions.
- 5.15 Where all other factors are equal, Council may give preference to Australian made products and/or goods and services from local businesses.

6 WHAT CAN YOU EXPECT FROM COUNCIL?

- 6.1 Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and the highest standards of ethical conduct.
- 6.2 Staff are bound by Council's Code of Conduct. When doing business with external parties Council staff are accountable for their actions and are expected to:
 - Act with integrity
 - Use public resources effectively and efficiently
 - Deal fairly, honestly and ethically with all individuals and organisations
 - Avoid actual, potential or perceived personal or professional conflicts of interest



STRATEGIC POLICY – ST06

- Treat all potential suppliers impartially and fairly
- Make decisions solely on merit
- Give reasons for decisions (where appropriate)
- Not call tenders unless there is a firm intention to proceed to contract
- Respect confidentiality of commercial information and privacy of individuals
- Respect and follow Council's policies and procedures
- Promote open competition while seeking best value for money
- Meet or exceed public interest and accountability standards
- Never solicit or accept remuneration, gifts or other benefits from a supplier for the discharge of official duties
- Respond promptly to reasonable requests for advice and information.
- Prevent actual, potential or perceived conflicts of interest and declare these as soon as possible if they occur.
- Respect confidentiality of commercial and Council information, and privacy of individuals.
- Obtain Council's consent before discussing Council business in the media.
- Ensure that environmental sustainability is a key element of your business practice.
- Provide working conditions for your employees that comply with industrial relations laws and regulations.
- Ensure that you do not lobby or seek to influence Council Officers or Councillors while business proposals or tenders are being considered.
- Advise the General Manager if you believe any person has breached the law, this Statement of Business Ethics or Council's other policies and procedures.

7 WHAT COUNCIL EXPECTS FROM YOU

7.1 Council requires all external parties to observe the following principles when conducting business with Council:

- Act ethically, fairly and honestly in all dealings with Council.
- Abstain from collusive practices.
- Comply with the law including legislation and regulations, and relevant Council documentation, policies and procedures including the Code of Conduct, Purchasing Policy, and Equal Employment Opportunity Management Plan.
- Respect the obligation of Council staff to abide by Council policies.
- Not offer Council employees or Councillors or other Council delegates any financial or other inducements, gifts or benefits.
- Provide accurate and reliable information and advice when required.

8 INTERACTION WITH COUNCIL OFFICERS

8.1 Any interaction between suppliers and Council Officers must comply with the following requirements:

- Meetings are to be by appointment only, unannounced visits to Council sites are not allowed.
- Meetings are to occur only in the designated public areas of Council buildings, not in workplaces, staff lunchrooms or operational areas of work sites.
- Meetings with suppliers are to be attended by more than one Council Officer.



STRATEGIC POLICY – ST06

- Businesses wishing to demonstrate a new product or service should provide details to Council's email address, council@orange.nsw.gov.au for referral to the Purchasing Officer and other appropriate staff.

9 WHY IS COMPLIANCE IMPORTANT?

- 9.1 By complying with Council's Statement of Business Ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.
- 9.2 Complying with Council's stated principles will also prepare your business for dealing with the ethical requirements of other public-sector agencies, should you choose to do business with them.
- 9.3 Ethical practice makes good business sense.

10 NON-COMPLIANCE

- 10.1 You should be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. If you engage in corrupt conduct, such as trying to influence the outcome of a tender, Council takes it very seriously.
- 10.2 Non-compliance with the requirements of the Statement of Business Ethics resulting in demonstrated corrupt or unethical conduct could lead to:
- Termination of contract
 - Loss of future work or opportunities
 - Loss of reputation
 - Investigation for corruption
 - Referral to external agency for investigation of criminal activity
 - Disqualification of tender
- 10.3 If an apparent breach of any agreed standard of ethical conduct is identified, the matter should immediately be brought to the attention of Council's Chief Executive Officer.

11 ADDITIONAL REQUIREMENTS

Conflicts of Interest

- 11.1 All Council staff are required to disclose any conflicts of interests. Council extends this requirement to all our business partners, contractors and suppliers. Should a conflict of interests arise or be recognised by you in your dealing with Council you must notify and declare this conflict of interests to Council in writing.
- 11.2 A conflict of interests occurs when a public official is in a position to be influenced, or appears to be influenced, by their private interests when doing their job. A conflict of interests can involve avoiding personal disadvantage as well as gaining personal advantage. A private interest may include social and professional activities, and interests with individuals or groups, including family and friends, as well as financial interests. There are different types of conflict of interest:
- **Actual conflict of interests:** A public official is in a position to be influenced by their private interest when doing their job.
 - **Perceived conflict of interests:** A public official is in a position to appear to be influenced by their private interests when doing their job.
 - **Potential conflict of interests:** A public official is in a position where they may be influenced in the future by their private interests when doing their job.
 - **A pecuniary interest** involves a situation where there is the potential to gain or lose financially from a public position, for example from owning property, having unpaid debts to others, or receiving hospitality or travel.



STRATEGIC POLICY – ST06

- **A non-pecuniary interest** does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence a public official's judgement or decisions, even though there is no financial benefit to them.

Confidentiality and Personal Information

- 11.3 You must take care to maintain the security of any confidential or personal information you become aware of in your work with Council.
- 11.4 You must abide by the privacy legislation governing the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with Council.
- 11.5 No one should access, use or remove from Council premises any information or personal information, unless they need it for their work purposes and have authorisation to use or disclose the information.
- 11.6 Any breach of the security, or misuse, of Council's confidential or personal information must be reported to the Manager Corporate Governance (Privacy Officer).

Communication between Parties

- 11.7 All communication should be clear, direct and made through the appropriate channels (i.e. accountable). This will minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Council Equipment, Resources & Information

- 11.8 All Council equipment, resources and information should only be used for its proper official purpose.

- 11.9 Contractors, subcontractors, suppliers and business associates may only use Council resources and equipment if it is in accordance with specific conditions of a formal contract. Council resources include material, equipment, vehicles, documents, records, data and information.

Intellectual Property Rights

- 11.10 In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access license or use of intellectual property.

Gifts & Benefits

- 11.11 In accordance with Council's code of Conduct, Council staff do not accept any gifts from its suppliers to avoid creating a sense of obligation to offer repeat business. Failure to comply with this requirement may result in Council ceasing to do business with the supplier.
- 11.12 Council maintains a Gifts and Benefits Register which tracks and monitors all declared offers of gifts and benefits and is made publicly available on request.
- 11.13 Please refer to Council's Code of Conduct and Council's website for further information.

Employment of Council Staff/Secondary Employment

- 11.14 All suppliers and contractors who deal with Council are not permitted to offer Council staff outside employment or business proposals of any kind.
- 11.15 Council staff have a duty to maintain public trust and confidence, and not use commercially sensitive information to facilitate future employment opportunities in the private sector.



STRATEGIC POLICY – ST06

11.16 Under Council's Code of Conduct, all staff are required to seek approval from the Chief Executive Officer prior to undertaking secondary employment. Approval will not be given if the secondary employment is likely to result in unmanageable conflict or the appearance of conflict with their Council duties.

Canvassing Support

11.17 During a tender process, any prospective supplier or contractor shall not directly or indirectly discuss their tender bid with a Councillor, or canvass support from an employee of Council, at any time. Any supplier or contractor involved in such activity will result in their tender being rejected.

Alcohol & Drugs

11.18 No contractor, subcontractor, supplier or business associate should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others.

Contractors & Sub-Contracting

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

Public Comment

11.20 You must not make any public comment or statement that would lead anyone to believe that you are expressing the views or policies of Council. This includes comments or statements made at public meetings, via the media, or when it is reasonably foreseeable that the comments, or statements, will become known to the public at large.

12 REPORTING UNETHICAL BEHAVIOUR

12.1 Council is committed to promoting ethical behaviour.

12.2 Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to the Council's Chief Executive Officer.

12.3 Public Officials (Councillors and Council Officers) reporting corrupt conduct, maladministration or waste can be protected by the [Public Interest Disclosures Act 1994](#) (PID Act). This Act protects public officials who are disclosing corrupt conduct from reprisal or detrimental action and ensures disclosures are properly investigated. Council's Public Interest Disclosures and Internal Reporting Policy provides information on when and how to make a disclosure.

12.4 Please be aware that if wrongdoing is reported to the Chief Executive Officer under the PID Act, the Chief Executive must refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

12.5 External reports may also be made to:

- The Independent Commission Against Corruption (ICAC) 02 8281 5999
- NSW Ombudsman 02 9286 1000
- NSW Office of Local Government 02 4428 4100



STRATEGIC POLICY – ST06

13 MORE INFORMATION

- 13.1 If you have questions or comments concerning this Statement of Business Ethics, or have information on suspected corruption, maladministration or serious waste of funds, please contact Council's Chief Executive Officer's office by letter, phone or email (details below).
- 13.2 If you would like a copy of Council's Code of Conduct, or any other relevant policy or procedure, please visit Council's website at www.orange.nsw.gov.au or contact Council's Manager Corporate Governance (and Public Officer):
- Orange City Council
PO Box 35
Orange NSW 2800
P: 02 6393 8000
E: council@orange.nsw.gov.au

All policies can be reviewed or revoked by Council at any time.

ST06 - Strategic Policy – Statement of Business Ethics

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: February 2025
Approved By:	Minute Number:	Approval Date:



Strategic Policy – ST09

Gifts & Benefits

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST09

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FOR ADOPTION



STRATEGIC POLICY – ST09

1 OVERVIEW

Purpose

The Purpose of this policy is to:

- 1.1 Ensure Council's requirements and outline the conduct expected of all Councillors, employees, contractors, volunteers, Committee members (referred to as Council Officers) in relation to gifts and benefits.
- 1.2 Ensure that all Council Officers are not compromised or perceived to be compromised in the performance of their duties through innocently or in good faith accepting gifts or benefits.
- 1.3 Ensure that contractors and suppliers of goods and services to Council are made aware that Council's preferred position is gifts and benefits not be offered to Council Officers.
- 1.4 Outline the management of political donations and gifts.

Applicability

- 1.5 This policy applies to Councillors, employees, contractors, volunteers, Committee members and other delegates (referred to in this policy and procedure as Council Officers). The policy applies to the offer of gifts to individual Council Officers and to Council services.
- 1.6 This policy does not apply to the private giving of gifts between staff.
- 1.7 Political Donations and Gifts apply to relevant planning applications as outlined in part 6.

2 INTRODUCTION

Summary of Provisions

- 2.1 All offers of gifts and benefits must be declared, whether or not they are accepted.
- 2.2 Approval must be obtained in order to keep any gift or benefit.
- 2.3 Acceptance of any gift or benefit intended to influence the duty of a Council Officer is prohibited.

- 2.4 Any Council Officer who is offered a bribe must refuse to accept the offer and immediately report the incident in accordance with the procedure.
- 2.5 **Accepting gifts of money or gift cards is strictly prohibited in all circumstances.**
- 2.6 The collection of private reward points or benefits arising from a Council related transaction is strictly prohibited (eg using a rewards card while paying with a corporate card or petty cash).
- 2.7 Acceptance of gifts of gratitude or gifts of appreciation of nominal value are generally permitted.
- 2.8 Non-compliance with this policy may result in disciplinary action for Council Officers.
- 2.9 Contractors or suppliers deliberately acting outside of this Policy will not be used by Orange City Council.
- 2.10 Council will manage political donations in accordance with the Environmental Planning and Assessment Act 1978, in accordance with part 6.

3 GENERAL

- 3.1 Councillors, employees, contractors, volunteers, committee members and other delegates (commonly referred to in this policy as Council Officers) shall not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (of other than of nominal value, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status with Council.
- 3.2 **Offers of money or gift cards must never be accepted.**
- 3.3 If any gift, reward or benefit is offered (whether it is accepted or not) this must be disclosed using the Gifts and Benefits Declaration or Council's on-line Gifts & Benefits declaration. This applies to a gift that is offered to an individual Council



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Officer, group of Council Officers or a Council service.

- 3.4 Council Officers must not solicit gifts/benefits, nor accept gifts/benefits of more than nominal value.
- 3.5 For the purposes of this procedure, a gift or benefit of nominal value is defined as one not exceeding a value of \$50.
- 3.6 Council Officers must not seek or accept a bribe or other improper inducement. A bribe is a gift or benefit offered to or solicited by a Council Officer to influence that officer to act (or fail to act) in a particular way. Council Officers must never solicit a gift or benefit under any circumstances.
- 3.7 Council will maintain a Gifts and Benefits Register of all gifts/benefits offered to all Council Officers or services whether or not the gift or benefit is accepted. This Register is available for public inspection.
- 3.8 Any Council Officer who is offered a bribe must refuse to accept the offer and immediately report the incident to their supervisor, or the Mayor in the case of Councillors.
- 3.9 Should a Council Officer become aware that another Council Officer is offered a gift of money or other gift or benefit, which he or she believes is meant to be a bribe, the person must immediately notify the Manager Corporate Governance, relevant Divisional Director or Chief Executive Officer, or the Mayor in the case of Councillors.
- 3.10 The collection of private loyalty program/frequent flyer or any rewards or benefits from a Council-related transaction is strictly prohibited. Staff should avoid using their own credit/debit cards for Council transactions.

4 PROCEDURE

- 4.1 It is Council's preferred position that gifts and benefits are not offered to Council Officers.
- 4.2 Council's Purchasing staff, and any positions as determined by the Chief Executive Officer, are prohibited from accepting any gift or benefit under any circumstances.
- 4.3 Gifts and benefits should be actively discouraged by Council Officers.
- 4.4 People doing business with Council should understand that they do not need to give gifts or benefits to Council Officers to get high quality service or be awarded work.
- 4.5 It is acknowledged that, in certain circumstances, Council Officers may offend a third party by not accepting a gift or benefit. In these circumstances, the following guidelines will apply:
 - a) the common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that person to act contrary to the rules of honesty and integrity.
 - b) any Council Officer offered a bribe should immediately report to their supervisor or the Mayor (in case of Councillors). Council must then refer the matter to the Independent Commission Against Corruption and the Police.
 - c) All offers of gifts or benefits (whether or not they are accepted) must be declared using the declaration and noted on a publicly available gifts register against the name of the person or the service to whom the offer was made.



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- d) Gifts of a nominal value (for the purposes of this policy, a nominal value is deemed to have a value of less than \$50) may be accepted on approval of Chief Executive Officer or Mayor (in the case of Councillors). The gift declaration at appendix 1 should be completed and forwarded to the Manager Corporate Governance (for employees and other Council Officers such as Volunteers) or the Mayor (for Councillors). Gifts may also be declared via the on-line form.
- e) **No more than one nominal gift may be accepted from the same source in any 12 month period.**
- f) An annual report will be prepared detailing all offers of gifts and benefits, presented to Council in relation to Councillors, and to the Chief Executive Officer in relation to employees.
- 4.6 Examples of items of nominal value include:
- inexpensive pens and pencils or notepads
 - key rings, diaries, mouse pads
 - inexpensive marketing trinkets or corporate mementos
 - gifts of single bottles or reasonably priced alcohol at end of year functions, public occasions or in recognition of work done
 - a gift of a reasonably priced box of chocolates or other confectionary
- 4.7 Examples of gifts of more than nominal value:
- clothes
 - tickets to sporting events or other entertainment
 - sports team sponsorship by a supplier
 - accepting hospitality at corporate sponsored sporting events such as golf days, even when Council is a sponsor of the event (this is separate to meals and refreshments provided in conjunctions with undertaking council official duties)
 - discounted products for personal use
 - use of facilities such as gyms and holiday homes
 - free or discounted travel
 - free "training excursions"
 - obtaining of 'flybuys' or other rewards points and frequent flyer points as a consequence of Council transactions
- 4.8 Examples of benefits of more than nominal value:
- access to a private spectator box at a sporting venue, even when Council is a sponsor of the event
 - a new job or a promotion
 - preferential treatment such as queue jumping, upgrades or increased volume of products
 - access to confidential information
 - meals or hospitality of other than "nominal" value etc
- 4.9 Lucky door prizes must be declared through the Gifts and Benefits Declaration and are generally acceptable on approval.
- 4.10 If refusal of a gift or benefit is ignored, or for other reasons a gift of more than nominal value cannot reasonably be returned, the gift is to be regarded as the property of the Council. Such gifts or benefits should be handed to the Manager Corporate Governance for recommendation to the Chief Executive Officer, and a Gifts and Benefits Declaration completed.
- 4.11 Gifts which have been handed in will be disposed of by the Manager Corporate Governance in one of the following methods:
- shared amongst Councillors or employees,
 - retained and used as part of Council's operations,
 - returned to the giver,



STRATEGIC POLICY – ST09

- d) donated to a local charity (where possible this will occur as a bulk donation at the end of each 6 month period).
- 4.12 Many community groups invite the Mayor (or delegate) and partner to events held by the community organisation. Such events include annual changeover dinners and/or special events where the Mayor (or the Mayor's delegate) is called upon to act in an official capacity. It is considered that the Mayor (or delegate) is properly fulfilling a community expectation that the community's elected leader (and partner) should be in attendance at these functions. Participation in such events is not considered a gift and benefit.
- 4.13 Free or subsidised meals, beverages or refreshments provided to Council officials in conjunction with the performance of their official duties include, but are not limited to:
- the discussion of official business
 - work-related events such as council-sponsored or community events, training, education sessions or workshops
 - conferences
 - council functions or events
 - social functions organised by groups, such as council committees and community organisations.
- 4.14 Hospitality of any value should be refused except where the hospitality is considered a necessary part of Council business.
- 4.15 The Gifts and Benefits Register maintained by the Governance section, will contain the following information:
- date, time and place of the offer
 - name of person to whom gift or benefit was offered
 - name of person and organisation who offered gift or benefit and contact details
 - details of the gift or benefit
 - response to the offer
- 4.16 Any questions about gifts or benefits should be directed to the Mayor (for Councillors) or Manager Corporate Governance (for other Council Officers such as volunteers and community committee members).
- ### 5 CHILDREN'S SERVICES - FESTIVE GIFTS
- 5.1 Children's Services often receive a number of gifts from families during the festive season. To ensure that each transaction is recorded appropriately and in the most efficient way, a form has been created to lodge bulk gifts and benefits declarations.
- 5.2 While Council understands families wish to thank educators, Council's position and preference is to not accept any gift or benefit. The procedure and requirements of the policy should be adhered to at all times, however completion of the Children's Services Festive Gifts form during these busy periods should be used in lieu of the general gifts and benefits application.
- ### 6 POLITICAL DONATIONS
- 6.1 The Environmental Planning and Assessment Act 1979, s10.4, requires the public disclosure of donations or gifts when lodging or commenting on development proposals. This law is designed to improve the transparency of the planning system.
- 6.2 The laws set out disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of:
- various types of development proposals
 - requests to initiate environmental planning instruments or development control plans.



STRATEGIC POLICY – ST09

6.3 These disclosure requirements apply at the time of lodgement to Councils or the NSW Government. It is the responsibility of the applicant to ensure they have met the requirements specified under the Act.

6.4 Disclosure requirements also apply to individuals or entities lodging submissions in objection or support to these types of proposals.

7 BREACHES

7.1 Council Officers found to be in breach of the Gifts and Benefits Policy and Procedure will be subject to relevant disciplinary processes, as set out in the Code of Conduct.

7.2 Suppliers of goods or services to Council found to be in breach of this Gifts and Benefits Policy and Procedure may receive a warning for non-compliance, or, if the breach is considered by the Chief Executive Officer to be serious, may be banned from use by Orange City Council Officers. The Chief Executive Officer will determine if a warning is provided, or immediate banning will be implemented.

7.3 Non-disclosure of Political Donations and Gifts may be subject to a breach in accordance with the Environmental Planning & Assessment Act 1979.

8 DEFINITIONS

Benefit	A non-tangible item of value that one person or organisation confers on another, such as preferential treatment, hospitality, privileged access or favours in relation to work activities.
Bribe	A gift, hospitality or benefit offered to or solicited by a public official to influence that person to act in a particular way
Cash-Like Gift	A cash-like gifts includes, but is not limited to, gift vouchers, lottery tickets, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, membership or entitlements to discounts
Council Officer/Official	Includes all Councillors, employees, contractors, volunteers, Committee members and other Council delegates
Cumulative Gift	Repeated offers of token gifts from the same source which can cumulatively amount to more than token value
Corruption	The abuse of public office for private or personal advantage
Gift	An item of value which one person or organisation presents to another
Gift Register	An official record that details gifts and benefits received by Council Officers and how they are managed.
Nominal Value	Goods or services that have a nominal value (ie less than \$50).

All policies can be reviewed or revoked by Council at any time.

ST09 - Strategic Policy – Gifts & Benefits

Amendments:

- General formatting update

Review Due: November 2028

Version V1_25

Last Revision: February 2025

Approved By:

Minute Number:

Approval Date:



**ORANGE
CITY COUNCIL**

Orange City Council
 Windum Country
 115 Ryng Street, PO Box 33
 Orange NSW 2800
 P: 02 6335 8000
 E: council@orange.nsw.gov.au
 www.orange.nsw.gov.au

Gift and Benefit

DECLARATION FORM

This declaration is to be completed by a Councillor or staff member who has been offered, or given, a gift or benefit. All details should be disclosed. Please forward the completed declaration to the Governance team for assessment and referral to the Chief Executive Officer if required.

OCCURRENCE DETAILS

Name of gift/benefit recipient

Name of person offering gift/benefit

Organisation

Date offered

Time offered

Place

RESPONSE TO OFFER

☐ Gift/benefit accepted
 ☐ Gift/benefit declined
 ☐ Gift/benefit handed into Manager Corporate Governance/Governance Coordinator for disposal

GIFT/BENEFIT DETAILS

Gift/benefit description

Estimated value
 \$

Has this person or organisation offered you a gift in the past? ☐ Yes ☐ No

If yes - please provide details of gift, when offered, action taken.

DECLARATION

Date

Name

Signature

GOVERNANCE APPROVAL

Date

Name

Signature

Comment

APPROVED BY CEO

Date

Name

Signature

ENTERED INTO REGISTER

Date

Name

GIFT AND BENEFIT DECLARATION FORM | Updated November 10, 2022
page 1 of 1



Orange City Council
 Wiradjuri Country
 135 Byng Street, PO Box 35
 Orange NSW, 2800
 P: 02 6393 8000
 E: council@orange.nsw.gov.au
 www.orange.nsw.gov.au

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GIFT/BENEFIT DETAILS

Gift/benefit description

Estimated value

Has this person or organisation offered you a gift in the past? ☐ Yes ☐ No

If yes – please provide details of gift, when offered, action taken.

DECLARATION

Date

Name:

Signature:

GOVERNANCE APPROVAL

Date

Name:

Signature:

Comment

APPROVED BY CEO

Date

Name:

Signature:

ENTERED INTO REGISTER

Date

Name:



Strategic Policy – ST11

Public Interest Disclosures &
Internal Reporting

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST11

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STRATEGIC POLICY – ST11

1 PURPOSE

- 1.1 All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*.
- 1.2 At Orange City Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.
- 1.3 The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.
- 1.4 This policy sets out:
 - how Council will support and protect you if you come forward with a report of serious wrongdoing
 - how we will deal with the report and our other responsibilities under the PID Act
 - who to contact if you want to make a report
 - how to make a report
 - the protections which are available to you under the PID Act.
- 1.5 This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing, in NSW that framework is the PID Act, by:
 - protecting those who speak up from detrimental action
 - imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.
- 1.6 This policy should be read in conjunction with Council's Code of Conduct, documents articulating the agency's

values and principles, internal policies on grievance handling, misconduct matters, and dealing with internal fraud and corruption.

2 APPLICABILITY

- 2.1 This policy applies to all areas of Orange City Council including Staff, Councillors, Contractors, Volunteers and Council Delegates.
- 2.2 The Chief Executive Officer, other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act.
- 2.3 This policy also provides information on how people in these roles will fulfil their responsibilities.
- 2.4 Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.
- 2.5 This policy does not apply to:
 - people who have received services from an agency and want to make a complaint about those services
 - people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.
- 2.6 Section 2.5 means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 5.29-5.32 of this policy for more information). However, you can still make a complaint to Council by contacting us at:
Civic Centre
135 Byng Street, ORANGE
P. 02 6393 8000
E. council@orange.nsw.gov.au



STRATEGIC POLICY – ST11

3 ACCESSIBILITY

- 3.1 This policy is available on our Council publicly available website as well as on the Council's Internal Intranet.
- 3.2 A copy of the policy is also provided to all staff of Council on their commencement. A hard copy of the policy can be requested from the Governance Team.

4 OVERVIEW

What is contained in this policy?

- 4.1 This policy will provide you with information on the following:
- ways you can make a voluntary PID to Council under the PID Act
 - the names and contact details for the nominated disclosure officers in Council
 - the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council
 - what information you will receive once you have made a voluntary PID
 - protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
 - Council procedures for dealing with disclosures
 - Council procedures for managing the risk of detrimental action and reporting detrimental action
 - Council record-keeping and reporting requirements
 - how Council will ensure it complies with the PID Act and this policy.
- 4.2 If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:
- confidentially contact a nominated disclosure officer within Council
 - contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or

- access the NSW Ombudsman's PID guidelines which are available on its website.

- 4.3 If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

5 HOW TO MAKE A REPORT OF SERIOUS WRONGDOING

Reports, Complaints & Grievances

- 5.1 When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.
- 5.2 Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our policies including Council's Code of Conduct, Complaint Management and Performance Management.
- 5.3 It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

When will a report be a PID?

- 5.4 There are three types of PIDs in the PID Act. These are:
- I. **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
 - II. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because



STRATEGIC POLICY – ST11

they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

III. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

- 5.5 This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 6 of this policy.
- 5.6 You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.
- 5.7 Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.
- 5.8 They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.
- 5.9 A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:
 - I. a report is made by a public official
 - II. it is made to a person who can receive voluntary PIDs
 - III. the public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*
 - IV. the report was made orally or in writing

V. the report is voluntary (meaning it is not a mandatory or witness PID).

- 5.10 You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.
- 5.11 Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.
- 5.12 If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.
- 5.13 If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 11 of this policy.

Who can make a voluntary PID?

- 5.14 Any public official can make a voluntary PID -see 'Who this policy applies to'. You are a public official if:
 - you are employed by Council
 - you are a Councillor, Council delegate, contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Council, or
 - you work for an entity who is contracted by Council to provide services or exercise functions on behalf of Council — if you are involved in undertaking that contracted work.



STRATEGIC POLICY – ST11

5.15 A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Section 14 of this policy has a list of integrity agencies.

What is serious wrongdoing?

5.16 Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with

entities to undertake government work.

5.17 When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

Who can I make a voluntary PID to?

5.18 For a report to be a voluntary PID, it must be made to certain public officials.

5.19 **Reports to a public official who works for Council** can be made to:

- the Chief Executive Officer
- a disclosure officer for Council — a list of disclosure officers for Council and their contact details can be found in Section 13 of this policy
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

5.20 You can also make your **report to a public official in another agency** (meaning an agency you do not work for) or an integrity agency. You can Report to a recipient outside of Council to:

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies is located at Annexure B of this policy
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website



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- a Minister or a member of a Minister's staff but the report must be made in writing.
- 5.21 If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.
- 5.22 **Disclosures to MPs or journalists** are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:
- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
 - The previous disclosure must be substantially true.
 - You did not make the previous disclosure anonymously.
 - You did not give a written waiver of your right to receive information relating to your previous disclosure.
 - You did not receive the following from Council:
 - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Council decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing
 - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.
- 5.23 Investigation period means:
- after six months from the previous disclosure being made, or
 - after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.
- 5.24 If all the above requirements (5.22 & 5.23) are met, your disclosure to an MP or journalist may be a voluntary PID.
- What form should a voluntary PID take?
- 5.25 You can make a voluntary PID:
- *in writing* - this could be an email or letter to a person who can receive voluntary PIDs.
 - *orally* - have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
 - *anonymously* - write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.
- What should I include in my report?
- 5.26 You should provide as much information as possible so we can deal with the report effectively.
- The type of information you should include is:
- date, time and location of key events
 - names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
 - your relationship with the person(s) involved, such as whether you work closely with them



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- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

What if I am not sure if my report is a PID?

- 5.27 You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.
- 5.28 We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

Deeming that a report is a voluntary PID

- 5.29 The Chief Executive Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.
- 5.30 By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.
- 5.31 If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to Chief Executive Officer to request that they consider deeming your report to be a voluntary PID.
- 5.32 A decision to deem a report to be a voluntary PID is at the discretion of the Chief Executive Officer. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

Who can I talk to if I have questions or concerns?

- 5.33 The Chief Executive Officer, a Council disclosure or your Manager can assist you if you have questions or concerns. A list of disclosure officers for Council and their contact details can be found in Section 13 of this policy.

6 PROTECTIONS

How is the maker of a voluntary PID Protected?

- 6.1 When you make a voluntary PID you receive special protections under the PID Act.
- 6.2 We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.
- 6.3 We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.
- 6.4 The maker of a voluntary PID is protected in the following ways:
- I. **Protection from detrimental action**
 - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
 - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
 - It is a criminal offence for someone to take detrimental action against a



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person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.

- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

II. **Immunity from civil and criminal liability**

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

III. **Confidentiality**

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

IV. **Protection from liability for own past conduct**

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a

report. This undertaking can only be given on application by an integrity agency to the Attorney General.

Protections for people who make mandatory and witness PIDs.

6.5 Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

6.6 Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the	✓	✓



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commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.		
Protection	Mandatory PID	Witness PID
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> breaching a duty of secrecy or confidentiality, or breaching another restriction on disclosure. 	✓	✓

7 REPORTING DETRIMENTAL ACTION

- 7.1 If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Council's Chief Executive Officer, Disclosures Officer via phone, email or in person or to an integrity agency. A list of Council Officers and their contact details can be found in Section 13 and integrity agencies in Section 14 of this policy.

8 GENERAL SUPPORT

- 8.1 Council will make sure that staff or who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process — such as

stress management, counselling services, legal or career advice.

- 8.2 Council will provide a member of staff who will support those who report wrongdoing.
- 8.3 The support person will be their key contact person and who will take steps to protect their interests, for example, if they are at risk of detrimental action.
- 8.4 The support person is responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.
- 8.5 Council's Employee Assistance Program is available for all staff, contact can be made via 1300 931 633, 24 hours a day.
- 8.6 Council may refer to the NSW Ombudsman if an employee has questions about the PID Act and reporting generally.

9 ROLES AND RESPONSIBILITIES OF COUNCIL EMPLOYEES

Certain people within Council have responsibilities under the PID Act.

Chief Executive Officer

- 9.1 The Chief Executive Officer is responsible for:
- fostering a workplace culture where reporting is encouraged
 - receiving disclosures from public officials
 - ensuring there is a system in place for assessing disclosures
 - ensuring Council complies with this policy and the PID Act
 - ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by



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minimising the risk of detrimental action

- implementing corrective action if serious wrongdoing is found to have occurred
- complying with reporting obligations regarding allegations or findings of detrimental action
- complying with yearly reporting obligations to the NSW Ombudsman.

Disclosures Coordinator

9.2 The Disclosures Coordinator are responsible for:

- implementing an internal reporting policy that provides procedures for receiving, assessing and dealing with public interest disclosures
- reporting annually on the incidence and management of public interest disclosures within Council and providing a copy of the report to the Ombudsman.
- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, if this is possible and appropriate
- continually assessing the likelihood of the internal reporter being exposed to reprisal or workplace conflict
- ensuring that appropriate systems and strategies are established to minimise any risk of reprisals that the internal reporter faces
- ensuring that the internal reporter is kept regularly informed about the progress of the matter
- ensuring that the time frames promised in the acknowledgement letter are adhered to
- receiving reports from public officials
- receiving reports when they are passed on to them by Disclosure Officers or managers

- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing

Disclosure Officers

9.3 Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

Managers & People Leaders

9.4 The responsibilities of managers & people leaders include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

All Employees

9.5 All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

9.6 All employees must **not** take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.



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10 HOW WE WILL DEAL WITH VOLUNTARY PIDS

How Council will acknowledge that we have received a report and keep the person who made it informed.

10.1 When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how [we/agency name] deals with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports

10.2 If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:

- that we are investigating the serious wrongdoing
- that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

10.3 If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person

who was nominated when you made the report.

10.4 If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:

- a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
- information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.

10.5 Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

10.6 There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

10.7 If you have made an anonymous report, in many cases we may not be able to provide this information to you.

How Council will manage voluntary PIDs

10.8 Once a report that may be a voluntary PID is received, the receiving officer will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will



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ensure that we comply with the requirements in the PID Act. Where required the receiving officer may seek guidance from the Disclosures Coordinator.

Report not a voluntary PID

- 10.9 Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Code of Conduct, Complaint Management or Performance Management process.
- 10.10 If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.
- 10.11 If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

- 10.12 Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).
- 10.13 The Disclosures Coordinator will provide reasons to the maker of a purported PID if the agency has ceased dealing with the report as a voluntary PID. A purported PID is one that is made to one of the recipients of voluntary PIDs set out in the PID Act, and it is not a witness or mandatory PID and the maker has stated it is a voluntary PID.

Where the report is a voluntary PID

- 10.14 If the report is a voluntary PID:
- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who

was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted for example, if the conduct has previously been investigated.

- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the Independent Commission Against Corruption Act 1988.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

How Council will protect the confidentiality of the maker of a voluntary PID

- 10.15 We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.
- 10.16 Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.
- 10.17 There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:
- where the person consents in writing to the disclosure



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- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
 - when the public official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment
 - where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
 - where the information has previously been lawfully published
 - when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
 - when the information is disclosed for the purposes of proceedings before a court or tribunal
 - when the disclosure of the information is necessary to deal with the disclosure effectively
 - if it is otherwise in the public interest to disclose the identifying information.
- 10.18 We will not disclose identifying information unless it is necessary and authorised under the PID Act.
- 10.19 We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:
- We will limit the number of people who are aware of the maker's identity or information that could identify them
 - If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so
 - We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
 - We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
 - We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation
 - We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.
- 10.20 If confidentiality cannot be maintained or is unlikely to be maintained, we will:
- advise the person whose identity may become known
 - update the risk assessment and risk management plan
 - implement strategies to minimise the risk of detrimental action
 - provide additional supports to the person who has made the PID



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- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

How Council will assess and minimise the risk of detrimental action

- 10.21 Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.
- 10.22 We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.
- 10.23 We will take steps to assess and minimise the risk of detrimental action by:
- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
 - providing details of the Disclosures Officer or Coordinator that will be responsible for undertaking a risk assessment
 - explaining the approval process for the risk assessment and the risk management plan including that the Disclosures Coordinator or Chief Executive Officer has final approval
 - explaining how the agency will communicate with the maker to identify risks
 - discussing protection options with the maker which may include remote working or approved leave for the duration of the investigation and;

- outlining what supports will be provided.

10.24 Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

10.25 Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

How Council will deal with allegations of a detrimental action offence

10.26 If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:



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- take all steps possible to stop the action and protect the person(s)
 - take appropriate disciplinary action against anyone that has taken detrimental action
 - refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
 - notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.
- 10.27 The Chief Executive Officer and/or the Disclosures Coordinator are responsible for referring alleged detrimental action offences.
- 10.28 A victim of detrimental action should contact the Chief Executive Officer and/or the Disclosures Coordinator.
- 10.29 The Chief Executive Officer and/or the Disclosures Coordinator will keep the victim of the alleged detrimental action updated and provide supports as required.
- What Council will do if an investigation finds that serious wrongdoing has occurred
- 10.30 If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.
- 10.31 Corrective action can include:
- a formal apology
 - improving internal policies to adequately prevent and respond to similar instances of wrongdoing
 - providing additional education and training to staff where required
 - taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
 - payment of compensation to people who have been affected by serious wrongdoing or other misconduct.
- 10.32 Procedures for taking correction action can include:
- the Chief Executive Officer and Disclosures Coordinator receive the findings of an investigation (this may change depending on the complexity of the investigation, and will be set out in the Terms of Reference or Investigation Plan)
 - the Chief Executive Officer and the Disclosures Coordinator will outline steps to be taken to address any recommendations in the findings
 - the Disclosures Coordinator will be responsible for ensuring corrective action takes place
 - the Disclosure Officer will notify the maker of the proposed or recommended corrective action.
- ## 11 REVIEW AND DISPUTE RESOLUTION
- ### Internal Review
- 11.1 People who make voluntary PIDs can seek internal review of the following decisions made by Council:
- that Council is not required to deal with the report as a voluntary PID
 - to stop dealing with the report because Council decided it was not a voluntary PID
 - to not investigate the serious wrongdoing and not refer the report to another agency
 - to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.
- 11.2 We will ensure internal reviews are conducted in compliance with the PID Act.



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- 11.3 If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.
- 11.4 Applications for Internal Review can be sent to:
- The Disclosures Coordinator
Orange City Council
135 Byng Street
(PO BOX 35)
ORANGE NSW 2800
e. council@orange.nsw.gov.au
- 11.5 The Internal Review will be conducted by the Director Corporate & Commercial Services within 30 business days of receipt of the request for review.
- Voluntary Dispute Resolution
- 11.6 If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.
- 12 OTHER AGENCY OBLIGATIONS**
- 12.1 Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that [agency name] complies with its obligations under the *State Records Act 1998*.
- Reporting of voluntary PID's and Council's annual return to the NSW Ombudsman
- 12.2 Each year Council provide an annual return to the NSW Ombudsman which includes:
- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July)
 - action taken by Council to deal with voluntary PIDs during the return period
 - how Council promoted a culture in the workplace where PIDs are encouraged.
- 12.3 The Disclosures Coordinator is responsible for collecting information about voluntary PIDs and the other information captured in the annual return.
- 12.4 The Disclosures Coordinator is responsible for the capture and reporting of PID information and ensuring it is stored securely in Council's records management system with appropriate security access assigned.
- 12.5 The Disclosures Coordinator is responsible for the preparation and submission of the annual return.
- How Council will ensure compliance with the PID Act and this policy
- 12.6 The Chief Executive Officer has oversight of compliance with the PID Act and Policy and will receive regular updates from the Disclosures Coordinator.
- 12.7 Compliance will be monitored through Council's Compliance Register with quarterly reporting to Council's ARIC on compliance activities.
- 12.8 The Chief Executive Officer will take corrective action to address non-compliance.



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13 CONTACTS – COUNCIL DISCLOSURE OFFICERS

Role	Title	Contact Information
Head of Agency Chief Executive Officer	Chief Executive Officer	P: 02 6393 8000 Writing or In Person: 135 Byng Street PO BOX 35 ORANGE NSW 2800 Staff can contact officers listed to the left by any internal communication methods. Other persons may contact the officers listed by calling 6393 8000 and asking to speak to the relevant officer stating the matter is confidential.
Disclosures Coordinator	Manager Corporate Governance	
Disclosures Coordinator (Alternate) Disclosure Officer	Executive Support Manager	
Disclosure Officer	Manager Works	
Disclosure Officer	Manager Community Services	
Disclosure Officer	Manager Development Assessment	
Disclosure Officer	Manager Depot, Airport & Emergency Services	
Disclosure Officer	Manager Communications & Engagement	

14 CONTACTS - INTEGRITY AGENCIES (EXTERNAL)

Integrity Agency	What They Investigate	Contact Information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	P: 1800 451 524 between 9am to 3pm Monday to Friday E: info@ombo.nsw.gov.au Writing: Level 24, 580 George Street, Sydney NSW 2000
The Auditor-General	Serious and substantial waste of public money by auditable agencies	P: 02 9275 7100 E: governance@audit.nsw.gov.au Writing: GPO Box 12, Sydney NSW 2001
Independent Commission Against Corruption	Corrupt conduct	P: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday E: icac@icac.nsw.gov.au Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	P: 02 9228 3023 E: oiicac_executive@oiicac.nsw.gov.au Writing: PO Box 5341, Sydney NSW 2001



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Integrity Agency	What They Investigate	Contact Information
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	P: 02 9321 6700 or 1800 657 079 E: contactus@lecc.nsw.gov.au Writing: GPO Box 3880, Sydney NSW 2001
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	P: 02 9228 3023 E: olecc_executive@olecc.nsw.gov.au Writing: GPO Box 5341, Sydney NSW 2001
Office of the Local Government	Local government pecuniary interest contraventions	E: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	P: 1800 472 679 E: ipcinfo@ipc.nsw.gov.au Writing: GPO Box 7011, Sydney NSW 2001
The Information Commissioner	Government information contraventions	P: 1800 472 679 E: ipcinfo@ipc.nsw.gov.au Writing: GPO Box 7011, Sydney NSW 2001

All policies can be reviewed or revoked by Council at any time.

ST11 - Strategic Policy – Public Interest Disclosures & Internal Reporting

Amendments:

- General formatting update

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Strategic Policy – ST15

Risk Management

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST15

1 PURPOSE

That Council recognises Risk Management as a systematic application of management principles for the identification, analysis, control and monitoring of uncertainties that may have an impact on Council's ability to achieve its objectives.

2 APPLICABILITY

This policy applies to all areas of Orange City Council including Staff, Councillors, Contractors, Volunteers and Council Delegates. This Policy is to be read in conjunction with Orange City Councils Risk Management Plan and Framework.

3 OBJECTIVES

- 3.1 A Risk Management Plan and Framework that takes a proactive approach in identifying, analysing, evaluating and treating risks to Orange City Council.
- 3.2 To embed the principles of risk management in all aspects of Orange City Council operations.
- 3.3 To provide a framework that integrates the process for managing risk into Orange City Council's overall governance, planning and reporting processes, policies, values and culture.
- 3.4 To establish a common understanding and definition of risk for the organisation including Risk Appetite Statements for Council's seven (7) identified enterprise risks:
 - Service/Project Delivery
 - Financial
 - Reputation/Political

- Environment
- Compliance
- People/WHs
- Information Technology/Cyber Security

4 COMMITMENT

- 4.1 Orange City Council is committed to the implementation and maintenance of a risk management system, including the integration of risk management throughout all levels of the organisation. This is fundamental to achieving Council's strategic, operational and project objectives.
- 4.2 Council's approach to risk management follows the principles and practices specified in the Australian Standard AS ISO 31000:2018 Risk management - Guidelines and the Office of Local Government Guidelines and is tailored for Council's operating environment
- 4.3 Council's Risk Management Plan and Framework facilitates the implementation and ongoing integration of Risk Management into both Council's strategic planning processes and Council's everyday operational activities.

5 RELATED INFORMATION

- Orange City Council Risk Management Plan and Framework
- Pulse Risk Management User Guide
- AS ISO 31000:2018 Risk Management -Guidelines
- Local Government Act 1993

All policies can be reviewed or revoked by Council at any time.

ST15 - Strategic Policy – Risk Management

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: February 2025
Approved By:	Minute Number:	Approval Date:



Strategic Policy – ST16

Access to Information held by
Council

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST16

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FOR ADOPTION



STRATEGIC POLICY – ST16

1 OVERVIEW

Purpose

- 1.1 The objective of this policy is to state Council's procedures and protocols providing public access to information as governed by Government Information (Public Access) Act 2009.

Applicability

- 1.2 This policy applies to anyone wishing to access information from Orange City Council and also Council employees in complying with the Government Information (Public Access) Act 2009.

General

- 1.3 The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act.
- 1.4 The GIPA Act is designed to promote a more open, accountable, fair and effective government and provides the public with an enforceable right to access Council information.
- 1.5 The only restriction to release to information is when there is an overriding public interest against disclosure.
- 1.6 Council is not required to make government information available in any way that would constitute a breach of copyright.

2 FORMS OF ACCESS

There are four ways to access Council information via the Government Information (Public Access) Act 2009 ("GIPA"):

Mandatory Release

- 2.1 Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations. Please see Annexure marked "A" which lists the information that must be made publicly available. This information is known as

"open access information" under the GIPA Act.

- 2.2 Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

Proactive Release

- 2.3 Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge.

Informal Application

- 2.4 This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs. It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an "Informal Request for Information" Application (refer Annexure "C").

Formal Application

- 2.5 If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council may require the lodgement of a Formal Access Application. A Formal Access Application (refer Annexure "D") may be submitted to Council including enough information for the required information to be identifiable, submitted with the



STRATEGIC POLICY – ST16

prescribed \$30.00 fee attached to validate the application.

- 2.6 A processing charge for each application is applicable at a rate of \$30 per hour for each hour of processing time for the application after the first hour. If a Formal Access Application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. Lodgement of a Formal Access Application entitles the applicant to review rights under the GIPA Act. There are three avenues of review; internal review, review by the Information and Privacy Commissioner and review by the NSW Civil and Administrative Tribunal (NCAT).

3 RESTRICTIONS ON ACCESS TO INFORMATION

- 3.1 Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of Council's resources.
- 3.2 Council will not refuse access to information unless there are clear reasons for doing so, and such reasons will be explained to the applicant. Where documents contain some information which cannot be released, any remaining information contained within the requested document will be available under the Act.

Public Interest Test

- 3.3 In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.
- 3.4 What is the Public Interest Test? When deciding to release information, Council must weigh the factors in favour of disclosure against the public interest factors against disclosure. Unless there is

an overriding public interest against disclosure, Council must provide the information.

- 3.5 In applying the Public Interest Test, Council will not take into account:
- That disclosure might cause embarrassment to, or loss of confidence in, the Council.
 - That any information disclosed might be misinterpreted or misunderstood by any person.
- 3.6 Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

Excluded Information

- 3.7 The only considerations against disclosure that Council will consider in applying the public interest test are those provided in the GIPA Act. These considerations are grouped under the following headings:
- Responsible and effective government
 - Law enforcement and security
 - Individual rights, judicial processes and natural justice
 - Business interests of agencies and other persons
 - Environment, culture, economy and general matters
 - Secrecy provisions
 - Exempt documents under interstate Freedom of Information legislation.
- 3.8 Under the GIPA Act, there are 16 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. This information is known as Excluded Information and the eight categories are:
- Information subject to an overriding secrecy law (26 specifically named Acts)
 - Information subject to the direction or order of a court or other body with the power to receive evidence on oath



STRATEGIC POLICY – ST16

- iii. Information subject to legal professional privilege
 - iv. "Excluded information" (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information)
 - v. Documents affecting law enforcement and public safety
 - vi. Specific information relating to transport safety
 - vii. Specific reports concerning the care and protection of children
 - viii. Specific information relating to Aboriginal and environmental heritage.
- 3.9 Generally under the GIPA Act, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for excluded information are invalid under the Act.
- 3.10 In dealing with informal applications Council will apply a similar decision making framework.
- 3.11 Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more management one.

Copyright

- 3.12 Copyright issues may arise when requests are made for copies of documents held by Council. The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in

any way that would constitute an infringement of copyright.

- 3.13 Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided.
- 3.14 Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

Third Party Consultation

- 3.15 Third party consultation must be taken when the Application to access information includes:-
- Personal information about a person, or
 - Concerns the person's business, commercial, professional or financial interest, or
 - Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or
 - Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).
- 3.16 If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

4 FORMAL APPLICATION PROCESS

- 4.1 Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days.
- 4.2 If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application.



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- 4.3 A decision regarding access to information must be made within 20 working days after receipt of the application. The decision period can be extended by up to 10-15 days if third party consultation is required or records are required to be retrieved from Council's archives.

5 RIGHTS OF REVIEW AND APPEAL

- 5.1 A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications.
- 5.2 If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods.

Internal Review by Council

- 5.3 The applicant can seek an internal review to be made by Council within 20 working days following the date of receipt of the decision.
- 5.4 A fee of \$40.00 must be paid upon application of the review of the decision.
- 5.5 The internal review cannot be conducted by the original decision maker and is to be no one less senior than the decision maker.
- 5.6 An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer.
- 5.7 A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

Review by Information Commissioner

- 5.8 Must be made by the applicant within 40 working days following the date of receipt of the decision.
- 5.9 The Information Commissioner will consider the application and the onus is on Council to justify the decision.
- 5.10 The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information

Commissioner receives all information it considers necessary to complete the review.

Review by NCAT

- 5.11 The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to the NCAT.
- 5.12 If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review.
- 5.13 The onus is again on Council to justify decision.

6 PROCESSING TIMES/FEES & CHARGES

Informal Requests for Information

- 6.1 Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten working days.
- 6.2 No processing charges apply and there are no charges to view the requested information, however, copies of documents can be supplied for charges not exceeding reasonable photocopying charges as outlined in Council's Fees and Charges annually adopted by Council.

Formal Access to Information

- 6.3 Formal Access to Information Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives.
- 6.4 The formal Access application fee is \$30.00 (statutory fee). Processing charges of \$30.00 per hour also apply in dealing with the application. The application fee of \$30.00 paid by the applicant counts as



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payment towards any processing charge payable by the applicant.

Discount in Processing Charges – Formal Access Applications

6.5 Financial Hardship (Section 65 GIPA Act) - An applicant is entitled to a 50% reduction in processing charges if Council is satisfied the applicant is suffering financial hardship and provides evidence that the applicant:

- Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force; or
- Is a full-time student; or
- Is a non-profit organisation.

6.6 Special Public Benefit (Section 66 GIPA Act) - An applicant is entitled to a 50% reduction in a processing charge if Council is satisfied that the information applied for is of special benefit to the public generally.

6.7 Personal Information - If a formal Access to Information application is made for personal information about the applicant (the applicant being an individual), the first 20 hours of processing time for the application is free (statutory requirement).

6.8 A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.

7 DISCLOSURE LOG

7.1 As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public.

7.2 The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the

information is now available from the agency to other members of the public and (if it is) how it can be accessed.

8 AGENCY INFORMATION GUIDE

8.1 Under the GIPA Act, Council is required to have an Agency Information Guide which must include information about Council, its structure, functions, policies and detail Council information that is made publicly available.

8.2 This needs to be developed within 6 months of the commencement of the Act and reviewed and adopted at least every twelve months. Council must notify the Information Commissioner before adopting or amending its Agency Information Guide. Council's Agency Information Guide is accessible on Council's website.

9 CONTRACTS REGISTER

9.1 Council is required to maintain a Government Contracts Register for any Contract with a value of \$150,000 (including GST) or more. Information that is to be entered in the government contracts register is set out in Annexure "B".

10 OFFENCES

10.1 There are individual and Council offences for any decisions made that are contrary to the GIPA.

10.2 Penalties may be imposed if Council employees are proven to act unlawfully, conduct direct unlawful action, improperly influence a decision of the decision maker, misled or deceive, conceal or destroy information.

10.3 Each offence is currently charged at 100 penalty points.



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11 ANNEXURE A

Open Access Information

11.1 The following government information held by Council is Council's **open access information** as listed under Section 18 of the GIPA Act that is required to be made publicly available by Council under Section 6 of the GIPA Act (Mandatory proactive release of certain government information):

- a) Council's Information Guide
- b) Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled in order of either House of Parliament
- c) Council's Disclosure Log of Access Applications (Division 4 of the GIPA Act)
- d) Council's Register of government contracts (Division 5 of the GIPA Act)
- e) Council's record (kept under Section 6 of the GIPA Act) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure.
- f) Such other government information as may be prescribed by the regulations as open access information.

11.2 The following government information held by Council is prescribed by the GIPA Act Regulations (Schedule 1) as Additional open access information:

Information about Council

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

- a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA
- b) code of meeting practice
- c) annual report
- d) annual financial reports

- e) auditor's report
- f) management plan
- g) EEO management plan
- h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- i) annual reports of bodies exercising functions delegated by Council any codes referred to in the LGA
- j) any codes referred to in the LGA.

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

- a) returns of the interests of councillors, designated persons and delegates
- b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- d) Departmental representative reports presented at a meeting of Council in accordance with section 433 of the LGA.

11.4 Information contained in the current version of the following records is prescribed as open access information:

- a) land register
- b) register of investments
- c) register of delegations
- d) register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*
- e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA



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- f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

Plans and Policies

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

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

Information about Development Applications

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

- a) development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - i. home warranty insurance documents
 - ii. construction certificates
 - iii. occupation certificates
 - iv. structural certification documents
 - v. town planner reports
 - vi. submissions received on development applications
 - vii. heritage consultant reports
 - viii. tree inspection consultant reports
 - ix. acoustics consultant reports
 - x. land contamination consultant reports

- b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)
- c) a record that describes the general nature of the documents that Council decides are excluded from the operation of this clause by 11.7.

11.7 This clause does not apply to so much of the information referred to in subclause 11.6(a) as consists of:

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

Approvals, orders and other documents

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

- a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- b) applications for approvals under any other Act and any associated documents received in relation to such an application
- c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals



STRATEGIC POLICY – ST16

- d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- e) orders given under the authority of any other Act
- f) records of building certificates under the *Environmental Planning and Assessment Act 1979*
- g) plans of land proposed to be compulsorily acquired by the local authority
- h) compulsory acquisition notices
- i) leases and licences for use of public land classified as community land.
- j) Performance improvement orders issued to council under Part 6 of Chapter 13 of the LGA

12 ANNEXURE B

Register of Government Contracts valued at \$150,000 or more

Class 1 Contracts

- 12.1 The following information about a class 1 contract is to be entered in the government contracts register:
- a) the name and business address of the contractor
 - b) particulars of any related body corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract
 - c) the date on which the contract became effective and the duration of the contract
 - d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract

- e) the estimated amount payable to the contractor under the contract
- f) a description of any provisions under which the amount payable to the contractor may be varied
- g) a description of any provisions with respect to the renegotiation of the contract
- h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed
- i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

Class 2 Contracts

- 12.2 Additional information is required to be entered in the government contracts register for Class 1 Contracts to which any of the following paragraphs apply (class 2 contracts):
- a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor
 - b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer
 - c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more
 - d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time)
 - e) the contract involves a transfer of a significant asset of the agency



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concerned to another party to the contract in exchange for the transfer of an asset to the agency.

12.3 The additional Information required to be entered in the register for Class 2 Contracts is as follows:

- a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer
- b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer
- c) the results of any cost-benefit analysis of the contract conducted by the agency
- d) the components and quantum of the public sector comparator if used
- e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges)
- f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved

g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into

h) particulars of any other key elements of the contract.

Class 3 Contracts

12.4 If a Class 2 Contract has (or is likely to have) a value of \$5 million or more (a Class 3 Contract), the register must include a copy of the Class 3 Contract.

13 ANNEXURE C

13.1 Informal Information Request Application form as attached to this policy and updated when necessary.

13.2 Formal Access Application form as attached to this policy and updated when necessary.

All policies can be reviewed or revoked by Council at any time.

ST16 - Strategic Policy – Access to Information held by Council

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: February 2025
Approved By:	Minute Number:	Approval Date:

Information Request



GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 ("GIPA")

Use this form to apply for informal access to Council held information under the GIPA Act. If you need help completing this form, please contact Council's Right to Information Officer on 6393 8000 or email council@orange.nsw.gov.au

PART 1: APPLICANT DETAILS

☐ Property Owner ☐ Purchaser of property ☐ Solicitor/Conveyancer for vendor ☐ Solicitor/Conveyancer for purchaser

☐ Other:

Name

Title Company (if applicable)

Postal address:

Contact Number: Email address

PART 2: INFORMATION REQUESTED

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

To assist Council with processing your application, please indicate why you want this information:

What historical date do you wish Council to commence search for the information:

Start date:

End date:

PART 3: PROPERTY DETAILS

Street number: Street name:

Lot No. (if known): Section No. (if known): DP/SP No. (if known):

PART 4: FORM OF ACCESS

☐ Inspect documents ☐ Email ☐ Photocopy (Photocopying fees payable as per Council's fees & Charges. Consent and Copyright conditions may apply - see Part 5)

PART 5: PROOF OF IDENTITY/PROPERTY OWNER'S CONSENT/COPYRIGHT OWNER'S CONSENT

Personal Information: An applicant must provide proof of identity in the form of a certified copy of any one of the following documents if seeking access to their personal information or access to all their property related files:

☐ Current Australian Driver's Licence

☐ Passport

☐ Other:

Non Open-Access Information: Access to property information not listed as "Open Access" information under the GIPA Act (refer to Council's Access to Information Policy and Agency Information Guide available on Council's website) including internal residential floor plans will require the property owner's written consent, together with a certified copy of property owner's proof of identity or an official letter from the property owner's legal representative authorising consent.

☐ Property owner's written consent attached, together with certified copy property owner's identity

☐ Property owner's legal representative official letter authorising consent

COPYRIGHT Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the architect/copyright owner is not able to be contacted, copies of copyright material will not be provided. Such documents include Plans and consultant reports submitted with a DA (please note this list is not definitive). If requested documents are subject to copyright, Council will provide you with the details of the copyright owner to assist you in obtaining copyright owner written consent.

PART 6: APPLICANT DECLARATION

- The information I have provided is complete and correct.
- I understand written permission is required before copies of documents can be provided as per above.
- I understand I may peruse records and take notes.
- I will observe any directions given to me while viewing records.
- I will not photograph, trace, write on or otherwise deface, damage or remove a record.
- I understand there are fees associated with obtaining copies of documents, either in hard copy or electronic format.
- I have read the Privacy & Personal Information Protection Notice (right).

Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

Signature

Date

STAFF USE ONLY

Receiving Officer:	Processing Officer:	Ident. docs sighted/copied (specify details):	
Date Received:	Date Completed:	File Reference:	PR number:
Outcome of request/action taken:		Property owner consent/identification attached:	Copyright owner consent details attached:
		<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> N/A
Files:	Returned date:	Department	Details:
		<input type="checkbox"/> Records <input type="checkbox"/> Other	
Fee calculation		CASHIERS	RECEIPT TYPE: 100
			Plans: 01.00502.0072.1501
Date	Copying/scanning fees:	Receipt number:	Cashier:

FORMAL

Access application

GOVERNMENT INFORMATION
(PUBLIC ACCESS) ACT 2009 ("GIPA")

Use this form to apply for **formal access** to Council held information under the GIPA Act. If you need help completing this form, please contact Council's Right to Information Officer on 6393 8000 or email council@orange.nsw.gov.au

PART 1: APPLICANT DETAILS

Name

Title

Company (if applicable)

Postal address

Contact Number:

Email address

PART 2: INFORMATION REQUESTED

Please describe the information you seek. If you do not provide sufficient detail, Council may not be able to process your application.

To assist Council with processing your application, please indicate why you want this information:

What historical date do you wish Council to commence search for the information:

Start date:

End date:

PART 3: PROPERTY DETAILS - IF APPLICABLE

Street number

Street name

Lot No. (if known)

Section No. (if known)

DP/SP No. (if known)

☐ Owner☐ Purchaser of property☐ Solicitor/Conveyancer☐ Other:

PART 4: FORM OF ACCESS

☐ Inspect document ☐ Copy of documents ☐ other:

PART 5: PROOF OF IDENTITY

Only required when an applicant is requesting information on their own behalf. When seeking access to personal information, an applicant must provide proof of identity in the form of a certified copy of any one of the following documents:

☐ Current Australian Driver's Licence ☐ Passport ☐ Other:

PART 6: THIRD PARTY CONSULTATION

Council may need to consult with other parties about the release of the information that you have requested. **Do you object to the release of your name?**

☐ Yes ☐ No

PART 7: DISCLOSURE LOG

If the information sought is released to you and would be of interest to other members of the public, **details about your application may be recorded in Council's "Disclosure Log" (s.25 GIPA Act) This is published on Council's website.** The information recorded is the date the application is decided, a general description of the information to which access is provided in response to the application and a statement as to whether any of the information is now available from Council other members of the public and (if it is) how it can be accessed. **Do you object to release of information about this application?**

☐ Yes ☐ No

PART 8: APPLICATION FEE, PROCESSING CHARGES AND TIME-FRAMES

\$30.00 application fee to be paid:

☐ In person (cash/cheque/money order/credit card) ☐ By mail (cheque/money order only) Note: do NOT send cash by post ☐ By telephone/credit card only - processing surcharge may apply. Note: we will call you once the application has been received to arrange payment)

- A **\$30 per hour processing charge** will apply in processing your application.
- You will be supplied with an estimate of processing charges prior to processing of your application.
- You may be required to pay an advance deposit (s.68 GIPA Act).
- You may apply for a reduction of the processing charge under the following categories, but you will be required to provide supporting documentation.

If you wish to apply for a discount, please indicate the reason:

- ☐ Personal information (first 20 hours of processing time is free - proof of identity required)
- ☐ Financial hardship (50% reduction - certified copy Pension or Centrelink Card required)
- ☐ Full-time student (50% reduction - proof required)
- ☐ Non-profit organisation (50% reduction - proof required)
- ☐ Special benefit to the public (50% reduction) Please specify why below. Council will consider if such reasons substantiate that the information requested would better inform the public about government and/or concerns a public issue which would be of special benefit or special interest to the public generally.

PROCESSING TIMES Under "Formal Access" Council must give you notice of its decision within 20 working days, although this time may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from archives. Under "Formal Access" you have a right of review of Council's decision of whether or not to provide the information requested.

PART 9: APPLICANT DECLARATION

- The information I have provided is complete and correct.
- Where applicable, I have attached documents required for the purpose of this application (eg evidence of identity, evidence of financial hardship re processing charges).
- I have included the relevant application fee.
- I understand that I may be required to pay processing charges and an advance deposit in respect of this request and that I will be supplied with an estimate of charges prior to processing if appropriate.
- I understand it is an offence to give misleading information about my identity, and doing so may result in a decision to refuse to process my application.
- I have read the Privacy & Personal Information Protection Notice (right).

Privacy & Personal Information Protection Notice

The personal information requested on this form is collected for the purpose of recording and processing this application and providing the information requested. Access is limited to use by Council employees and other authorised persons. Supply of the personal information is voluntary, but if you cannot, or do not wish to, provide the information sought, Council may not be able to process your application. You may make application for access or amendment to information held by Council. This document will be stored on Council's electronic Records Management Database and archives.

Signature

Date

LODGMET

Once completed, this form can be returned to Orange City Council via:

- **POST**
PO Box 35 Orange, NSW, 2800
- **EMAIL**
council@orange.nsw.gov.au
- **IN PERSON**
135 Byng Street Orange, NSW, 2800

STAFF USE ONLY	RECEIPT TYPE: 85	NO: 01.201.72.2500	(GST FREE)
Ref: GIPA Application fee	Date	Receipt number:	Cashier:
\$			
Ref: GIPA Advance deposit	Date	Receipt number:	Cashier:
\$			
Ref: GIPA Processing fee	Date	Receipt number:	Cashier:
\$			



Strategic Policy – ST22

Vandalism Reporting Scheme

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST22

1 PURPOSE

- 1.1 To reduce the acts of vandalism and malicious damage to Orange City Council and private property.
- 1.2 To provide a mechanism for encouraging and rewarding members of the public who provide information that leads to the successful prosecution and conviction of anyone found vandalising Orange City Council-owned property.

2 APPLICABILITY

- 2.1 The application of this policy is limited by a number of factors, including:
 - a) The amount of any reward would be equal to the remediation costs of the vandalism (as determined by Council) capped at a maximum of \$2,000 per event.
 - b) The reward scheme is subject to an annual cap of \$20,000 per financial year.
 - c) All persons providing information must be aware that they may be required to attend the Police Station and make a formal statement and/or appear in Court and give evidence.
 - d) A reward under this scheme will be payable for information leading to a criminal proceeding resulting in a conviction.
 - e) Any individual supplying information that leads to the successful prosecution and conviction of anyone found vandalising land owned by Orange City Council.
 - f) A reward may only be paid to a person or persons and no reward will be paid to any corporate, business club or other organisation.
 - g) Fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading.

3 GENERAL

- 3.1 Vandalism is of ongoing concern to Council and to the Orange community because of its continuing visibility, detrimental impact on the local streetscape, and high cost of removal.
- 3.2 Council recognises the value of programs that focus on the prevention of vandalism before it occurs as being complementary to those aimed at removing it once it has been applied.

4 DEFINITIONS

Graffiti

- 4.1 Any inscription, word, figure, or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without owners consent and includes any remnants of same such as adhesives, glues, tapes, shadows or colour variations remaining after removal.

Vandalism

- 4.2 The wilful or malicious destruction, injury, disfigurement, or defacement of any public property.

Criminal Proceedings

- 4.3 A criminal proceeding is an action taken by the Police against an individual for a malicious damage offence. Criminal proceedings include an individual being charged for the offence, where that individual has admitted guilt, or been found guilty of those charges in a Court of law.

Incident

- 4.4 An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.



STRATEGIC POLICY – ST22

Malicious Damage Offence

- 4.5 An incident which may result in the charge of malicious damage as defined under the Summary Offences Act.

Council Property

- 4.6 Property owned or managed by or Orange City Council.

5 PROCEDURE

- 5.1 Any person who witnesses, or has information regarding an act of graffiti or vandalism should in the first instance report the matter to the Orange Police Station.
- 5.2 The police will examine the information and may investigate the offence. Should an offender be identified, and admit guilt or be found guilty, the informant should then complete a "Vandalism Reward Claim Form" available on Council's website.
- 5.3 Council's Manager Corporate Governance will assess each claim and make a recommendation to the Chief Executive Officer on the payment of the award. This recommendation will be based on information provided by the NSW Police.
- 5.4 The claimant will be advised of the outcome of their claim in writing.

6 PRIVACY

- 6.1 All documentation held and created in relation to applications held under the scheme and which includes information indicating the identity of the applicant shall be marked confidential.
- 6.2 Any person who makes an application under the scheme will be deemed a complainant to Council.
- 6.3 For purposes of protecting the safety of individuals, the identity of complainants and public interest, documentation held and created in relation to applications held under the scheme, may not be subject to release to members of the public.

FOR ADOPTION

All policies can be reviewed or revoked by Council at any time.

ST22 - Strategic Policy – Vandalism Reporting Scheme

Amendments:

- General formatting update

Review Due: November 2028	Version V1_25	Last Revision: February 2025
Approved By:	Minute Number:	Approval Date:



Strategic Policy – ST33

Liquid Trade Waste

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST33

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STRATEGIC POLICY – ST33

1 PURPOSE

- 1.1 This policy provides an approval process for liquid trade wastes discharged into Council's sewerage system. It has been developed to ensure the proper control of liquid trade waste discharges to the sewerage system and hence protection of public health, worker safety, the environment, and Council's sewerage system.
- 1.2 This policy also promotes waste minimisation and water conservation.
- 1.3 Consistent with the National Framework for Sewage Quality Management objectives are:
 - to protect public and workers health and safety and the environment
 - to protect council's assets from damage
 - to minimise adverse impacts on the sewage treatment processes
 - to assist Council meeting regulatory and licence compliance
 - to promote water conservation, waste minimization, cleaner production, effluent recycling and biosolids reuse
 - to provide an environmentally responsible liquid trade waste service to the non-residential sector; and
 - to ensure commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2 APPLICABILITY

- 2.1 This policy applies to all areas of Orange City Council including Staff, Councillors, Contractors and Council Delegates and any person wanting to discharge liquid trade waste to the sewerage system.

3 LEGISLATIVE FRAMEWORK

- 3.1 A person wanting to discharge liquid trade waste to the sewerage system must, under section 68 of the Local Government

Act 1993, obtain the prior approval from Council.

- 3.2 Discharging liquid trade waste without an approval is an offence under Section 626 of the Act.
- 3.3 The procedure for approval is governed by Chapter 7 of the Local Government Act 1993 and is subject to the Local Government (General) Regulation 2021.

4 GENERAL

- 4.1 This policy sets out how Orange City Council will regulate liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Liquid Trade Waste (Appendix F).
- 4.2 Sewerage systems are generally designed to cater for liquid waste from domestic sources that are essentially of predictable strength and quality. Council may accept liquid trade waste into its sewerage system as a service to businesses and industry.
- 4.3 Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.
- 4.4 This Policy is consistent with the Liquid Trade Waste Management Guidelines 2021 developed by the Water Utilities branch of the then NSW Department of Planning, Industry and Environment (https://www.industry.nsw.gov.au/data/assets/pdf_file/0010/147088/trade-waste-management-guidelines.pdf)

5 INTRODUCTION

- 5.1 This Policy has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water



STRATEGIC POLICY – ST33

conservation, water recycling and biosolids reuse.

- 5.2 In addition, the approval, monitoring and enforcement processes for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges are described in this document.
- 5.3 The procedure for liquid trade waste approval is governed by Chapter 7 of the Local Government Act.
- 5.4 Under section 68 of the *Local Government Act 1993* (Act), a person wishing to discharge liquid trade waste to the sewerage system must obtain prior approval from Council. Discharge of liquid waste other than domestic sewage without prior approval is an offence under section 626 of the Act.

What is Trade Waste?

- 5.5 Liquid trade waste is defined in the Local Government (General) Regulation 2021 as **all liquid waste other than sewage of a domestic nature.**
- 5.6 Liquid trade waste discharges to the sewerage system include liquid wastes from:
- industrial premises
 - business/commercial premises (e.g. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, supermarket, etc.)
 - community/public premises (including clubs, school, college, university, hospital and nursing home)
 - any commercial activities carried out at residential premises
 - saleyards, racecourses and stables and kennels that are not associated with domestic households
 - tankered human waste, ship-to-shore waste from marina pump-out facilities, portable toilet waste and established sites for the discharge of

pan contents from mobile homes/caravans; and

- any other waste tankered to the sewerage facilities, e.g. commercial or industrial waste from un-sewered areas.

5.7 Liquid trade waste excludes:

- toilet, hand wash basin (used for personal hygiene only), shower and bath wastes derived from all the premises and activities mentioned above
- wastewater from residential toilets, kitchens, bathrooms or laundries (i.e. domestic sewage)
- wastewater from common laundry facilities in caravan parks (Note that discharges from common kitchen facilities in caravan parks are liquid trade waste); or
- residential pool backwash.

6 HOW TO READ THIS POLICY

6.1 This policy comprises three parts:

Section 7 - Part 1 - specifies the circumstances in which a person is exempt from the necessity to apply for an approval to discharge liquid trade waste to Council's sewerage system;

Section 8 - Part 2 - specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval; and

Section 9 - Part 3 - specifies the application procedure and approval process, liquid trade waste discharge categories and applicable fees and charges, the NSW Framework for Regulation of Liquid Trade Waste, alignment with the National Framework for Wastewater Source Management and other relevant information.



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7 PART 1 - EXEMPTIONS

Part 1 - Exemptions

7.1 The list of discharges exempt from obtaining of Council's approval is provided in Appendix B. These discharges are known as 'Deemed to be approved'. Each such discharger must meet the standard requirements specified in Appendix B.

8 PART 2 – CRITERIA FOR APPROVAL TO DISCHARGE TRADE WASTE INTO COUNCIL'S SEWERAGE SYSTEM

Part 2 - Criteria for approval to discharge liquid trade waste into Council's sewerage system

Factors for Consideration

8.1 Council's decision to accept liquid waste into its sewerage system will be based on the discharger satisfying Council's requirements. Therefore, when determining an application to discharge liquid waste to the sewerage system, Council will consider the following factors:

- The potential impacts of the proposed discharge on Council's ability to meet the objectives outlined in section 1.3 of this document.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed contingency measures in an event of the pre-treatment system failure.
- The capability of the sewerage system (reticulation and treatment components) to accept the quantity and quality of the proposed liquid waste.
- The adequacy of chemical storage and handling facilities, and the proposed safeguards for prevention of spills and leaks entering to the sewerage system.

- The adequacy of the proposed due diligence program and contingency plan, where required.
- Proposed management of prohibited substances and other liquid waste not planned to be discharged to the sewerage system and safeguards to avoid any accidental discharge.
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls.
- The potential for growth of the community.

Discharge Quality

8.2 Council's acceptance limits for liquid trade waste discharges are set out in Table 1. These limits are consistent with the acceptance limits specified in the Liquid Trade Waste Management Guidelines, 2021 by the Department of Planning and Environment.

Table 1 - Acceptance limits for liquid trade waste into the sewerage system

Parameter	Limits
Flow Rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is determined based on the available capacity of the sewer. Large discharges are required to provide a balancing tank to even out the load on the sewage treatment works.
BOD ₅	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.
Suspended solids	Normally approved at 300 mg/L. Concentrations up to 600 mg/L may be accepted.



STRATEGIC POLICY – ST33

Parameter	Limits	Acceptance limits for inorganic compounds		Maximum concentration (mg/L)
COD	Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.	Inorganic compounds	Ammonia (as N)	50
Total Dissolved Solids	Up to 4000 mg/L may be accepted. The acceptance limit may be reduced depending on available effluent disposal options and may be subjected to a mass load limit.		Boron	5
Temperature	Less than 38°C.		Bromine	5
pH	Within the range 7.0 to 9.0.		Chlorine	10
Oil and Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works and 50 mg/L if the volume is greater than 10%.		Cyanide	1
Detergents	All detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade waste discharges.		Fluoride	30
Colour	Colour must be biodegradable. No visible colour when diluted to the equivalent dilution afforded by domestic sewage flow. Specific limits may be imposed on industrial discharges where colour has a potential to interfere with sewage treatment processes and the effluent management.		Nitrogen (total Kjeldahl)	100
Radioactive Substances	If expected to be present (e.g. Iodine 131 from ablation), acceptance requirements will be set on a case-by-case assessment.		Phosphorus (total)	20
			Sulphate (as SO ₄)	500
			Sulphide (as S)	1
		Acceptance limits for organic compounds		Maximum concentration (mg/L)
		Organic compounds	Benzene	< 0.001
			Toluene	0.5
			Ethylbenzene	1
			Xylene	1
			Formaldehyde	30
			Phenolic compounds non-halogenated	1
			Petroleum Hydrocarbons ¹	
			C ₆ -C ₉ (flammable)	5
			Total Recoverable Hydrocarbons (TRH)	30
			Pesticides general (except organochlorine and organophosphorus)	0.1



STRATEGIC POLICY – ST33

Acceptance limits for organic compounds	Maximum concentration (mg/L)
Polynuclear Aromatic Hydrocarbons (PAH)	5

¹ Always ask a laboratory to carry out a silica gel clean up, if other than petroleum products are expected to be present in a liquid trade waste sample, e.g. animal fats, plant oil, soil, etc.

Acceptance limits for metals	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Aluminium	100	
Arsenic	0.5	2
Cadmium	1	5
Chromium ²	3	10
Cobalt	5	15
Copper	5	15
Iron	100	
Lead	1	5
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	15

Acceptance limits for metals	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Nickel	1	5
Selenium	1	5
Silver	2	5
Tin	5	15
Zinc	1	5
Total heavy metals excluding aluminium, iron and manganese	Less than 30 mg/L and subject to total mass loading requirements	

² Where hexavalent chromium (Cr⁶⁺) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr³⁺), prior to discharge into the sewer

8.3 Acceptance limits for substances not listed in above Tables will be determined on a case by case basis.

8.4 The quality of liquid trade waste from some low risk commercial activities in Classification A and B will exceed acceptance limits listed in above Table. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs, maintains and properly operates the required on-site pre-treatment. Similarly, septic and pan waste may exceed some acceptance limits.

8.5 The analytical testing methods for the above parameters should be in accordance with the Australian Sewage Quality Management Guidelines, June 2012, WSAA and council's requirements.

Prohibited or Restricted Substances and Waste

8.6 Substances prohibited from being discharged into the sewerage system unless they are specifically approved under section 68 of the Act are listed in Table 2. In addition, section 8.7 lists the discharges either prohibited or restricted. Refer to Appendix C for detailed description of substances and discharges either prohibited or restricted.

Table 2 - Waste Prohibited from Discharge to the Sewerage System

- Organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances
- organophosphorus pesticides and/or waste arising from the preparation of these substances
- per- and poly-fluoroalkyl substances (PFAS)
- any substances liable to produce noxious or poisonous vapours in the sewerage system
- organic solvents and mineral oil^a
- any flammable or explosive substance^a
- discharges from 'Bulk Fuel Depots'



STRATEGIC POLICY – ST33

- discharges from chemicals and/or oil storage areas
- natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions
- roof, rain, surface, seepage or ground water, unless specifically permitted (clause 137A of the Local Government (General) Regulation 2005)
- solid matter[#]
- disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and other products marketed as flushable
- any substance assessed as not suitable to be discharged into the sewerage system
- liquid waste that contains pollutants at concentrations which inhibit the sewage treatment process – refer to Australian Sewage Quality Management Guidelines, June 2012, WSAA
- any other substances listed in a relevant regulation

In excess of the approved limit

Other Substances/Discharges either prohibited or Restricted

8.7 The following are either prohibited or restricted:

- Stormwater from open areas
- Contaminated groundwater
- Landfill leachate
- Discharge from float tanks
- Discharge from new service station forecourts and other refuelling points
- Discharge of liquid waste arising from liquefaction and/or pulverisation of solid waste by physical or chemical processes (e.g. garbage grinders/in-sinkers, macerators, alkaline hydrolysis).
- Discharge from solid food waste processing units (digesters/composters, etc.)
- Use of additives in pre-treatment systems

8.8 For further details on limitations and restrictions applicable to above discharges, refer to Appendix C of this policy, Chapter 3 of the NSW Liquid Trade Waste Management Guidelines, 2021 and

<https://www.orange.nsw.gov.au/liquid-trade-waste/>

9 PART 3 – MATTERS RELATING TO LIQUID TRADE WASTE APPROVALS

Applications Procedures and Approval Process

- 9.1 Council's written approval is required prior to commence discharging liquid trade waste to its sewerage system, under s.68 of the Local Government Act 1993.
- 9.2 Application forms are available from Council.
- 9.3 The applicant must lodge a trade waste application providing all requested information.
- 9.4 A trade waste application is not required to discharge liquid trade waste from 'Deemed to be approved' activities listed in Appendix B.

Who can lodge an application?

- 9.5 The applicant must be either the owner or the occupier of the premises. If the applicant is not the owner of the premises, the owner's consent to the application is required.

Council's application determination process

- 9.6 Council may request an applicant to provide further information to enable it to determine the application.

Approval of applications

- 9.7 Where an application is approved, Council will notify the applicant including any conditions of the approval and reasons for such conditions.
- 9.8 The duration of the approval will be as stated in the approval.
- 9.9 An applicant may make a minor amendment or withdraw an application before it is processed by Council.
- 9.10 An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

Refusal

- 9.11 If an application is refused, Council will notify the applicant of the grounds for refusal.



STRATEGIC POLICY – ST33

9.12 Under section 100 of the Act the applicant may request the review of council's determination.

9.13 Under section 176 of the Act, the applicant dissatisfied with Council's determination may appeal to the Land and Environment Court within 12 months.

Change of approval holder

9.14 An approval to discharge liquid trade waste to Council's sewerage system is not transferable.

9.15 A new application must be lodged, and a new approval must be obtained if there is a change of the approval holder. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

Validity of an existing approval

9.16 A new approval is required where there is a change of:

- approval holder (either owner or occupier can be an approval holder)
- activity generating the waste
- the quantity or the nature of liquid trade waste; or
- approval conditions.

Modification and revocation of approvals

9.17 Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system under the circumstances described in s.108 of the Local Government Act 1993.

Concurrence

9.18 If Council supports an application and has a notice stating that concurrence of the Secretary, NSW Department of Planning and Environment can be assumed for the liquid trade waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence to its approval.

9.19 For concurrence purposes, liquid trade waste discharges are divided into four classifications:

- **Concurrence Classification A** – liquid trade waste for which Council has been authorised to assume concurrence to the approval subject to certain requirements.
- **Concurrence Classification B** – liquid trade waste for which Council may apply for authorisation to assume concurrence to the approval subject to certain requirements.
- **Concurrence Classification S** – the acceptance of septic tank, pan waste and ship-to-shore pump-out etc. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions.
- **Concurrence Classification C** – all other liquid trade waste that do not fall within Concurrence Classification A, B or S, and therefore require Council to forward the application for concurrence.

9.20 Refer to Appendix E which lists type of discharges that Council have assumed concurrence (i.e. that Council can approve without seeking concurrence from the Department).

10 SEWERAGE AND LIQUID TRADE WASTE FEES

10.1 Council provides sewerage and liquid trade waste services on a commercial basis to non-residential dischargers, with full cost recovery through sewerage and liquid trade waste fees and charges. Council implements best practice pricing for non-residential sewerage and liquid trade waste services to ensure that dischargers bear a fair share of the cost of providing sewerage services and to facilitate appropriate pre-treatment, waste minimisation and water conservation.

10.2 The current sewerage and liquid trade waste fees and charges are provided on Council's website at:



STRATEGIC POLICY – ST33

<https://www.orange.nsw.gov.au/rates-and-charges>

10.3 Council's liquid trade waste fees and charges may include:

- general fees and charges (application fee, annual liquid trade waste fee, inspection and/or re-inspection fees and renewal fee)
- category specific charges (trade waste usage charges for Charging Category 2 discharges, excess mass charges for Charging Category 3 discharges, charges for Charging Category 2S discharges and non-compliance charges); and/or
- other charges related to the nature of waste (e.g. charges for the discharge of stormwater from large areas).

10.4 Detailed description of the liquid trade waste fees and charges and the methodology of calculating them are provided in Appendix D.

Liquid Trade Waste Charging Categories

10.5 The charging categories are different to four classifications that have been established for concurrence purposes (i.e. Classification A, B, C and S).

10.6 The relationship between Concurrence Classifications and Charging Categories are shown in Figure 1 in Appendix D.

10.7 For charging purposes there are four liquid trade waste charging categories:

- **Category 1** – discharges requiring minimal pre-treatment, or prescribed pre-treatment but low impact on the sewerage system. These dischargers will only pay an annual fee. If pre-treatment equipment is not provided or maintained, non-compliance charges will be applied.
- **Category 2** – discharges with prescribed pre-treatment (excludes activities in Category 1) and other activities listed under this charging category in Appendix D. These dischargers will pay trade waste usage

charge and annual trade waste fee. If pre-treatment equipment is not provided or not maintained, then such dischargers will be required to pay non-compliance usage charge.

- **Category 2S** – transporters who tanker human waste to council's STWs, owners/operators of ship-to-shore pump out facilities and owners/operators of 'dump points' directly connected to sewer
- **Category 3** – large (>20 kL/d) and industrial discharges (excluding shopping centres and institutions). Such dischargers will pay excess mass charges. If the discharge fails to comply with council's acceptance limits, dischargers will be required to pay non-compliance excess mass charges and pH charges

Non-compliance liquid trade waste charges

10.8 In order to encourage compliance, council may apply non-compliance trade waste charges. Refer to Appendix D for further details of non-compliance charges for different charging categories.

10.9 Council will continue applying non-compliance charges until the discharge meets council's approved quality (or the liquid trade waste policy) limits, within the timeframe determined by Council for remedying the problem.

10.10 If the discharger fails to rectify the problem within an agreed timeframe, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system.

10.11 Council may also consider issuing penalty infringement notice to a non-compliant discharger or may prosecute the discharger.

Other applicable liquid trade waste charges

10.12 Additional fees and charges may be levied by council if wastewater is discharged to council's sewerage system from the



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following equipment and or processes, with council's approval:

- Food waste disposal units (i.e. garbage grinders/insinkers) – for existing installations only, new installations not permitted.
- Solid food waste processing unit.
- Discharge of stormwater to the sewerage system from large open areas or large quantities of groundwater.

10.13 Refer to Appendix D for further details.

Charges for premises with multiple liquid trade waste streams

10.14 Examples of premises with multiple waste streams include:

- shopping centres;
- commercial strata units;
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres; and
- other premises with multiple waste streams.

10.15 Refer to Appendix D and Trade Waste Management Guidelines 2021 for further details.

Summary of category specific fees and charges

10.16 The summary of fees and charges are indicated in Table 3 below.

Table 3 Summary of fees and charges

Fee/ Charge	Category 1	Category 2	Category 3	Category 2S
Application fee	Yes ⁶	Yes	Yes	Yes
Annual non-residential sewerage bill with appropriate sewer usage charge/kL	Yes	Yes	Yes	No
Annual liquid trade waste fee	Yes ⁷	Yes	Yes	Variable ⁸
Re-inspection fee (when required)	Yes	Yes	Yes	Optional 8
Trade waste usage charge/kL	No	Yes	No	No
Human waste disposal charge/kL	No	No	No	Yes
Excess mass charges/kg	No	No	Yes	No
Non-compliance trade waste usage charge/kL	Yes ⁹	Yes	No	No
Non-compliance excess mass/kg and pH charges/kL (if required)	No	No	Yes	No

⁶Not applicable for discharges listed as Deemed to be Approved.

⁷May not be applicable for discharges listed as 'Deemed to be Approved'.

⁸Refer to Appendix D for guidance on applying annual fees to Category 2S discharges.

⁹Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment. Refer to Council's Community Strategic Plan.



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Responsibility for payment of fees and charges

10.17 Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade waste services. This includes property owners of marinas, caravan parks, etc.

10.18 Where another party (lessee) leases premises, any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

10.19 In relation to tankered human waste, transporters who collect and discharge waste at the STW are responsible for the payment. A waste transporter who tanks liquid trade waste to the STW may pay only the liquid trade waste fees and charges as non-residential sewerage fees are not applicable.

10.20 Note that a liquid trade waste discharger (except for tankered waste) pays both the non-residential sewerage charges and liquid trade waste fees and charges.

11 THE NSW FRAMEWORK FOR REGULATION OF SEWERAGE AND TRADE ALIGNMENT WITH THE NATIONAL FRAMEWORK

11.1 The NSW framework for regulation of sewerage and trade waste and the alignment with the national framework for wastewater source management are listed in Appendix F.

12 LIQUID TRADE WASTE SERVICE AGREEMENT

12.1 In addition to its approval under the Local Government Act, Council may require certain dischargers, including those who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) or industrial waste (Concurrence Classification C discharges) or some Classification S discharges into its sewerage system to execute a liquid trade waste services agreement.

12.2 The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council.

13 ENFORCEMENT OF APPROVALS AND AGREEMENTS

13.1 If the discharge is not approved or fails to comply with the approval conditions, the discharger is subject to prosecution and imposition of fines under the Local Government Act 1993 (under s. 626 and s. 627).

13.2 Above offences are also prescribed as penalty notice offences under the Act and Council may issue a penalty infringement notice (i.e. on the spot fine) to such discharger (Refer to Schedule 12 of the Local Government (General) Regulation 2021).

13.3 In addition to fines, council may recover costs of damages and fines incurred by council as a result of an unauthorised liquid waste discharge. Temporally suspension or cease of the discharge may also be required.

13.4 Note that sections 628 and 634 to 639 also list other offences related to water, sewerage and stormwater drainage.

13.5 Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is also an offence under section 120 (1) of the Protection of the Environment Operations Act 1997.

13.6 In addition, under section 222 of this Act, Council may issue a penalty infringement notice to such a discharger.

14 PREVENTION OF WASTE OF WATER

14.1 Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the Local Government Act 1993 and its Regulation



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(refer to Appendix G) to waste or misuse water.

- 14.2 Dilution of liquid trade waste with water from any non-process source including Council's water supply, bore water, groundwater, stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

15 EFFLUENT IMPROVEMENT PLANS

- 15.1 Where the quality of liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an Effluent Improvement Plan setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

16 DUE DILIGENCE PROGRAMS AND CONTINGENCY PLANS

- 16.1 A discharger may be required to submit a due diligence program and a contingency plan for some liquid trade waste discharges (generally in Concurrence Classification C, Charging Category 3) where it is considered that the discharge may pose a potential threat to the sewerage system. If required, a due diligence program and contingency plan must be submitted to Council within the time specified in the liquid trade waste approval.

FOR ADOPTION

All policies can be reviewed or revoked by Council at any time.

ST33 – Strategic Policy – Liquid Trade Waste

Amendments:

- General formatting update

Review Due: November 2028	Version 1_25	Last Revision: February 2025
Approved By:	Minute Number:	Approval Date:



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17 APPENDIX A – GLOSSARY

Authorised assumed concurrence - Councils with significant experience in liquid trade waste regulation are encouraged to apply to the Secretary, Department of Planning and Environment seeking to obtain concurrence for council's approval for Classification B and Classification S discharges. If granted, Council will no longer need to forward such applications to the department for concurrence, provided that council complies with the conditions outlined in the notice of concurrence.

Automatic assumed concurrence - Council has been granted assumed concurrence for approval for Classification A discharges, provided that council complies with conditions outlined in the notice of concurrence. Such applications may be approved by council without forwarding the application to the department for concurrence.

Biochemical Oxygen Demand (BOD₅) - the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.

Biosolids - primarily organic solids produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

Blackwater - wastewater containing human excrement (i.e. faeces, urine).

Bunding - secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

Chemical Oxygen Demand (COD) - a measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

Chemical toilet - toilets in which wastes are deposited into a holding tank containing deodorizing or other chemicals. Stored wastes must be pumped out periodically.

Commercial retail discharge - commercial discharges can be described as wastes that are discharged from businesses dealing directly with the public.

Commercial caterer - a commercial caterer is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition does not apply to a food processing factory supplying pre-prepared meals to a third party.

Council - for the purpose of this document, "council" refers to a local government body (including Local Water Utility) which provides water supply and sewerage services in regional NSW.

Contingency plan - a set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste, leaks and spillages from stored products and chemicals.

Concurrence - under s.90(1) of the *Local Government Act 1993* and cl. 28 of the *Local Government (General) Regulation 2021*, council must obtain the written concurrence of the Secretary of the Department of Planning and Environment prior to approving the discharge of liquid trade waste to council's sewerage system. The department's Water Utilities Branch provides concurrence on behalf of the Secretary.

Due Diligence Program - a plan that identifies potential health and safety, environmental or other hazards (e.g. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent - the liquid discharged following a wastewater treatment process.



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Effluent Improvement Plan (EIP) - the document required to be submitted by a discharger who fails to meet the acceptance limits set down in council's approval conditions and/or liquid trade waste agreement. The document sets out measures taken by a discharger in order to meet the acceptance limits within the agreed timeframe.

Fast food outlet - a food retailing business featuring a very limited menu, precooked or quickly prepared food, and take-away operations. Premises of this nature include KFC, McDonalds, Red Rooster, Pizza Hut, Hungry Jack's, Burger King, etc.

Galley waste - liquid waste from a kitchen or a food preparation area of a vessel; not including solid wastes.

Greywater - wastewater from showers, baths, spas, hand basins, laundry tubs, washing machines, dishwashers or kitchen sinks.

Heavy Metals - metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping - a general term, which covers all waste minimisation activities connected within the premises as part of its operation.

Industrial Discharges - industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes. Examples are provided in Trade Waste Management Guidelines 2021.

Liquid Trade Waste - all liquid waste other than sewage of a domestic nature discharged to the sewerage system.

Mandatory Concurrence - for the liquid waste in Classification C, councils need to obtain concurrence for approval of each discharge. The Water Utilities Branch of the Department of Planning and Environment provides

concurrence on behalf of the department's Secretary.

Methylene Blue Active Substances (MBAS) - anionic surfactants. Their presence and concentration are detected by measuring colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment - for the purpose of this document this means sink strainers, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

Mixed Business - a general store that sells a variety of goods and may also prepare some food.

Open Area - any unroofed process, storage, washing or transport area where rainwater potentially can be contaminated.

Pan - any moveable receptacle kept in a closet and used for the reception of human waste.

PFAS - group of manufactured chemicals, containing a component with multiple fluorine atoms, with many specialty applications.

Examples are perfluoro octane sulfonate (PFOS) and perfluorooctanoic acid (PFOA). They are used in a range of products, such as textiles, leather, cosmetics, non-stick coatings in cookware, food packaging, and in some types of fire-fighting foam. These chemicals take a long time to break down in humans and the environment and their persistence and bioaccumulation potential pose concerns for the environment and for human health.

Pit latrines/long-drop toilet/pit toilet - a type of toilet that collects faeces and urine directly into a tank or a hole in the ground.

Portable Toilet - toilet in which wastes are deposited into a holding tank used on construction sites, caravans, motor homes, boats, trains and at outdoor gatherings. If chemicals are used to control odours, it is referred to as a chemical toilet.



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pH - a measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H⁺) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises - has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:

- a building of any description or any part of it and the appurtenances to it
- land, whether built on or not
- a shed or other structure
- a tent
- a swimming pool
- a ship or vessel of any description (including a houseboat)
- a van.

Prescribed Pre-treatment Equipment - standard non-complex equipment used for pre-treatment of liquid trade waste, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit.

Regional NSW - the areas of the state that are not serviced by the Sydney Water Corporation or the Hunter Water Corporation.

Regulation - Local Government (General) Regulation 2021 under the *Local Government Act 1993*.

Secretary - the head of the Department of Planning and Environment.

Septage - material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge and liquid.

Septic Tank - wastewater treatment device that provides a preliminary form of treatment for wastewater. It provides sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent - the liquid discharged from a septic tank after treatment.

Sewage Management Facility - a human waste storage facility or a waste treatment device

intended to process sewage and includes a drain connected to such a facility or device.

Sewage of a Domestic Nature - human faecal matter and urine and wastewater associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

Sewerage System - the network of sewage collection, transportation, treatment and by-products (effluent and biosolids) management facilities.

Sewage treatment works - this is the facility designed to treat sewage. The level of treatment will vary based on the expected quality of the effluent.

Ship-to-Shore Pump-out - liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities.

Sludge - the solids that are removed from wastewater by treatment.

Stormwater Run-off - run-off resulting from rainfall.

Surfactants - the key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex. The intensity of colour is proportional to concentration.

Suspended Solids (SS) - the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.

Total Dissolved Solids (TDS) - total amount of dissolved material in the water.

Total Recoverable Hydrocarbons (TRH) - Both biological and petroleum hydrocarbons which have been extracted (recovered) from a sample. TRH are equivalent to the previously reported



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Total Petroleum Hydrocarbons (TPH). TRH is reported in fractions with Carbon chain ($C_6 - C_{40}$). TRH with carbon chain $C_6 - C_{10}$ are flammable.

Waste Minimisation - procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer.

18 APPENDIX B – DEEMED TO BE APPROVED ACTIVITIES

The list of discharges exempts from obtaining of Council's approval (i.e. considered as Deemed to be approved) is shown in Table B1. Each such discharger must meet standard requirements specified in this Table.

Table B1 Discharges deemed to be approved

Activity generating waste	Requirements
Beautician	Solvents not to be discharged to sewer
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Cooling tower <500L/h	No chromium-based products to be discharged to the sewer
Crafts ceramic, pottery, etc. (including hobby clubs)	
<ul style="list-style-type: none"> flows <200 L/d 	Nil
<ul style="list-style-type: none"> flows 200-1,000 L/d 	Plaster arrestor required
Day care centre (no hot food prepared)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)

Activity generating waste	Requirements
	Nappies, wet wipes are not to be flushed into the toilet
Delicatessen (no hot food prepared)	Sink strainers in food preparation areas Housekeeping practices (see Note 4)
Dental technician	Plaster arrestor required
Dental mobile (no amalgam waste)	Nil
Dog/cat grooming/animal wash only	Dry basket arrestor for floor waste outlets and sink strainer required (see Note 3) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
Florist	Dry basket arrestor for floor waste outlet and sink strainer required Herbicides/pesticides are not permitted to be discharged to sewer
Fruit and vegetable – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Notes 3 and 5)
Hairdressing	Dry basket arrestor for floor waste outlet and sink strainer, hair trap



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Activity generating waste	Requirements	Activity generating waste	Requirements
Jewellery shop <ul style="list-style-type: none"> • miniplater 	Miniplater vessel to contain no more than 1.5 L of precious metal solution	Nut shop	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3)
<ul style="list-style-type: none"> • ultrasonic washing 	Nil	Optical service - retail	Solids settlement tank/pit required
<ul style="list-style-type: none"> • precious stone cutting 	If: < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required	Pet shop – retail	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 2) Animal litter and any disposable waste products must not be discharged to sewer Organophosphorus pesticides are prohibited to be discharged to sewer
*Medical centre/doctor surgery/physiotherapy *(Only if plaster cast are made onsite)	Plaster arrestor required, if plaster of paris casts are used	Pizza reheating for home delivery	Housekeeping practices (see Note 4)
Mixed business (minimal hot food)	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4)	Venetian blind cleaning	Nil (see Note 2)
Mobile cleaning units <ul style="list-style-type: none"> • Carpet cleaning • Garbage bin washing 	20-micron filtration system fitted to a mobile unit Dry basket arrestor for floor waste outlet required. Discharge via grease arrestor (if available)	Notes: <ol style="list-style-type: none"> 1. Where "required" is used, it means as required by council. 2. If activity is conducted outdoors, the work area is to be roofed and banded to prevent stormwater ingress into the sewerage system. 3. Dry basket arrestors must be provided for all floor waste outlets. 4. Food preparation activities need to comply with sound housekeeping practices including: <ol style="list-style-type: none"> (a) floor must be dry swept before washing (b) pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up 5. Use of a food waste disposal unit (garbage grinder) and/or a food waste processing unit (food waste digester, composter etc.) is not permitted. 	
Motel (no hot food prepared and no laundry facility)	Dry basket arrestor for floor waste outlet and sink strainer required (see Note 3) Housekeeping practices (see Note 4)		



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19 APPENDIX C – PROHIBITED OR RESTRICTED SUBSTANCES AND WASTES FROM DISCHARGE TO SEWER

This Appendix provides additional information regarding substances and waste either prohibited or restricted from being discharged to sewer (as indicated in Table 2 of this Policy).

C1 STORMWATER FROM OPEN AREAS

The ingress of stormwater into the sewerage system can cause operational problems and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Under clause 137A of the Regulation, the discharge of roof, rain, surface, seepage or groundwater to a sewerage system is prohibited unless specifically approved.

However, it may not be practical or feasible to totally prevent stormwater contamination and ingress into a sewerage system from some non-residential premises.

The discharge of limited quantities of stormwater (generally, 10 mm of rain) from sealed areas can be considered when roofing cannot be provided due to safety or other important considerations. In such instances, the applicant should take measures to minimise the contamination of stormwater and the volume of stormwater entering the sewerage system (e.g. first flush systems, flow separation, bunding, on-site detention, etc.). The discharge from unsealed areas is not permitted.

Refer to Trade Waste Management Guidelines 2021 for further information.

C2 CONTAMINATED GROUNDWATER

Similar to stormwater, discharge of groundwater or seepage water to a sewerage system is prohibited under clause 137A of the Regulation. Accordingly, groundwater extracted during construction activities (e.g. building/road construction activities, vacuum excavation, mining/exploration works, etc.) is not permitted to be discharged to Council's sewerage system directly or indirectly.

However, groundwater previously contaminated by human activities (e.g. service station remediation sites) may be considered for discharge to the sewerage system. Limited quantities of groundwater from remediation projects may be accepted under controlled conditions after appropriate pre-treatment for a limited period.

C3 DISCHARGE OF LANDFILL LEACHATE

The discharge of leachate from municipal waste landfills to the sewerage system may be considered under controlled conditions, if there is no other viable option of managing this waste and the discharge is within the Council's acceptance limits.

The proponent when seeking approval to discharge leachate to sewer needs to demonstrate that a sound stormwater management plan has been developed and implemented. The plan needs to address:

- segregation of potentially contaminated areas from uncontaminated areas;
- prevention of surface runoff entering leachate collection ponds/dams and to Council sewerage system; and
- appropriate pre-treatment to meet Council's acceptance limits.

Only the excess leachate after on-site management within the premise will be considered for sewer discharge, if it meets Council's acceptance criteria. On-site pre-treatment to reduce ammonia levels (and other substances, e.g. PFAS) may also be required.

C4 DISCHARGE FROM FLOAT TANKS

Float tanks, often referred to as floatation pods, iso-pods (isolation tank), sensory deprivation systems, or REST tanks (restricted environmental stimulation therapy tanks) are typically small, enclosed pods containing about 1,000 litres of water. This water usually contains large quantities of Epsom salts (300 - 700 kg of magnesium sulphate), resulting in total dissolved solids concentration up to 700,000 mg/L.



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Discharge of such water to sewer is not permitted due to potential adverse impacts associated with the high salt content on the sewer infrastructure and treatment processes. It is also not appropriate to dispose of such waste to septic tanks or on-site soak wells.

If wastewater is proposed to be transported away for off-site management, the operator of such facilities must provide details of liquid waste transporters and written verification from the receiving facilities acknowledging and agreeing to receive such wastewater.

C5 DISCHARGE FROM SERVICE STATION FORECOURTS AND OTHER REFUELLING POINTS

C5.1 New premises

The discharge of wastewater from service station forecourts and other refuelling points (e.g. at bus depot, etc.) is not permitted.

Refer to NSW EPA Practice Note, titled Managing Run-off from Service Station Forecourts, June 2019, for options for managing such wastewater.

C5.2 Existing premises

The discharge from existing service stations and other refuelling areas may be permitted, provided appropriate pre-treatment and discharge control requirements are adhered to. Further information is provided in Chapter 3 and Appendix F of the Liquid Trade Waste Management Guidelines 2021.

If a refuelling area is refurbished, then the discharge from this area must be disconnected from the sewerage system.

C6 DISCHARGES FROM LIQUEFACTION AND/OR PULVERISATION OF SOLID WASTE BY PHYSICAL OR CHEMICAL PROCESSES

The wastewater arising from liquefaction or pulverisation of solid waste by physical (e.g. pulping, macerating) or chemical means (e.g. dissolving solid waste in highly acidic or alkaline solutions) is not permitted to be discharged to the sewerage system.

Accordingly, discharges from the following devices/processes are not permitted:

- o **Macerators** or similar devices that pulverising of solid waste. Solid waste includes, but not limited to sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan/urine containers, food waste, disposable products and animal waste (dog/cat faeces, cat litter).
- o **Food waste disposal units**, also known as in-sink food waste disposers or garbage grinders in commercial premises. Discharges from existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrestor (additional charges will be applied). If the kitchen is refurbished, the food waste disposal unit must be removed.
- o **Alkaline hydrolysis waste**, process where a human or animal tissue is broken down using alkaline solutions at elevated temperatures and pH. The process may be used in animal care facilities, veterinary premises, animal research laboratories, funeral parlours etc. The generated wastewater is of a high strength and may exhibit high loadings on the sewerage system. Accordingly, the wastewater generated by this process is not permitted to be discharged to the sewerage system.

C6.1 Discharge from Solid Food Waste Processing Units (digesters/ composters, etc.)

Discharge from a solid food waste processing unit (digesters/composters, etc.) to a Council's sewerage system is a Concurrence Classification C discharge (i.e. Charging Category 3), hence Council needs to obtain concurrence to its approval from the department for individual applications.

The quality of wastewater from this equipment depends on the type of solid waste feed into it and the effectiveness of the on-site pre-treatment, hence frequent sampling will be required for monitoring and charging purposes. Sampling needs to be undertaken by either a council officer or an independent party acceptable to Council.



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Appropriate on-site pre-treatment needs to be provided prior to combining with any other liquid waste stream that discharges to the Council's sewerage system.

Each application will be assessed on a case by case basis.

C7 USE OF ADDITIVES IN PRE-TREATMENT SYSTEMS

The use of bacterial, enzyme and/or odour controlling agents in pre-treatment equipment (e.g. in grease arrestors) is prohibited unless specifically approved by Council with the department's concurrence.

C8 DISCHARGE OF DISPOSABLE PRODUCTS MARKETING AS FLUSHABLE

Any disposable solid products including those marketed as "flushable" (e.g. wet wipes, cleaning wipes, cat litter, etc.) is not permitted to flush down the sewerage system.

Contrary to manufacturers' claims, flushable wet wipes do not breakdown in the sewerage system similarly to a toilet paper and may cause blockages within the premises or in the Council's sewerage system and may cause raw sewage overflow to the environment.

20 APPENDIX D – NON-RESIDENTIAL SEWERAGE AND LIQUID TRADE WASTE CHARGES

This Appendix provides information on Council's charging criteria for liquid trade waste customers. Some guidance is also provided on the applicable non-residential sewerage charges.

The best practice pricing for non-residential sewerage and liquid trade waste services are to ensure that liquid trade waste dischargers pay a fair share of the cost of sewerage services provided by Council. Appropriate pricing is essential to provide relevant pricing signals to non-residential and liquid trade waste customers to use water and sewerage system efficiently.

D1 NON-RESIDENTIAL SEWERAGE PRICING⁹

A non-residential sewerage bill is based on a cost-reflective two-part tariff with an annual access charge and a uniform sewer usage charge per kL. The total discharged volume to the sewerage system can be either measured (by a flow meter) or estimated using the customer's total water consumption multiplied by a sewer discharge factor.

The sewerage bill for a non-residential customer is calculated as follows:

$$B = SDF \times (AC + C \times UC)$$

Where:

B = Annual non-residential sewerage bill (\$)

C = Customer's water annual consumption (kL)

AC = Annual non-residential sewerage access charge as shown below (\$)

SDF = Sewer discharge factor

UC = Sewer usage charge (\$/kL)

⁹ Detailed guidance for calculation of non-residential sewerage prices are provided in the Department's Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002, Department of Land and Water Conservation

Access charge

The sewerage access charge is proportional to the square of the size of the water supply service connection

$$AC = \left(AC_{20} \times \frac{D^2}{400} \right)$$

Where:

AC₂₀ = Annual non-residential sewerage access charge for 20 mm water service connection (\$)

D = Water supply service connection size (mm)

Sewer Usage charge

The sewer usage charge (\$/kL) is applied for the total volume of wastewater discharged to the sewerage system.

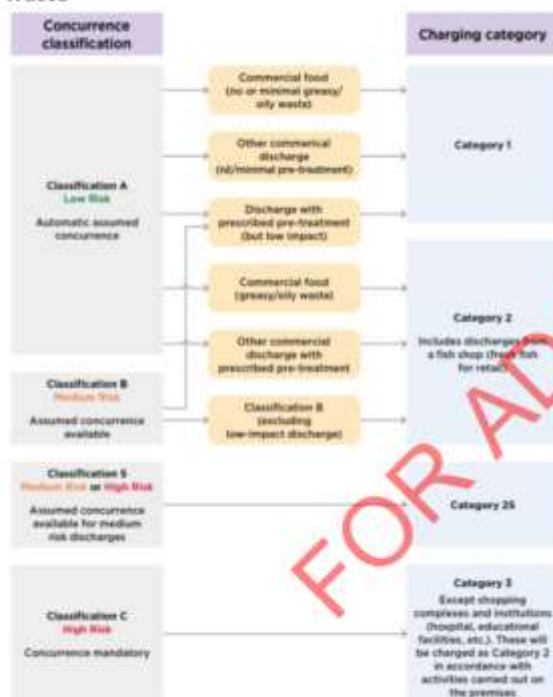


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D2 LIQUID TRADE WASTE FEES AND CHARGES

This section describes various fees and charges associated with liquid trade waste and fees and charges applicable to charging categories. Figure 1 shows the relationship between concurrence classifications and charging categories.

Figure 1 Charging categories for liquid trade waste



In summary, Classification A discharges fall into Charging Category 1 or Category 2. Classification B discharges fall into Charging Category 2, except for a few discharges with low impact on the sewerage system which fall into Category 1. Classification S discharges fall into Charging Category 2S and Classification C discharges fall into Charging Category 3.

D2.1 Description of various trade waste fees and charges

Following sections describe various trade waste fees and charges and the methodology of calculating them.

D2.1.1 Application fee

The application fee recovers the costs of administration and technical services provided by Council in processing a liquid trade waste application. This fee varies for different charging categories to reflect the complexity of processing the application.

D2.1.2 Annual trade waste fee

The purpose of this fee is to recover the costs incurred by council for ongoing administration and scheduled inspections, in order to ensure that the discharge complies with the approval conditions.

As part of an inspection, Council may undertake monitoring which may include, but is not limited to, flow measurement and the sampling. In general, cost of one inspection is included in the annual fee, in particular for Category 1 and 2 discharges.

Annual liquid trade waste fee varies for different charging categories in order to reflect the complexity of their inspection and administration requirements. In particular, for Category 3 discharges, Council may opt to set the annual fee on a case by case basis to reflect the complexity of monitoring requirements and the extent of inspection.

Refer to section D8.4 with regard to annual fees applicable to premises with multiple activities.

Council may require a discharger to pay for monitoring (quantity and quality) based on full cost recovery.

D2.1.3 Inspection fee/re-inspection fee

Cost of one inspection is usually included in annual liquid trade waste fee for charging categories 1 and 2.

However, it may be required to conduct unplanned inspections or re-inspections of a premise (e.g. non-compliance with approved conditions, investigating an accident, etc.). Also, more frequent inspections may be necessary for large and industrial discharges.

Where more than one inspection is undertaken in a financial year and/or the cost of inspections is not included in the annual fee, the cost may be



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recovered from the discharger as the re-inspection fee.

Council may recover the cost of sample analysis from the discharger, in addition to the re-inspection fee.

D2.1.4 Renewal fee

Council may apply a renewal fee if an existing approval needs to be renewed or modified.

D2.1.5 Category specific charges

The following sections describe the charging categories and relevant fees and charges. If a discharge is not listed, council will determine (with the consultation of the department) the relevant charging category, based on the quality and the quantity of discharge.

D3 CATEGORY 1 DISCHARGER

This charging category includes:

- Classification A discharges (both commercial retail non-oily/greasy food preparation and other commercial discharges, listed below)
- Classifications B discharges identified as low risk.

Some of the above discharges may require prescribed pre-treatment to be installed however, the treated effluent is considered to have a low impact on the sewerage system.

Classification A discharges – commercial retail food preparation activities that do not generate or generate minimal oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), boarding/hostel < 10 persons, café/coffee shop/coffee lounge (no hot food), canteen/cafeteria (no hot food), community hall/civic centre (minimal food), day care centre (minimal hot food), delicatessen (minimal or no hot food), fruit and vegetable shop, hotel/motel (minimal hot food), ice cream parlour (take away only), juice bar, mobile food van (no hot food), mixed business (minimal hot food), nightclub (no hot food), nut shop, pie shop (re-heating only), pizza no cooking/reheating (pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar/snack bar

(no hot food), take away food outlet (no hot food), school canteen with minimal hot food.

Classification A discharges from other commercial activities: animal wash, beautician/tanning booths/hairdressing, crafts ≤ 1,000 L/d, dental surgery/dental technician (plaster casts), dry cleaning, florist, funeral parlour, jewellery shop, medical centre/physiotherapy (plaster casts), mobile cleaning units, morgue, optical service, pet shop, plants retail (no nursery), non-residential swimming pool/hydrotherapy, veterinary.

Classification A or B discharges with prescribed pre-treatment and low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry/laundromat, primary and secondary school¹⁰, vehicle washing/detailing (excluding truck washing).

¹⁰ If significant hot food preparation is carried out, Category 2 charges may be levied by Council.

D3.1 Category 1 discharger - Liquid trade waste charges

D3.1.1 "Deemed to be approved" discharges

For a discharger in "Deemed to be approved discharges" (refer to Appendix B), following charges will be applicable:

$$TW_D = A_D$$

A_D = Annual trade waste fee (\$) for Category 1

D3.1.2 Category 1 discharger, other than "deemed to be approved"

Category 1 discharger who installs recommended appropriate pre-treatment equipment and maintains them regularly will be required to pay **only** the annual fee nominated for Category 1.

Liquid trade waste bill for Category 1 discharger (TW_1):

$$TW_1 = A_1$$

A_1 = Annual liquid trade waste fee (\$) for Category 1



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D4 CATEGORY 2 DISCHARGER

Category 2 liquid trade waste dischargers are those discharging waste generated by an activity listed below:

Classification A discharges – commercial retail food preparation/serving activities that generate oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen (exceeding 10 persons), butcher, café/coffee shop/coffee lounge (with hot food), cafeteria/ canteen (with hot food), chicken/poultry shop – fresh/roast, retail BBQ/charcoal chicken, day care centre with hot food, club, civic centre/community hall¹¹, commercial kitchen/caterer, delicatessen with hot food, fast food outlet, fish shop (retail and cooking on-site), function centre, hotel, ice cream parlour, mixed business (hot food), mobile food van (base), motel, nightclub, nursing home, patisserie, pizza cooking, restaurant, sandwich shop/salad bar/snack bar (with hot food), supermarket, take away food outlet with hot food, school canteen with hot food.

¹¹ If the type and size of kitchen fixtures installed enable catering for large functions.

Classification A discharges – other commercial discharges: car detailing, craft activities > 1000 L/d, lawnmower repairs, mechanical workshop, stone working, surfboard manufacture (wet process only).

Classification B discharges: auto dismantler, bus/coach depot, bakery (wholesale), butcher (wholesale) construction equipment maintenance and cleaning, boutique or artisan foods, engine reconditioning, equipment hire, maintenance and cleaning, fish co-op, graphic arts, hospital, micro-brewery, oyster processing – shucking, panel beating, radiator repairer, screen printing, service station forecourt, shopping complex, truck washing (platforms/flat beds) and truck washing (external).

D4.1 Category 2 discharger - Liquid trade waste charges

Category 2 discharger who installs appropriate pre-treatment equipment and maintains them will

pay annual fee nominated for Category 2 plus the trade waste usage charge.

Liquid trade waste bill for Category 2 discharger (TW₂):

$$TW_2 = A_2 + Q_{TW} \times C_2$$

A₂ = Annual liquid trade waste fee (\$) for Category 2

Q_{TW} = Total liquid trade waste discharge volume (kL)

C₂ = Trade waste usage charge (\$/kL)

The liquid trade waste discharge volume is generally estimated by applying a Trade Waste Discharge Factor (TWDF) to the total water consumption unless a discharge meter is installed.

D5 CATEGORY 2S DISCHARGER

Category 2S dischargers include:

- **transporters who tanker human waste** to council's STWs - septic tank waste (effluent and septage), ablution block waste (blackwater and greywater), portable toilet waste, sludge from on-site aerated wastewater treatment systems (AWTS) for **single households**, waste from pit toilets, night soil.
- **owners/operators of 'dump points'** directly connected to the sewer for disposal toilet waste and/or grey water from a bus or a recreation vehicle (RV), e.g. caravan, motor home.

D5.1 Category 2S discharger - Liquid trade waste charges

D5.1.1 Transported human waste

The transporters of human waste will be required to pay waste disposal charge (\$/kL).

Liquid trade waste bill for Category 2S waste transporter (TW_{TW}),

$$TW_{TW} = A_{TW} + Q_{TW} \times C_{TW}$$

A_{TW} = Annual fee (\$) for transported waste

Q_{TW} = Transported human waste volume (kL)

C_{TW} = Charging rate (\$/kL) for the transported waste (may vary based on the type of waste transported)



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D5.1.3 Waste dump points

Dump points are often located in public places (roadside), hence the monitoring of discharge volumes is not practical. Accordingly, only an annual fee is applied for stand-alone dump points.

Liquid trade waste bill for dump point operator (TW_{DP}) (if applicable),

$$TW_{DP} = A_{DP}$$

A_{DP} = Annual fee for dump point (\$)

D6 CATEGORY 3 DISCHARGER

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds the limits shown below becomes a Category 3 discharger (excluding shopping centres and institutions):

- Classification A discharge greater than 20 kL/d; or
- Classification B discharge greater than maximum allowable discharge as shown in Chapter 5 of the Guidelines.

Classification C discharges include:

- Abattoir
- Adhesive
- Agricultural And Veterinary Drugs
- Bitumen And Tar
- Carpet Manufacture
- Caustic Degreasing
- Chemicals Manufacture And Repackaging
- Cooling Towers
- Perfumes Manufacture
- Egg Processing
- Detergent /Soaps Manufacture
- Extrusion And Moulding (Plastic/Metal)
- Acid Pickling
- Latex Manufacture
- Anodising
- Bottle Washing
- Brewery
- Cardboard And Carton Manufacture
- Cosmetics
- Contaminated Site Treatment
- Cyanide Hardening
- Dairy Processing* (Milk, Cheese, Yoghurt, Ice Cream, Etc.)
- Drum Washing
- Electroplating
- Fertiliser Manufacture
- Felt Manufacture

Classification C discharges cont.

- Fellmonger
- Food Processing* Cereals, Cannery, Condiments, Confectionery, Edible oils
- Fats, Essence, Flavours, Fish, Fruit-Juice, Gelatine, Honey, Meat, Pickles
- Small Goods, Tea And Coffee, Vinegar, Yeast Manufacture Etc.
- Galvanising
- Glue Manufacture
- Laboratories (Excluding Those In Category 1 & 2)
- Metal Processing (Refining, Rumbling, Non-Cyanide Heat Treatment, Phosphating, Photo Engraving, Printed Circuit Etching, Sheet Metal Fabrication Etc.)
- Oil Recycling (Petrochemical) And Refinery
- Pet Food Processing
- Plants Nursery (Open Areas)
- Plaster Manufacture
- Potato Processing
- Printing (Newspaper, Lithographic)
- Saleyards
- Sandblasting
- Slipway
- Starch Manufacture
- Tanker Washing
- Timber Processing (Joinery And Furniture, Plywood, Hardwood)
- Tip Leachate
- Truck Washing (Internal)
- Water Treatment Backwash
- Winery Distillery
- Wine/Spirit Bottling
- Feather Washing
- Flour Milling
- Fibreglass Filter Cleaning
- Manufacture
- Foundry
- Food Waste Processing Unit (Digester, Composter)
- Fruit And Vegetable Processing
- Glass Manufacture
- Ink Manufacture
- Liquid Wastewater Treatment
- Facility (Grease Trap Receival Depot And Other Pump-Out Waste Depot)
- Metal Finishing
- Mirrors Manufacture
- Oil Recycling (Petrochemical) And Refinery
- Paint Manufacture
- Paint Stripping
- Paper Manufacture
- Pharmaceuticals Manufacture
- Powder Coating
- Poultry Processing
- Seafood Processing
- Soft Drink/Cordial Manufacture
- Sugar Refinery
- Tannery
- Textile Manufacture (Wool Dyeing, Spinning, Scouring)
- Transport Depot/Terminal
- Waxes And Polishes
- Wholesale Meat Processing



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* Excluding small boutique, craft or artisan food industries not exceeding the discharge volume shown in the *Liquid Trade Waste Management Guidelines, 2021*.

D6.1 Category 3 discharger - Liquid trade waste charges

D6.1.1 Excess mass charges

Category 3 discharger will be required to pay the annual liquid trade waste fee plus excess mass charges.

Liquid trade waste bill for Category 3 discharger (TW_3): $TW_3 = A_3 + EMC$

A_3 = Annual liquid trade waste fee (\$)**

EMC = Excess mass charges (\$)

Note: **Annual fee may vary for different business activities, depending on the complexity and time taken for inspection.

How excess mass charges are calculated

Excess mass charges will be applicable for substances discharged in excess of the 'Deemed Concentrations' in domestic sewage. For the purpose of excess mass charge calculation, the deemed concentrations of substances in domestic sewage are listed in Table D1.

Table D1 Deemed concentration of substances in domestic sewage

Substance	Concentration (mg/L)
Biochemical Oxygen	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as)	35
Total Kjeldahl	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO_4)	50 [#]

[#] The concentration in the potable water supply to be used if it is higher than 50 mg/L.

NB. Substances not listed above are deemed not to be present in domestic sewage.

For excess mass charge calculation, equation (1) below will be applied for all parameters including for BOD_5 up to 600 mg/L (but excluding COD and pH).

$$EMC (\$) = \frac{(S - D) \times Q_{TW} \times U}{1,000}$$

(1) Where:

S = Concentration (mg/L) of substance in sample

D = Concentration (mg/L) of substance deemed to be present in domestic sewage

Q_{TW} = Volume (kL) of liquid trade waste discharged to the sewerage system

U = Unit charging rate (\$/kg) for the substance (note that this rate varies from substance to substance. Refer to council's annual Management Plan for charging rates for various substances)

D6.1.2 Excess mass charges for BOD

BOD up to 600 mg/L

Equation (1) applies for BOD_5 up to 600 mg/L. Note that there are no excess mass charges if the BOD does not exceed 300 mg/L (deemed concentration of BOD in domestic sewage).

Excess mass charges for BOD exceeding 600mg/L

If council approves the acceptance limits for BOD_5 higher than 600mg/L, an exponential type equation will be used for calculation of the charging rate U_e (\$/kg) as shown in equation (2). This provides a strong incentive for dischargers to reduce the strength of waste. Note that equation (5) will be used where the discharger has failed to meet their approved BOD limit on more than two instances in a financial year.

U_e is the excess mass charging rate U_e (\$/kg) for BOD is calculated as:

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300\text{mg/L})}{600\text{mg/L}} \times 1.05^{\frac{(\text{Actual BOD} - 600\text{mg/L})}{600\text{mg/L}}}$$

(2) Where: C = Charging rate (\$/kg) for BOD_5 600mg/L

Actual BOD = Concentration of BOD_5 as measured in a sample

D6.2 Tankered Category 3 waste

In some instances, liquid waste that falls into Charging Category 3 is transported to the STW. Examples of such waste may include tankered landfill leachate or dairy waste from un-sewered areas. In such instances, council will determine the



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appropriate approval holder (waste generator or the transporter) and invoice accordingly.

Council will apply mass based charges, based on the quality and volume of the waste, e.g. high nitrogen concentrations in leachate from a landfill transported to the STW, using the equations as listed under Charging Category 3.

D7 NON-COMPLIANCE LIQUID TRADE WASTE CHARGES

Non-compliance charges for Category 1 and 2 dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following non-compliance trade waste usage charges will be applied for the relevant billing period.

If a discharger enters into an Effluent Improvement Plan with reasonable milestones and is demonstrating that they are satisfying Council requirements, this may allow for continued lower charges.

D7.1 Category 1 discharger - non-compliance charges

The trade waste usage charge (\$/kL) as per Council's Community Strategic Plan will be applied.

D7.2 Category 2 discharger – non-compliance charges

For Category 2 discharger, a non-compliance charge will be seven times the trade waste usage charge as outlined in the Council's Community Strategic Plan

Dischargers who have an undersized grease arrestor and improved the effluent quality by other means (e.g. increased pump-outs, installing additional pre-treatment equipment, etc.) will pay a trade waste usage charges in accordance with a Category 2 discharger.

Dischargers who cannot install a grease arrestor or those who have an arrestor with capacity significantly less than the required size and are unable to improve the effluent quality by means described above will have to pay non-compliance

trade waste usage charges, as per Category 2 non-compliance charge above.

D7.3 Non-compliance charges for Category 3 discharger

If a discharger in charging Category 3 fails to comply with the acceptance limits specified in council's approval conditions, the following non-compliance charges will be applicable.

D7.3.1 Non-compliance pH charge

If the pH of the waste discharge by Category 3 discharger is outside the approved range, equation (3) is used for the calculation of non-compliance pH charges. This equation provides an incentive for dischargers to install and properly maintain a pH correction system, so their waste remains within the approved pH limits.

Charging rate for pH, if outside the approved range =

$$K \times |\text{actual pH} - \text{approved pH}|^{\#} \times 2^{|\text{actual pH} - \text{approved pH}|^{\#}} \quad (3)$$

Absolute value to be used.

K = pH coefficient in \$

Example 4:

Council has approved the pH range 7.0 to 9.0 for a large discharger. pH coefficient (K) listed in council's Management Plan is \$0.45

Case 1: pH measured 6.0

$$\text{Charging rate for pH } (\$/\text{kL}) = 0.45 \times |6 - 7|^{\#} \times 2^{6-7|^{\#}}$$

$$= \$0.90/\text{kL}$$

Case 2: pH measured 11.0

$$\text{Charging rate for pH } (\$/\text{kL}) = 0.45 \times |11 - 9|^{\#} \times 2^{11-9|^{\#}}$$

$$= \$3.60/\text{kL}$$

#Absolute value to be used.

D7.3.2 Non-compliance excess mass charges

Equation (4) shall apply for non-compliance excess mass charges for various substances, except for BOD₅ where equation (5) shall apply to calculate the charging rate.

$$\begin{aligned} &\text{Non-compliance Excess Mass Charges } (\$) \\ &= \frac{(S-A) \times Q \times 2U}{1000} + \frac{(S-D) \times Q \times U}{1000} \quad (4) \end{aligned}$$



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Where:

S = Concentration (mg/L) of a substance in sample

A = Approved maximum concentration (mg/L) of pollutant as specified in council's approval (or liquid trade waste policy)

Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance

U = Excess mass charging rate (\$/kg) for the substance, as shown in council's annual Management Plan

D = Concentration (mg/L) of the substance deemed to be present in domestic sewage

D7.3.3 Non-compliance excess mass charges for BOD

The non-compliance excess mass charging rate (U_n) for BOD₅ is calculated by using equation (5):

U_n is the BOD₅ non-compliance excess mass charging rate in (\$/kL).

$$U_n = 2C \times \frac{(A - 300\text{mg/L})}{600\text{mg/L}} \times \frac{(A - 600\text{mg/L})}{600\text{mg/L}} + 4C \times$$

$$\frac{(\text{Actual BOD} - A)}{600\text{ mg/L}} \times 1.05 \times \frac{(\text{Actual BOD} - A)}{600\text{mg/L}} \quad (5)$$

D8 OTHER APPLICABLE LIQUID TRADE WASTE CHARGES

D8.1 Solid food waste processing unit

Discharge of waste from a solid food waste processing unit (digester/composter) is classified as Concurrence Classification C and is in charging Category 3.

Excess mass charges for all parameters in excess of the deemed concentrations in domestic sewage and non-compliance charges, above the council's acceptance limits, will be applicable to the waste stream from such equipment (refer s. D6.1 for further information).

In addition, the discharger needs to bear the cost of frequent sampling as the quality of wastewater dependent on the solid waste input to the processing unit and the effectiveness of the on-site pre-treatment equipment.

D8.2 Discharge of stormwater from large open areas or large quantities of groundwater to the sewerage system

The discharge of roof, rain, surface, seepage or ground water to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation 2005 and this policy. Consideration will be given to the acceptance of limited quantities of contaminated stormwater (first flush stormwater) based on a case-by-case assessment.

If stormwater run-off from a large areas or groundwater is approved for discharge to sewer for a Category 3 discharger (e.g. saleyards), a volume based charge similar to the non-compliance usage charging rate (\$/kL) for Category 2 will be applied (e.g. 5 to 10 times of Usage charging rate listed in council's Management Plan. Excess mass charges may be also applied to such discharges.

D8.3 Charges for premises with multiple liquid trade waste streams

Examples of premises with multiple waste streams include:

- shopping centres
- commercial strata units
- institutions, e.g. hospitals, tertiary educational facilities and correctional centres
- other premises with multiple waste streams, e.g. premises comprising food cooking/serving activities and "Boutique/artisan food" businesses. For example, a liquid trade waste application may include a restaurant or a hotel, a microbrewery, a chocolate making and/or a cheese making shops, all located on the same site.

D8.3.1 Shopping centre

Council will generally issue a liquid trade waste bill to the management of the above premises.

The annual fee will be charged to centre management as per the Community Strategic Plan for Category 2. This includes shared pre-treatment equipment (e.g. grease arrestor, oil separator, cooling pit, general-purpose pit).



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Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

D8.3.2 Commercial strata title units

Councils will issue individual liquid trade waste bills to each owner of the strata title unit.

D8.3.3 Hospitals, tertiary educational facilities and correctional centres

Council will generally issue a liquid trade waste bill to the management of the above premises.

The annual fee will be charged to management of the premises as per the Community Strategic Plan for Category 2 dischargers. This is for shared pre-treatment equipment (e.g. grease arrestor, oil separator, cooling pit, general-purpose pit)

Council will apply trade waste usage charge based on the estimated trade waste discharge volume.

If food preparation activities are carried out by an outside contractor, e.g. take away food outlets in the educational facilities. Council may issue a separate liquid trade waste bill to such individual shops, where practical. It may require an individual water meter or a check meter to be installed at the relevant service line.

D8.4.4 Other premises with multiple waste streams

There are some premises where various "boutique type" businesses are located on the same site as restaurants, café, etc. For example, a premise may include a restaurant, a microbrewery, a chocolate making shop and a cheese making business, all owned by the same owner. When a liquid trade waste application includes a few different activities on the same site, council will assess the application and determine the relevant charging categories and applicable fees and charges.

21 APPENDIX E – LIST OF DISCHARGES COUNCIL MAY APPROVE

Discharges from activities that Orange City Council can process without seeking Department concurrence, subject to businesses complying with certain requirements.

E1 CLASSIFICATION A

Food preparation/ serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day
<ul style="list-style-type: none"> • Bakery (retail) • Bed and Breakfast (<10 persons) • Bistro • Boarding house/hostel kitchen • Butcher (retail) • Café/coffee shop/coffee lounge • Canteen • Cafeteria • Chicken/poultry shop (fresh chicken/game, retail, barbeque/roast chicken) • Club (kitchen wastes) • Commercial kitchen/caterer • Community hall/civic centre/function centre (kitchen waste) • Day care centre • Delicatessen • Doughnut shops • Fast food outlets (McDonalds, KFC, Burger King, Hungry Jack, Pizza Hut, Red Rooster, etc.) • Fish shop (retail—fresh and/or cooked) • Fruit and vegetable shop (retail) • Fruit and vegetable shop (retail) • Hotel 	<ul style="list-style-type: none"> • Animal wash (pound, stables, racecourse, kennels, mobile animal wash) • Beautician • Boiler blowdown • Car detailing • Cooling towers • Craft activities (pottery, ceramics, cutting and polishing of gemstones or making of jewellery) • Dental surgery • Dental technician • Dry-cleaning (separator water, boiler) • Florist • Funeral parlour/morgue • Hairdressing • Jewellery shop • Laboratory (pathology/analytical) • Laundry or laundromat (coin operated) • Lawnmower repairs • Mechanical repairs/workshop • Medical centre/doctor surgery/physiotherapy - plaster of paris casts, laboratory



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Food preparation/ serving, generating liquid waste, up to 16 kL/day	Other Activities generating liquid waste, up to 5 kL/day	E2 CLASSIFICATION B	
		Activity	Maximum daily discharge volume (kL)
<ul style="list-style-type: none">• Ice-cream parlour• Hotel• Ice-cream parlour• Juice bar• Mixed business• Mobile food van• Motel• Nightclub• Nursing home kitchen• Nut shop• Patisserie• Pie shop• Pizza shop• Restaurant• Salad bar• Sandwich shop• School – canteen, home science• Snack bar• Supermarket (with butcher/bakery/delicatessen/seafood or roasted chicken)• Take away food shop• Venetian blind cleaning• Veterinary surgery	<ul style="list-style-type: none">• Mobile cleaning units• Nursing home (other than food-related activities)• Optical services• Per shop (retail)• Photographic tray work/manual development• Plants retail (no nursery or open space)• School (other than kitchen waste)• Stone working• Surfboard manufacturing (wet process only)• Swimming pools/spas/hydrotherapy pools• Vehicle (car) washing (by hand/wand, automatic car wash/bus wash/external truck wash or underbody/engine degrease only)	Auto-dismantler	20
		Bus/coach depot with an existing refuelling point and/or a dump point	20
		Bakery (wholesale) – bread only	20
		Boutique or artisan food (for example, honey processing, confectionary, jams, pickles, juices, cheese)	1 (not to exceed 5 kL/week)
		Butcher (wholesale)	20
		Construction equipment, agricultural equipment and equipment hire maintenance and cleaning	20
		Cooling towers over 500 L/h (non-industrial)	20
		Educational facilities—tertiary institution (TAFE, university, etc.)	No limit
		Engine reconditioning	5
		Fish co-op	20
		Hospital	No limit
		Laboratory—tertiary Institution, except animal health or agricultural research, PC2 and PC3 laboratories	5
		Microbrewery	5 (not to exceed 10 kL/week)
		Oyster processing—shucking	20
		Panel beating	20
		Photographic—graphic arts	5
		Radiator repair	5



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Activity	Maximum daily discharge volume (kL)
Screen printing	20
Service station covered forecourt/other refuelling points (existing only)	5
Shopping complex	No limit
Truck washing—truck platforms/flatbed/garbage truck	20
Truck washing—truck platforms/flatbed/garbage truck	20

E3 CLASSIFICATION S

Discharges from activities that Council can process without seeking Department concurrence, subject to complying with certain requirements.

- Human waste tankered to Council's facility:
 - septic tank waste (effluent and septage);
 - ablution block waste (blackwater and grey water);
 - portable toilet waste;
 - sludge from on-site aerated wastewater treatment systems for single households;
 - waste from pit toilets; or
 - night soil.

Waste from dump points – dump points receiving toilet waste and/or greywater from facilities (toilets and kitchen) on a bus or recreation vehicle (RV), such as a caravan, or motor home.

22 APPENDIX F – FRAMEWORK FOR REGULATION OF LIQUID TRADE WASTE

F1 THE NSW FRAMEWORK FOR REGULATION OF SEWERAGE AND TRADE WASTE

The NSW framework is driven by the NSW Government's *Best Practice Management of Water Supply and Sewerage Guidelines, 2007*. Sound regulation of sewerage and liquid trade waste is a key element of the 2007 guidelines, and requires each council to implement all the following integrated measures.

1. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
2. Preparation and implementation of a sound *Development Servicing Plan*, with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.
3. Full cost recovery with appropriate sewer usage charges and trade waste fees and charges in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
4. Monitoring, mentoring and coaching of dischargers in order to achieve cleaner production and assist them to comply with their conditions of approval.
5. Enforcement, including appropriate use of penalty notices in the NSW legislation. Orders may also be issued under the *Local Government Act 1993*.



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6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

F2 ALIGNMENT WITH THE NATIONAL FRAMEWORK FOR WASTEWATER SOURCE MANAGEMENT

The NSW framework for regulation of sewerage and trade waste is outlined in section 3.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.

The following 12 elements of the *National Framework for Sewage Quality Management* are set out on page 18 of the *Australian Sewage Quality Management Guidelines, June 2012*, WSAA:

Commitment

1. Commitment to Wastewater Source Management

System Analysis and Management

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

Supporting Requirements

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness

9. System Validation and Research and Development

10. Documentation and Reporting

Review

11. Evaluation and Audit

12. Review and Continual Improvement

In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes.

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8).
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12).
- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8).
- Appropriate trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8).
- Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8).
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8).
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8).
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).



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23 APPENDIX G – LEGISLATIVE PROVISIONS

Provisions in the Local Government (General) Regulation 2021 in regard to acceptance of liquid trade waste into the sewerage system.

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines#.

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under [section 68 of the Act](#) to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General's nominee) has concurred with the approval.

Note: [Section 90 \(2\) of the Act](#) permits any person or authority whose concurrence is required before an approval may be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.
- (2) In imposing any such conditions, the council is to have regard to the matter set out in Table 5 to the Liquid Trade Waste Management Guidelines#.

* "Liquid Trade Waste Management Guidelines" means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time. The 2005 Guidelines have now been superseded by *Liquid Trade Waste Management Guidelines, 2021*.

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (A) Prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises, and
- (B) Take any other action that is reasonable to prevent waste and misuse of water.

137A Substances prohibited from being discharged into public sewers

- (1) For the purposes of [section 638 of the Act](#) (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.
- (2) This clause does not apply in relation to:
 - (a) A discharge that is specifically approved under [section 68 of the Act](#), or
 - (b) A discharge into a public drain or a gutter of a council, or

143 Inspection of pipes and drains and measurement of water and sewage

- (1) The council may, at any reasonable time:
 - (a) inspect any service pipe connected to a water main, and
 - (b) inspect any drain connected to a sewer main, and
 - (c) install meters or other devices for measuring the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (d) measure the quantity of water supplied to, or the quality and quantity of sewage discharged from, premises, and
 - (e) inspect any pre-treatment devices connected to the council's sewerage system.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quality and quantity of sewage actually discharged from, the premises.



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- (3) In this clause,
"pre-treatment device" means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

SCHEDULE 12 – Penalty notice offences

Offence under <i>Local Government Act 1993</i>	Penalty
Section 626 (3)-carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68 .	\$330
Section 627 (3)-having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68 , carry out the activity otherwise than in accordance with the terms of that approval.	\$330

5.7 STRATEGIC POLICY REVIEWS - POST EXHIBITION

RECORD NUMBER: 2025/17

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 adoption following a public exhibition period.

The policies were on public exhibition from 18 December 2024 to 20 January 2025. No submissions were received. Minor updates were made by staff during the exhibition period to spelling/grammar and to enhance readability.

It is recommended that these policies be adopted.

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 adopt the following policies:

- **ST10 - Privacy Management**
- **ST12 - Compliments & Complaints**
- **ST17 - Customer Service Commitment**

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. The policies have been placed on public exhibition during the period 18 December 2024 to 20 January 2025 to allow for Council and public review and submissions. There were no submissions received.

During the exhibition period responsible staff made minor updates to each of the policies as outlined below.

ST10 – Privacy Management

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering – previously ST092 • Change of Name from Privacy & Personal Information • Formatting update • Inclusion of updated forms during exhibition period.

ST12 – Compliments & Complaints

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering – previously – ST016 • Change of Name from Complaint Management • Formatting update • Inclusion of section detailing ‘compliments’ • Complaint handling framework added as Appendix table. • Minor Spelling/Grammar updates during exhibition period.

ST17 – Customer Service Commitment

Reference	Update
General	<ul style="list-style-type: none"> • Renumbering from ST021 • Change of Name from Customer Service Obligation • Formatting Update • Minor Spelling/Grammar, readability updates during exhibition period.

It is now recommended that Council adopt these policies.

ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST10 - Privacy Management, [D24/137403](#)
- 2 FOR ADOPTION - Strategic Policy - ST12 - Compliments & Complaints, [D24/137405](#)
- 3 FOR ADOPTION - Strategic Policy - ST17 - Customer Service Commitment, [D24/137404](#)



Strategic Policy – ST10

Privacy Management

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST10

PURPOSE

The Privacy and Personal Information Protection Act 1998 (PPIPA) provides for the protection of personal information and the privacy of individuals.

The Act requires all Councils to prepare a Privacy Management Plan, and provides for the protection of personal information by means of Information Protection Principles, as outlined in this Plan.

To assist Council in dealing with personal information and providing for the protection and privacy of individuals in accordance with the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002.

APPLICABILITY

This policy applies to Councillors, Council employees, contractors, volunteers, committee members and other delegates.

Council's Privacy Management Plan is based on the Model Privacy Management Plan issued by the Information & Privacy Commission.

Procedures for managing private and personal information are found in this Privacy Management Plan.

RELATED DOCUMENTS

- ST01 - Code of Conduct
- ST16 - Access to Information held by Council
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- IPC Privacy Code of Practice for Local Government
- IPC Model Privacy Management Plan

All policies can be reviewed or revoked by the Council at any time.

ST10 - Strategic Policy - Privacy Management

Amendments:

- Renumbering – previously ST092.
- Change of Name from Privacy & Personal Information
- Formatting update

Review Due: November 2028	Version V1_25	Last Revision: December 2024
Approved By:	Minute Number:	Approval Date:



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1 INTRODUCTION

1.1 The Privacy and Personal Information Protection Act 1998 ("PPIPA") provides for the protection of personal information and for the protection of the privacy of individuals. Section 33 of the PPIPA requires all councils to prepare a Privacy Management Plan (the "Plan") to deal with:

- the devising of policies and practices to ensure compliance by Council with the requirements of the PPIPA and the Health Records and Information Privacy Act 2002 ("HRIPA")
- the dissemination of those policies and practices to persons within Council
- the procedures that Council proposes for internal review of privacy complaints
- such other matters as are considered relevant by Council in relation to privacy and the protection of personal information held by it.

1.2 This Privacy Management Plan has been prepared for the purpose of section 33 of the PPIPA.

1.3 PPIPA provides for the protection of personal information by means of 12 Information Protection Principles. Those principles are listed below:

Principle 1	Collection of personal information for lawful purposes
Principle 2	Collection of personal information directly from individual
Principle 3	Requirements when collecting personal information
Principle 4	Other requirements relating to collection of personal information
Principle 5	Retention and security of personal information

Principle 6	Information about personal information held by agencies
Principle 7	Access to personal information held by agencies
Principle 8	Alteration of personal information
Principle 9	Agency must check accuracy of personal information before use
Principle 10	Limits on use of personal information
Principle 11	Limits on disclosure of personal information
Principle 12	Special restrictions on disclosure of personal information

1.4 The Privacy Code has been developed to enable Local Government to fulfil its statutory duties and functions under the *Local Government Act 1993* (the "LGA") in a manner that seeks to comply with the PPIPA.

1.5 This Plan outlines how Council will incorporate the 12 Information Protection Principles into its everyday functions.

1.6 This Plan should be read in conjunction with the Code of Practice for Local Government.

1.7 Nothing in this Plan is to:

- affect any matter of interpretation of the Codes or the Information Protection Principles and the Health Privacy Principles as they apply to Council;
- affect any obligation at law cast upon Council by way of representation or holding out in any manner whatsoever;
- create, extend or lessen any obligation at law which Council may have.

1.8 This Plan is designed to introduce policies and procedures to maximise compliance with the PPIPA and the HRIPA.

1.9 Where Council has the benefit of an exemption, it will nevertheless describe



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procedures for compliance in this Plan. By doing so, it is not to be bound in a manner other than that prescribed by the Codes.

- 1.10 Council collects, stores and uses a broad range of information. A significant part of that information is personal information. This Plan applies to that part of Council's information that is personal information.
- 1.11 It may mean in practice that any information that is not personal information will receive treatment of a higher standard; namely treatment accorded to personal information where the information cannot be meaningfully or practicably separated.

2 WHAT IS "PERSONAL INFORMATION"?

- 2.1 "Personal information" is defined in section 4 of the PPIPA as follows:

"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."

3 WHAT IS NOT "PERSONAL INFORMATION"?

- 3.1 "Personal information" does not include *"information about an individual that is contained in a publicly available publication"*.
- 3.2 Personal information, once it is contained in a publicly available publication, ceases to be covered by the PPIPA.
- 3.3 Section 4A of the PPIPA also specifically excludes "health information", as defined by section 6 of the HRIPA, from the definition of "personal information", but includes "health information" in the PPIPA's consideration of public registers (discussed below). "Health information" is considered in Part 4 of this Plan.
- 3.4 Where Council is requested to provide access or make a disclosure and that

information has already been published, then Council will rely on the provisions of the relevant Act that authorises Council to hold that information and not the PPIPA (for example, section 8 of the Government Information (Public Access) Act 2009 (GIPA Act)).

- 3.5 Council considers the following to be publicly available publications:

- An advertisement containing personal information in a local, city or national newspaper
- Personal information on the Internet
- Books or magazines that are printed and distributed broadly to the general public
- Council Business Papers or part thereof that is available to the general public
- Personal information that may be a part of a public display on view to the general public.

- 3.6 Information published in this way ceases to be covered by the PPIPA.

- 3.7 Council's decision to publish in this way must be in accordance with PPIPA.

4 ELECTORAL ROLLS

- 4.1 The Electoral Roll is a publicly available publication. Council will provide open access to the Electoral Roll in Council's Library. Council will refer any requests for copies of the Electoral Roll to the NSW Electoral Commission.

5 APPLICATION OF THIS PLAN

- 5.1 The PPIPA, the HRIPA and this Plan apply, wherever practicable, to:
- Councillors
 - Council employees
 - Consultants and contractors of Council
 - Council committees
- 5.2 Council will ensure that all such parties are made aware that they must comply with the PPIPA, the HRIPA, any other applicable Privacy Code of Practice and this Plan.



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6 PERSONAL INFORMATION HELD BY COUNCIL

- 6.1 Council holds personal information concerning Councillors, such as:
- personal contact information
 - complaints and disciplinary matters
 - pecuniary interest returns
 - entitlements to fees, expenses and facilities
- 6.2 Council holds personal information concerning its customers, ratepayers and residents, such as:
- rates records
 - development applications and objections
 - various types of health information
 - enrolment information for a range of council services
 - application details (for example donations and sponsorship requests)
- 6.3 Council holds personal information concerning its employees, such as:
- recruitment material
 - leave and payroll data
 - personal contact information
 - performance reviews
 - disciplinary matters
 - pecuniary interest returns
 - wage and salary entitlements
 - health information (such medical certificates and workers compensation claims).

7 APPLICATION FOR SUPPRESSION IN RELATION TO GENERAL INFORMATION (NOT PUBLIC REGISTERS)

- 7.1 Under section 739 of the Local Government Act 1993 a person can make an application to suppress certain material that is available for public inspection in circumstances where the material discloses or would disclose the person's place of living if the person considers that

- the disclosure would place the personal safety of the person or their family at risk.
- 7.2 Section 739 of the LGA relates to publicly available material other than public registers. As such, it limits disclosure in those circumstances where an application for suppression is successful. An application for suppression must be verified by statutory declaration and otherwise meet the requirements of section 739. When in doubt, Council will err in favour of suppression.
- 7.3 For more information regarding disclosure of information (other than public registers) see the discussion of IPPs 11 and 12 in Part 3 of this Plan. For information regarding suppression of information on public registers, see Part 2 of this Plan.

8 CAUTION AS TO UNSOLICITED INFORMATION

- 8.1 Where an individual, a group or committee, not established by Council, gives Council unsolicited personal or health information, then that information should be still treated in accordance with this Plan, the Codes, the HRIPA and the PPIPA for the purposes of IPPs 5-12 and HPPs 5-15 which relate to storage, access, use and disclosure of information.
- 8.2 Note that for the purposes of section 10 of the HRIPA, Council is not considered to have "collected" health information if the receipt of the information by Council is unsolicited.
- 8.3 Section 4(5) of the PPIPA also provides that personal information is not "collected" by Council if it is unsolicited.

9 PUBLIC REGISTERS

- 9.1 A public register is defined in section 3 of the PPIPA:

"...public register means a register of personal information that is required by law to be, or is made, publicly available or open to public inspection (whether or not on payment of a fee)."



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- 9.2 A distinction needs to be drawn between “public registers” within the meaning of Part 6 of the PPIPA and “non-public registers”. A “non-public register” is a register but it is not a “public register” for the purposes of the PPIPA. For example, the register might not be publicly available or it may not contain personal information.
- 9.3 Disclosure in relation to public registers must comply with Part 6 of the PPIPA and the Privacy Code. Personal information cannot be accessed by a person about another person unless the personal information is contained in a public register. Where personal information is contained in a public register, then Part 6 of the PPIPA applies to determine whether access to that information will be given to another person.
- 9.4 Disclosure in relation to all other personal information must comply with the Information Protection Principles as outlined in Part 2 of this Plan and the Privacy Code where it includes personal information that is not published.
- 9.5 Please note the following list is not exhaustive. Council may, by virtue of its own practice, hold other public registers, to which the PPIPA applies.
- 9.6 Council holds the following public registers under the **Local Government Act**:
- Section 53 - Land Register
 - Section 113 - Records of Approvals
 - Section 449 - 450A - Register of Pecuniary Interests
 - Section 602 - Rates Record
- 9.7 Council holds the following public registers under the **Environmental Planning & Assessment Act**:
- Section 100 – Register of Consents and Approvals
 - Section 149G – Record of Building Certificates
- 9.8 Council holds the following public register under the **Protection of the Environment**

(Operations) Act:

- Section 308 – Public Register of Licences Held
- 9.9 Council holds the following public register under the **Impounding Act 1993**:
- Section 30 and 31 – Record of Impounding
- 9.10 Members of the public may enquire only in accordance with the primary purpose of any of these registers. The primary purpose for each of these public registers is set out in the sections that follow.

10 PUBLIC REGISTERS, THE PPIPA AND THE HRIPA

- 10.1 A public register generally confers specific rights or privileges, a benefit, or status, which would not otherwise exist. It may be required by law to be made publicly available or open to public inspection, or it is simply made publicly available or open to public inspection (whether or not payment is required).
- 10.2 Despite the exclusion of “health information” from the definition of “personal information” under section 4A of the PPIPA, section 56A of the PPIPA includes as “personal information”, “health information” on public registers.
- 10.3 Section 57 of the PPIPA requires very stringent controls over the disclosure of personal information contained in a public register. It provides broadly that where Council is responsible for keeping a public register, it will not disclose any personal information kept in that register unless it is satisfied that the information is to be used for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 10.4 Section 57(2) provides that in order to ensure compliance with section 57(1), Council may require any person who applies to inspect personal information contained in the public register to give particulars in the form of a statutory



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declaration as to the proposed use of that information (form at Appendix 1 may be used as a guide).

- 10.5 Council also needs to consider the Privacy Code of Practice for Local Government which has the effect of modifying the application of Part 6 of the PPIPA (the “public register” provisions).
- 10.6 If the stated purpose of the applicant does not conform with the purpose for which the public register is kept, access to the information sought will not be given.

11 EFFECT OF THE GIPA ACT

- 11.1 Section 57 of the PPIPA prevails over clause 1(3) of Schedule 1 of the Government Information (Public Access) Regulation 2009 (GIPA Regulation) to the extent of any inconsistency. Therefore:
- 1) If a register is listed in Schedule 1 of the GIPA Regulation, access must not be given except in accordance with section 57(1) of the PPIPA.
 - 2) If a register is not listed in Schedule 1 of the GIPA Regulation, access must not be given except:
 - i. if it is allowed under section 57(1) of the PPIPA; and
 - ii. there is no overriding public interest against disclosure of the information under section 6 of the GIPA Act.

Note: Both 1 and 2 are amended with regard to specific public registers in the Privacy Code of Practice for Local Government.

12 WHERE SOME INFORMATION IN THE PUBLIC REGISTER HAS BEEN PUBLISHED

- 12.1 That part of a public register that is not published in a publicly available publication will be treated as a “public register” and the following procedure for disclosure will apply.
- 12.2 For example, the Register of Consents and Approvals held by Council under section

100 of the Environmental Planning & Assessment Act requires Council to advertise or publish applications for development consent.

- 12.3 When Council publishes the address of the property, it may identify the owner. The personal information that has not been published and any applications not advertised or that have been rejected or withdrawn (and hence also not published) will be treated as a public register under PPIPA.
- 12.4 Council may hold a register under the Contaminated Land Management Act on behalf of the Environment Protection Authority. This is not to be considered a public register of Council as the statute does not place any obligations on Council to make this register publicly available as a register of contaminated land.
- 12.5 Furthermore, the legislation foreshadows that the Environment Protection Authority may indeed post this list or register on the internet. This may constitute a publication of the information and therefore the PPIPA will not apply.
- 12.6 Registers will not be published on the internet.

13 DISCLOSURE OF PERSONAL INFORMATION CONTAINED IN PUBLIC REGISTERS

- 13.1 A person seeking a disclosure concerning someone else’s personal information from a public register must satisfy Council that the intended use of the information is for a purpose relating to the purpose of the register or the Act under which the register is kept.
- 13.2 In the following section, by way of guidance only, what might be called the “primary” purpose (or “the purpose of the register”) has been specified for each identified register. In some cases a “secondary purpose” has also been specified, by way of guidance as to what



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might constitute “a purpose relating to the purpose of the register”.

14 PURPOSE OF PUBLIC REGISTERS

Purposes of public registers under the Local Government Act

Section 53 - Land Register

- 14.1 The primary purpose is to identify all land vested in Council, or under its control. The secondary purpose includes a consideration of public accountability as to the land held by Council. Third party access is therefore a secondary purpose.

Section 113 - Records of Approvals

- 14.2 The primary purpose is to identify all approvals granted under the LGA.

Section 450A - Register of Pecuniary Interests

- 14.3 The primary purpose of this register is to determine whether or not a Councillor or a member of a Council Committee has a pecuniary interest in any matter with which Council is likely to be concerned. There is a corresponding public accountability purpose and third party access is a secondary purpose.

Section 602 - Rates Record

- 14.4 The primary purpose is to record the value of a parcel of land and record rate liability in respect of that land. The secondary purpose includes recording the owner or lessee of each parcel of land. For example, that a disclosure on a section 603 (of the LGA) rating certificate that a previous owner was a pensioner is considered to be allowed, because the secondary purpose is “a purpose relating to the purpose of the register”.

Purposes of public registers under the Environmental Planning and Assessment Act

Section 100 – Register of consents and approvals

- 14.5 The primary purpose is to identify applications for development consent and

other approvals, confirm determinations on appeal and identify applications for complying development certificates.

Section 149G – Record of building certificates

- 14.6 The primary purpose is to identify all building certificates.

Purposes of public registers under the Protection of the Environment (Operations) Act

Section 308 – Public register of licences held

- 14.7 The primary purpose is to identify all licences granted under the Act.

Purposes of the public register under the Impounding Act

Section 30 & 31 – Record of impounding

- 14.8 The primary purpose is to identify any impounding action by Council.

Secondary Purpose of all Public Registers

- 14.9 Due to the general emphasis (to be found in the LGA and elsewhere) on Local Government processes and information being open and accountable, it is considered that a secondary purpose for which all public registers are held by Council includes the provision of access to members of the public. Therefore disclosure of specific records from public registers would normally be considered to be allowable under section 57 of the PPIPA.

- 14.10 However, requests for access, copying or the sale of the whole or a substantial part of a Public Register held by Council will not necessarily fit within this purpose. Council should be guided by the Privacy Code of Practice for Local Government in this respect. Where Council Officers have doubt as to the intended use of the information, an applicant will be requested to provide a statutory declaration so that Council may satisfy itself as to the intended use of the information.

- 14.11 Council will make its assessment as to the minimum amount of personal information



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that is required to be disclosed with regard to any request.

Other Purposes

- 14.12 Persons or organisations who apply to Council to have access to the information contained in any public register for a purpose not related to the purpose of the register, may be given access at the discretion of Council but only in accordance with the Privacy Code of Practice for Local Government concerning Public Registers.

15 APPLICATIONS FOR ACCESS TO OWN RECORDS ON A PUBLIC REGISTER

- 15.1 A person wishing to have access to a public register to confirm their own details needs only to prove their identity to Council before having access to their own personal information.

16 APPLICATIONS FOR SUPPRESSION IN RELATION TO ON A PUBLIC REGISTER

- 16.1 An application for suppression in relation to a public register will be dealt with under PPIPA, rather than section 739 of the LGA.
- 16.2 A person about whom personal information is contained (or proposed to be contained) in a public register, may request Council under section 58 of the PPIPA to have the information removed from, or not placed on the register.
- 16.3 If Council is satisfied that the safety or well-being of any person would be affected by not suppressing the personal information as requested, Council will suppress the information in accordance with the request unless Council is of the opinion that the public interest in maintaining public access to the information outweighs any individual interest in suppressing the information, in accordance with section 58(2) of the

PPIPA. ("Well-being" is defined in the Macquarie Dictionary as "the good or satisfactory condition of existence; welfare".)

- 16.4 When in doubt, Council will err in favour of suppression.
- 16.5 Any information that is removed from, or not placed on, that aspect of a public register to be made public may be kept on the register for other purposes. That is, the information may still be used for Council functions, but it cannot be disclosed to other parties.
- 16.6 An application for suppression should be made in writing addressed to the Chief Executive Officer and must outline the reasons for the request. Council may require supporting documentation where appropriate.

17 OTHER REGISTERS

- 17.1 Council may have other registers that are not public registers. The Information Protection Principles, this Plan, any applicable Codes and the PPIPA apply to those registers or databases.

18 INVESTIGATIVE FUNCTIONS

- 18.1 Where Council is conducting an investigation, it will have regard to any applicable direction of the Information and Privacy Commissioner under Section 41 of the Privacy and Personal Information Protection Act 1998 that may affect the application of any Information Protection Principle.

19 DISCLOSURE OF INFORMATION FOR RESEARCH PURPOSES

- 19.1 The disclosure of personal information for research purposes will be allowed only in accordance with any applicable Direction made by the Privacy Commissioner under section 41 of PPIPA or any Research Code of Practice made by the Attorney General as may be in force for the time being.



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20 THE INFORMATION PROTECTION PRINCIPLES

Information Protection Principle 1 - Collection of Personal Information

Section 8 Collection of personal information for lawful purposes

- (1) *A public sector agency must not collect personal information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the agency, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *A public sector agency must not collect personal information by any unlawful means.*

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from the requirements of this principle.

Council Policy

Council will only collect personal information for a lawful purpose as part of its proper functions. The LGA governs Council's major obligations and functions however many pieces of legislation require other functions to be undertaken.

Additionally, the exercise by Council of its functions under the LGA may also be modified by the provisions of other Acts.

The circumstances under which Council may collect information, including personal information, are varied and numerous.

Council will not collect any more personal information than is reasonably necessary for it to fulfil its proper functions.

Anyone engaged by Council as a private contractor or consultant that involves the collection of personal information must agree to be bound not to collect personal information by any unlawful means. This will include debt

recovery actions by or undertaken on behalf of Council by commercial agents.

Role of the Privacy Officer

In order to ensure compliance with Information Protection Principle 1, internet contact forms, rates notices, application forms of whatsoever nature, or written requests by which personal information is collected by Council; will be referred to the Privacy Officer prior to adoption or use.

The Privacy Officer will also provide advice as to:

1. Whether the personal information is collected for a lawful purpose,
2. If that lawful purpose is directly related to a function of Council, and
3. Whether or not the collection of that personal information is reasonably necessary for the specified purpose.

Information Protection Principle 2 - Direct Collection

Section 9 Collection of personal information directly from individual

A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:

- (a) *the individual has authorised collection of the information from someone else, or*
- (b) *in the case of information relating to a person who is under the age of 16 years—the information has been provided by a parent or guardian of the person.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where indirect collection of personal information is reasonably necessary when an award, prize, benefit or similar form of personal recognition is intended to be conferred upon the person to whom the information relates.



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Council Policy

The compilation or referral of registers and rolls are the major means by which Council collects personal information. For example, the information Council receives from the Land and Property Services would fit within section 9(a) above.

Other means include forms that customers may complete and lodge with Council for development consent, companion animal registration, applications for specific inspections or certifications or applications in respect of tree preservation orders.

In relation to petitions, Council will treat the personal information contained in petitions in accordance with PPIPA.

Where Council or a Councillor requests or requires information from individuals or groups, that information will be treated in accordance with PPIPA.

Council regards all information concerning its customers as information protected by PPIPA. Council will therefore collect all personal information directly from its customers except as provided in section 9 or under other statutory exemptions or Codes of Practice. Council may collect personal information from other public sector agencies in respect of specific statutory obligations where it is authorised by law to do so.

Where Council anticipates that it may otherwise need to collect personal information indirectly it will first obtain the authorisation of each individual under section 9 (a) of the PPIPA.

External and related bodies

Each of the following will be required to comply with this Plan, any applicable Privacy Code of Practice, and the PPIPA:

- Council consultants
- Private contractors
- Council committees

Where any of the above collect personal information on behalf of Council or in relation to

the performance of their activities, that body or person will be required to:

- obtain a written authorisation and consent to that collection
- notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 2 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in very obvious and limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(2) of the PPIPA permits non-compliance with Information Protection Principle 2 if the information concerned is collected in connection with proceedings (whether or not actually commenced) before any court or tribunal.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 2 if Council is:

- (i) investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- (ii) if compliance might detrimentally affect (or prevent the exercise of) Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 2 where the agency is lawfully authorised or required not to comply with the principle.

- (iii) Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 2 where non-compliance is "necessarily implied" or "reasonably



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contemplated" under any Act or law (including the State Records Act 1998).

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 2 if compliance would prejudice the interests of the individual concerned.

Further explanation regarding IPP 2

Where Council cannot collect personal information directly from the person, it will ensure one of the following:

- 1 Council has obtained authority from the person under section 9(a) of the PPIPA.
- 2 The collection of personal information from a third party is permitted under an Act or law.
- 3 The collection of personal information from a parent or guardian is permitted provided the person is less than 16 years of age.
- 4 The collection of personal information indirectly where one of the above exemptions applies.
- 5 The collection of personal information indirectly is permitted under the Privacy Code of Practice for Local Government or the Investigative Code of Practice.

The only other exception to the above is in the case where Council is given unsolicited information.

Information Protection Principle 3 - Requirements When Collecting Personal information

Section 10 Requirements when collecting personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances to ensure that, before the information is collected or as soon as practicable after collection, the individual to whom the information relates is made aware of the following:

- (a) *the fact that the information is being collected,*
- (b) *the purposes for which the information is being collected,*

- (c) *the intended recipients of the information,*
- (d) *whether the supply of the information by the individual is required by law or is voluntary, and any consequences for the individual if the information (or any part of it) is not provided,*
- (e) *the existence of any right of access to, and correction of, the information,*
- (f) *the name and address of the agency that is collecting the information and the agency that is to hold the information.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle where personal information is collected about an individual for the purpose of conferring upon that person, an award, prize, benefit or similar form of is intended to be, or may be, conferred upon the person to whom the information relates.

Council Policy

Where Council proposes to collect personal information directly from the person, it will inform that person that the personal information is being collected, what is done with that information and who the intended recipients will be.

Council will inform persons if the information is required by law or voluntarily given. Council will also inform individuals which department or section within Council holds their personal information, and of the right to access and correct that information. Council's Pre-Collection Privacy Notification form is at Appendix 2.

The following are examples of application procedures that will require notification in accordance with section 10:

- Lodging Development Applications
- Lodging objections to Development Applications
- Lodging applications for approval under the Local Government Act



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- Any stamps or printed slips that contain the appropriate wording for notification under section 10 (see Appendix 2);
- When collecting an impounded item.

Objectors will be advised that their submission will form part of a public report, and included in a Council business paper. This notification will appear in advertisements advising of a development application.

Post - Collection

Where Council collects personal information indirectly from another public sector agency in respect of any one of its statutory functions, it will advise those individuals that it has collected their personal information by including a privacy notification form in the next issue of their rates notice, or otherwise by letter. Council's Privacy Notification Form for post-collection is at Appendix 3.

External and related bodies

Each of the following will be required to comply with Information Protection Principle 3:

- Council consultants
- Private contractors
- Council committees

Where any of the above collect personal information on behalf of Council or in relation to the performance of their activities, that body or person will be required to notify those persons in accordance with Information Protection Principle 3 as to the intended recipients and other matters required by that principle.

Existing statutory exemptions under the Act

Compliance with Information Protection Principle 3 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

The relevant statutory exemptions follow:

Section 23(3) permits non-compliance with Information Protection Principle 3 where

information is collected for law enforcement purposes. Law enforcement means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of accused persons.

Section 24(4) of the PPIPA extends the operation of section 24(1) to councils and permits non-compliance with Information Protection Principle 3 if Council is:

- investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- if compliance might detrimentally affect (or prevent the exercise of) Council's complaint handling or investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 3 where the agency is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 3 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 26(1) of the PPIPA permits non-compliance with Information Protection Principle 3 if compliance would prejudice the interests of the individual concerned.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consent to such non-compliance.

Information Protection Principle 4 - Other Requirements Relating to Collection of Personal Information

Section 11 Other requirements relating to collection of personal information

If a public sector agency collects personal information from an individual, the agency must take such steps as are reasonable in the circumstances (having regard to the purposes



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for which the information is collected) to ensure that:

- (a) the information collected is relevant to that purpose, is not excessive, and is accurate, up to date and complete, and
- (b) the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will seek to ensure that no personal information is collected which is not directly relevant to its proper functions.

Council collects personal information through the various forms that customers may complete and lodge with Council. Before adoption of a new form, a draft form will be reviewed for compliance with Information Protection Principle 4 by the Privacy Officer or other suitable person.

Information Protection Principle 5 - Retention & Security of Personal Information

Section 12 Retention and security of personal information

A public sector agency that holds personal information must ensure:

- (a) that the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and
- (b) that the information is disposed of securely and in accordance with any requirements for the retention and disposal of personal information, and
- (c) that the information is protected, by taking such security safeguards as are reasonable in the circumstances, against loss, unauthorised access, use, modification or disclosure, and against all

other misuse, and

- (d) that, if it is necessary for the information to be given to a person in connection with the provision of a service to the agency, everything reasonably within the power of the agency is done to prevent unauthorised use or disclosure of the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Council will comply with this principle by using the General Records Disposal Schedule for Local Government.

Information Protection Principle 6 - Information Held by Agencies

Section 13 Information about personal information held by agencies

A public sector agency that holds personal information must take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the agency holds personal information, and
- (b) whether the agency holds personal information relating to that person, and
- (c) if the agency holds personal information relating to that person:
 - (i) the nature of that information, and
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 13 of the PPIPA requires Council to take reasonable steps to enable a person to determine whether Council holds personal



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information about them. If Council holds any information about a person, upon request it will advise them the nature of that information, the main purposes for which it is held, and that person's entitlement to access.

Under section 20(5) of the PPIPA, Information Protection Principle 6 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.

Any person can make application to Council by completing the appropriate form and submitting it to Council. An example is at Appendix 4.

Where Council receives an application or request by a person as to whether Council holds information about them, the Privacy Officer will undertake a search of Council's records to answer the enquiry and may ask the applicant to describe what dealings the applicant has had with Council in order to assist the search.

Existing exemptions under the Act

Compliance with Information Protection Principle 6 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 6 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 6 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Reporting matters

Council will issue a statement to be included on its web page and in its Annual Report concerning the nature of personal information it regularly collects, the purpose for which the personal

information is used and an individual's right to access their own personal information.

Information Protection Principle 7 - Access to Personal Information Held by Agencies

Section 14 Access to personal information held by agencies

A public sector agency that holds personal information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 14 of the PPIPA requires a Council, at the request of any person, to give access to that person to personal information held about them.

Compliance with Information Protection Principle 7 does not allow disclosure of information about other people. If access to information that relates to someone else is sought, the application must be made under the GIPA Act, unless Information Protection Principles 11 and 12 or the Public Register provisions apply.

Where a person makes an application for access under the PPIPA and it is involved or complex, it may be referred, with the written consent of the applicant, as an application under the GIPA Act. However use of the GIPA Act is to be a last resort. The applicant has the right to insist on being dealt with under PPIPA.

Under section 20(5) of the PPIPA, Information Protection Principle 7 is subject to any applicable conditions or limitations contained in the *Government Information (Public Access) Act 2009* ("GIPA Act"). Council must consider the relevant provisions of the GIPA Act.



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Customers wishing to exercise their right of access to their own personal information should apply in writing or direct their inquiries to the Chief Executive Officer, who will make a determination. A form is provided at Appendix 5 for this purpose.

Members of staff wishing to exercise their right of access to their personal information should direct their inquiries to People & Culture.

In order to comply with the requirement to provide the requested information “without excessive delay or expense”, Council will endeavour to provide a response to applications of this kind within 28 days of the application being made.

Existing exemptions under the Act

Compliance with Information Protection Principle 7 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 7 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA non-compliance with Information Protection Principle 7 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Information Protection Principle 8 - Alteration of Personal Information

Section 15 Alteration of personal information

- (1) A public sector agency that holds personal information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the personal information:
- (a) is accurate, and
 - (b) having regard to the purpose for

which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.

- (2) *If a public sector agency is not prepared to amend personal information in accordance with a request by the individual to whom the information relates, the agency must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.*
- (3) *If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the public sector agency.*
- (4) *This section, and any provision of privacy code of practice that relates to the requirements set out in this section, apply to public sector agencies despite section 25 of this Act and section 21 of the State Records Act 1998.*
- (5) *The Privacy Commissioner’s guidelines under section 36 may make provision for or with respect to requests under this section, including the way in which such a request should be made and the time within which such a request should be dealt with.*
- (6) *In this section (and in any other provision of this Act in connection with the operation of this section), public sector agency includes a Minister and a Minister’s personal staff.*



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The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

Section 15 of the PPIPA allows a person to make an application to Council to amend (this includes by way of corrections, deletions or additions) personal information held about them so as to ensure the information is accurate, and, having regard to the purpose for which the information is collected, relevant to that purpose, up to date and not misleading.

Council wishes to have its information current, accurate and complete. Proposed amendments or changes to personal information held by Council are welcomed.

If Council declines to amend personal information as requested, it will on request of the individual concerned, place an addendum on the information in accordance with section 15(2) of the PPIPA.

Where there are complaints that are or could be the subject of a staff complaint or grievance, they will be referred to the Manager People & Culture in the first instance and treated in accordance with Council's Grievance Policy.

Any alterations that are or could be the subject of a customer complaint or grievance will be referred to the Chief Executive Officer, who will make a determination in relation to the matter.

Existing Exemptions Under the Act

Compliance with Information Protection Principle 8 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 8 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with section Information Protection Principle 8 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Procedure

Where information is requested to be amended (either by way of correction, deletion or addition), the individual to whom the information relates, must make such a request. That request should be accompanied by appropriate evidence as to the cogency of the making of the amendment, sufficient to satisfy Council that the proposed amendment is factually correct and appropriate. Council may require further documentary evidence to support certain amendments. Council will not charge to process an application to amend a record under section 15.

Council's application form for alteration is at Appendix 6.

Where Council is Not Prepared to Amend

If Council is not prepared to amend the personal information in accordance with a request by the individual, Council may attach to the information in such a manner as is capable of being read with the information, any statement provided by that individual.

Where an Amendment is Made

If personal information is amended in accordance with this section, the individual to whom the information relates is entitled, if it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.

Council will seek to notify recipients of information as soon as possible, of the making of any amendment, where it is reasonably practicable.



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Information Protection Principle 9 - Agency Must Check Accuracy of Personal Information Before Use

Section 16 Agency must check accuracy of personal information before use

A public sector agency that holds personal information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate, up to date, complete and not misleading.

The Privacy Code of Practice for Local Government

The Code makes no provision to depart from this principle.

Council Policy

The steps taken to comply will depend on the age of the information, its likelihood of change and the particular function for which the information was collected.

The more significant the information, the greater the necessity that checks to ensure its accuracy and currency be undertaken prior to its use.

For example, each employee's record should be updated when there is any change of circumstances or when the employee's contact details change.

Information Protection Principle 10 - Limits on Use of Personal Information

Section 17 Limits on use of personal information

A public sector agency that holds personal information must not use the information for a purpose other than that for which it was collected unless:

- (a) the individual to whom the information relates has consented to the use of the information for that other purpose, or
- (b) the other purpose for which the

information is used is directly related to the purpose for which the information was collected, or

- (c) the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual to whom the information relates or of another person.

The Privacy Code of Practice for Local Government

The Code makes provision that Council may use personal information for a purpose other than the purpose for which it was created in the following circumstances:

- (i) where the use is in pursuance of Council's lawful and proper function/s and Council is satisfied that the personal information is reasonably necessary for the exercise of such function/s; or
- (ii) where personal information is to be used for the purpose of conferring upon a particular person, an award, prize, benefit or similar form of personal recognition.

Explanatory Note

Council may use personal information obtained for one purpose for another purpose in pursuance of its lawful and proper functions. For example, the Rates Record that Council holds under section 602 of the LGA may also be used to:

- notify neighbours of a proposed development
- evaluate a road opening
- evaluate a tree preservation order

Council Policy

Council will seek to ensure that information collected for one purpose will be used for that same purpose. Where Council may need to use personal information collected for one purpose for another purpose, it will first gain the consent of the individual concerned, unless an exemption applies.

External and related bodies

Each of the following will be required to comply



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with the Information Protection Principle 10:

- Council consultants
- Private contractors
- Council committees

Where any of the above seek to use personal information collected for one purpose, that body or person will be required to obtain the written consent of those persons in accordance with section 17(a) to the use of the information for another purpose.

Existing exemptions under the Act

Compliance with Information Protection Principle 10 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.

Section 23(4) of the PPIPA permits Council not to comply with Information Protection Principle 10 where the use of the information for another purpose is reasonably necessary for law enforcement purposes or for the protection of the public revenue. "Law enforcement purposes" means a breach of the criminal law and criminal law enforcement. This section does not remove the rights of accused persons. "Protection of the public revenue" means a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty.

Section 24(4) of the PPIPA extends the operation of section 24(2) to councils and permits non-compliance with Information Protection Principle 10 if a Council is:

- investigating or otherwise handling a complaint or other matter that could be referred or made to, or has been referred from or made by, an investigative agency; and
- the use of the information concerned for a purpose other than the purpose for which it was collected is reasonably necessary in order to enable Council to exercise its complaint handling functions or any of its investigative functions.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 10 where Council is lawfully authorised or required not to comply with the principle. Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 10 where non-compliance is "necessarily implied" or "reasonably contemplated" under any Act or law.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Office of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister's (or Premier's) administration.

Information Protection Principle 11 - Limits on Disclosure of Personal Information

Section 18 Limits on disclosure of personal information

- (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless:
 - the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or
 - the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or
 - the agency believes on reasonable grounds that the disclosure is



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necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

- (2) *If personal information is disclosed in accordance with subsection (1) to a person or body that is a public sector agency, that agency must not use or disclose the information for a purpose other than the purpose for which the information was given to it.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

- 1 Council may disclose personal information to public sector agencies or utility providers on condition that:
 - (i) the agency or utility provider has approached Council in writing
 - (ii) Council is satisfied that the information is to be used by that agency or utility provider for the proper and lawful function/s of that agency or utility provider
 - (iii) Council is satisfied that the personal information is reasonably necessary for the exercise of that agency or utility provider's function/s.
- 2 Where personal information which has been collected about an individual is to be disclosed for the purpose of conferring upon that person, an award, prize, benefit or similar form of personal recognition.
- 3 Where Council is requested by a potential employer, it may verify:
 - (i) that a current or former employee works or has worked for Council,
 - (ii) the duration of that work, and
 - (iii) the position occupied during that time.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has

provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose the information to another person or other body, unless the disclosure is directly related to the purpose for which the information was collected or where Council has no reason to believe that the individual concerned would object to the disclosure.

Council may disclose personal information to another person or other body where this disclosure is directly related to the purpose for which the personal information was collected and the individual concerned is reasonably likely to have been aware, (or has been made aware in accordance with section 10), of the intended recipients of that information. "Directly related" can mean the disclosure to another person or agency to deliver a service which supplements that of Council or disclosure to a consultant for the purpose of assessing or reviewing the delivery of a program to which the original collection relates.

Council may disclose personal information to another person or other body where this disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 18 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Existing exemptions under the Act

Compliance with Information Protection Principle 11 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.



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Section 23(5)(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is made to a law enforcement agency in connection with proceedings for an offence or for law enforcement purposes. “Law enforcement purposes” means a breach of the criminal law and criminal law enforcement. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where the disclosure is made to a law enforcement agency for the purpose of ascertaining the whereabouts of a person reported to be missing. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(c) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is authorised by subpoena, search warrant or other statutory instrument. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(i) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary for the protection of the public revenue. “Protection of the public revenue” could mean a fraud with respect to taxes or other revenue earning processes such as avoidance of stamp duty. However Council need not disclose material that it is entitled to refuse in the absence of a subpoena, warrant or other lawful requirement.

Section 23(5)(d)(ii) of the PPIPA permits non-compliance with Information Protection Principle 11 where disclosure is reasonably necessary to investigate an offence where there are reasonable grounds to believe an offence has been committed.

Section 24(4) of the PPIPA permits non-compliance with Information Protection Principle 11 if non-compliance is reasonably necessary to assist another public sector agency that is an investigative agency exercising its investigative functions.

(Note: “investigative agency” is defined at section 3 of PPIPA.)

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 11 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 11 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law (including the State Records Act 1998).

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.



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Information Protection Principle 12 - Special Restrictions on Disclosure of Personal Information

Section 19 Special restrictions on disclosure of personal information

- (1) *A public sector agency must not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.*
- (2) *A public sector agency that holds personal information must not disclose the information to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:*
 - (a) *a relevant privacy law that applies to the personal information concerned is in force in the that jurisdiction or applies to that Commonwealth agency, or*
 - (b) *the disclosure is permitted under a privacy code of practice.*
- (3) *For the purposes of subsection (2), a relevant privacy law means a law that is determined by the Privacy Commissioner, by notice published in the Gazette, to be a privacy law for the jurisdiction concerned.*
- (4) *The Privacy Commissioner is to prepare a code relating to the disclosure of personal information by public sector agencies to persons or bodies outside New South Wales and to Commonwealth agencies.*
- (5) *Subsection (2) does not apply:*
 - (a) *until after the first anniversary of the commencement of this section, or*
 - (b) *until a code referred to in subsection (4) is made, whichever is the later.*

The Privacy Code of Practice for Local Government

The Code makes provision for Council to depart from this principle in the circumstances described below:

For the purposes of Section 19(2) only, where Council is requested by a potential employer outside New South Wales, it may verify that:

- (i) a current or former employee works or has worked for Council,
- (ii) the duration of that work, and
- (iii) the position occupied during that time.

This exception shall not permit Council to give an opinion as to that person's suitability for a particular position with any potential employer unless Council is satisfied that the person has provided their consent for Council to provide a reference, which may include an opinion as to that person's suitability for the position for which he/she has applied.

Council Policy

Council will not disclose personal information relating to an individual's ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, health or sexual activities unless the disclosure is necessary to prevent a serious or imminent threat to the life or health of the individual concerned or another person.

Public Registers

Sections 19 and 57 of the PPIPA should be read in conjunction in regard to Public Registers. Public Registers are discussed further in Part 2 of this Plan.

Existing exemptions under the Act

Compliance with Information Protection Principle 12 is also subject to certain exemptions under the Act. If one of those exemptions apply, Council need not comply. The statutory exemption will be relied upon only in limited circumstances and legal advice should normally be obtained.



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Section 23(7) of the PPIPA permits non-compliance with Information Protection Principle 12 where the disclosure is necessary to investigate an offence or where there are reasonable grounds to believe an offence has been or may be committed.

Section 25(a) of the PPIPA permits non-compliance with Information Protection Principle 12 where Council is lawfully authorised or required not to comply with the principle.

Section 25(b) of the PPIPA permits non-compliance with Information Protection Principle 12 where non-compliance is “necessarily implied” or “reasonably contemplated” under any Act or law.

Section 26(2) of the PPIPA permits non-compliance where the person expressly consents to such non-compliance.

Section 28(2) permits non-compliance with Information Protection Principle 12 where, information is collected or held by Multicultural NSW for the purpose of only translating information, documents have been destroyed or returned to the person who submitted them, or information is provided to another person in connection to provision of a translation service.

Section 28(3) of the PPIPA permits non-compliance where a disclosure is to be made to a public sector agency under the administration of the Minister for Local Government (e.g. the Division of Local Government) or a public sector agency under the administration of the Premier for the purpose of informing the Minister (or Premier) about any matter within the Minister’s (or Premier’s) administration.

It is anticipated that a disclosure of personal information for research purposes will be allowed under a Section 41 direction made by the Privacy Commissioner until such time as a Research Code of Practice is made by the Attorney General.

Suppression

Information held by Council may be suppressed such as to disallow disclosure that would otherwise be allowed in the circumstances outlined above. See Part 1 of this Plan for more details about suppression of personal information.



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21 HEALTH PRIVACY PRINCIPLES

Council is required to comply with the Health Records and Information Protection Act 2002 (HRIPA) in its collection and management of health information.

Health information includes personal information that is information or an opinion about the physical or mental health or a disability of an individual. Health information also includes personal information that is information or an opinion about:

- a health service provided, or to be provided, to an individual
- an individual's express wishes about the future provision of health services to him or her
- other personal information collected in connection with the donation of human tissue
- genetic information that is or could be predictive of the health of an individual or their relatives or descendants.

Health information is defined in Section 6 of the HRIPA. Council may hold health information by reason of their role in child care, residential care and various types of community health support services.

The following is a non-exhaustive list of examples of the types of health information and circumstances in which Council may collect health information in exercising its functions:

- Tree pruning/removal application where residents approach Council for a reconsideration or reassessment of a tree pruning/removal application on medical grounds
- Issuing of clean up orders which may include recording information about a resident's health, GP professional contact details or involvement with mental health services
- Volunteer programs where volunteers are asked to disclose health conditions which may preclude them from some types of volunteer work
- Meals on Wheels programs where residents

may be asked for medical or dietary requirements, e.g. allergies for catering purposes

- Seniors bus outings where information may be collected on special medical needs
- Information on families for the purposes of children's services. e.g. history of illness, allergies, asthma, diabetes, epilepsy etc
- Physical exercise classes
- Information may be collected through a healthy community program
- Children's immunisation records
- Health and medication information about residential care clients.

Health Privacy Principle 1 - Purposes of Collection of Health Information

- (1) *An organisation must not collect health information unless:*
 - (a) *the information is collected for a lawful purpose that is directly related to a function or activity of the organisation, and*
 - (b) *the collection of the information is reasonably necessary for that purpose.*
- (2) *An organisation must not collect health information by any unlawful means.*

Health Privacy Principle 2 - Information Must be Relevant, Not Excessive, Accurate and Not Intrusive

An organisation that collects health information from an individual must take such steps as are reasonable in the circumstances (having regard to the purposes for which the information is collected) to ensure that:

- (a) *the information collected is relevant to that purpose, is not excessive and is accurate, up to date and complete, and*
- (b) *the collection of the information does not intrude to an unreasonable extent on the personal affairs of the individual to whom the information relates.*



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Health Privacy Principle 3 - Collection to be from the Individual Concerned

- (1) An organisation must collect health information about an individual only from that individual, unless it is unreasonable or impracticable to do so.
- (2) Health information is to be collected in accordance with any guidelines issued by the Privacy Commissioner for the purposes of this clause.

Health Privacy Principle 4 - Individual to be Made Aware of Certain Matters

- (1) An organisation that collects health information about an individual from the individual must, at or before the time it collects the information (or if that is not practicable, as soon as practicable after that time), take steps that are reasonable in the circumstances to ensure that the individual is aware of the following:
 - a) the identity of the organisation and how to contact it,
 - b) the fact that the individual is able to request access to the information,
 - c) the purposes for which the information is collected,
 - d) the persons to whom (or the type of persons to whom) the organisation usually discloses information of that kind,
 - e) any law that requires the particular information to be collected,
 - f) the main consequences (if any) for the individual if all or part of the information is not provided.
- (2) If the organisation collects health information about an individual from someone else, it must take any steps that are reasonable in the circumstances to ensure that the individual is generally aware of the matters listed in subclause (1) except to the extent that:

- a) making the individual aware of the matters would impose a serious threat to the life or health of any individual, or
- b) the collection is made in accordance with guidelines issued under subclause (3).
- (3) The Privacy Commissioner may issue guidelines setting out circumstances in which an organisation is not required to comply with subclause (2).
- (4) An organisation is not required to comply with a requirement of this clause if:
 - a) the individual to whom the information relates has expressly consented to the organisation not complying with it, or
 - b) the organisation is lawfully authorised or required not to comply with it, or
 - c) non-compliance is otherwise permitted (or necessarily implied or reasonably contemplated) under any Act or any other law including the State Records Act 1998), or
 - d) compliance by the organisation would, in the circumstances, prejudice the interests of the individual to whom the information relates, or
 - e) the information concerned is collected for law enforcement purposes or,
 - f) the organisation is an investigative agency and compliance might detrimentally affect (or prevent the proper exercise of) its complaint handling functions or any of its investigative functions.
- (5) If the organisation reasonably believes that the individual is incapable of understanding the general nature of the matters listed in subclause (1), the organisation must take steps that are reasonable in the circumstances, to ensure that any authorised representative of the individual is aware of those matters.
- (6) Subclause (4) (e) does not remove any protection provided by any other law in relation to the rights of accused persons or persons suspected of having committed an offence.



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- (7) *The exemption provided by subclause (4) (f) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a compliant or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.*

Council Policy

Council will only collect health information for a lawful purpose that is directly related to Council's activities and is necessary for that purpose. Council will ensure that the health information is relevant, accurate, up to date and not excessive and that the collection is not unnecessarily intrusive into the personal affairs of the individual. Council will only collect health information directly from the individual that the information concerns, unless it is unreasonable or impractical for Council to do so.

Council will tell the person why the health information is being collected, what will be done with it, who else might see it and what the consequences are if the person decides not to provide it. Council will also tell the person how he or she can see and correct the health information.

If Council collects health information about a person from someone else, Council will take reasonable steps to ensure that the subject of the information is aware of the above points.

Health Privacy Principle 5 - Retention and Security

- (1) *An organisation that holds health information must ensure that:*
- a) *the information is kept for no longer than is necessary for the purposes for which the information may lawfully be used, and*
 - b) *the information is disposed of securely and in accordance with any requirements for the retention and disposal of health information, and*
 - c) *the information is protected, by taking such security safeguards as are*

reasonable in the circumstances against loss, unauthorised access, use, modification or disclosure, and against all other misuse, and

- d) *if it is necessary for the information to be given to a person in connection with the provision of a service to the organisation, everything reasonably within the power of an organisation is done to prevent the unauthorised use or disclosure of the information.*

Note: Division 2 (Retention of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

- (2) *An organisation is not required to comply with a requirement of this clause if:*
- a) *the organisation is lawfully authorised or required not to comply with it, or*
 - b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*
- (3) *An investigative agency is not required to comply with subclause (1)(a).*

Council Policy

Council will store health information securely and protect health information from unauthorised access, use or disclosure. Health information will not be kept for any longer than necessary and will be disposed of appropriately.

Health Privacy Principle 6 - Information About Health Information Held by Organisations

- (1) *An organisation that holds health information must take such steps as are, in the circumstances, reasonable, to enable any individual to ascertain:*
- a) *whether the organisation holds health information, and*
 - b) *whether the organisation holds health information relating to that individual, and*



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- c) if the organisation holds health information relating to that individual:
 - (i) the nature of that information
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to request access to the information.
- (2) An organisation is not required to comply with a provision of this clause if:
 - a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under any Act or any other law (including the State Records Act 1998).

Health Privacy Principle 7 - Access to Health Information

- (1) An organisation that holds health information must, at the request of the individual to whom the information relates and without excessive delay or expense, provide the individual with access to the information.
Note: Division 3 (Access to health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause. Access to health information held by public sector agencies may also be available under the Government Information (Public Access) Act 2009 or the State Records Act 1998.
- (2) An organisation is not required to comply with a provision of this clause if:
 - a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

Health Privacy Principle 8 - Amendment of Health Information

- (1) An organisation that holds health information must, at the request of the individual to whom the information relates, make appropriate amendments (whether by way of corrections, deletions or additions) to ensure that the health information:
 - a) is accurate, and
 - b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up to date, complete and not misleading.
- (2) If an organisation is not prepared to amend health information under subclause (1) in accordance with a request by the individual to whom the information relates, the organisation must, if so requested by the individual concerned, take such steps as are reasonable to attach to the information, in such a manner as is capable of being read with the information, any statement provided by that individual of the amendment sought.
- (3) If health information is amended in accordance with this clause, the individual to whom the information relates is entitled, if it is reasonably practicable, to have recipients of that information notified of the amendments made by the organisation.

Note: Division 4 (Amendment of health information) of Part 4 contains provisions applicable to private sector persons in connection with the matters dealt with in this clause.

Amendment of health information held by public sector agencies may also be able to be sought under the Privacy and Personal Information Protection Act 1998.

- (4) An organisation is not required to comply with a provision of this clause if:



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- a) *the organisation is lawfully authorised or required not to comply with the provision concerned, or*
- b) *non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).*

Health Privacy Principle 9 - Accuracy

An organisation that holds health information must not use the information without taking such steps as are reasonable in the circumstances to ensure that, having regard to the purpose for which the information is proposed to be used, the information is relevant, accurate and up to date, complete and not misleading.

Council Policy

Council will provide details about what health information Council is holding about an individual and why Council is storing that information and what rights of access the individual has. Council will allow the individual to access his or her health information without reasonable delay or expense. Council will allow the individual to update, correct or amend their health information where necessary. Council will make sure that the health information is relevant and accurate before using it.

Health Privacy Principle 10 – Use Purpose

*An organisation that holds health information must not use the information for a purpose (a **secondary purpose**) other than the purpose (the **primary purpose**) for which it was collected unless:*

(a) **Consent**

the individual to whom the information relates has consented to the use of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to use the information for the secondary purpose or,

Note: For example, if information is collected in order to provide a health service to the individual, the use of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the use of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

(i) a serious and imminent threat to the life, health or safety of the individual or another person, or

(ii) a serious threat to public health and safety, or

(d) **Management of health services**

the use of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

(i) either:

(A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or

(B) reasonable steps are taken to de-identify the information, and

(ii) if the information is in a form that could reasonably be expected to identify individuals, the information is not published in a generally available publication, and

(iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or

(e) **Training**

the use of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:

(i) either:



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- (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
- (B) reasonable steps are taken to de-identify the information, and
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or
- (f) **Research**
the use of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
- (i) either:
- (A) that purpose cannot be served by the use of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the use, or
- (B) reasonable steps are taken to de-identify the information, and
- (ii) if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and
- (iii) the use of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purpose of this paragraph, or
- (g) **Find missing person**
the use of the information for the secondary purpose is by a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an individual who has been reported to a police officer as a missing person, or
- (h) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline** the organisation:
- (i) has reasonable grounds to suspect that:
- (A) unlawful activity has been or may be engaged in, or
- (B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under the Health Practitioner Regulation National Law (NSW), or
- (C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and
- (ii) uses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or
- (i) **Law enforcement**
the use of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or
- (j) **Investigative agencies**
the use of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or
- (k) **Prescribed circumstances**
the use of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
- (b) non-compliance is otherwise permitted



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(or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998).

- (3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.
- (4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:
 - (a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or
 - (b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.
- (5) The exemption provided by subclause (1)(j) extends to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.

Council Policy

Council will only use the health information for the purpose for which it was collected or for a directly related purpose that the individual to whom the information relates would expect. Otherwise, Council will obtain the individual's consent.

Health Privacy Principle 11 – Disclosure Purpose

- (1) An organisation that holds health information must not disclose the information for a purpose (a **secondary**

purpose) other than the purpose (the **primary purpose**) for which it was collected unless:

(a) **Consent**

the individual to whom the information relates has consented to the disclosure of the information for that secondary purpose, or

(b) **Direct relation**

the secondary purpose is directly related to the primary purpose and the individual would reasonably expect the organisation to disclose the information for the secondary purpose, or

Note: For example, if information is collected in order to provide a health service to the individual, the disclosure of the information to provide a further health service to the individual is a secondary purpose directly related to the primary purpose.

(c) **Serious threat to health or welfare**

the disclosure of the information for the secondary purpose is reasonably believed by the organisation to be necessary to lessen or prevent:

- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
- (ii) a serious threat to public health or public safety, or

(d) **Management of health services**

the disclosure of the information for the secondary purpose is reasonably necessary for the funding, management, planning or evaluation of health services and:

(i) **either:**

(A) that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or



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- (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify individuals, the information is not published in a generally available publication, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (e) **Training**
the disclosure of the information for the secondary purpose is reasonably necessary for the training of employees of the organisation or persons working with the organisation and:
- (i) *either:*
- (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (f) **Research**
the disclosure of the information for the secondary purpose is reasonably necessary for research, or the compilation or analysis of statistics, in the public interest and:
- (i) *either:*
- (A) *that purpose cannot be served by the disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*
- (B) *reasonable steps are taken to de-identify the information, and*
- (ii) *if the information could reasonably be expected to identify the individual, the information is not made publicly available, and*
- (iii) *the disclosure of the information is in accordance with guidelines, if any, issued by the Privacy Commissioner for the purposes of this paragraph, or*
- (g) **Compassionate reasons**
the disclosure of the information for the secondary purpose is to provide the information to an immediate family member of the individual for compassionate reasons and:
- (i) *the disclosure is limited to the extent reasonable for those compassionate reasons, and*
- (ii) *the individual is incapable of giving consent to the disclosure of the information, and*
- (iii) *the disclosure is not contrary to any wish expressed by the individual (and not withdrawn) of which the organisation was aware or could make itself aware by taking reasonable steps, and*
- (iv) *if the immediate family member is under the age of 18 years, the organisation reasonably believes that the family member has sufficient maturity in the circumstances to receive the information, or*
- (h) **Finding missing person**
the disclosure of the information for the secondary purpose is to a law enforcement agency (or such other person or organisation as may be prescribed by the regulations) for the purposes of ascertaining the whereabouts of an
- disclosure of information that does not identify the individual or from which the individual's identity cannot reasonably be ascertained and it is impracticable for the organisation to seek the consent of the individual for the disclosure, or*



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individual who has been reported to a police officer as a missing person, or

(i) **Suspected unlawful activity, unsatisfactory professional conduct or breach of discipline** the organisation:

(i) has reasonable grounds to suspect that:

(A) unlawful activity has been or may be engaged in, or

(B) a person has or may have engaged in conduct that may be unsatisfactory professional conduct or professional misconduct under the Health Practitioner Regulation National Law (NSW), or

(C) an employee of the organisation has or may have engaged in conduct that may be grounds for disciplinary action, and

(ii) discloses the health information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities, or

(j) **Law enforcement**

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of law enforcement functions by law enforcement agencies in circumstances where there are reasonable grounds to believe that an offence may have been, or may be, committed, or

(k) **Investigative agencies**

the disclosure of the information for the secondary purpose is reasonably necessary for the exercise of complaint handling functions or investigative functions by investigative agencies, or

(l) **Prescribed circumstances**

the disclosure of the information for the secondary purpose is in the circumstances prescribed by the regulations for the purposes of this paragraph.

(2) An organisation is not required to comply with a provision of this clause if:

(a) the organisation is lawfully authorised or required not to comply with the provision concerned, or

(b) non-compliance is otherwise permitted (or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or

(c) the organisation is an investigative agency disclosing information to another investigative agency.

(3) The Ombudsman's Office, Health Care Complaints Commission, Anti-Discrimination Board and Community Services Commission are not required to comply with a provision of this clause in relation to their complaint handling functions and their investigative, review and reporting functions.

(4) Nothing in this clause prevents or restricts the disclosure of health information by a public sector agency:

(a) to another public sector agency under the administration of the same Minister if the disclosure is for the purposes of informing that Minister about any matter within that administration, or

(b) to any public sector agency under the administration of the Premier, if the disclosure is for the purposes of informing the Premier about any matter.

(5) If health information is disclosed in accordance with subclause (1), the person, body or organisation to whom it was disclosed must not use or disclose the information for a purpose other than the purpose for which the information was given to it.

(6) The exemptions provided by subclauses (1)(k) and (2) extend to any public sector agency, or public sector official, who is investigating or otherwise handling a complaint or other matter that could be referred or made to an investigative agency, or that has been referred from or made by an investigative agency.



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Council Policy

Council will only disclose health information under the following circumstances:

- With the consent of the individual to whom the information relates
- For the purpose for which the health information was collected or a directly related purpose that the individual to whom it relates would expect
- If an exemption applies.

Health Privacy Principle 12 - Identifiers

- (1) An organisation may only assign identifiers to individuals if the assignment of identifiers is reasonably necessary to enable the organisation to carry out any of its functions efficiently.
- (2) Subject to subclause (4), a private sector person may only adopt as its own identifier of an individual an identifier of an individual that has been assigned by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:
 - (a) the individual has consented to the adoption of the same identifier, or
 - (b) the use or disclosure of the identifier is required or authorised by or under law.
- (3) Subject to subclause (4), a private sector person may only use or disclose an identifier assigned to an individual by a public sector agency (or by an agent of, or contractor to, a public sector agency acting in its capacity as agent or contractor) if:
 - (a) the use or disclosure is required for the purpose for which it was assigned or for a secondary purpose referred to in one or more paragraphs of HPP 10(1)(c)-(k) or 11(1)(c)-(l), or
 - (b) the individual has consented to the use or disclosure, or
 - (c) the disclosure is to the public sector agency that assigned the identifier to enable the public sector agency to identify the individual for its own purposes.
- (4) If the use or disclosure of an identifier

assigned to an individual by a public sector agency is necessary for a private sector person to fulfil its obligations to, or the requirements of, the public sector agency, a private sector person may either:

- (a) *adopt as its own identifier of an individual an identifier of the individual that has been assigned by the public sector agency, or*
- (b) *use or disclose an identifier of the individual that has been assigned by the public sector agency.*

Health Privacy Principle 13 - Anonymity

Wherever it is lawful and practicable, individuals must be given the opportunity to not identify themselves when entering into transactions with or receiving health services from an organisation.

Health Privacy Principle 14 - Transborder Data Flows and Dataflow to Commonwealth Agencies

An organisation must not transfer health information about an individual to any person or body who is in a jurisdiction outside New South Wales or to a Commonwealth agency unless:

- (a) *the organisation reasonably believes that the recipient of the information is subject to a law, binding scheme or contract that effectively upholds principles for fair handling of the information that are substantially similar to the Health Privacy Principles, or*
- (b) *the individual consents to the transfer, or*
- (c) *the transfer is necessary for the performance of a contract between the individual and the organisation, or for the implementation of pre-contractual measures taken in response to the individual's request, or*
- (d) *the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the individual between the organisation and a third party, or*
- (e) *all of the following apply:*
 - (i) *the transfer is for the benefit of the*



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- individual,
- (ii) it is impracticable to obtain the consent of the individual to that transfer,
 - (iii) if it were practicable to obtain such consent, the individual would be likely to give it, or
- (f) the transfer is reasonably believed by the organisation to be necessary to lessen or prevent:
- (i) a serious and imminent threat to the life, health or safety of the individual or another person, or
 - (ii) a serious threat to public health or public safety, or
- (g) the organisation has taken reasonable steps to ensure that the information that it has transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Health Privacy Principles, or
- (h) the transfer is permitted or required by an Act (including an Act of the Commonwealth) or any other law.

Health Privacy Principle 15 - Linkage of Health Records

- (1) An organisation must not:
- (a) include health information about an individual in a health records linkage system unless the individual has expressly consented to the information being so included, or
 - (b) disclose an identifier of an individual to any person if the purpose of the disclosure is to include health information about the individual in a health records linkage system, unless the individual has expressly consented to the identifier being disclosed for that purpose.
- (2) An organisation is not required to comply with a provision of this clause if:
- (a) the organisation is lawfully authorised or required not to comply with the provision concerned, or
 - (b) non-compliance is otherwise permitted

(or is necessarily implied or reasonably contemplated) under an Act or any other law (including the State Records Act 1998), or (c) the inclusion of the health information about the individual in the health records information system (including an inclusion for which an identifier of the individual is to be disclosed) is a use of the information that complies with HPP 10(1)(f) or a disclosure of the information that complies with HPP 11(1)(f).

- (3) In this clause:

“health record” means an ongoing record of health care for an individual.

“health records linkage system” means a computerised system that is designed to link health records for an individual held by different organisations for the purpose of facilitating access to health records, and includes a system or class of systems prescribed by the regulations as being a health records linkage system, but does not include a system or class of systems prescribed by the regulations as not being a health records linkage system.

22 IMPLEMENTATION OF THE PRIVACY AND PERSONAL INFORMATION PLAN

Training Seminars/Induction

- 22.1 During induction, all employees will be made aware of the types of personal information collected by Council.
- 22.2 Councillors, all Council staff and members of Council Committees will be provided a summary of the requirements set out in this Plan.

Responsibilities of the Privacy Officer

- 22.3 The Public Officer within Council is assigned the role of the Privacy Officer.
- 22.4 In order to ensure compliance with PPIPA and the HRIPA, the Privacy Officer will review all contracts and agreements with consultants and other contractors, rates notices, application forms of whatsoever



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nature, and other written requests by which personal information is collected by Council, to ensure that Council is in compliance with the PPIPA.

22.5 The Privacy Officer will provide opinions within Council as to:

- whether the personal or health information is collected for a lawful purpose
- If that lawful purpose is directly related to a function of Council
- Whether or not the collection of that personal or health information is reasonably necessary for the specified purpose.

23 INTERNAL REVIEW

How does the process of Internal Review operate?

23.1 Under Section 53 of the PPIPA a person (the applicant) is entitled to a review of Council's compliance with this Plan. An application for internal review is to be made within six months of when the person first became aware of the conduct.

23.2 The application is to be in writing and addressed to Council's Privacy Officer. The Privacy Officer will be the Reviewing Officer to conduct the internal review. The Reviewing Officer must not be substantially involved in any matter relating to the application.

23.3 The review must be completed as soon as is reasonably practicable in the circumstances. If the review is not completed within 60 days of the lodgement, the applicant is entitled to seek external review.

23.4 Council must notify the Information and Privacy Commission NSW of an application as soon as practicable after its receipt, keep the Commissioner informed of the progress of the application and inform the Commissioner of the findings of the review and of the action it proposes to take in relation to the application.

23.5 The Information and Privacy Commission

NSW is entitled to make submissions in relation to internal reviews and Council is required to consider any relevant material submitted by the Information and Privacy Commission NSW. Council must provide the Information and Privacy Commission NSW with a draft of Council's internal review report to enable the Information and Privacy Commission NSW to make a submission.

23.6 Council may provide a copy of any submission by Information and Privacy Commission NSW to the applicant.

23.7 Council must notify the applicant of the outcome of the review within 14 days of its determination. A copy of the final review should also be provided to the Information and Privacy Commission NSW where it departs from the draft review.

23.8 An internal review checklist has been prepared by the Office of the Information and Privacy Commission NSW and can be accessed from its website <http://www.ipc.nsw.gov.au>.

23.9 The Information and Privacy Commission NSW must be notified of a complaint, briefed on progress and notified of the outcome of an internal review under the PPIPA or HRIPA.

What happens after an Internal Review

23.10 If the complainant remains unsatisfied, he/she may appeal to the NSW Civil and Administrative Tribunal which hears the matter afresh and may impose its own decision and can make a range of orders including an award of damages for a breach of an information protection principle or a health privacy principle.

24 OTHER RELEVANT MATTERS

Contracts with consultants and other private contractors

24.1 It is necessary to have specific provisions to protect Council in any dealings with private contractors.



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Confidentiality

- 24.2 The obligation of confidentiality is additional to and separate from that of privacy. Nevertheless, a duty to withhold information lies at the heart of both concepts. Confidentiality attaches to information per se, personal or health information to the person to whom that information relates.
- 24.3 An obligation of confidentiality exists for all employees whether express or implied as a matter of law.
- 24.4 Information which may be confidential is also likely to have a separate and independent obligation attaching to it in the form of privacy and in that regard, a release for the purposes of confidentiality will not suffice for privacy purposes. Two separate releases will be required and, in the case of privacy, the person to whom the information relates will be required to provide the release.

Misuse of personal or health information

- 24.5 Section 664 of the LGA makes it an offence for anyone to disclose information except in accordance with that section. Whether or not a particular disclosure is made with lawful excuse is a matter that requires legal opinion from case to case.

Regular review of the collection, storage and use of personal or health information

- 24.6 The information practices relating to the collection, storage and use of personal or health information will be reviewed by Council every three years. Any new program initiatives will be incorporated into the review process with a view to ascertaining whether or not those programs comply with the PPIPA.

Regular review of Privacy Management Plan

- 24.7 When information practices are reviewed from time to time, the Privacy Management Plan will also be reviewed to ensure that the Plan is up to date.

Further information

- 24.8 For assistance in understanding the processes under the PPIPA and HRIPA, please contact Council or the Office of the Information and Privacy Commission NSW.

25 APPENDICES

Appendix 1: Statutory Declaration for Access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council.

Appendix 2: Privacy Notification Form – Section 10 (Pre-Collection)

Appendix 3: Privacy Notification Form – Section 10 (Post-Collection)

Appendix 4: Application under Section 13 of the Privacy and Personal Information Protection Act 1998: To Determine Whether Council Holds Personal Information about a Person

Appendix 5: Application under Section 14 of the Privacy and Personal Information Protection Act 1998: For Access to Applicant's Personal Information

Appendix 6: Application under Section 15 of the Privacy and Personal Information Protection Act 1998: For Alteration of Applicant's Personal Information

Statutory Declaration

FORM



Please use this form for access under Section 57 of the Privacy and Personal Information Protection Act 1998 to a Public Register held by Council.

Statutory Declaration Oaths Act, 1900, Ninth Schedule

I, the undersigned (full name)
of (full address)
in the state of New South Wales, do solemnly and sincerely declare that:
I am (relationship if any to person inquired about)
I seek to know whether (name)
is on the public register of (describe the relevant Public Register)

The purpose for which I seek this information is:

The purpose for which the information is required is to

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act 1994.

(applicant signature)

Declared at (address of place)

in the said State this day of 20

before me (printed name of Justice of the Peace/Solicitor)

Who certifies that:

- ☐ I saw the face of the person OR
☐ I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **AND**
☐ I have known the person for at least 12 months OR
☐ I have confirmed the person's identity with

SIGNED DATE

Privacy Notification

Section 10 (Pre-Collection)

FORM



The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council, and
- Other

The supply of information by you is: ☐ Voluntary ☐ Not Voluntary

If you cannot provide, or do not wish to provide, the information sought, Council:

- ☐ May be unable to process your application
- ☐ Will be unable to process your application

Council is collecting this personal information from you in order to:

You may make an application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PIPPA.

Council is to be regarded as the agency that holds the information. However, if it is not Council who holds or controls the information, please state below who does.

Enquiries concerning this matter can be addressed to:

SIGNATURE

NAME

DATE

Privacy Notification

Section 10 (Post-Collection)

FORM



The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (PPIPA).

The intended recipients of the personal information are:

- Officers within Council;
- Data service providers engaged by Council from time to time;
- Any other agent of Council, and
- Other

The supply of information by you is: ☐ Voluntary ☐ Not Voluntary

If you cannot provide, or do not wish to provide, the information sought, Council may:

Council is collecting this personal information from you in order to:

You may make an application for access or amendment to information held by Council.

You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PIPPA.

Council is to be regarded as the agency that holds the information. However, if it is not Council who holds or controls the information, please state below who does.

Enquiries concerning this matter can be addressed to:

SIGNATURE

NAME

DATE

Personal Information



SECTION 13 APPLICATION FORM

Please use this form for an application Under Section 13 of the Privacy and Personal Information Protection Act 1998, to determine Whether Council Holds Personal Information About A Person.

I, (full name)

of (full address)

hereby request the Chief Executive Officer of Orange City Council to provide the following:

Does Council hold personal information about me? ☐ Yes ☐ No

If so, what is the nature of that information?

What is the main purpose for holding the information?

Am I entitled to access the information? ☐ Yes ☐ No

My address for response to this application is:

State Postcode

Note to Applicants

Council will not record your address or any other contact details that you provide for any other purpose other than to respond to your application.

As an applicant, you have a right of access to personal information concerning yourself that is held by Council under section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA). There is a separate application form to gain access.

Council may refuse to process this application in part or in whole if:

- There is an exemption to section 13 of the PPIPA; or
- A Code of Practice may restrict the operation of section 14.

Enquiries concerning this matter can be addressed to Council's Privacy Officer at:
council@orange.nsw.gov.au or (02) 6393 8000.

Access to Personal Information



SECTION 14 APPLICATION FORM

Please use this form for an application Under Section 14 of the Privacy and Personal Information Protection Act 1998, to access personal information held by Council.

I, (full name)
of (full address)

hereby request that Orange City Council to provide me with:

- ☐ (a) Access to all personal information held concerning myself
☐ (b) Access to the following personal information only:

My address for response to this application is:

<input type="text"/>		
<input type="text"/>	State <input type="text"/>	Postcode <input type="text"/>

Contact Phone Number

Note to Applicants

As an applicant, you have a right to access personal information concerning yourself that is held by Council under Section 14 of the Privacy and Personal Information Protection Act 1998 (PPIPA).

You are entitled to have access without excessive delay or cost.

Council may refuse to process this application in part or in whole if:

- The correct amount of fees has not been paid;
- There is an exemption to section 14 of the PPIPA; or
- A Code of Practice may restrict disclosure.

Enquiries concerning this matter can be addressed to Council's Privacy Officer at:
council@orange.nsw.gov.au or (02) 6393 8000.

Alteration to Personal Information



SECTION 15 APPLICATION FORM

Please use this form for an application Under Section 15 of the Privacy and Personal Information Protection Act 1998, to alter personal information held by Council.

I, (full name)

of (full address)

Contact Phone Number

hereby request that Orange City Council alter personal information regarding myself in the following manner.

I propose the following changes:

The reasons for the changes are as follows:

The documentary basis for those changes is as shown on the attached documents and/or outlined here:

Note to Applicants

You have the right to requests appropriate amendments are made (whether by way of corrections, deletions or additions) to ensure the personal information held by Council:

- (a) is accurate, and
- (b) having regard to the purpose for which the information was collected (or is to be used) and to any purpose that is directly related to that purpose, is relevant, up-to-date, complete and not misleading.

If Council is not prepared to amend the personal information in accordance with a request by you, Council must take such steps as are reasonable to attach the information in such a manner as is capable of being read with the information, any statement provided by you.

If your personal information is amended, you are entitled under the Privacy and Personal Information Protection Act 1998 (PPIPA), it is reasonably practicable, to have the recipients of that information notified of the amendments made by Council.

Council may refuse to process this application in part or in whole if:

- There is an exemption to section 15 of the PPIPA; or
- A Code of Practice may restrict alteration.

Enquiries concerning this matter can be addressed to Council's Privacy Officer at: council@orange.nsw.gov.au or (02) 6393 8000.



Strategic Policy – ST12

Compliments & Complaints

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST12

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FOR ADOPTION



STRATEGIC POLICY – ST12

1 PURPOSE

- 1.1 The purpose of this policy is to clearly articulate the management processes for compliments and complaints received by Council, and to ensure accountability, transparency and consistency regarding feedback received from the community.
- 1.2 Council endeavours to provide the highest level of customer service in its delivery of services and management of public funds.
- 1.3 Council is committed to addressing and resolving enquiries and complaints, improving customer service delivery and increasing customer satisfaction.
- 1.4 Similarly, Council values its staff and compliments are an important feedback mechanism to organisational performance as well as a good sign of an engaged and active community.
- 1.5 The substance of a complaint to Council dictates the level of resources dedicated to action and investigation, not a complainant's demands or behaviour.

2 APPLICABILITY

- 2.1 This policy applies to all Councillors, Council staff, Council volunteers and contractors, and to all members of the public.

3 OBJECTIVES

- 3.1 The objectives of this policy are to ensure that:
 - All complaints are dealt with in a timely and effective manner.
 - The privacy and fair treatment of the complainant is upheld.
 - The privacy and fair treatment of Councillors, employees of Council, contractors to Council and volunteers with Council, against whom complaints have been made, are upheld.

- The community's right to comment is protected and promoted.
- Information that can assist in improving the Council is captured in a systematic way, allowing corrective actions to be put in place where necessary.
- Unreasonable complainant conduct is managed appropriately.

4 CONFIDENTIALITY

- 4.1 Orange City Council customers and members of the community can expect their privacy to be respected and for personal information to be treated confidentially in line with relevant legislation and this policy throughout the compliments or complaints management process.

5 PROVIDING COMPLIMENTS & COMPLAINTS

- 5.1 When providing a compliment or lodging a complaint, full details including name, address and contact phone number should be provided along with the details of the compliment or complaint.
- 5.2 Council welcomes anonymous compliments and complaints however, encourages members of the public to include contact information to ensure the most appropriate handling and management of the compliments and complaints processes.
- 5.3 In the event of an anonymous complaint, Council will determine whether investigation is warranted based on the available information and the seriousness of the complaint.
- 5.4 Compliments and complaints can be lodged as follows:
 - **Via mail addressed to:**
The Chief Executive Officer



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PO Box 35
Orange NSW 2800

- **Via email:**
council@orange.nsw.gov.au
- **In person:**
Council's Customer Service Desk
Ground Floor, Civic Centre
135 Byng Street
Orange NSW 2800
- **By phone:**
(02) 6393 8000

5.5 A complaint may be received in an alternative manner and or require additional support from a staff member to submit their complaint. Reasonable adjustments can be made to our processes to accommodate this by request.

6 COMPLIMENTS

What is a Compliment?

- 6.1 A compliment is an expression of praise or regard for service received or performance given by Council and/or its officers, agents, or policies and procedures affecting an individual or a group of customers.
- 6.2 Compliments Council receive often go unrecognised because, unlike complaints, they require little action.
- 6.3 Compliments are valuable as they provide an opportunity to identify services and areas of best practice by staff and incorporate those practices and standards in other areas of Council.

Handling of Compliments

- 6.4 Compliments received by Council will be handled in the following manner:
 - Registered in Council's Electronic Records Management System (ERMS)
 - The compliment should be forwarded to the relevant Director

- Where a staff member, volunteer, contractor or agent is named, the compliment should also be forwarded directly to that person.

6.5 Where contact details have been provided, the appropriate staff member will acknowledge receipt of the compliment within 10 working days.

7 COMPLAINTS

What is a Complaint?

7.1 A complaint is an expression of dissatisfaction with Council's level and quality of service, its officers, agents, or policies and procedures affecting an individual or a group of customers.

7.2 The substance of a complaint to Council dictates the level of resources dedicated to it, not a complainant's demands or behaviour.

7.3 A complaint is NOT:

- An initial request for works or services
- A request for information or explanation of policies, procedures and decisions of Council
- A request for information regarding Council's assets or services
- Reports concerning neighbourhood disputes
- An expression of disagreement with Council's policies, procedures or a lawfully made decision.

Handling of Complaints

7.4 Complaints received by Council will be handled in the following manner:

- All complaints, regardless of how they are received, will be recorded in Council's Electronic records management System (ERMS).
- The complaint will then be forwarded to the relevant Council officer along with



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any other supporting information provided by the complainant.

- If the complaint is about a member of staff, the complaint should be forwarded to the relevant Director for delegation or investigation and response.
- If the complaint is about the Chief Executive Officer, the complaint should be forwarded to the Mayor for action, investigation and response.
- If the complaint is of a very serious nature, the complaint will be referred directly to the Chief Executive Officer for action.

Exceptions

7.5 This policy does not apply in circumstances where there is legislation or Council Policy covering the making of a complaint. For example:

- The making of a Public Interest Disclosure under the Public Interest Disclosures Act 2022 - managed through Council's Public Interest Disclosures and Internal Reporting Policy.
- The making of applications for internal review of alleged breaches of privacy under the Privacy and Personal Information Act 1998 - managed through the Privacy Management Policy.
- The making of applications for access to information under the Government Information (Public Access) Act 2009 (GIPA) - managed through Council's Access to Information Policy.
- Complaints under Council's Code of Conduct.
- Grievances under Council's Grievance & Workplace Concerns Policy.

Outcomes

7.6 Outcomes regarding complaints may include:

- An apology where Council has made a mistake or where comments made by a member, staff or representative of Council or behaviour have offended.
- Provision of the desired service.
- A refund of over or incorrectly charged monies.
- Provision of additional information regarding Council policies and/or decision making processes.
- A commitment to investigate and/or review Council procedures and practices where a complaint is justified.
- Recommendation to refer the complaint to an external body where Council cannot resolve the matter to the satisfaction of the complainant.

Unreasonable Complaints

7.7 Unreasonable Complainant Conduct is any behaviour by a current or former complainant which, because of the nature or frequency, raises substantial health, safety, resource or equity issues for the parties to the complaint.

7.8 Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable provide further assistance or a greater level of service than has been provided; and/or disagree with the action Council has taken in relation to their complaint or concern.

7.9 This dissatisfaction may trigger one or a number of the following behaviours, which are determined by the opinion of the Chief Executive Officer:



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TYPE	DESCRIPTION	TYPE	DESCRIPTION
Unreasonable persistence	<ul style="list-style-type: none"> Cannot be satisfied and persists with a complaint even though it has been comprehensively dealt with and all avenues of internal review or appeal have been exhausted Continues to write, telephone or visit Council reframing the complaint Is raising the same issue with different staff members 		<ul style="list-style-type: none"> the complainant is clearly capable of doing so Changes the complaint once it is in the process of consideration Presents information separately, or find pieces of information in support of their complaint once a decision to decline or discontinue the complaint has been made
Unreasonable demands	<ul style="list-style-type: none"> Insists on outcomes that are unattainable Wants something not possible or appropriate Expects resources out of proportion to the seriousness of the issue Demands on Council are significantly diverting Council's resources away from other functions Are creating an inequitable allocation of resources to other customers 	Unreasonable arguments	<ul style="list-style-type: none"> Holds irrational beliefs Holds conspiracy theories that are not supported by evidence Insists that a particular solution is the only correct one in the face of valid, contrary or alternative arguments
Unreasonable lack of cooperation	<ul style="list-style-type: none"> Presents a large quantity of information which is not organised, sorted, classified or summarised where the complainant is clearly capable of doing this Refuses to substantiate allegations or provide evidence that the complainant states is in their possession when requested for the purposes of investigation Refuses to define the issues of complaint where 	Unreasonable behaviours	<ul style="list-style-type: none"> Displaying aggression, be it physical violence against property or person Displaying anger, including verbal abuse of either a personal or general nature Posing threats and threatening, offensive behaviour Displaying rudeness, vulgar noises, expressions or gestures during a telephone conversation or during an interview

Response to Unreasonable Behaviours

7.10 Either an appropriate member of staff or the Chief Executive Officer may respond to unreasonable behaviours in a number of ways, depending on the circumstances.

7.11 Staff in dealing with an unreasonable behaviour may:



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- Warn the customer if any offensive or unreasonable behaviour continues that the conversation will be terminated.
 - Terminate the conversation if the offensive or unreasonable behaviour continues after a warning has been given.
 - Advise the customer that they should leave the building.
 - If the customer refuses, a Council staff member may contact the police or Council's Rangers to assist, whichever is most practicable or will be able to respond in the shortest possible time.
- 7.12 The Chief Executive Officer may write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the same matter, or continues to act unreasonably, Council may:
- Deem that an appointment is necessary if they wish to discuss the matter.
 - Nominate a staff member to deal with that person and restrict all interaction with Council to that staff member only.
 - Require all future contact with Council to be in writing.
 - Continue to receive, read and register correspondence but only acknowledge or otherwise respond if the customer provides significant new information relating to their complaint or concern, or the customer raises new issues which in the Chief Executive Officer's opinion, warrant fresh action.
 - Not accept any further telephone calls from the customer.
 - Not grant any further interviews or meetings.
- Not respond to any future correspondence and only act, where in the opinion of the Chief Executive Officer, the correspondence raises specific substantial or serious issues.
 - Only respond to a certain number of requests in a given period.
 - Require all interaction with Council to be via Council's nominated legal representative.
- 7.13 The customer shall be given an opportunity to make representations about Council's proposed course of action.
- 7.14 If the customer continues to contact Council after being advised of Council's proposed course of action, the Chief Executive Officer may, after considering any representations from the customer, advise the customer that any or all of the above actions may now apply.
- 7.15 If, in the opinion of the Chief Executive Officer, any correspondence to Council contains personal abuse, inflammatory statements or material intended to intimidate, the correspondence will be returned to the sender, not acted upon and a copy forwarded to the police.
- Limiting Contact with Council**
- 7.16 The limitations on services from and communications with Council arising from specific instances are detailed in the sections above. Such limitations cannot impede the statutory rights of the customer to information, such as under the Government Information (Public Access) Act 2009.



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Review of Actions Initiated

- 7.17 The customer has the right to make representations to Chief Executive Officer for a review of any determination made.
- 7.18 The Chief Executive Officer may nominate an alternative employee such as the Public Officer or Director to determine matters and/or review determinations.
- 7.19 If any subsequent review does not resolve the matter, the customer may complain, depending on the nature of the complaint, to either the NSW Ombudsman, the Office of Local Government or the Independent Commission Against Corruption.

8 STAFF INVOLVEMENT IN CUSTOMER INCIDENTS

- 8.1 Staff who experience a highly stressful or difficult experience with a customer are to immediately report the incident to their Supervisor, Manager or Director will notify People & Culture of the incident.
- 8.2 Any employee subject to stressful interactions, verbal abuse or violence will be encouraged to use the available Employee Assistance Program (EAP).
- 8.3 In addition, any additional action via policy or law will be taken to protect and support the employee as applicable.

9 TRANSPARENCY & MONITORING

- 9.1 We record and analyse information from our complaint handling processes examples:
- the number of complaints received and finalised
 - the issues raised by complaints
 - the percentage of complaints finalised within our KPIs
 - the actions taken in response to issues raised by complaints
 - the systemic issues identified through complaints
 - the number of requests received for internal and/or external review.

10 RELATED DOCUMENTS

- ST01 - Code of Conduct
- OP001 - Grievance & Workplace Concerns
- ST10 - Privacy Management
- ST11 - Public Interest Disclosures and Internal Reporting
- ST16 - Access to Information Held by Council
- Government Information (Public Access) Act 2009
- Privacy & Personal Information Protection Act 1998
- Local Government Act 1993
- Public Interest Disclosures Act 2022

All policies can be reviewed or revoked by the Council, at any time.

ST12 - Strategic Policy – Compliments & Complaints

Amendments:

- Renumbering from ST016 & general formatting updates
- Change of policy name from Complaint Management
- Inclusion of sections detailing 'compliments'
- Complaint handling framework added as Appendix table

Review Due: November 2028	Version V1_25	Last Revision: December 2024
Approved By:	Minute Number:	Approval Date:



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APPENDIX A – COMPLAINT HANDLING FRAMEWORK

LEVEL 4: EXTERNAL REVIEW - REFERRAL

In circumstances where these internal processes are unable to resolve a complaint or satisfy the complainant, the complainant may refer the complaint to an appropriate external agency for review.

Such agencies may include the NSW Ombudsman's Office, the Independent Commission Against Corruption, the Office of Local Government or the Information & Privacy Commission (*contact details provided in Appendix B*).

LEVEL 3: ESCALATION AND REVIEW

If the complainant remains unsatisfied after speaking to or corresponding with the relevant Line Manager, they may lodge the complaint with the Public Officer.

Complainants may seek a review of Council's determination or resolution of a complaint by requesting a review via the Public Officer.

Council's Public Officer is the Manager Corporate Governance:
Phone: (02) 6393 8000
Email: council@orange.nsw.gov.au

LEVEL 2: MANAGEMENT COMPLAINTS HANDLING

Where complaints cannot be resolved at the first point of contact, or where they are received in writing, they will be tasked to the appropriate Line Manager to investigate and address.

Complaints made at this level must be recorded in Council's Electronic Records Management System.

LEVEL 1: FRONTLINE COMPLAINTS HANDLING

Complainants are encouraged to provide feedback and lodge their complaint with the Council Officer who provided the service or who dealt with the issue, as this is more likely to result in a speedy resolution to the complaint.

A staff member receiving a complaint should, within the scope of their authority, deal with the complaint at the time or refer it immediately to the appropriate Council Officer/Line Manager.

Staff dealing with complaints will ensure:

- Complaints are dealt with fairly and equitably
- A full investigation is undertaken to establish facts
An acknowledgement of receipt of the complaint is provided to the complainant within 14 days of receipt of the complaint (by email or letter).
- A formal written response is provided to the complainant within a reasonable timeframe, not more than three months of receipt of the complaint.
- If additional time is required, the complainant will be advised in writing as soon as is practicable.



STRATEGIC POLICY – ST12

APPENDIX B – EXTERNAL AGENCY DETAILS

AGENCY	NATURE OF COMPLAINT
NSW Ombudsman Level 24, 580 George Street SYDNEY NSW 2000 Phone: 02 9286 1000 or 1800 451 524 Fax: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au	Matters concerning maladministration (where a Government body is seen to be causing an injustice)
NSW Office of Local Government Locked Bag 3015 NOWRA NSW 2541 Phone: 02 4428 4100 Fax: 02 4428 4199 Email: olg@olg.nsw.gov.au	Matters concerning serious Council misconduct or pecuniary interest matters
The Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2001 Phone: 02 8281 5999 or 1800 463 909 Fax: 02 9264 5364 Email: icac@icac.nsw.gov.au	Matters concerning corrupt conduct, which is defined as dishonest or partial exercise of any official functions by a public official. The General Manager is required to report suspected cases of corrupt conduct to the ICAC
Anti-Discrimination Board PO Box W213 PARRAMATTA WESTFIELD NSW 2150 Phone: 9268 5555 or 1800 670 812 Fax: 02 9268 5000	Matters in relation to discrimination, disability and harassment
Australian Competition and Consumer Commission GPO Box 3648 SYDNEY NSW 2001 Phone: 02 9230 9133 Fax: 02 9223 1092	Competitive neutrality complaints
Information and Privacy Commission GPO Box 7011 SYDNEY NSW 2001 Free call phone: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au	Breaches of the Government Information (Public Access) Act 2009 Breaches of the Privacy and Personal Information Protection Act 1998



Strategic Policy – ST17

Customer Service Commitment

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST17

1 PURPOSE

- 1.1 The purpose of this policy is to outline best practice approach and steps that will guide and demonstrate Council's commitment to excellent customer service.

2 APPLICABILITY

- 2.1 This Councillors, employees, Council volunteers and contractors of Council.

3 OBJECTIVES

- 3.1 The objectives of this policy are to:
- To provide quality service that meets or exceeds customer expectations.
 - To ensure that all customers are treated fairly, reasonably and in a courteous manner.
 - To ensure that Council resources are used efficiently and effectively when dealing with customers.
 - To provide guidance for Councillors, employees, volunteers and contractors when dealing with customers.
 - To comply with the Compliments & Complaints Policy (ST12).

4 SERVICE COMMITMENT

- 4.1 Councillors, employees, Council volunteers and contractors of Council shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. This means:
- Treating all customers with respect and courtesy
 - Listening to what customers have to say

- Responding to customer enquiries and requests promptly, professionally, efficiently and advising customers of action to be taken
- Acting with integrity and honesty when liaising with customers
- Consulting customers about servicing needs
- Valuing and responding to the customer's individual needs and expectations
- Owning the customer's request until it is completed in a timely manner
- Entering requests for actions into Council's Electronic Customer Request System where appropriate

- 4.2 Council staff shall endeavour to respond to correspondence (written or electronic) within established operational timeframes. Where the matter requires extended investigation or research, an acknowledgement letter, email or phone call will be provided to the customer.
- 4.3 Staff will endeavour to answer telephone calls to Council in person quickly and efficiently. Where this is not possible, a voicemail message will invite customers to leave a message. An Orange City Council officer will return customer calls or action requests.
- 4.4 Complaints will be addressed in accordance with Council's Compliments and Complaints Policy.

5 CUSTOMER SERVICE STANDARDS

- 5.1 If we are unable to resolve your issue at the first point of contact, we will transfer



STRATEGIC POLICY – ST17

or forward your enquiry to an appropriate staff member.

- 5.2 Respond to written correspondence (letter or email) within 10 business days.
- 5.3 Ensure that accurate records are maintained as required by legislation and to provide the best customer service possible.
- 5.4 Regularly monitor social media channels and respond to engagement where relevant and appropriate.
- 5.5 Promote council's campaigns, activities, projects and initiatives via print and digital media.

6 RESPONSIBILITIES

- 6.1 Council's commitment to customer service is led by the Chief Executive Officer and the Executive Leadership Team.
- 6.2 All staff are responsible for providing excellent customer service no matter how or where you interact with our staff.

Role	Responsibility
Executive Leadership Team	<ul style="list-style-type: none"> • Role model excellent customer service and values • Implement ideas and strategies that support continuous improvement to customer service • Ensure accountability, consistency and transparency
Customer Service Team	<ul style="list-style-type: none"> • Take a leadership role in providing best practice customer service

Role	Responsibility
	<ul style="list-style-type: none"> • To be polite, friendly and respectful with customers at all times • Respond to enquiries with respect and within the accepted operational timeframes • Maintain accurate records in the Customer Request System.
All Staff	<ul style="list-style-type: none"> • To be polite, friendly and respectful with customers at all times. • Respond to queries and requests within the accepted operational timeframes.

7 CUSTOMER CONDUCT

- 7.1 Customers have a responsibility to act with courtesy and respect toward Council staff.
- 7.2 Staff, in dealing with unreasonable customer behaviours refer to the Compliments & Complaints Policy.
- 7.3 Customers have a responsibility to communicate clearly with Council staff, providing accurate and complete information pertaining to their concern or enquiry.
- 7.4 Customers who are not satisfied with the service provided by Council may make a written complaint to Council's Public Officer or the Chief Executive Officer, as outlined in the Compliments & Complaints Policy.
- 7.5 Unreasonable customers will be managed in accordance with Council's Compliments & Complaints Policy.



STRATEGIC POLICY – ST17

8 ACCESSIBILITY

- 8.1 Orange City Council is contactable
24 hours per day, seven days a week:

In person:

Customer Service Counter
135 Byng Street, Orange
9am-5pm, Monday to Friday

By telephone:

9am-5pm, Monday to Friday
1300 650 511 or
(02) 6393 8000

By telephone after hours:

On weekends, public holidays and for
emergencies via Council's after-hours
provider
1300 650 511

By mail:

PO Box 35
Orange NSW 2800

By email:

council@orange.nsw.gov.au

Online:

www.orange.nsw.gov.au

9 RELATED DOCUMENTS

- ST01 - Code of Conduct
- ST12 - Compliments & Complaints Policy
- ST10 - Privacy and Personal Information Plan
- ST16 - Access to Information Held by Council

FOR ADOPTION

All policies can be reviewed or revoked by Council at any time.

ST021 - Strategic Policy – Customer Service Commitment

Amendments:

- Policy name change from 'obligation' to 'commitment'
- Inclusion of social media and other promotional activities
- Added 'Customer Service Standards' section
- Added 'Responsibilities' section

Review Due: November 2028	Version V1_25	Last Revision: December 2024
Approved By:	Minute Number:	Approval Date:

5.8 COUNCILLOR RELATED STRATEGIC POLICY REVIEWS - POST EXHIBITION

RECORD NUMBER: 2025/18

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 adoption following a public exhibition period.

The policies were on public exhibition from 18 December 2024 to 20 January 2025.

One submission was received relating to Strategic Policy ST02 – Code of Meeting Practice which is outlined below. Minor updates were made by staff during the exhibition period to spelling/grammar.

It is recommended that these policies be adopted.

- 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 continue to consider policies as they are updated and recommended for exhibition and/or 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 adopt the following policies:

- **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. The policies have been placed on public exhibition during the period 18 December 2024 to 20 January 2025 to allow for Council and public review and submissions.

One submission was received and during the exhibition period responsible staff made minor updates to each of the policies as outlined below.

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. No additional updates were made during the exhibition period.

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. No additional updates were made during the exhibition period.

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.

The Code of Meeting Practice was exhibited with the following updates:

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.

Submission/s

During the exhibition period, one submission was received. The submission proposed to remove or change a number of sections relating to Modes of Address and recording of Voting. The submission identified one further correction with an update to reference to a clause in 5.14 referring to 5.13 instead which has been updated.

Modes of Address (section 7, page 13 of the CoMP)

The submission suggested that the way the Mayor, Chairperson or Council Officer is addressed should be modernised, in particular referring to Mister or Madam. Noting there are two current Councillors with the title of Doctor, the current terminology does not recognise that title. In addition, the current modes of address are binary and not reflective of contemporary diversity, which could be taken as disrespectful. The submission proposed that the Mayor be referred to as Mayor and/or Mayor {Surname} (clause 7.1), and that Chairpersons be referred to as Chair and/or Chairperson (clause 7.2).

Management agrees with this submission and has updated the modes of address in clauses 7.1 and 7.2 to reflect this in the Code presented to adoption.

In addition, clause 7.4 referring to Director {surname} or Mr/Ms Surname is similarly updated to remove reference to Mr/Ms. It is recommended that Council adopt the Code with these changes.

It is further noted that staff had commenced working through similar changes for both internal staff committees and community committees to remove the references to Mr, Miss, Mrs or Ms and to refer to the person by name.

Voting (section 11, page 21 of the CoMP)

The submission noted that where we adopt the code to provide for recorded voting on all matters, the need for clauses 11.5-11.8 and 11.12 relating to calling a division or dissenting vote are not required. Inclusion of the clause 11.10 to record all votes cover these matters.

Management agrees with this submission and has removed clauses 11.5-11.8 and 11.12 from the Code presented for adoption. It is recommended that Council adopt the Code with these changes.

5.8 Councillor related Strategic Policy Reviews - Post Exhibition

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. No additional updates were made during the exhibition period.

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. No additional updates were made during the exhibition period.

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. No additional updates were made during the exhibition period.

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

ATTACHMENTS

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



02

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

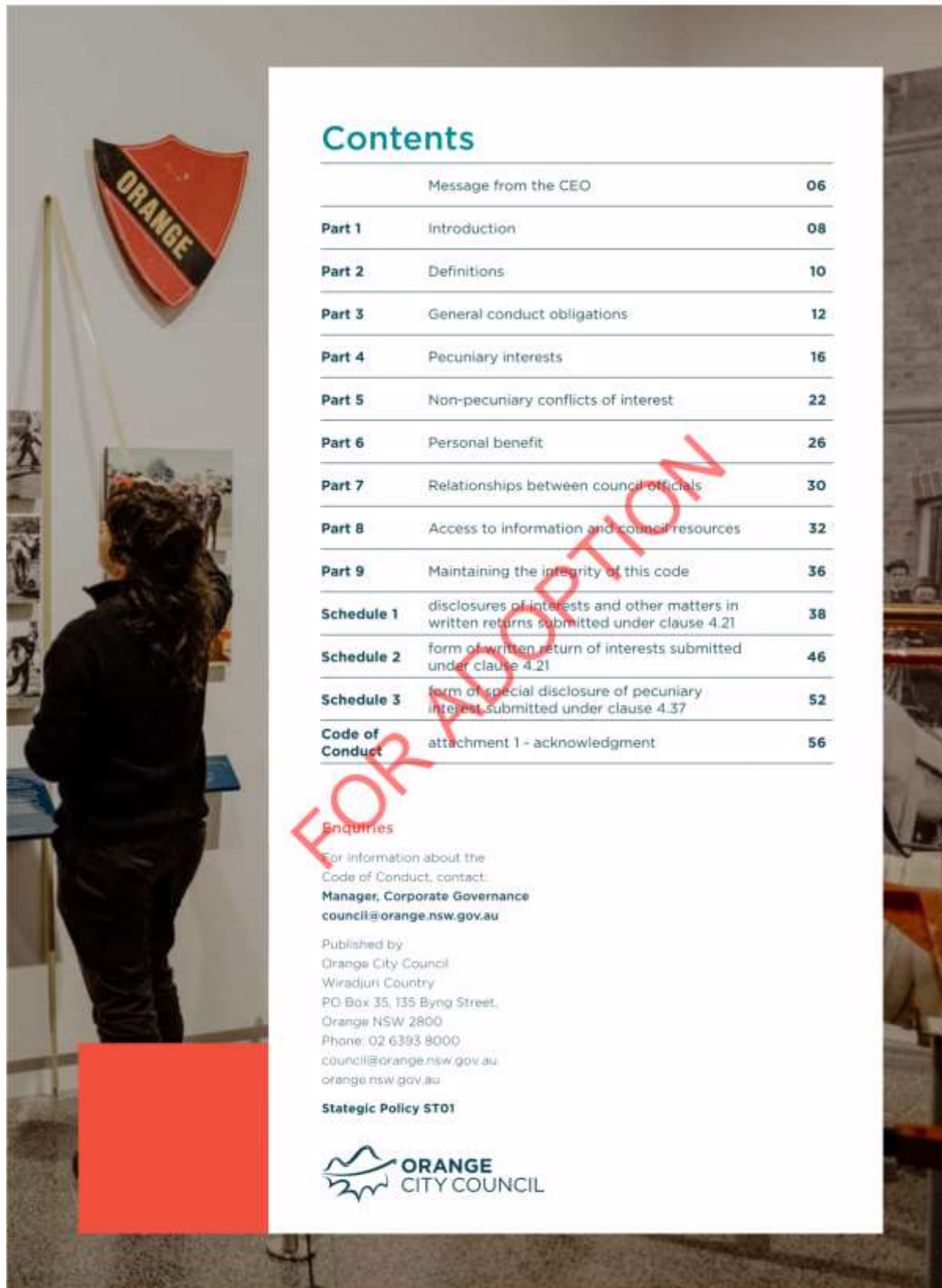


CODE OF CONDUCT

03

2025-
2028





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Enquiries

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

Published by
 Orange City Council
 Wiradjuri Country
 PO Box 35, 135 Byng Street,
 Orange NSW 2800
 Phone: 02 6393 8000
council@orange.nsw.gov.au
orange.nsw.gov.au

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



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

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 officers, 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:
- leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - 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
 - deliberately seek to impede the consideration of business at a meeting.

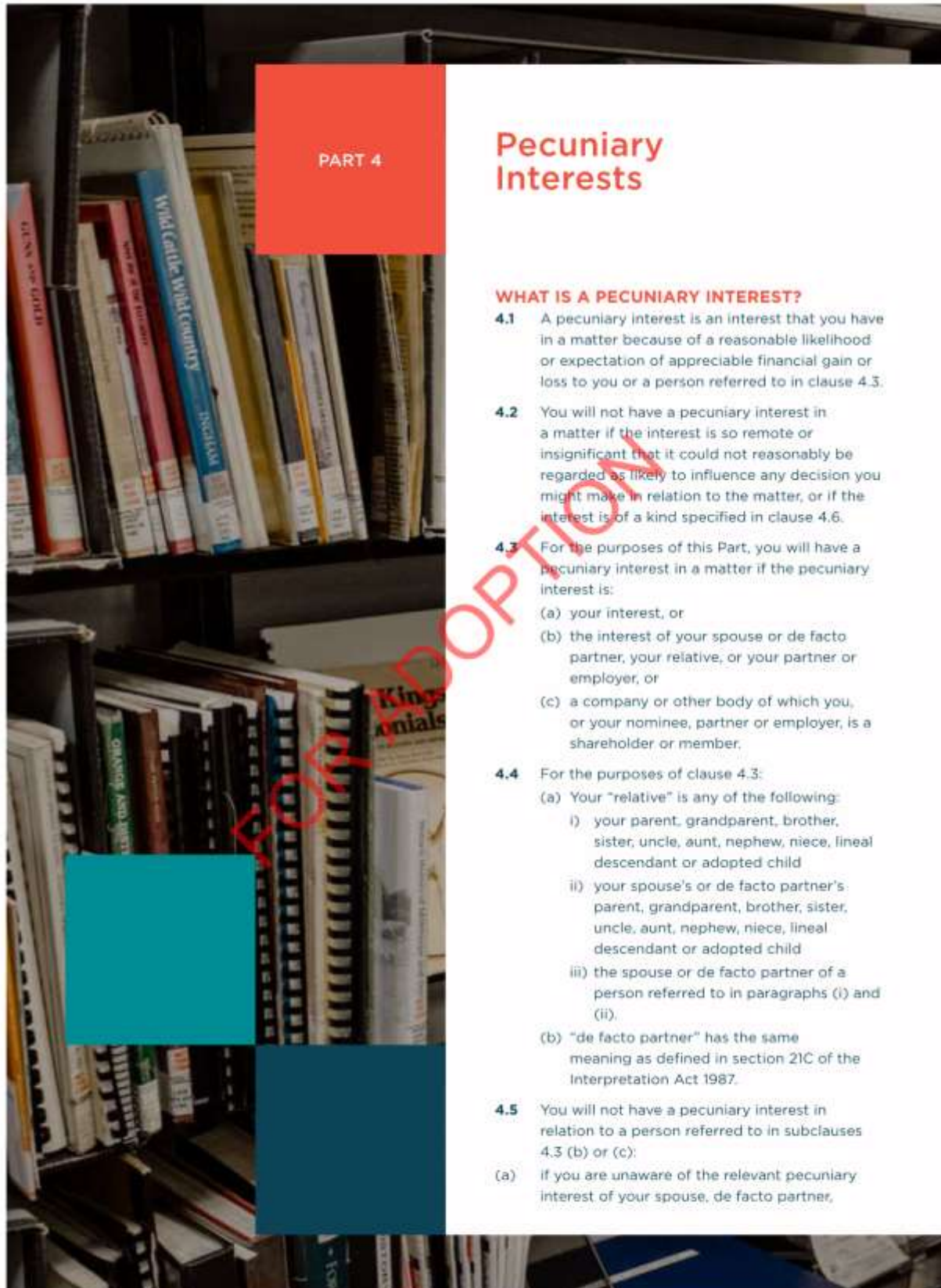
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PART 4

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.

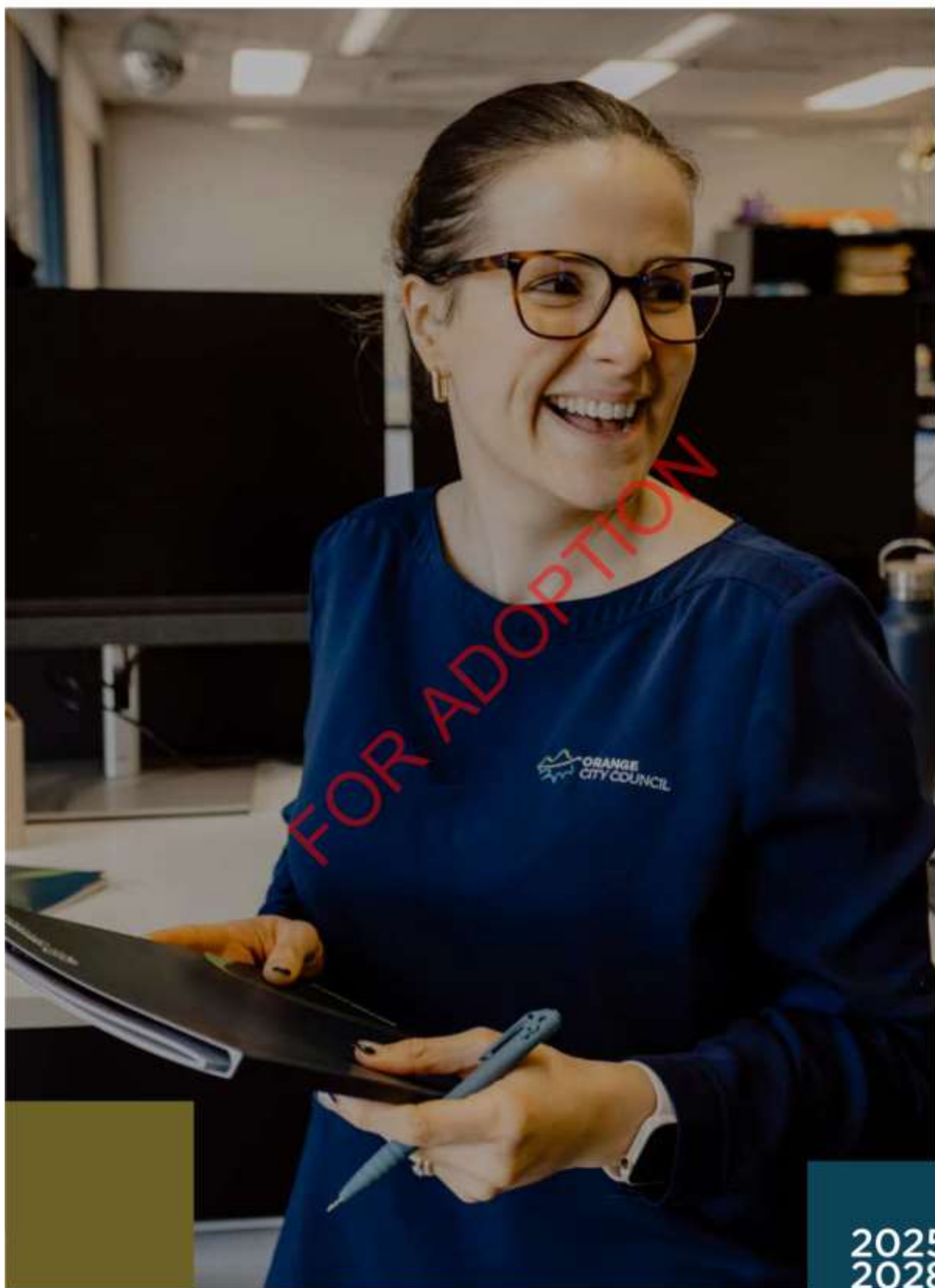
4.36 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (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.



CODE OF CONDUCT

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PART 5

Non-pecuniary Conflict of Interest

WHAT IS A NON-PECUNIARY CONFLICT OF INTEREST?

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- 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.

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 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.



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.

FOR ADOPTION

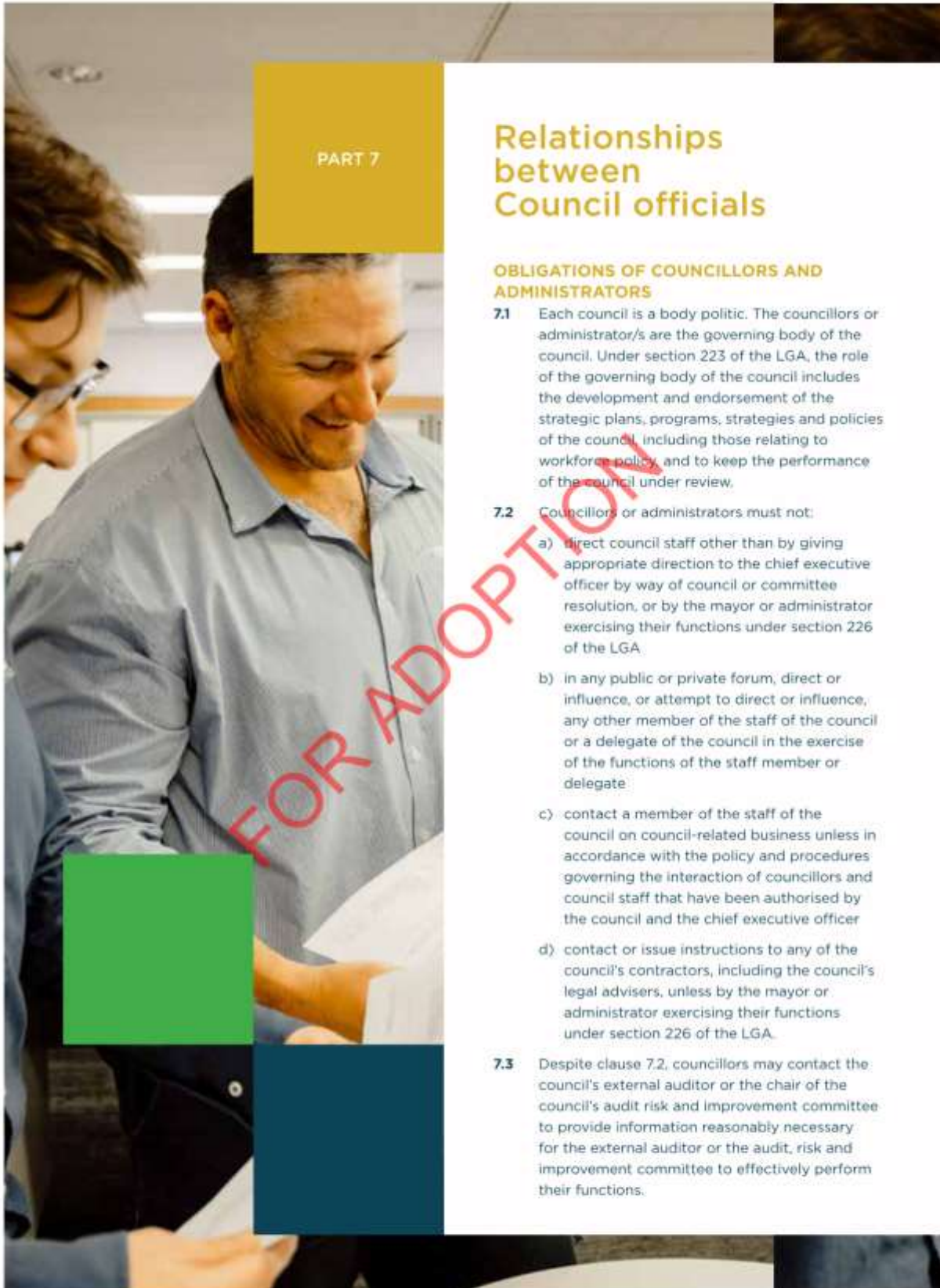




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PART 7

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.



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

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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.

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:

- 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:
- on the return date, and
 - 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:
- 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:
 - 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
 - the amounts to be paid exceeded, in the aggregate, \$500, or
 - the person was liable to pay the debt to a relative, or
 - 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
 - in the case of a debt arising from the supply of goods or services:
 - 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
 - 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
 - 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.

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.

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)

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.

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 patnership 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



CODE OF CONDUCT

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2025-
2028

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 ADOPTION

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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.

5.4

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.



CODE OF CONDUCT

Acknowledgement of receipt
form

CODE OF CONDUCT

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**

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

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Enquiries

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

Published by
Orange City Council
Wiradjuri Country
PO Box 35, 135 Byng Street,
Orange NSW 2800
Phone: 02 6393 8000
council@orange.nsw.gov.au
orange.nsw.gov.au



Strategic Policy – ST01.1

Procedures for the Administration
of the Code of Conduct

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



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:
- 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:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the 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
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the Council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and



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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:
- the complainant
 - the complaints coordinator
 - the Office, and
 - 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

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



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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.

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



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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.

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.



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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.

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

3.30 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.



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- 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 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 on 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.



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- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the 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.
- 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



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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.

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



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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:
- (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 5.13), the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of the Council or at an Extraordinary Meeting called 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.



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- 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:
- give written notice to all Councillors that the meeting is to be held by audio-visual link, and
 - take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
 - 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.
- 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



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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 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.



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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 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:

(a) 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

(b) 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:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

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

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



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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 'Mayor' or 'Mayor [surname]'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Chair' or '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/Manager [surname]'.

FOR ADOPTION



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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.

9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would



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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 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



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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 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.



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Foreshadowed Motions

10.17A 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.

10.18Where 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.

10.19Foreshadowed 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

10.20A 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.

10.21A 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.

10.22A 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.

10.23Despite 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.

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

10.25Despite 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.

10.26The 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.

10.27If a Motion that the original Motion or an Amendment be now put is passed, the



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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 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.

11.7 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

- 11.8 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.
- 11.9 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.

11.10 Clauses 11.8 & 11.9 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



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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 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



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- 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 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,



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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 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.

14.10A 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



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circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **two (2)** speakers to make representations in such order as determined by the chairperson.

- 14.17 Each speaker will be allowed **five (5)** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings Closed to the Public

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

- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as

is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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



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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.

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



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- council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (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 member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that.



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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-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.



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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.

17.10A 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.

17.11A 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
- (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.

17.13A 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.



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17.14A 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:

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

17.16 In seeking the leave of the chairperson to move to Recommit a Resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the Resolution.

17.17 The chairperson must not grant leave to Recommit a Resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the Resolution would not alter the substance of the Resolution previously adopted at the meeting.

17.18A 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.

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

17.20A 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:

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

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

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the Chief Executive Officer must:

- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the 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.



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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 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.



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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:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the committee.

Functions of Committees

20.5 The Council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of Committee Meetings

20.6 The 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:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than **three (3)** days may be given of a committee meeting called in an emergency.

Attendance at Committee Meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

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

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

Non-members Entitled to Attend Committee Meetings

20.10A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

20.11 The chairperson of each Committee of the Council must be:

- (a) the Mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or



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- (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.

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



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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 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.



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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
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



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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 1.30pm.
- Removal of clauses 11.5-11.8 & 11.12 (and updating number of sections moved) relating to voting divisions and dissent which are not relevant when clause 11.11 provides that all voting will be recorded.
- Update to Modes of address to remove Mister/Madam, Mr/Ms in Clauses 7.1, 7.2 & 7.4 and replacement with Mayor/Mayor [surname], Chair/Chairperson [surname] and staff member title Director/Manager [surname].
- Update to reference error of 5.1 in clause 5.14 to refer to 5.13.

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 ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



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



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Expense or facility	Maximum amount	Frequency
Conferences and seminars (registration) (refer section 6.29)	\$60,000 total for all Councillors	Per year
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 time to time. For example, telephoning home to advise that a Council meeting will run later than expected.



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- 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 than 50 kilometres from the meeting location.



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- 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 Councillor as to usage. Requests for reimbursement over \$40 per month can be claimed, subject to the Councillor



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- 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 may take the form of advice from a medical practitioner.



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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.
- 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



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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.

- 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.

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.

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).

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.

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
- 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



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- 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 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



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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 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.



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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
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



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Term	Definition
	<ul style="list-style-type: none"> 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

<i>All policies can be reviewed or revoked by Council at any time.</i>		
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:



Orange City Council
Wiradjuri Country
135 Byng Street, PO Box 35
Orange NSW, 2800
P: 02 6393 8000
E: council@orange.nsw.gov.au
www.orange.nsw.gov.au

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
		\$	
		\$	
		\$	
		\$	
		\$	

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 ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST04

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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



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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.



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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
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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,



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- 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:
- request information or ask questions that relate to the strategic position, performance or operation of the Council
 - bring concerns that have been raised by members of the public to the attention of staff
 - request ICT or other support from the Council administration
 - 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:
- Requests on behalf of residents will be directed through Council's Customer Request Management System in the first instance.
 - 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.
 - Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
 - 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.
 - 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



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- 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



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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



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- 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.



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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.

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

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.

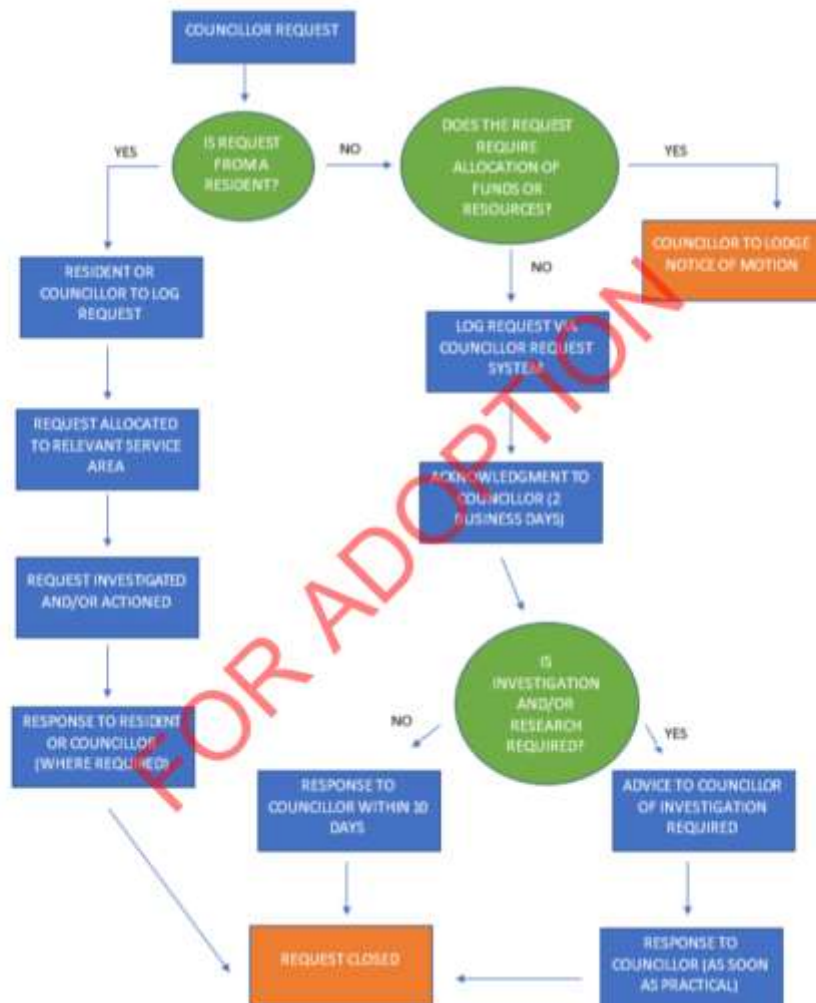
If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

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



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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

FOR ADOPTION

PO Box 35, Orange
NSW 2800 Australia

135 Byng Street, Orange
NSW 2800 Australia

P: +61 2 6393 8000
F: +61 2 6393 8199

council@orange.nsw.gov.au
www.orange.nsw.gov.au



STRATEGIC POLICY – ST05

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FOR ADOPTION



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

1 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:



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- 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.

2 CREATING AND CAPTURING RECORDS

What Records to Create and Capture

2.1 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.

2.2 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

2.3 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.

2.4 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

2.5 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

2.6 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



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appropriate security measures can be implemented.

- 2.7 Records received from Councillors will be registered into Council's electronic document management system, with appropriate security controls attached.

Email/Electronic Records

- 2.8 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.
- 2.9 For Councillors utilising a Council email address, a copy of all emails are automatically and securely stored in Council's archives.
- 2.10 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

- 2.11 Councillors may wish to retain a copy of any record. Copies should only be retained while needed for current Council business.

Councillor Mail

- 2.12 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

- 2.13 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.
- 2.14 Approval is not required for documents created purely on behalf of the Councillor, with no implicit or explicit impact on Orange City Council.
- 2.15 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.

3 UNAUTHORISED ACCESS OR DISCLOSURE OF COUNCILLOR RECORDS

- 3.1 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.
- 3.2 Councillors are also bound by the Council's Code of Conduct and Code of Meeting Practice **not to:**
- Attempt to access records they are not authorised to see



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- 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.
- 3.3 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.

4 HANDLING AND STORAGE OF RECORDS

Damage or Neglect of Records is an Offence

- 4.1 Damage or neglect of a State Record is an offence under section 21 of the State Records Act.

Storing of Records

- 4.2 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.

- 4.3 Copies of confidential business papers or documents can be returned to the Executive Support Office for destruction.

5 DISPOSAL OF RECORDS

Disposal In Accordance with the State Records Act

- 5.1 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.
- 5.2 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

- 5.3 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.

6 ACCESS TO RECORDS

- 6.1 For information regarding Councillors' Access to Information/records, please refer to separate policy and associated



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procedure – Strategic Policy ST04
“Councillors Access to Information and
Interaction with Staff”.

7 SECURITY AND CONFIDENTIALITY OF RECORDS

Building Controls

- 7.1 Council’s paper records are kept securely in Council’s buildings with security controls to protect against unauthorised access.

System Controls

- 7.2 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.

8 BREACHES

- 8.1 Breaches of this Policy will be dealt with by the Mayor and/or Chief Executive Officer in accordance with the Code of Conduct.

9 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:



Orange City Council
Wiradjuri Country
135 Byng Street, PO Box 35
Orange NSW, 2800
P: 02 6393 8000
E: council@orange.nsw.gov.au
www.orange.nsw.gov.au

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:

Date:

Time:

PRESENT

DISCUSSED

ACTIONS

COUNCILLOR DETAILS

Name:

Signature:



Orange City Council
Wiradjuri Country
135 Byng Street, PO Box 35
Orange NSW, 2800
P: 02 6393 8000
E: council@orange.nsw.gov.au
www.orange.nsw.gov.au

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:

Conference:

Date:

Location:

PROGRAM HIGHLIGHTS AND SUMMARY

NOTABLE LEARNINGS AND POSSIBLE IMPLEMENTATIONS

BENEFITS TO THE COMMUNITY (LINK TO THE COMMUNITY STRATEGIC PLAN)

DECLARATION

Date:

Signature:

DIRECTOR COMMENT (IF APPLICABLE)

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 Tenders for the Upgrade of Stormwater Drainage from Clergate Road to Strathgrove Way

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 Property matter - 25 Colliers Avenue 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 lease Lake Canobolas Reserve to Orange Mountain Bike Club

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.

6.1 TENDERS FOR THE UPGRADE OF STORMWATER DRAINAGE FROM CLERGATE ROAD TO STRATHGROVE WAY

RECORD NUMBER: 2024/1802

AUTHOR: Mark Frecklington, Assistant Works Manager

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.

6.2 PROPERTY MATTER - 25 COLLIERS AVENUE ORANGE

RECORD NUMBER: 2025/157

AUTHOR: David Waddell, Chief Executive Officer

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.

6.3 PROPOSED LEASE LAKE CANOBOLAS RESERVE TO ORANGE MOUNTAIN BIKE CLUB

RECORD NUMBER: 2025/90

AUTHOR: Shirley Hyde, Legal & Property Lead

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.

7 RESOLUTIONS FROM CLOSED MEETING