



Business Paper

Special Council Meeting

Monday, 26 September 2016

6:30pm

**Council Chambers,
Level 2, Administration Building
4-20 Eton Street, Sutherland**

ORDER OF BUSINESS

1. ACKNOWLEDGMENT OF COUNTRY

2. APOLOGIES

3. OATH / AFFIRMATION OF OFFICE

4. ELECTION OF MAYOR

5. ELECTION OF DEPUTY MAYOR

6. DISCLOSURES OF INTERESTS

7. MAYORAL MINUTES

8. REPORTS FROM OFFICERS

CCL018-17 Delegation to the Mayor

CCL019-17 Code of Conduct

CCL020-17 Code of Meeting Practice

CCL021-17 Policy for the Payment of Expenses and Provision of Facilities to the Mayor
and Councillors

CCL022-17 Legal Assistance to Councillors and Staff Policy

CCL023-17 Use of Council Resources for Private Purposes Policy

CCL024-17 Councillors Access to Information and Interaction with Staff Policy

CCL025-17 Local Government Association of NSW Annual Conference Wollongong,
16-18 October 2016 - Appointment of Delegates

CCL018-17 DELEGATION TO THE MAYOR

Attachments: Appendix A

EXECUTIVE SUMMARY

- To enable the administration of Council more responsively and effectively the Council has exercised the authority of Section 377 of the Local Government Act in delegating certain authorities and powers to the Mayor and the General Manager.
- Each council must review all its delegations during the first 12 months of each term of office.

REPORT RECOMMENDATION

THAT:

1. All previous delegations to the Mayor be revoked and Council delegate to the Mayor the delegations contained in the Instrument of delegation attached as Appendix A.
 2. All previous delegations to the Deputy Mayor be revoked.
-

PURPOSE

The purpose of this report is to set forth the recommended delegations to be granted to the Office of the Mayor.

BACKGROUND

To enable the administration of Council to operate more responsively and effectively in a competitive environment the Council has exercised the authority of Section 377 of the Local Government Act in delegating certain authorities and powers to the Mayor, Deputy Mayor, the General Manager and Standing Committees.

Council last considered the delegations to the Mayor and Deputy Mayor at the meeting held on 15 July 2013.

DISCUSSION

Council is required to review all of its delegations during the first 12 months of each term of office. The Delegations granted to the General Manager and any other individual or Committee will be reviewed in accordance with this timeline, however, it is considered pertinent to review and adopt the delegations for the Mayor at the beginning of the Council term.

It is recommended that the current delegations to the position of Deputy Mayor be revoked and not replaced as the Deputy Mayor, when officially acting in the role of Mayor, has the authority to use the delegated authorities for the role of Mayor.

The existing delegations to the Mayor have been reviewed and an updated draft delegation is attached for the consideration of council.

The changes to the existing delegation are as follows:

- increase the authority, in concurrence with the General Manager, to settle claims against Council from \$200,000 to \$500,000;
- removal of the authority to call up a surety;
- removal of the authority to appoint consultants;
- removal of the authority to decide if Council assesses its own Development Applications; and
- removal of the power of entry to inspect land.

BUDGET AND RESOURCES

There are no additional budget and resource issues arising from the issuing of delegations to the Mayor.

POLICY

In accordance with s380 of the Local Government Act 1993 council is required to review its delegations during the first 12 months of the Council term.

CONCLUSION

The proposed delegation to the Mayor recommended for adoption, provides the Mayor with the appropriate powers to ensure that the organisation can remain responsive and effective in all circumstances.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2015/38803

CCL019-17 CODE OF CONDUCT

Attachments: Appendix A

EXECUTIVE SUMMARY

- Council's Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions.
- The Code provides guidance to staff, councillors and delegates to ensure that our decisions and interactions are always ethical. The Code supports the exercise of good judgement, making principled decisions and behaving ethically.
- Council is required by the Local Government Act 1993 to review its Code within 12 months after each ordinary election.
- The current Code of Conduct is recommended for adoption without amendment.

REPORT RECOMMENDATION

That the Code of Conduct attached as Appendix A to this report, be adopted.

PURPOSE

The purpose of this report is to seek the adoption of Council's Code of Conduct which has been reviewed.

BACKGROUND

Council's Code of Conduct includes the provisions of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") and additional provisions. 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; and
- act in a way that enhances public confidence in the integrity of local government

Councillors, staff, independent conduct reviewers, members of council committees, including the conduct review committee and delegates of the Council must comply with the applicable provisions of council's Code of Conduct in carrying out their functions as Council officials.

DISCUSSION

Council's Code of Conduct was last reviewed and endorsed by Council on 31 August 2015. This review saw amendments made in regard to General Conduct Obligations, Gifts and Benefits and cross referencing of the Code with relevant Council policies.

A review of the Code has been undertaken in accordance with legislative requirements and no amendments are considered necessary at this time. A copy of the Code of Conduct is attached as Appendix A.

BUDGET AND RESOURCES

The oversight and implementation of the Code of Conduct is the responsibility of the Governance and Customer Service Unit utilising existing resources.

POLICY

Section 440(7) of the Local Government Act 1993 states that:

- (7) *A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.*

CONCLUSION

Council's Code of Conduct has been reviewed on a regular basis, the most recent changes being endorsed in August 2015. No changes are currently recommended to the Code, however it is appropriate with the election of the new Council that this policy be adopted at the commencement of the council term.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2015/26290

CCL020-17 CODE OF MEETING PRACTICE

Attachments: Appendix A

EXECUTIVE SUMMARY

- The Code of Meeting Practice provides a framework that supports the principles of transparent and accountable decision making.
- A review has been conducted of the Code of Meeting Practice to ensure its appropriateness for the current Council term.
- It is appropriate with the election of the new Council that they give consideration to the reviewed Code of Meeting Practice.

REPORT RECOMMENDATION

That the Code of Meeting Practice attached as Appendix A to this report, be endorsed and, in accordance with Section 361 of the Local Government Act, be placed on public exhibition for a period of 42 days.

PURPOSE

The purpose of this report is to seek Council's adoption of the Code of Meeting Practice which has been reviewed.

BACKGROUND

Councils have the responsibility of carrying out their functions in a manner that facilitates local communities that are strong, healthy and prosperous. (Local Government Act Chapter 3 Principles for local government). The conduct of meetings is integral to this process and requires meeting procedures which support transparency and accountability in the decision making process.

DISCUSSION

Council's Code of Meeting Practice has regularly been reviewed to ensure compliance with relevant legislation and regulations. A review has been undertaken with the following changes being recommended:

- Removal of the requirement for Councillors to stand during debate.
- Additional clauses to reflect legislative requirements for Councillors to undertake an Oath or Affirmation of Office.
- Additional clause stating that Councillors shall not move a motion or an amendment, from the floor of the meeting, that commits Council to expend funds, with the exception of matters where a report on such expenditure is before Council.

In addition to the substantive changes listed above the policy has been tidied up and re-formatted to ensure the document's readability.

A copy of the revised Code of Meeting Practice is attached as Appendix A.

BUDGET AND RESOURCES

The Code of Meeting Practice is the responsibility of the Governance and Customer Service Unit utilising existing resources.

POLICY

Council's Code of Meeting Practice is consistent with the Local Government Act 1993, and the Local Government (General) Regulation 2005.

CONCLUSION

Council's Code of Meeting Practice has been reviewed and amended to ensure compliance. It is appropriate with the election of the new Council that this Code be adopted at the commencement of the term.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2015/26223

CCL021-17 POLICY FOR THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS

CCL021-17

Attachments: Appendix A**EXECUTIVE SUMMARY**

- Council is required, within the first 12 months of each term of the Council, to adopt a policy with regard to the payment of expenses and the provision of facilities to the Mayor, and Councillors.
- A review of Council's current policy has been conducted with changes to the policy being recommended in regards to the provision of electronic devices to Councillors.
- If adopted, the policy will be placed on public exhibition for a period of 28 days.

REPORT RECOMMENDATION

THAT:

1. The Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors, attached as Appendix A, be endorsed and in accordance with s253 of the Local Government Act, be placed on public exhibition for a period of 28 days.
 2. Council's Internal Auditor perform an audit of councillor expenses every two years.
 3. A breakdown of expenses by councillors be provided on the Council website on a quarterly basis, or some other time period considered acceptable.
-

PURPOSE

The purpose of this report is to recommend adoption of an updated Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

BACKGROUND

The Local Government Act 1993 requires that, within the first 12 months of each term of a Council, the Council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office.

DISCUSSION

A review has been conducted of the current policy with the following changes recommended:

- A new clause allowing Councillors to purchase their own electronic devices (laptops, tablets, pc's etc) and seek reimbursement up to the value of \$2,500 per council term. Councillors can still elect to receive an appropriate device provided by Council.
- A new clause allowing Councillors to seek reimbursement for associated consumables (such as print cartridges) and stationary up to the cumulative value of \$1,000 per Council term.
- Councillors will organise their own mobile phones, phone plan and data plan and any fixed land lines to their private premises and will be reimbursed up to a maximum of \$250 per month towards these costs.
- In keeping with Council's ongoing commitment to local charities the Mayor (or their nominee) and their partner will be entitled to attend charity or not for profit events on behalf of Council. Council will provide up to a maximum of \$5,000 per annum to cover the cost of attendance.

A copy of the revised policy is attached as Appendix A.

Probity and Councillor Expenses

Council actively encourages an open and transparent approach to all of its activities. With this in mind and with the intent of increasing the probity of the implementation of Council's payment of expenses and provision of facilities to Councillors, it is recommended that summaries of payments and reimbursements provided to Councillors be published on Council's website.

Summary information is currently provided in the Council Annual report, however placing this information on the website will demonstrate Council's commitment to open and transparent decision making.

BUDGET AND RESOURCES

The payment of expenses and provision of facilities to the Mayor and Councillors is the responsibility of the Governance and Customer Service Unit utilising existing resources.

POLICY

Review of the policy is consistent with the requirements under Local Government Act 1993 section 252(1). If adopted, the policy will be placed on public exhibition for a period of 28 days in accordance with Section 253 of the Local Government Act 1993.

CONCLUSION

Council is required by the Local Government Act 1993 to adopt a policy with regard to the payment of expenses and the provision of facilities to Councillors. It is appropriate with the election of the new Council that this policy be adopted at the commencement of the term. The recommended changes to the policy reflect a more flexible approach to the way technology is provided to Councillors to ensure that it meets the differing needs of Councillors.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2015/26264

CCL022-17 LEGAL ASSISTANCE TO COUNCILLORS AND STAFF POLICY

Attachments: Appendix A

EXECUTIVE SUMMARY

- Council's Legal Assistance to Councillors and Staff Policy defines the circumstances in which legal assistance will be provided to Councillors and to staff by Council.
- A review has been conducted of the policy in accordance with Council's biennial policy review framework and minor changes are recommended.
- Council's Code of Conduct and Privacy Management Plan are related and associated policies.

REPORT RECOMMENDATION

That the revised Legal Assistance to Councillors and Staff Policy, attached as Appendix A, be adopted.

PURPOSE

The purpose of this report is to seek Council's adoption of the Legal Assistance to Councillors and Staff Policy.

BACKGROUND

The Legal Assistance to Councillors and Staff Policy defines the circumstances in which legal assistance will be provided by Council to Councillors and staff. The policy applies to Councillors and staff, both current and former, of Council, where legal assistance is requested in the event of an inquiry, investigation, hearing or legal proceedings taken against them in connection with their performance in good faith of a function under the Local Government Act or any other statutory instrument.

DISCUSSION

A review has been conducted of the policy and the updated policy is attached as Appendix A for consideration.

The only recommended change to the policy is to clarify that Legal proceedings commenced by a Councillor, former Councillor, employee or former employee, will only be eligible for assistance if the proceedings were commenced as a consequence of related action first being taken against them.

BUDGET AND RESOURCES

The Legal Assistance to Councillors and Staff Policy is the responsibility of the Governance and Customer Service Unit utilising existing resources.

CONCLUSION

The review of this policy has been undertaken in accordance with Council's biennial policy review framework. It is appropriate with the election of the new Council that this policy be adopted at the commencement of the term.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2016/235281

CCL023-17 USE OF COUNCIL RESOURCES FOR PRIVATE PURPOSES POLICY

CCL023-17**Attachments:** Appendix A**EXECUTIVE SUMMARY**

- Council's Use of Council Resources for Private Purposes Policy sets out the circumstances in which it is appropriate for Council resources to be used for private purposes by Councillors and staff.
- A review of the Policy has been conducted and no changes to the substantive policy positions are proposed, however the policy has been re-formatted to ensure readability.
- It is considered appropriate with the election of the new Council that this policy be adopted at the commencement of the term.

REPORT RECOMMENDATION

That the revised Policy - Use of Council Resources for Private Purposes, attached as Appendix A, be adopted.

PURPOSE

The purpose of this report is to seek Council's adoption of the Use of Council Resources for Private Purposes Policy.

BACKGROUND

This policy sets out the circumstances in which it is appropriate for Council resources to be used for private purposes by Councillors and staff. Council resources covered by the policy include intellectual property, financial, material and human resources.

DISCUSSION

A review has been conducted of the policy which is attached as Appendix A for consideration. The policy has been formatted to comply with Council's policy template and to remove duplicated content, but no substantive changes have been made to the policy positions in the document.

BUDGET AND RESOURCES

The Use of Council Resources for Private Purposes Policy is the responsibility of the Governance and Customer Service Unit utilising existing resources.

POLICY

This policy is supported by Council's Code of Conduct and Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

CONCLUSION

Whilst no substantive changes have been proposed to the policy positions in the document, it is appropriate with the election of the new Council that this policy be adopted at the commencement of the term.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2016/235281

**CCL024-17 COUNCILLORS ACCESS TO INFORMATION AND INTERACTION WITH
STAFF POLICY**

CCL024-17

Attachments: Appendix A

EXECUTIVE SUMMARY

- The Councillors Access to Information and Interaction with Staff Policy provides guidance to Councillors in regards to accessing council records, entry to the Council Administration Building and interaction with staff.
- A review has been conducted of the policy in accordance with Council's biennial policy review framework.
- An updated policy is presented to Council to establish the procedures for the 2016-20 Council term for Councillors to access information and interact with Staff.

REPORT RECOMMENDATION

That the Councillors Access to Information and Interaction with Staff Policy, attached as Appendix A, be adopted.

PURPOSE

The purpose of this report is to seek Council's adoption of the Councillors Access to Information and Interaction with Staff Policy.

BACKGROUND

The purpose of this policy is to:

- Provide a documented process on how Councillors can access Council records and how Councillors and staff interact; and
- Provide direction on Councillors' rights of access to Council buildings.

The policy applies to all Councillors and staff.

DISCUSSION

A review has been conducted of the policy which is attached as Appendix A for consideration. The policy has been re-formatted and re-written to be a more concise document that clearly sets out the procedures for Councillors to follow to access information. The policy also requires Councillors to only contact the General Manager, Director, or Manager responsible for the carriage of a particular matter, provision of a service or completion of a project.

BUDGET AND RESOURCES

The Councillors Access to Information and Interaction with Staff Policy is the responsibility of the Governance and Customer Service Unit utilising existing resources.

POLICY

This policy is supported by Council's Code of Conduct and Code of Meeting Practice.

CONCLUSION

The review of this policy has been undertaken in accordance with Council's biennial policy review framework. It is appropriate with the election of the new Council that this policy be adopted at the commencement of the term.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager Governance and Customer Service, Todd Hopwood, who can be contacted on 9710 0817.

File Number: 2016/235281

**CCL025-17 LOCAL GOVERNMENT ASSOCIATION OF NSW ANNUAL
CONFERENCE WOLLONGONG, 16-18 OCTOBER 2016 -
APPOINTMENT OF DELEGATES**

CCL025-17

Attachments: Appendix A

EXECUTIVE SUMMARY

- The Local Government NSW Annual Conference 2016 is being held at the WIN Entertainment Centre in Wollongong on 16-18 October 2016.
- Nominations are urgently called from Councillors wishing to be delegates, and alternate delegates, if necessary, to represent Council at the Conference.
- Registrations for the Conference close on 30 September 2016. Due to a limited time frame, confirmation is required urgently for attendance of Councillors, staff and any partners at the Conference, Presidents Opening Reception and Gala Dinner.

REPORT RECOMMENDATION

THAT:

1. Approval be given for interested Councillors, and staff as authorised by the General Manager, to attend the Local Government NSW Annual Conference at WIN Entertainment Centre in Wollongong from 16-18 October 2016.
 2. Consideration be given to the appointment of delegates and alternate delegates, if necessary, to the Local Government NSW Annual Conference.
-

PURPOSE

This report informs Council of the Local Government NSW (LGNSW) Annual Conference that is being held from 16-18 October 2016.

BACKGROUND

The Conference is the annual policy-making event for all councils of NSW, it is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

The Conference at WIN Entertainment Centre officially commences at 5.00pm on Sunday, 16 October 2016 and concludes on Tuesday, 18 October 2016.

Speakers at the 2016 Conference include:

- The Hon Mike Baird MP, Premier of NSW
- Councillor Keith Rhoades AFSM, President LGNSW
- The Hon Paul Toole MP, Minister for Local Government
- The Hon Peter Primrose MLC, Shadow Minister for Local Government
- Peter McKinlay, Executive Director, McKinlay Douglas Ltd

Full details of the Draft Conference Program are included in Appendix A.

DISCUSSION

This year, due to Council elections, the time frame between the Council meeting of the 26 September and close off for Conference registrations on the 30 September is four days. In order for staff to make effective arrangements for the Conference it is requested that names of delegates, alternate delegates and staff attending the Conference are advised by 30 September 2016.

In addition, confirmation of attendance for Councillors, staff and any partners at the following functions will need to be confirmed by 30 September 2016:

- Presidents Welcome Reception - Sunday 16 October, 5.00pm - 7.00pm Lagoon Seafood Restaurant, Stuart Park, George Hanley Drive, North Wollongong.
- Conference Gala Dinner - Tuesday 18 October, 7.30pm - 11.00pm at the WIN Entertainment Centre conference room.

BUDGET AND RESOURCES

Council has pre-registered 13 registrations to ensure that the early bird registration was available at a rate of \$899. Normal registration is \$999.00 per delegate (early bird registration of \$899.00 closed on 31 August 2016).

Currently funds of approximately \$10,059.00 remain in the elected members' conference account. Various training accounts have funds available for nominated staff.

POLICY

Attendance by Councillors to the LGNSW Conference is consistent with Council's Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

CONCLUSION

The conference provides an opportunity for Councillors to participate in the annual policy making event which is held for all NSW Councils, approval is therefore recommended for Councillors and staff to attend. Additionally, Councillors must give consideration to the nomination of delegates, and alternate delegates (if necessary) for the Local Government NSW Annual Conference.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Corporate Governance Manager, Samantha Charlton, who can be contacted on 9710 0868.

File Number: 2016/246032

SUTHERLAND SHIRE COUNCIL**DELEGATION TO THE OFFICE OF MAYOR**

Subject to Section 377 and Section 379 of the Local Government Act 1993 Council delegates to the Mayor, on an ongoing basis, the following functions (to be exercised in a manner consistent with Council's policies and decisions as applicable from time to time):

CLAIMS AGAINST COUNCIL

With the concurrence of the General Manager, authorise the settlement of claims made against the Council, in excess of \$100,000 but not exceeding \$500,000 where the Mayor and General Manager are both satisfied that the Council's interests would best be served by avoiding the matter being determined by a court or other person or body.

COMMUNITY MANAGEMENT COMMITTEES

With the concurrence of the General Manager, approve the appointment of members to Community Management Committees as delegates of the Council.

CONFERENCES, SEMINARS, MEETINGS AND COURSES

With the concurrence of the General Manager, approve the attendance of Councillors at any seminar, conference, meeting or course, PROVIDED THAT such delegation is not exercised if there is a Council meeting between the date of the request and the closing date for registrations.

CORRESPONDENCE

Sign correspondence that does not require the consideration of the Council.

COUNCIL RECESS

Notwithstanding any other provision of this Delegation, with the concurrence of the General Manager, deal with and make decisions in respect of any matter that requires a resolution of the Council in the following periods:

- a. between the last meeting of the Council for the year and the first meeting of the Council for the following year.
- b. between the last Meeting of a Council term and the first Meeting of the newly elected Council.

EXECUTIVE

- (a) Approve temporary appointments to the role of General Manager when the incumbent is absent on leave or otherwise, or the position of General Manager is vacant.
- (b) Consider and approve or otherwise deal with all leave applications submitted by the General Manager PROVIDED THAT applications for leave in excess of 10 weeks shall be referred to the Council for determination.
- (c) Approve attendance of the General Manager at any seminar, conference or course.

EXPULSION FROM COUNCIL MEETING

Exercise the power of expulsion from meetings of Council, pursuant to Clause 258 of the Local Government (General) Regulation 2005, as amended.

INDUSTRIAL

With the concurrence of the General Manager, to deal with industrial disputes, subject however to the Council's ratification of the terms of settlement prior to such being made when such terms vary hours of labour, rates of pay or industrial instruments.

MEDIA

- (a) To advise and respond to enquiries from the media on matters relative to the affairs of the Council and the Sutherland Shire generally.
- (b) To issue media releases, in consultation with the General Manager, on behalf of the Council.

VENUE FOR MEETING OF THE COUNCIL AND COMMITTEES

In consultation with the General Manager, determine that Meetings of the Council be held in alternate venues where it is considered that having regard to the nature of the specific matter to be considered and the likely number of persons to be in attendance, the Administration Centre would not be suitable.



Code of Conduct

September 2016

POL002

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL**This document has been approved by:**

	Approved by	Minute No.	Date Approved
1.	Finance, Resources & Management Committee – FIN231-05	1136	9 May, 2005
2.	Finance, Resources & Management Committee – FIN010-09	30	28 July, 2008
3.	Finance, Resources & Management Committee – FIN010-09	518	23 February, 2009
4.	Sutherland Shire Council – FIN091-13	570	11 February, 2013
5.	Budget and Strategic Issues – BDS028-15	147	31 August, 2015

Revision history:

Version	Author	Date	Revision
1.	Internal Ombudsman	29 June, 2005	Original Version
2.	Internal Ombudsman	16 July, 2008	Mandatory Revised Model Code adopted
3.	Internal Ombudsman	11 February, 2009	Incorporates remaining relevant provisions from Council's existing Conflicts of Interests Policy and declaration forms (Appendices A and B to the Code) and the Gifts, Benefits and Hospitality Policy and declaration form (Appendix C to the Code). Clarify the value of a token gift (\$50 Clause 8.3), Adds obligations for Councillors in relation to caucusing on Development Applications only, Adds obligations for Councillors and staff in relation to meeting and dealing with Lobbyists
4.	Internal Ombudsman	31 January, 2013	Changes to reflect updated Model Code of Conduct
5.	Governance Manager	30 December, 2013	Annual Review conducted, no amendments necessary to recently adopted Code.
6.	Governance Manager	31 August, 2015	Annual Review process, additional requirements relating to gifts and benefits have been added.
7.	Corporate Governance Manager	29 July, 2016	Minor administrative update – updated reference to Workplace Behaviour Guidelines (previously Fair Workplace Policy) under clauses 3.6 and 3.17.

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PART 1 INTRODUCTION

This Code of Conduct includes the provisions of the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

This adopted code contains additional provisions that supplement the provisions of the model code. This adopted code has no effect to the extent that it is inconsistent with the model code as in force for the time being.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council’s code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances 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 Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council’s code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

This Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

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)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (Schedule 6A)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect, courtesy, compassion and sensitivity at all times.

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.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Related Guide: Workplace Behaviour Guidelines

Drugs and Alcohol

- 3.7 Any employee, contractor or otherwise working for or providing services to Council is required to be free from the influence of alcohol and drugs that cause impairment to the ability to perform their work while working for Council.

- 3.8 Under Council's Alcohol and Other Drugs Policy:
- a) Council has a zero tolerance to alcohol and other drugs.
 - b) No alcohol is to be consumed during work hours other than in cases where it has been specifically approved by the General Manager.
 - c) If you have been prescribed medication that may have an affect on your performance, you must inform your supervisor.

Related Policy: Alcohol and Other Drugs Determination

Development decisions

- 3.9 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.10 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.11 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.12 For the purposes of clause 3.9, 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.
- 3.13 Clause 3.9 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.
- 3.14 Clause 3.9 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.

Lobbying

- 3.15 If you are being lobbied about the making of a recommendation or a decision you should:
- a) observe the provisions of this Code and other relevant Council policies
 - b) be alert to the motives and interests of those who seek to lobby
 - c) be aware of which person, organisation or company a lobbyist is representing

- d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment
- e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration
- f) keep records of all meetings with Lobbyists, and if possible have another person attend the meeting or to take notes
- g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices.

Health, Wellbeing and Safety

3.16 You must ensure that council premises and work areas are adequate to ensure the health, safety and wellbeing of other council officers, contractors, visitors to council and members of the public.

Related Policy: Work Health Safety Policy

Workplace Bullying

3.17 Council is committed to a work environment free from bullying. Workplace bullying is repeated, unreasonable behaviour, directed towards an employee or councillor that creates a risk to health and safety. You must not bully others at anytime.

Related Guide: Workplace Behaviour Guidelines

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 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. (section 442)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 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. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships 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, sporting body, club, corporation or association that is particularly strong.
- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the Election Funding, Expenditure and Disclosures Act 1981,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the Election Funding, Expenditure and Disclosures Act 1981.
- 4.23 Councillors should note that political donations below \$1,000, 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 interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 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 interests 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 part 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 part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)

- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 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 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.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Token gifts and benefits have a value equal to or less than \$50 and generally speaking include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business
 - ii. council work related events such as training, education sessions, workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) small end of year token gifts such as bubble bath, soaps, candles, chocolates or similar from children in council child care centres
 - f) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events, such as state or international matches or matches in other national sporting codes (including the NRL, AFL, A-League, NBL), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5 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) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Group Presents – Council Child Care Centres

- 5.8 On occasions families that utilise the services of council child care centres, group together to purchase a combined gift for the staff of that centre. In accordance with clause 5.5 any gifts of cash, gift vouchers or credit at restaurants / functions centres for the purposes of a staff party are to be refused.
- 5.9 The Director of a child care centre may accept a group present, even if the value exceeds the \$50 token value limit, subject to the item received being for use by centre staff in the child care centre. Such an item will remain at the centre at all times and ownership will be retained by council. Individual child care centre staff may still receive individual token gifts in accordance with Part 5 of this code.

Prizes

- 5.10 Whether you may keep a prize depends upon whether you won it while acting in your official capacity or not. Prizes won while representing Council may be perceived as a personal benefit connected to carrying out your official duties and should be graciously declined or handed into the Council. (For example, lucky door prizes or prize draws from placing your business card in a draw, won at conferences where attendance was paid for by Council.) The token benefit value still applies to prizes and a prize over the token benefit value should never be accepted. This clause does not apply to raffle prizes where the ticket was paid for by the staff member or the councillor from their own funds.

- 5.11 The General Manager shall have discretion to authorise prizes won by staff or councillors, at conferences or functions, with a value of more than \$50 to be retained as corporate assets if considered appropriate.
- 5.12 Prizes won in your personal life, while unconnected with your official duties, may present an actual or perceived benefit if the organisation / company awarding the prize are a supplier or applicant to council. In circumstances where you receive a prize from a current supplier or applicant the prize may be retained however it should be declared to your Manager, or the Mayor for Councillors, this will allow any perceived conflict of interest to be dealt with.

Declaration of Gifts, Benefits or Hospitality

- 5.13 Declaration of Gifts, Benefits or Hospitality by councillors and staff is mandatory in the following situations:
- (a) when money, gift cards, lotteries, credit cards or other 'cash-like' gifts are offered.
 - (b) when a gift or benefit of more than \$25.00 is offered
 - (c) when a staff member who has been issued delegations by the General Manager, receives any offer of a gift, regardless of value, i.e. includes token gifts
 - (d) when a councillor receives any offer of a gift, regardless of value, i.e. includes token gifts
- 5.14 Any declaration should be made via the form appended to this code or via the 'on-line' version of the form available on the council Intranet.

Improper and undue influence

- 5.15 You must not use your position to influence other council officials in the performance of their public or professional duties 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 appropriate exercise of their representative functions.
- 5.16 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (section 352)
 - 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 member or delegate (Schedule 6A of the Act)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Related Policy: Councillors Access to Information and their Interaction with Staff Policy

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out 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 conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the Local Government (General) Regulation 2005 during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 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 broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) 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.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the Government Information (Public Access) Act 2009.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Related Policy: Councillors Access to Information and their Interaction with Staff Policy

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
 - a) only access council information needed for council business
 - b) not use that council information for private purposes

- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have 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

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

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

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

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

Related Policy: Sutherland Shire Council Privacy Management Plan

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

- 7.13 Union delegates and consultative committee members may have reasonable access to council resources 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.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Related Policy: Use of Council Resources for Private Purposes Policy

Councillor access to council buildings

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

- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

Related Policy: Councillors Access to Information and their Interaction with Staff Policy

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, 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 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 this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 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 under this code except as may be otherwise specifically permitted under this code.

8.5 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 this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 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 this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns

lobbying	representations made to a Council official by individuals, organisations or advocates acting on behalf of others with an interest in a Council decision
lobbyist	any person, company or organisation who conducts lobbying activities on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client, but does not include: <ul style="list-style-type: none"> • applicants or owners in a development application; • charitable, religious or non-profit organisations • individuals making representations to inform the Council of their views on matters of public interest; • peak industry bodies and professional organisations who represent the interests of their members' • trade unions; or • professionals, such as accountants, architects, lawyers, surveyors and town planners, where contact with Council on behalf of a client may be an incidental but necessary part of their usual work.
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term "you" used in the Model Code of Conduct refers to Council officials.

The phrase "this code" used in the Code of Conduct includes the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.



Code of Meeting Practice

September 2016

POL001

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL**This document has been approved by:**

	Approved by	Minute No.	Date Approved
1.	Finance, Resources & Management Committee FIN173-93	1126	15 November, 1993
2.	Finance, Resources & Management Committee	74	18 July, 1994
3.	Finance, Resources & Management Committee	97	8 August, 1994
4.	Finance, Resources & Management Committee	470	10 October, 1994
5.	Finance, Resources & Management Committee	413	3 October, 1995
6.	Finance, Resources & Management Committee	503	13 November, 1995
7.	Finance, Resources & Management Committee	597, 674	18 December, 1995
8.	Finance, Resources & Management Committee FIN142-97	1068	14 April, 1997
9.	Finance, Resources & Management Committee FIN142-97	1186	12 May, 1997
10.	Sutherland Shire Council CCL109-97	1219	12 May, 1997
11.	Sutherland Shire Council CCL029-98	431	13 October, 1997
12.	Sutherland Shire Council MOT066-98	1477	9 June, 1998
13.	Finance, Resources & Management Committee FIN121-99 & FIN122-99	544,545	30 November, 1998
14.	Finance, Resources & Management Committee FIN218-99	1034	19 April, 1999
15.	Finance, Resources & Management Committee FIN094-00	360	1 November, 1999
16.	Finance, Resources & Management Committee FIN217-00	966	3 April, 2000
17.	Finance, Resources & Management Committee FIN032-02	129	13 August, 2001
18.	Finance, Resources & Management Committee FIN070-02	421	8 October, 2001
19.	Finance, Resources & Management Committee FIN275-04	1044	21 June, 2004
20.	Finance, Resources & Management Committee FIN130-05	713	7 February, 2005
21.	Finance, Resources & Management Committee FIN207-05	962	11 April, 2005
22.	Finance, Resources & Management Committee FIN229-06	1098	26 June, 2006
23.	Planning Committee PLN010-07	27	24 July, 2006
24.	Finance, Resources & Management Committee FIN070-07	351	23 October, 2006
25.	Sutherland Shire Council MOT003-08	1477	3 September, 2007
26.	Finance, Resources & Management Committee FIN028-09	153	1 September, 2008
27.	Finance & Management Committee FIN045-14		16 September, 2013

Revision history:

Version	Author	Date	Revision
1.	General Manager	1 November, 1993	Original Version
2.	General Manager	18 July, 1994	Council Seal; Clause 83
3.	General Manager	8 August, 1994	Expulsions; Clause 41
4.	General Manager	10 October, 1994	Adopt Amended Draft Code Mtg Practice

5.	General Manager	3 October, 1995	Amended Code Mtg Practice – Extraordinary Meetings
6.	General Manager	13 November, 1995	Casting Vote for Committee Chairman; Clause 43(2)
7.	General Manager	18 December, 1995	Meeting Procedures; Clause 21(a), (b); Extraordinary Meetings; Clause 6(2)
8.	Manager Legal Services	1 April, 1997	Reflect amendments to Local Govt Meetings Regulations
9.	Manager Administration	28 April, 1997	Time Limit & Direct Negatives; appoint alternate committee members to achieve quorum
10.	Manager Administration	13 October, 1997	Business Without Notice
11.	Council Decision	9 June, 1998	Extraordinary Meeting; Consideration of a Development Application; Order of Procedure of a Motion.
12.	Manager Administration	23 November, 1998	Additional Agenda; "Rescinding or Altering Resolutions" and Giving Notice of Business
13.	Manager Administration	29 March, 1999	Clause 19(1)(a) be adopted. Giving notice of business.
14.	Manager Administration	25 October, 1999	Clause 19 "Giving Notice of Business" - Additional point CI 39 "Acts of Disorder" - Additional 3 points
15.	Manager Administration	3 April, 2000	Additional Clauses – Application to Address Committee – Clause 53A - Presentations – Clause 53B - Replies / Questions – Clause 53C Alteration to Clause 37 Time limit on Council Meetings
16.	Local Government Act Amendments assented to 20 December 2000 commencing from 1 April 2001	1 April, 2001	Alterations to Clause 56 Alterations to Clause 57 – amendments to Sections (1), (3) and (6) Alterations to note on bottom of Clause 58 relating to S.458 of Local Government Act
17.	Manager Administration	6 August, 2001	Alteration to Clause 31(4) Amended Councillor may move Motion/ Amendment. (Points(a&b))
18.	General Manager	24 September, 2001	Alteration to Clause 53A Penultimate sentence: "An application may have been lodged." Amendment: Not allow any speaker to address a Special Committee
19.	Manager Administration	15 June, 2004	Tape Recording of Council Meetings
20.	Manager Administration	31 January, 2005	Amendment: Change to Section 65 (2) (a) ... "other than Councillors" Add Section 65 (2) (h)
21.	Manager Administration	4 April, 2005	Add to Clause 19(1) (c): Giving Notice of Business Add New Clause 41B, 1-6: Re: Notice of Motion to censure Add to Clause 2 Definitions: Misbehaviour of a Councillor means any of the following: (a) – (c) Add New Clause 41A: 1-5: Formal censure of Councillor misbehaviour Add new Part 60A: 1-4 Suspension of a Councillor for Misbehaviour Add 60B: 1-4 What are the grounds on which a Councillor may be suspended?

22.	Manager Administration	19 June, 2006	Add to Clause 19.5: If in the opinion of the General Manager.....
23.	Manager Administration	19 June, 2006	Amend Clause 53A. No further opportunity for presentation at Planning and Assessment Committee after addressing IHAP
24.	General Manager	16 October, 2006	Amendment - Chairman's power to expel Councillors and Public Delete CI 39(3) and new CI 40
25.	Council Decision	3 September, 2007	Add Note to Clause 19. Distribution late reports.
26.	Manager Administration	25 August, 2008	Insert Clause 33(8). Recording of votes on planning matters.
27.	Governance Manager	14 May, 2012	Policy reviewed under annual review process. No amendment necessary
28.	Governance Manager	26 June, 2013	<p>Policy reviewed under annual review process. Minor updates made as follows:</p> <ul style="list-style-type: none"> - Updated references to committee - Updated legislative references to reflect amendments to cited legislation - Changed references to Director – General to Chief Executive, Division of Local Government <p>- Removed Clause 53A(6) (shown under) as this was deleted by decision on Mayoral Minute 07/12-13</p> <p>(6) Presentations to the Environment and Planning Committee on applications that have previously been considered by the Independent Hearing and Assessment Panel (IHAP) will not be permitted.</p>
29.	Governance Manager	8 July, 2013	<p>Existing Clause 75 removed and replaced with Schedule 1 of the Government Information (Public Access) Regulation 2009</p> <p>Clause 76 deleted from the Code.</p> <p>Clause 77 deleted from the Code.</p> <p>Clause 85 of the Code of Meeting Practice deals with access to records by Councillors and referred to Clauses 75, 76, 77. Due to the proposed changes to these clauses an updated Clause in relation to Councillors Access to Information has been drafted based upon Council's policy "Councillors Access to Information and Their Interaction with Staff". This new clause will be labelled Clause 76 in the updated Code.</p>
30.	Manager Governance and Customer Service	6 September, 2016	Code re-written

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PART 1 - PRELIMINARY

Citation

1. This Code may be cited as the *Sutherland Shire Council Code of Meeting Practice*

Definitions

2. (1) In this Code:

amendment, in relation to an original motion, means a motion moving an amendment to that motion;

chairperson,

- (a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by clause 12 of this Code; and
- (b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 49 of this Code;

Committee, in relation to a council, means a committee established under clause 48 or the council when it has resolved itself into a committee of the whole.

record means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or an employee of the Council and, in particular, includes the minutes of meetings of the Council or of a committee of the Council;

relative, in relation to a person, means any of the following:

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

the Act means the Local Government Act 1993;

the Code means the Sutherland Shire Council Code of Meeting Practice; and the Regulation means the Local Government (General) Regulation 2005.

- (2) Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.
- (3) misbehaviour of a councillor means any of the following:
 - (a) a contravention by the councillor of the Local Government Act or the regulations.
 - (b) a failure by the councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5), of the Local Government Act.
 - (c) an act of disorder committed by the councillor at a meeting of the council or a committee of the council, but does not include a contravention of the disclosure requirements of Part 2 of the Local Government Act.

Note: A contravention of the disclosure requirements of Part 2 is dealt with under other provisions of the Act.

A reference in this Code to misbehaviour or an incident of misbehaviour includes a reference to misbehaviour that consists of an omission or failure to do something.

Act and Regulation

3. (1) This Code is made pursuant to section 360(2) of the Act.
- (2) It incorporates relevant provisions of the Regulation and the Act.
- (3) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

Notes to text

4. Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.

PART 2 - CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS**Frequency of meetings of the Council**

5. (1) The Council is required to meet at least ten times each year, each time in a different month.
- (2) The Council shall, by resolution, set the time, date and place of ordinary meetings of the Council.
- (3) The Council may, by resolution, set the time, date and place of special meetings of the Council.

Extraordinary meetings

6. (1) The Mayor may call extraordinary meetings of the Council.
- (2) (a) If the Mayor receives a request in writing signed by at least two councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in an event within fourteen (14) days after the receipt of the request.
- (b) If the Mayor proposes to call an Extraordinary Meeting, all Councillors must be consulted by letter or email and given a minimum of eight hours in which to respond prior to the Mayor setting a time for the proposed meeting. The notice to Councillors must include the proposed time and date of the Meeting, the business to be transacted and the reason why the business cannot be dealt with at the next ordinary Meeting of the Council.
- (3) If the Mayor fails, within one working day of receipt of a request pursuant to subclause (2), to give a direction to the General Manager for the sending of notices to councillors for an extraordinary meeting to be held within the period specified in subclause (2), the General Manager must send a notice to each councillor specifying that the meeting be held on the last working day that would fall within the period specified in subclause (2).
- (4) For the purpose of subclauses (2) and (3), a working day is a day that is not a Saturday, Sunday or public holiday.

Notice of meetings

7. (1) The General Manager of the Council must send to each councillor, at least three days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than three days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given.
- (3) A notice under this section and agenda for, and the agenda for and the business papers relating to the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice and the business paper in that form.

Provision of Late Reports to Councillors

8. That late reports to Standing Committees and Council meetings be distributed to all Councillors no later than 4.00pm on the Friday prior to the scheduled Meeting in order to provide Councillors with adequate opportunity to properly consider the issues raised in the report.

Quorum

9. The quorum for a meeting of the Council is a majority of the councillors of the Council who hold office for the time being and are not suspended from office.

What happens when a quorum is not present

10. (1) A meeting of the Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson; or
 - (b) in his or her absence - by the majority of the councillors present; or
 - (c) failing that, by the General Manager.

- (3) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the councillors present.

Presence at Council meetings

11. (1) A councillor cannot participate in a meeting of the Council unless personally present at the meeting.
- (2) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of council after the councillor is elected.
- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office is not entitled to attend a meeting as a councillor, other than the first meeting at which the councillor takes the oath or makes the affirmation.

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

Chairperson of Council meetings

12. (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the Council.
- (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.
- (4) The election must be conducted:
 - (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (5) If, at an election of a chairperson, two 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) For the purposes of sub-clause (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 slip at random.
- (7) The candidate whose name is on the drawn slip is the candidate to be chairperson.

Chairperson to have precedence

13. When the chairperson rises or speaks during a meeting of the Council:
- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Chairperson's duty with respect to motions

14. (1) 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.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

Keeping and confirmation of minutes

15. (1) The Council must ensure that full and accurate minutes are kept of proceedings of the Council.
- (2) The General Manager must ensure that the following matters are recorded in the Council's minutes:
- (a) details of each motion moved at a Council Meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.

Note: Section 375(1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of the Regulation and of the Act require particular matters to be recorded in a council's minutes).

- (3) The correctness of the minutes of every preceding meeting, including extraordinary meeting, not previously confirmed must be dealt with at every ordinary meeting of the Council, in order that such minutes may be confirmed.
- (4) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- (5) Minutes may be confirmed at an extraordinary meeting of the Council.
- (6) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

Order of business - general

16. (1) At a meeting of the Council (other than an extraordinary meeting), the general order of business is (except as provided by this Code) as fixed by this Code or as fixed by a resolution of the Council.

Order of business - call all items

17. (1) That the Mayor call all items at the commencement of the Council Meeting, any items not called will be moved in bulk according to the various committee and officer recommendations.
- (2) The order of business fixed under subclause (1) may be altered at the discretion of the Mayor or Chairperson.
- (3) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such motion can be moved without notice.
- (4) Despite clause 33, only the mover of a motion referred to in sub-clause (2) may speak to the motion before it is put.

Order of business - Non Agenda Items

18. (1) That "Non Agenda Items" be dealt with at the conclusion of business as listed in the Meeting Agenda.
- (2) Despite clause 33, only the mover of a motion referred to in subclause 17(3) may speak to the motion before it is put.

Agenda and Business Papers for Council meetings

19. (1) The General Manager must ensure that the agenda for a meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - (b) if the Mayor (or the Deputy Mayor if acting for 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) subject to sub-clause (2) any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause the agenda for a meeting of the Council prepared as soon as practicable before the meeting.
- (4) The General Manager must ensure that the details of any item of business to which clause 68(2) applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the power of the chairperson under clause 21.
- (6) A Councillor will not be permitted to lodge more than 3 Notices of Motion to any ordinary meeting.
- (7) A Councillor will not be permitted to lodge more than 3 Questions on Notice to any ordinary meeting.

Giving notice of business

20. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing or electronic mail by noon of the Wednesday immediately preceding the meeting; and

- (b) unless notice of business has been sent to the councillors at least three days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
 - (c) in the case of a motion to censure a Councillor, despite paragraphs (a) & (b), unless written notice of that motion has been given to the affected Councillor not less than seven days prior to noon of the Wednesday immediately preceding the meeting at which the proposed motion is to be put.
- (2) Subclause (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 as provided by clause 12(3); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 21; or
 - (d) is a motion for the adoption of the recommendation of a committee of the Council.
- (3) Despite subclause (1), business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- (c) in regard to consideration of a development application all Councillors (disregarding any casual vacancies) vote in favour of the business being transacted.
- (4) Despite clause 33, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

- (5) Where, in addition to a Notice of Business provided by a Councillor as detailed in Clause 20(1) or (3), the General Manager considers a Notice of Business has legal, strategic, financial or policy implications which need to be taken into account, the General Manager may put forward a recommendation with a Notice of Business that the matter be deferred pending a report from officers. If in the opinion of the General Manager a report needs to be presented to Council to assist Councillors with consideration of the notice of motion, and if time permits, the General Manager may include a report in the business paper.

Agenda and Business Paper for extraordinary meetings

21. (1) The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of the Council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite clause 33, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

Official minutes

22. (1) If the Mayor (or the Deputy Mayor, if acting for the Mayor) is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to 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.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor, or the Deputy Mayor, if acting for the Mayor) may move the adoption of the minute without the motion being seconded.

- (3) A recommendation made in a minute of the chairperson (being the Mayor, or Deputy Mayor, if acting for the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

Report of a Departmental representative to be tabled at Council meeting

23. When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the Council must ensure that the report:
 - (a) is laid on the table at that meeting; and
 - (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

Notice of motion - absence of mover

24. 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 move the motion at the meeting; or
 - (b) the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

Motions to be seconded

25.
 - (1) A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the chairperson to speak to the motion before calling for the motion to be seconded. This clause is subject to clauses 22(2) and 33(5).
 - (2) The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
 - (3) It is permissible to debate the motion and an amendment concurrently.

A flowchart showing how Motion and Amendment Procedures are dealt with is attached as Schedule 4 to this Code.

Motions from the floor not to expend funds

26. A Councillor shall not move a motion or an amendment, from the floor of the meeting, that commits council to expend funds, with the exception of matters where a report on such expenditure is before Council.

How subsequent amendments may be moved

27. (1) If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
- (2) It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.

Amendment which is a direct negative of the motion

28. In all but town planning matters and land use applications the Mayor will not accept any amendment which is a direct negative of the motion. In relation to town planning matters and land use applications an opposite motion to either an approval or refusal will be accepted for debate at the same time.

Motions of dissent

29. (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is carried, 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite clause 33, 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.

Petitions may be presented to the Council

30. (1) A councillor may present a petition to the Council.
- (2) The chairperson must not permit discussion on the petition.

Questions may be put to Councillors and Council employees

31. (1) A councillor:
- (a) may, through the chairperson, put a question to another councillor; and
 - (b) may, through the chairperson and the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) Any such question shall be in writing and must be put directly, succinctly, and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or Council employee under this clause.
- (5) Nothing in this clause affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

Mode of address

32. Councillors shall at all times address other councillors by their official designation, as Mayor or Councillor, as the case may be.

Limitation as to number of speeches

33. (1) A councillor who, during a debate at a meeting of the Council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. Any extension of time granted by the Council shall not exceed two minutes. However, 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 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Notwithstanding subclauses (1) and (2), 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 councillors have spoken in favour of 'that' motion or 'that' amendment ('whichever is to be put') and at least two councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

Motions put without debate

34. Provided there is no objection from any councillor present, any motion or recommendation before the Council may be put to the vote without discussion or debate.

Voting at Council meetings

35. (1) Each councillor is entitled to one vote.
- (2) However, the chairperson has, in the event of an equality of votes, a second or casting vote.
- (3) 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. This subclause does not apply to a councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.
- (4) If a councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the Council's minutes.
- (5) The decision of the chairperson as to the result of a vote is final, unless:
- (a) in the case where a vote has been declared on the voices, a councillor immediately requests a show of hands; or
- (b) the decision is immediately challenged and not fewer than two councillors rise and demand a division.
- (6) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.
- (7) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.
- (8) When a vote is taken on a planning matter, pursuant to the provisions of Section 375A of the Local Government Act, at a Council or Standing committee meeting the chairperson must ensure that the division takes place immediately and the votes are recorded as outlined in sub-clause 35(6)

Decisions of the Council

36. 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.

Rescinding or altering resolutions

37. (1) A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with clauses 19, 20 & 21.
- (2) If it is proposed to move a further motion in the event that a rescission motion is carried, the required notice must also be given of the proposed further motion.
- (3) If a notice of motion to rescind or alter a resolution is received during a council meeting and before its conclusion, than that motion shall be dealt with at that meeting.
- (4) If a notice of motion to rescind or alter a resolution is given at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken (unless already implemented) after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- (5) If in the opinion of the General Manager a resolution has been acted upon, a motion to rescind or alter that resolution cannot be accepted.
- (6) In the case of a motion of alteration, subclause (3) applies only to the extent that the resolution of Council would be affected by the motion of alteration, if it is carried.
- (7) If a motion has been negated by the Council, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with clauses 19, 20 & 21.
- (8) 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 negated by the Council, must be signed by at least three councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (9) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.

- (10) A motion to which this clause applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (11) The provisions of this clause concerning negatived motions do not apply to motions of adjournment.

Motions of adjournment

- 38. (1) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (2) If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- (3) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

Time Limit on Council Meetings

- 39. Council Meetings shall conclude at 10.45pm, however the Council may by majority decision extend the meeting to 11.00pm, at which time the business not completed may be dealt with at an adjourned meeting, as provided under clause 38 or at an extraordinary meeting of the Council.

PART 4 - KEEPING ORDER AT MEETINGS

Questions of order

40. (1) 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.
- (2) 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.
- (3) 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.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.
- (5) The chairperson's ruling with regard to order and procedure of a motion should be based upon this Code of Meeting Practice and the Common Principles of Meeting Practice.

Acts of disorder

41. (1) A councillor commits an act of disorder if the councillor, at a meeting of the Council or a committee of the Council:
- (b) contravenes the Act, any regulation in force under the Act or this Code; or
- (c) 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 committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter; or
- (d) insults or makes personal reflections on or imputes improper motives to any other councillor; or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt; or

- (f) reads at length from any correspondence, report or other document, without the leave of the Council,
 - (g) insults or makes personal reflections on or imputes improper motives to any member of Council staff; or
 - (h) insults or engages in verbal abuse of a member of the public gallery.
- (2) The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d), (e), (g) or (h).

How disorder at a meeting may be dealt with

42. (1) If after the issuing of two warnings to a councillor in respect of acts of disorder the Councillor refuses to apologise or if the Mayor, the Chairperson of a standing committee or Councillor presiding at a Council or standing committee meeting deems any apology given not to be given in good faith, or frivolously or in repetition of similar previous acts of disorder, may expel the Councillor from the meeting.
- (2) The expulsion of a Councillor from a meeting for reasons outlined in Clause 42(1) does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
- (3) If after the issuing of two warnings to a member of the public engaged in or having been engaged in disorderly conduct, the person continues with such behaviour, the Mayor, the Chairperson of a standing committee or Councillor presiding at a Council or standing committee meeting may expel the member of the public from the meeting.
- (4) The power to expel a councillor or a member of public for an act of disorder from a Council meeting or a standing committee meeting is delegated to the person who, for the time being and from time to time occupies the position of Mayor, the position of Chairperson or the position of the Councillor presiding at a Council or standing committee meeting.

Power to remove persons from meeting after expulsion resolution

43. If a councillor or a member of the public fails to leave the place where a meeting of the Council is being held:

- (a) immediately after the Council has passed a resolution expelling the councillor or member of the public from the meeting; or
- (b) immediately after being directed by the person presiding to leave the meeting,

a police officer, or any other person authorised for the purpose by the Council or the person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place.

Formal censure of councillor for misbehaviour

44. (1) A Council may by resolution at a meeting formally censure a councillor for misbehaviour.
- (2) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 of the Local Government Act and the Council's code of meeting practice.
- (3) A Council may pass a formal censure resolution only if it satisfied that the councillor has misbehaved on one or more occasions.
- (4) The Council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, 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. In such case the provisions of clauses 45(5) and (6) apply.

Formal censure of councillor for breach of a Council Code or Policy

45. (1) If a Councillor proposes to move a motion that the Council censure a Councillor for a breach of a Council code or policy, or for actions taken by the Councillor, there must be compliance with the requirements of subclauses (2), (3) and (4) of clause 44.
- (2) A Councillor who proposes to move a motion to censure a Councillor must give to the General Manager written notice of the motion.

- (3) The General Manager must give to the Councillor or Councillors in respect of whom a notice of motion to censure has been given pursuant to sub-clause 2, a copy of that notice of motion not later than 24 hours after receiving same.
- (4) The Council must not consider any notice of motion to censure a Councillor unless there has been compliance with the provisions of clause 20(1)(c) of this Code.
- (5) Prior to Council considering any notice of motion to censure, the affected Councillor may elect to have the matter dealt with at the next ordinary meeting of Council.
- (6) The affected Councillor may present any submission, orally or in writing, in opposition to the censure motion.

Suspension of a Councillor for Misbehaviour

46. How is the process for suspension of a councillor for misbehaviour initiated?

- (1) The process for the suspension of a councillor from civic office is initiated by:
 - (a) a request made by the council by resolution communicated to the Chief Executive, Office of Local Government , in which the council states its belief that grounds may exist that warrant the councillor's suspension, or
 - (b) a request made by the Chief Executive, Office of Local Government to the council for a report from the council in relation to the councillor's alleged misbehaviour, or
 - (c) a report made by the Independent Commission Against Corruption or the Ombudsman, in which the Commission or the Ombudsman states that the Commission or Ombudsman is satisfied that grounds exist that warrant the councillor's suspension.
- (2) The Council must make a report to the Chief Executive, Office of Local Government requested under subsection (1)(b) before the date specified in the Chief Executive, Office of Local Government 's request or any later date allowed by the Chief Executive, Office of Local Government .

- (3) This clause authorises such requests and reports to be made, and a reference in this section to a report made by the Independent Commission Against Corruption or the Ombudsman is a reference to a report made to the Chief Executive, Office of Local Government under the authority of this subsection or under any other provisions of the Local Government Act or any other Act.
- (4) Nothing in this clause affects any function under any other provisions of the Local Government Act or any other Act that authorises the making of a report or recommendation concerning suspension of a councillor from civic office.

What are the grounds on which a councillor may be suspended?

47. (1) The grounds on which a councillor may be suspended from civic office under this Division are that:
 - (a) the councillor's behaviour has:
 - (i) been disruptive over a period, and
 - (ii) involved more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension, or
 - (b) where subsection (1)(b) applies – the councillor has:
 - (i) been formally censured for the incident of misbehaviour concerned, or
 - (ii) been expelled from a meeting of the council or a committee of the Council for the incident of misbehaviour concerned.
- (2) Sub clause (1) does not affect the Chief Executive, Office of Local Government's power to initiate the process for the suspension of a councillor from civic office.
- (3) Furthermore, sub clause (1) does not prevent the Chief Executive, Office of Local Government from initiating the process for the suspension of a councillor from civic office as a result of a request or report referred to in Clause 46.

PART 5 - COUNCIL COMMITTEES

Committee of the whole

48. (1) The Council may resolve itself into a committee of the whole to consider any matter before the Council.
- (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 a committee of the whole, with the exception of:
- (a) Limitation of number and duration of speeches.
- (3) The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in a committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (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.

Council may appoint committees

49. (1) A Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- (3) The quorum for a meeting of such a committee 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

50. A council must specify the function of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings to be given

51. (1) The General Manager of the Council must send to each councillor, at least three days before each meeting of the committee, a notice specifying:
- (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than three days may be given of a committee meeting called in an emergency.
- (3) The provisions of clause 19(2) and (3) apply to the business papers of committee meetings in the same manner as they apply to the business papers of meetings of the Council.
- (4) Despite subclauses (1) and (2), business may be transacted at a meeting of a committee even though due notice of the business has not been given to the members. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) either:
 - * all the members (disregarding any casual vacancies) are present at the meeting; or
 - * the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

Non-members entitled to attend committee meetings

52. (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- (2) 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.

Procedure in committees

53. (1) Each committee of the Council may regulate its own procedure.
- (2) Without limiting subclause (1), a committee of the Council may decide that, 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.
- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

Committees to keep minutes

54. (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

Chairperson and deputy chairperson of committees

55. (1) The chairperson of each committee of the Council, must be:
- (a) the Mayor; or
 - (b) if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council; or

- (c) if the Council does not elect such a member - a member of the committee elected by the committee.
- (2) 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.
- (3) 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.
- (4) 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.

Absence from committee meetings

56. (1) A member ceases to be a member of a committee if the member (other than the Mayor):
- (a) has been absent from three 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.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

Reports of committees

57. (1) If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.

- (3) If a committee of a 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:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of council.

Disorder in committee meetings

58. The provisions of the Act, the Regulation 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.

Certain persons may be expelled from closed committee meetings

59. (1) If a meeting or a part of a meeting of a committee of the Council is closed to the public in accordance with clause 74, any person who is not a councillor may be expelled from the meeting.
- (2) If any such person, after being notified of a resolution or direction expelling him or her 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, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, retrain that person from re-entering that place.

PART 6 - PECUNIARY INTERESTS

Pecuniary interest

60. (1) For the purposes of this Part, 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 or another person with whom the person is associated as provided in clause 61.
- (2) 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 a matter or if the interest is of a kind specified in clause 62.

Persons who have a pecuniary interest

61. (1) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the person; or
 - (b) another person with whom the person is associated as provided in this clause.
- (2) A person is taken to have a pecuniary interest in a matter if:
- (a) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, has a pecuniary interest in the matter; or
 - (b) the person, or a nominee, partner or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause (2):
- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative 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

- (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.

Interests that need not be declared

62. The following interests do not need to be disclosed for the purposes of this Part:

- (1) an interest as an elector,
- (2) an interest as a ratepayer or person liable to pay a charge,
- (3) an interest 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 Part,
- (4) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (5) an interest 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),
- (6) an interest of a member of a council committee 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 the committee member has been appointed to represent the organisation or group on the committee,
- (7) an interest 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,
- (8) an interest of a person 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 a relative of the person 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,

- (9) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person 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 the 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,
- (10) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (11) 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 Act,
- (12) 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,
- (13) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (14) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (15) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate

Disclosure and participation in meetings

63. (1) A councillor or a member of a Council committee 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.

- (2) A general notice of disclosure made pursuant to section 454 of the Act fulfils the requirement of subclause (1).
- (3) The councillor or 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) This clause does not prevent a person from taking part in the consideration or discussion of, or from voting on, any question as provided for in clause 64.
- (5) 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 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.
- (6) A person does not breach this clause 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 he or she had a pecuniary interest.

Participation in meetings despite pecuniary interests

64. Clause 63 does not prevent a person from taking part in the consideration or discussion of, or from voting on, any of the following questions:
- (a) a question relating to a contract, proposed contract or other matter if the person or the spouse, de facto partner or relative of the person has a pecuniary interest 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;
 - (b) a question arising on a motion for a resolution to fill the office of mayor, if the reason for which abstention from voting would otherwise be required is that a fee for the following 12 months had been determined for the office;
 - (c) a question relating to the making 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 only reason for which abstention from voting would otherwise be required is that a relative of the person 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;
- (d) a question relating to the making of a contract or agreement with a relative of the person 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:
- * the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation
 - * an approval granted by the Council to enclose a public place in connection with the erection or demolition of a building
 - * security for damage to footpaths or roads
 - * any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council;
- (e) a question relating to:
- * the making or levying of a rate or charge; or
 - * the fixing or charging of a fee for the supply to a relative of the person by the Council of any commodity or service provided by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; or
 - * the payment of fees and expenses and the provision of facilities to councillors (including the mayor);
- (f) a question relating to the passing for payment of a regular account for wages or salary of an employee who is a relative of the person;
- (g) a question relating to the indemnity insurance of councillors or members of Council committees.
- (h) a question relating to the appointment of a councillor to a body as the representative or delegate of the council, even though a fee or other recompense is payable to the representative or delegate.

Note: Section 458 of the Act provides that the Minister may in certain circumstances allow a councillor or a member of a committee of a council who has a pecuniary interest to be present at a meeting of Council or Committee and take part in the consideration or discussion of a matter or vote on a matter.

Special Disclosures of Interest Relating to Planning Matters

65. Clause 63(3) does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:
- (1) the matter is a proposal relating to:
 - (a) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - (b) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - (2) 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 section 443 of the Act) in that person's principal place of residence, and
 - (3) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.
 - (4) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:
 - (a) be in the form prescribed by the regulations, and
 - (b) contain the information required by the regulations.

Disclosures to be recorded

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

Powers of the Council in relation to meetings

67. A councillor or member of a Council committee must not, if the Council or committee so resolves, attend a meeting of the Council or committee while it has under consideration a matter in which the councillor or member has an interest required to be disclosed under this Part.

PART 7 - MEDIA AND PUBLIC

Public notice of meetings

68. (1) The Council must give notice to the press and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are councillors.
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a council or committee.

Availability of agenda and business paper

69. (1) The Council and each such committee must have available for the media and public at its offices and at each meeting copies (for inspection and taking away by persons) of the agenda and the associated business papers for the meeting.
- (2) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters, that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
- (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
- (b) the requirements of the subsection (1) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the press and public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made in electronic form.

Attendance at meetings of the Council

70. (1) Except as provided by this part:
- (a) everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public.
- (2) However, a person (including a councillor) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by a person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by the Code or the regulations.

Limitation on members of public admitted to a meeting

71. Nothing in this clause prevents any limitation being placed on the number of members of the public admitted to a meeting of the Council or a committee of the Council, provided such limitation is for reason of safety or security.

Registering to Address Council or Committee

72. (1) Any person may make register to address Council, Standing Committee or Sub-Committee on any item on the Council or Committee Agenda or a Sub-Committee on any matter which would fall within the Sub-Committee's Charter.

Further, any person may make register to address council on any matter which would fall within the Council's Charter as provided in Section 8 of the Local Government Act, 1993.

- (2) Registrations to address a Council or Committee Meeting will be taken in writing or orally, and will be taken by the Corporate Governance Manager and shall provide name, and address the registering party plus details of the topic or agenda item to be the subject of the presentation.

- (3) Registrations to address will be taken up until the commencement of any meeting, however addressing the meeting will be at the discretion of the chairperson. The speaker shall be listed on the agenda for the committee meeting.
- (4) A person may only address either the Council or a Standing Committee on the same subject, more than once, if it is for the purpose of introducing new material.

Presentations

73. (1) Each presentation shall be limited to three minutes and the Council or committee may decide to extend the presentation. Questions may also be asked of speakers.
- (2) In the case where there is a speaker on an application the Reporting Officer shall use his/her best endeavours to ensure there is a speaker with an opposing view. The chairperson may allow more than one speaker for and more than one speaker against an application.
- (3) Speakers shall conduct themselves with due respect to the committee and observe the rules of conduct contained in the Code of Meeting Practice.
- (4) Persons making representations will refrain from allegations specifically nominating individual Councillors, Council staff or other members of the community.
- (5) A maximum of five presentations to each Council or Committee will be permitted.

Parts of a Meeting that can be closed to the public

74. (1) A council, or a committee of the council of which all of the members are councillors, may close to the public so much of its meeting as comprises:
- (a) the discussion of any of the matters listed in subclause (2)
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals other than councillors,
 - (b) the personal hardship of any resident or ratepayer,

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person, company or tenderer 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 the production in legal proceedings on the ground of professional privilege,
 - (h) information concerning the nature and location of the place as an item of Aboriginal significance on community land.
- (3) A council, or a committee of the council of which all the members are councillors, 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.

Further limitations relating to closure of parts of meetings to the public

75. (1) A meeting is not to remain closed during the discussion of anything referred to in clause 74(2):
- (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 the open meeting would, on balance, be contrary to the public interest.

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 74(2)(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.
- (3) 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 74(3)], 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 74(2)].
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to employees of the council, or
 - (ii) cause a loss in confidence in the council or committee
- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Chief Executive, Office of Local Government.

Notice of likelihood of closure not required in certain cases

76. Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 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 73(2), and

- (b) the council or committee, after considering any representations made under clause 69, 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.

Public representations on closure of meetings

77. Council and Council Committees shall 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.

Consideration of matters for closed Council and committees

78. Where the council or committee decides to allow members of the public to make representations on a proposed closure, immediately following the acceptance of a motion being put to consider matter(s) for closed session, the following procedure shall be followed:
- (1) The Chairperson shall ask the senior officer of Council to read out any written submission as to why or why not any of the closed items listed in the agenda should not be considered in closed session
 - (2) The Chairperson shall then ask the members of the public in attendance at the meeting whether any person would like to comment as to why or why not any of the closed items listed in the agenda should not be considered in closed session
 - (3) The Chairperson may nominate or request the gallery to nominate up to two speakers for and two speakers against any item being considered in closed session
 - (4) Each speaker may talk for up to two minutes maximum and confine their comments specifically to the proposal to consider that item in closed session, and not address substantive subject matter of the item
 - (5) The Chairperson upon hearing all representations may then receive a call for a motion to consider the representations in open or closed session, and:
 - (a) if the meeting decides to debate the worth of the representations in closed session, then a decision to consider the representations in closed session must be taken. The meeting will then move into closed session to consider the representations,

and then move back into open to inform the public of their decision. However, the initial motion before the chair must be dealt with in the first instance.

- (b) alternatively the representations are considered in open session and then the motion before the chair (to close the meeting) be put.

Grounds for closing part of meeting to be specified

79. (1) 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.
- (2) The grounds must specify the following:
- (a) the relevant provision of clause 74(2),
 - (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.

Public access to correspondence and reports

80. (1) The Council and a committee of which all the members are councillors 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.
- (2) This clause does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed, or were laid on the table at, or submitted when the meeting was closed to the public
 - (b) relate to a matter specified in clause 74(2) and are to be treated as confidential

Resolutions passed at closed meetings to be made public

81. If a 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 part of the meeting has ended.

Access of public to minutes considered in closed session

82. All minutes of a committee of Council or of Council relating to matters considered in closed session shall be available to the public upon publishing of those minutes in Council's Electronic Business Paper System.

Information publicly available

83. (1) 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 the local authority,
 - (j) any codes referred to in the LGA.
- (2) 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 the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
 - (c) minutes of any meeting of the local authority or any committee of the local authority, 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 the local authority in accordance with section 433 of the LGA.
- (3) 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,
 - (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.
- (4) 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 the local authority 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 the local authority's area.
- (5) 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 on development applications (including decisions made on appeal),
 - (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (5)(d).
 - (d) This clause does not apply to so much of the information referred to in subclause (5) (a) as consists of:
 - (i) 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
 - (ii) 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.
 - (e) A local authority must keep the record referred to in subclause (5) (c).
- (6) 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,
 - (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.
- (7) The documents may be inspected at the office of the council during ordinary office hours.
- (8) The council must allow inspection of versions of the documents other than the current and immediately preceding versions if those other versions are reasonably accessible.
- (9) The council must allow inspection of its other documents free of charge unless, in the case of a particular document, it is satisfied that allowing inspection of the document would, on balance, be contrary to the public interest.
- (10) However, subsection (9) does not apply to the part (if any) of a document that deals with any of the following:
- (a) personnel matters concerning particular individuals,
 - (b) the personal hardship of any resident or ratepayer,
 - (c) trade secrets,

- (d) a matter the disclosure of which would:
 - (i) constitute an offence against an Act, or
 - (ii) found an action for breach of confidence.

- (11) For the purpose of determining whether allowing inspection of a document would be contrary to the public interest, it is irrelevant that the inspection of the document may:
 - (a) cause embarrassment to the council or to councillors or to employees of the council, or
 - (b) cause a loss of confidence in the council, or
 - (c) cause a person to misinterpret or misunderstand the information contained in the document because of an omission from the document or for any other reason.

Note: A council could also make copies of the documents available at other places, for example, at libraries.

A council may have other information available for inspection free of charge: for example, the rate record and the valuation list.

Councillors Access to Information

84. (1) In accordance with Council's Councillors Access to Information and Their Interaction with Staff Policy
- (a) Councillors can request the General Manager, the Public Officer or a Director to provide access to a particular council record. When making a request for information, Councillors should draft the request carefully and should precisely detail the information, or the nature of the information, sought. It is expected that councillors will act reasonably in making a request for information.
 - (b) Requests received from Councillors will be responded to within 20 working days.
 - (c) Councillors who have a personal (as distinct from civic) interest in a document of council has the same rights of access as any other person.

- (d) Councillors are entitled to access to all council files, records or other documents where that document is identified in Section 18 of the Government Information (Public Access) Act or to a matter currently before the council.
 - (e) The General Manager shall not unreasonably decide that a document is not relevant to the performance of the councillor's civic duty and deny access to a council document. The General Manager must state the reasons for the decision if access is refused.
 - (f) Where it is believed that significant resources will be required to respond to a request for information, the General Manager shall advise the councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information.
 - (g) Requests received from Councillors under the GIPA Act will be responded to within the timeframes specified in the Act, which is 20 working days for the majority of requests.
 - (h) Councillors can request access to other documents of the council either by a Notice of Motion to the council or a Government Information (Public Access) Act application.
- (2) If a Councillor is concerned about any refusal to provide information, he/she should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the councillor is still dissatisfied he/she should request the information by way of a Question on Notice to the council.
- (3) If a single request lodged by a Councillor will take longer than 20 minutes, or cumulative requests longer than one hour, to resolve in each period between meetings the General Manager will treat them as questions on notice.

PART 8 - MISCELLANEOUS

Disclosure and misuse of information - prescribed circumstances

85. For the purpose of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Chief Executive, Office of Local Government to properly exercise the functions or conferred on them by the Act is a prescribed circumstance.

Note: The effect of this provision is to permit disclosure of information with respect to discussion at, or the business of, a closed meeting of the Council or a committee to the Minister or the Chief Executive, Office of Local Government, provided such disclosure is with the intention set out in the clause.

Return and Disposal of Confidential Business Papers

86. Councillors are responsible for returning all confidential papers to staff from the Corporate Governance Unit for secure disposal.

Inspection of the minutes of the Council or a committee

87. (1) An inspection of the minutes of the Council or committee of the Council is to be carried out under the supervision of the General Manager or an employee of the council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Tape recording of meeting of the Council or a committee prohibited without permission

88. (1) Council and Standing Committee Meetings held in the Council Chambers are taped by Staff for the purpose of verifying the accuracy of minutes. The tapes of meetings are used by staff to verify motions and movers of motions and copies of the tapes are made available upon request to Councillors to also assist them to verify the accuracy of the minutes.
- (2) Tapes of Council and Standing Committee Meetings will be erased as soon as their original purpose is served or three months after their creation in accordance with the Local Government Disposal Schedule. Tapes of Council and Standing Committee Meetings are not available to members of the public.

- (3) A person may use a tape recorder to record the proceedings of a meeting of the Council or a committee of a Council only with the authority of the Council or committee.
- (4) A person may be expelled from a meeting of the Council or a committee of the Council for using or having a tape recorder in contravention of this clause.
- (5) If any such person, after being notified of a resolution or direction expelling him or her 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, committee 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.
- (6) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

Council seal

89. (1) The seal of the Council must be kept by the General Manager.
- (2) The seal of the Council may be affixed to a document only in the presence of the Mayor and the General Manager.
 - (3) The affixing of the Council seal to a document has no effect unless the Mayor and General Manager attest by their signatures that the seal was affixed in their presence.
 - (4) For the purpose of this clause Mayor includes a councillor acting for the Mayor and General Manager includes a Director acting for the General Manager.
 - (5) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
 - (6) For the purposes of subclause (5), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

Certain circumstances do not invalidate Council decisions

90. Proceedings at a meeting of the 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 a committee member; or
- (c) any defect in the election or appointment of a councillor or a committee member; or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest at a Council or a committee meeting; or
- (e) a failure to comply with this Code.

Amendment of Code

91. This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.

SCHEDULE 1

General order of business

1. Acknowledgment of Country
2. Opening Prayer / Religious Observance
3. Apologies
4. Disclosures of interests.
5. Confirmation of minutes of previous meetings.
6. Presentations.
7. Mayoral Minutes
8. Reports from committees.
9. Reports from officers.
10. Consideration of business in closed session.
11. Motions of which notice has been given.
12. Presentation of petitions.
13. Questions.
14. Non-Agenda Items.

SCHEDULE 2

Order of Business - Special Meetings of the Council

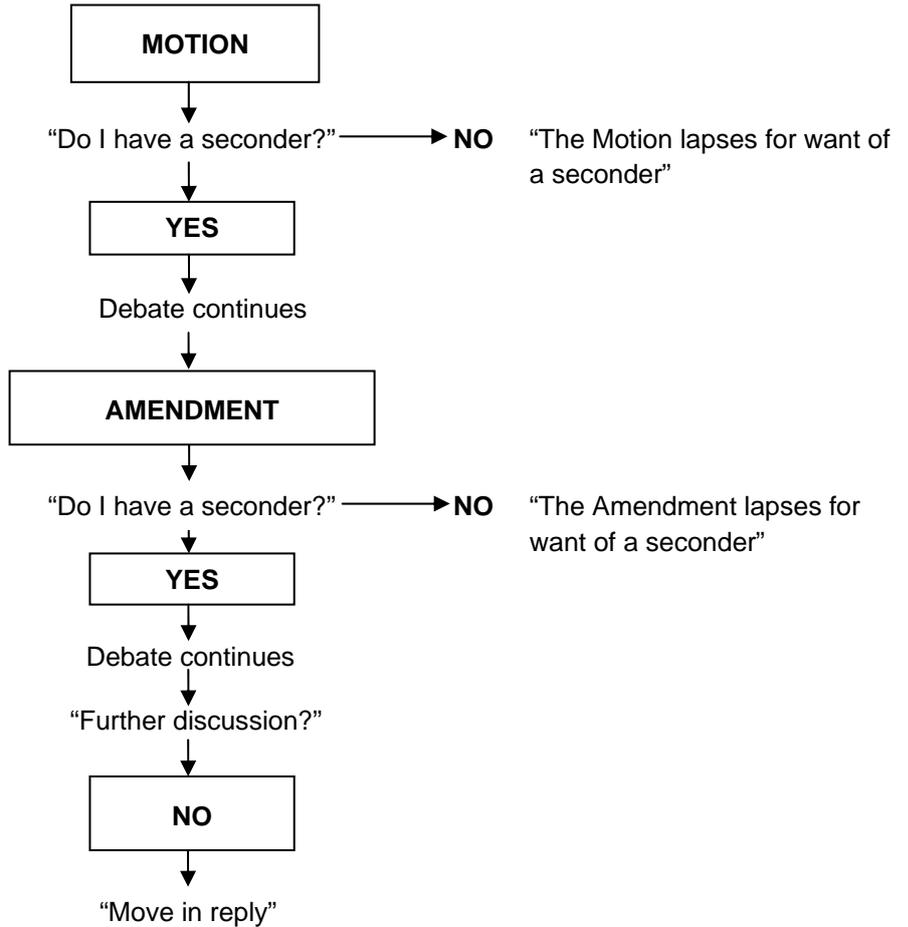
1. Disclosure of interests
2. Apologies
3. Mayoral Minutes
4. Business for purpose for which the meeting was called
5. Other business as determined to be urgent by the General Manager

SCHEDULE 3

General order of business for Standing Committees

1. Acknowledgment of Country
2. Apologies
3. Disclosures of interests.
4. Confirmation of minutes of previous meetings.
5. Presentations.
6. Reports from Officers
7. Questions.
8. Consideration of business in closed session.

SCHEDULE 4 - Motion and Amendment Procedures



IF MOTION ONLY

MOTION ONLY
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

IF MOTION AND AMENDMENT

MOTION AND AMENDMENT
 "I shall put the Amendment"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "The Amendment is..."

LOST
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

CARRIED
 "The Amendment becomes the Motion"
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

IF MOTION, AMENDMENT AND FORSHADOWED AMENDMENT

MOTION, AMENDMENT AND FORSHADOWED AMENDMENT
 "I shall put the Amendment"
 "Those in favour"
 "Those against"
 "I shall require a show of hands"
 "The Amendment is..."

LOST
 The process for debating an amendment is followed for each foreshadowed amendment and each is formally moved, seconded and debated.

CARRIED
 "The Amendment becomes the Motion"

LOST
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

CARRIED
 "The Amendment becomes the Motion"
 "I shall put the Motion"
 "Those in favour"
 "Those against"
 "I shall require a show of hands" (if necessary)
 "I declare the Motion CARRIED/LOST"*

NOTICE OF RESCISSION

The Notice of Rescission, on being put to the Meeting was:

LOST

CARRIED

No further action required.
No further Notices of Rescission
can be lodged on the item for a
period of three months.

Then item follows Motion and
Amendment flowchart.

NOTICE OF ALTERATION

The Notice of Alteration, on being put to the Meeting was:

LOST

CARRIED

AMENDMENT

No further action required.
No further Notices of Alteration
can be lodged on the item for a
period of three months.

New Notice of Alteration is
the Council Resolution.

If an Amendment is
moved then this follows
the Motion and
Amendment flowchart.



Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors

September 2016

POL003

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL

This document has been approved by:

Approved by	Minute No.	Date Approved
1.		

Revision history:

Version	Author	Date	Revision
1.	Manager Governance & Customer Service	12 September, 2016	New version for 2016-2020 Council term

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1. PURPOSE

This policy ensures that Councillors receive adequate and reasonable resources to enable them to carry out their civic duties. It ensures that these are provided in an accountable and transparent manner.

2. OBJECTIVES

The objectives of the policy are to ensure that:

- there is accountability and transparency in the reasonable and appropriate reimbursement of expenses incurred or to be incurred by Councillors in the course of the undertaking of their civic responsibilities;
- the facilities provided to assist Councillors to carry out their civic duties are reasonable and are at a standard appropriate to their professional role;
- Councillors have the necessary resources for them to represent the interests of the residents and ratepayers of Sutherland Shire, provide leadership and guidance to the community and to facilitate communication between the community and Council;
- a level of support is provided which will serve to encourage people to seek election to civic office;
- the community is informed with regard to the use of Council funds and assets; and
- Council complies with legislative requirements.

3. RELEVANT LEGISLATION

Councillor Expenses and Facilities Policies are made under the Local Government Act, 1993 (LGA) and in accordance with sections 252, 253 and 254 as well as clause 403 of the Local Government (General) Regulation 2005 ('the Regulation').

Relevant legislation, guidelines and codes include:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- OLG Guidelines for payment of expenses and provision of facilities for Mayors and Councillors in NSW
- Office of Local Government Guidelines for Model Code of Conduct for Local Council's in NSW
- ICAC – No Excuses for Misuse

4. RELATED AND ASSOCIATED COUNCIL POLICY AND PROCEDURES

- Code of Conduct
- Councillors Access to Information and their Interaction with Staff Policy
- Policy for Interstate and Overseas Travel
- Use of Council Resources for Private Purposes Policy
- Legal Assistance to Councillors and Staff Policy

5. DEFINITIONS

- **The Act:** The Local Government Act 1993
- **Expenses:** Payments made by Council to reimburse Councillors for reasonable costs or charges incurred or to be incurred for discharging their civic functions. Expenses are separate and additional to annual fees.
- **Facilities:** Equipment and services that are provided by Council to Councillors to enable them to perform their civic functions with relative ease and at a standard appropriate to their professional role as Councillors.
- **Functions of civic office/civic functions:** Functions that Councillors are required to undertake to fulfill their legislated role and responsibilities for Council that should result in a direct benefit for Council and/or for the Local Government Area.
- **The Regulation:** The Local Government (General) Regulation 2005

6. GENERAL PROVISIONS IN REGARDS TO PAYMENT OF EXPENSES

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act or any other Act. This is required under the Local Government Act and reinforced in the Model Code of Conduct.

6.1 Use of Council Resources

Council resources must be used ethically, effectively, efficiently and carefully. Council property including intellectual property, official services and facilities must not be misused by any person or body for private benefit or gain. Councillors must avoid any action or situation that could create the appearance that Council resources are being used inappropriately.

6.2 Private Benefit

The following support equipment, facilities and services are not provided for private benefit and must not be used to produce election material or for any other political purposes, for example in connection with a Councillor's election or re-election. Where private use occurs this should only be incidental, the costs for which must be reconciled and reimbursed to Council.

6.3 General Expense Allowance

In accordance with clause 403 of The Regulation, there is no provision in this policy for a general expense allowance.

A general expense allowance is a sum of money paid by a council to a councillor to expend on an item or a service that is not required to be receipted and/or otherwise reconciled according to a set procedure and within a specific timeframe.

6.4 Advanced Expenses Payment

Advance payment of expenses will be considered in regards to expenses to be incurred relating to conferences, seminars, training, services or facilities covered by the Policy. The amount provided must be approved by the General Manager. Councillors must submit a signed declaration form and supporting documentation reconciling all expense receipts against the cost of the advance within one week of the expense being incurred or in relation to travel, within one week upon the Councillor's return.

6.5 Gifts and Benefits to be of Token Value

In circumstances where it is appropriate for a Councillor to give a gift or benefit (for example, on a Council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Code of Conduct. This does not include gifts made by Council to other parties, such as Sister Cities, that a Councillor may present on Council's behalf.

6.6 Dispute Resolution

Disputes regarding the under payment or non-payment of an expenses claim, or the provision of facilities must be submitted in writing to the General Manager. The General Manager will investigate the claim or request and inform the Councillor of the decision in writing within seven working days of the claim or request being received by the General Manager.

If a Councillor is not satisfied with the General Manager's decision a report will be provided to an open Council meeting outlining the reasons for the determination. The Council will be requested to make a formal resolution on the matter.

7. SPECIFIC EXPENSES

7.1 Transport

Councillors representing the Council and/or the Mayor (when approved by the Mayor) on authorised business, or at meetings and functions will be reimbursed for the cost of transport. The Councillor will be personally responsible for all traffic or parking fines incurred in such circumstances.

7.2 Travel

Travel by Councillors should be undertaken by utilising the most direct route and the most practicable and economical mode of transport subject to any personal medical considerations.

7.2.1 Local Travel

Councillors will be reimbursed travelling expenses for the use of a private motor vehicle on Council business at a rate per kilometre as provided for Local Government Salaried Officers. A taxi service is able to be utilised by Councillors to attend Council business if they are unable/precluded from driving and have no alternative private transport means.

Council business includes approved Council, Committee, Sub-Committee and Working Party meetings, authorised site inspections and other official Council business. Council business does not include caucus or political party meetings or functions.

Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Consideration of claims in this manner is restricted to travel within the Sutherland Shire Local Government Area.

7.2.2 Regional and Interstate Travel

The authorisation of payment of expenses for regional and interstate travel requires the approval of Council (or as delegated). The use of a mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

The report must provide the following information:

- total costs of the proposed travel;
- nomination of the Councillors participating in the travel;
- the duration, itinerary; and
- purpose of the trip and expected benefits.

A direct and tangible benefit should be established for Council and the local community.

The calculation for reimbursement of regional and interstate travel will be on the basis of mileage (being the most direct route) or airfare, whichever is the lesser amount. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Retrospective reimbursement of regional and interstate travel expenses will not be approved unless prior authorisation of the travel has been obtained.

7.2.3 Overseas Travel

The authorisation of payment of expenses for overseas travel requires the approval of Council (or as delegated). The use of a mayoral minute to obtain Council approval for travel is not appropriate as it is not consistent with principles of openness and transparency.

The report must provide the following information:

- total costs of the proposed travel;
- nomination of the Councillors participating in the travel;
- the duration, itinerary; and
- purpose of the trip and expected benefits.

A direct and tangible benefit should be established for Council and the local community.

Retrospective reimbursement of overseas travel expenses will not be approved unless prior authorisation of the travel has been obtained.

If the travel costs are to be sponsored external to Council, the Code of Conduct and ICAC guidelines and reporting structures shall be followed.

7.3 Attendance at Seminars and Conferences

Requests by Councillors to attend industry relevant conferences/seminars must be considered by Council.

The following fees will be paid by Council in regards to conference/seminar attendance by Councillors:

- conference/seminar registration fees - this includes the costs of related official lunches and dinners;
- associated tours - where they are relevant to the business and interests of Council;
- reasonable cost of transportation and accommodation associated with attendance at the conference;
- meals when they are not included in the conference fees.

Council will meet the cost of a maximum of five conference/seminar nights annually per year for Councillors. In addition to this, Council will pay the costs for those Councillors nominated by Council to attend the NSW and Australian Local Government Conferences.

The Mayor is entitled to attend a total of sixteen conference/seminar nights consisting of:

- Local Government NSW (LGNSW) Conference, three nights;
- ALGA Conference, three nights;
- Mayoral Conferences, three nights;
- Other seven nights.

7.4 Training and Development

Council will meet the costs of Councillor attendance to training courses which are deemed appropriate by the General Manager. Requests must be in writing to the General Manager and require details of the course and how it relates to the Councillor's civic functions and responsibilities.

7.5 Incidental Expenses

Reasonable out of pocket or incidental expenses associated with Councillors attending conferences, seminars or training courses may be reimbursed provided that it can be demonstrated that the expenses were incurred. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

Incidental expenses include refreshments, taxi fares and parking fees and are capped up to a combined maximum of \$100 per day, per Councillor.

7.6 Charity and Not for Profit Events

In keeping with Council's ongoing commitment to local charities the Mayor (or their nominee) and their partner will attend charity or not for profit events on behalf of Council. Council will provide up to a maximum of \$5,000 per annum to cover the cost of attendance.

In addition to this, the Mayor in consultation with the General Manager will purchase a table at local charity events to which Councillors can nominate to attend. (This includes charity events held outside the Shire that benefit local charities). Tables will not be purchased for events that benefit politically based charities.

7.7 Accompanying Person

Where a Councillor's partner or accompanying person is required to escort a Councillor representing Council on Council business authorisation of payment of these expenses requires the approval of Council (or as delegated).

Expenses considered by Council in regards to attendance to the Local Government NSW and Australian Local Government Association Conference will be limited to the cost of registration and official conference dinners.

Expenses considered by Council in regards to the following circumstances will be limited to the cost of the ticket, meal and/or the direct costs of attending the function:

- Where an accompanying person of a Councillor attends an official Council function that is of a formal and ceremonial nature; or
- Where an accompanying person of the Mayor, or a Councillor when they are representing the Mayor, is required to attend an official Council function or official ceremonial duty outside the Council area, but within the State.

7.8 Child Care and Care of Elderly, Disabled and/or Sick Immediate Family Members

Councillors will be reimbursed fees for the supervision of their children or immediate family members who are elderly, disabled and/or sick in order to allow Councillors to attend to their responsibilities and duties as a Councillor.

The rate of reimbursement for care will be to a maximum of \$15 per hour, with a weekly maximum of \$150 per week. Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

7.9 Attendance at Joint Regional Planning Panel Meetings

Councillors appointed as Council representatives on the Joint Regional Planning Panel will be paid a fee of \$600 for attendance at meetings. This fee is inclusive of any incidental costs and the cost of transport/travel.

Councillors will also receive an allowance for attendance at briefings and site inspections of the Joint Regional Planning Panel. This will be at a rate of \$150 per hour, minimum one hour up to a maximum of \$600. The allowance is inclusive of any incidental costs, travel/transport costs and covers briefings and site inspections on multiple applications.

7.10 Insurance Expenses

Councillors will receive the benefit of insurance cover for:

7.10.1 Scheduled Benefits

Scheduled benefits where personal injury occurs whilst on Council business Australia wide and worldwide by agreement in advance with the Insurer on each occasion an overseas trip is undertaken.

'Personal Injury' is defined as 'bodily injury caused by accidental, violent, external and visible means'.

Benefits payable are up to a maximum of five times salary up to a maximum of \$1,000,000 (for death or permanent total disablement). The Policy also provides scheduled benefits for temporary total disablement and temporary partial disablement arising from personal injury as defined. In addition, limited cover is provided for dental and miscellaneous expenses; however Medicare legislation does not permit private insurance for out-of-pocket medical expenses incurred in Australia, other than the restricted cover which an individual may take through a registered health fund. The Policy may, however, be extended to provide cover for medical expenses incurred overseas due to an accident occurring outside of Australia whilst on Council business, subject to agreement of the Insurer prior to a Councillor departing from Australia.

7.10.2 Professional Indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper, BUT subject to any limitations or conditions set out in the policy of insurance which is taken out at the direction of Council.

7.10.3 Public Liability

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, BUT subject to any limitations or conditions set out in the policy of insurance which is taken out at the direction of Council.

7.11 Legal Assistance

Council has a policy relating to the provision of Legal Assistance to Councillors and staff in the event of being required to attend an inquiry, investigation or hearing, or have legal proceedings brought against them arising out of or in connection with their performance in good faith of a function under the Local Government Act.

8. PROVISION OF FACILITIES

8.1 Support to the Mayor and Deputy Mayor

The level of support provided to the Mayor (or Deputy Mayor when acting in the Office of Mayor) is the same as provided to Councillors. However in recognition of the size, in terms of population and area, complexity and the nature of the Sutherland Shire and the responsibilities of this role, the Mayor will be provided with an official vehicle of suitable status.

The value of the choice of vehicle will be restricted to the value of the Luxury Car Tax Threshold as stipulated by the Australian Taxation Office, the purchase of which must be sanctioned by the General Manager. The vehicle will be fully maintained by Council and fuelled in accordance with Council procedures.

The Mayor will not be required to contribute towards the procurement and running costs of the vehicle.

The vehicle will be available for the Mayor to utilise in circumstances when:

- the Mayor is required to undertake official Council business inspections, functions or other gatherings;
- the Mayor represents Council at meetings, functions, conferences or other gatherings within or outside the Sutherland Shire Local Government Area;
- the Mayor attends meetings of organisations and community groups addressing any matter of interest to the Council or the residents of the Sutherland Shire, within or outside the Sutherland Shire Local Government Area;
- for reasons of practicality, security and ease of accessibility and communication the Mayor will keep the vehicle under their custody;
- use of the vehicle for other purposes does not constitute a breach of the Local Government Act, 1993.

The following restrictions will apply to the use of the vehicle:

- the vehicle may not be used by the Mayor for personal, recreation or vacation use; and
- only in exceptional or emergency circumstances, may the Mayor authorise a person, other than a Council employee, to drive the vehicle.

If the Mayor is unable to drive to official or Council related business functions, for any reason, the General Manager may authorise the use of a taxi or another form of transport that the General Manager considers appropriate in the circumstances.

If the Mayor elects not to take up the provision of a mayoral vehicle in accordance with this policy, and wishes to use their own vehicle for official Council business, the Mayor is to be reimbursed in the same manner as all other Councillors as detailed in clause 7.2.1 of this policy.

8.2 Councillors' Suite

A room will be provided in Council's Administration Centre to assist Councillors in dealing with resident and ratepayer matters and Council business generally. The room will be equipped with telephone and photocopier and any other appropriate electronic equipment which may be required.

8.3 Mayors' Suite

In fitting with the Office of the Mayor, the Mayor will be provided a fully equipped suite to assist them in the performance of their functions. This will include the provision of alcohol to the Mayors Suite, spirits to a maximum value of \$50.00 per bottle and wine to a maximum value of \$30.00 per bottle.

8.4 Administrative Assistance

Administrative assistance will be provided to Councillors with regards to correspondence from constituents. This will be in the form of an acknowledgment letter advising that the constituents' correspondence has been received and that a reply from a Council officer will be forthcoming. Once a detailed response has been finalised this correspondence will be forwarded to both the constituent and Councillor.

No other administrative assistance will be provided to Councillors unless it relates to a Councillor's civic duties, i.e. invitations to events and the like.

8.5 BYOD Electronic Devices

Councillors may purchase their own laptop, PC and/or tablet device and associated accessories for Council business, and seek reimbursement up to a maximum cumulative value of \$2,500 per Council term. Councillors are to liaise with Council's Information Management and Technology Group in regards to Council's required specifications.

If a Councillor elects to purchase their own electronic device and seek reimbursement they will retain ownership of the asset at the conclusion of the Council term. The Councillor will be responsible for organising all insurance, maintenance and replacement of such devices. The Councillor will also be able to load any software / apps of their choosing and the device will not be subject to the restrictions of Council policies relating to the use of computers and accessing websites, however when using Council Wi-Fi some restrictions may be put in place in accordance with Council policies.

If a Councillor purchases their own electronic device and wish to upgrade or replace a lost / damaged device during the Council term, they can seek reimbursement up to the remaining balance of the \$2,500 threshold.

8.6 Council provided Laptop and Tablet Devices

If a Councillor does not elect to provide their own laptop and/or tablet they will be supplied a Council issued laptop and/or tablet device and associated accessories to a maximum combined value of \$2,500 per Council term. The choice of the electronic devices will be at the discretion of the Chief Information Officer and will solely be based on Council's operating needs and purchasing efficiencies.

Council will retain ownership of the asset at the conclusion of the Council term and the items must be returned. Councillors will not be able to directly load any software/apps of their choosing and the device will be subject to the restrictions of Council policies relating to the use of computers and accessing websites.

8.7 Telephones and Call / Data Plan Charges

Council will not organise nor provide Councillors with a mobile telephone, fixed landline, fax machine and associated data plans.

Councillors shall organise their own mobile phone, phone plan and data plan and any fixed landlines to their premises and shall be reimbursed a maximum of \$250 per month per Councillor towards these costs.

Councillors will retain ownership of the phone / lines at the conclusion of the Council term. The Councillor will be responsible for organising all insurance, maintenance and replacement of such devices. The Councillor will also be able to load any software / apps of their choosing and the device will not be subject to the restrictions of Council policies relating to the use of computers and accessing websites.

Claims for reimbursement must be lodged within four months of the expense being incurred and supported by a signed declaration form and supporting documentation.

8.8 Computer consumables and stationary

Councillors can seek reimbursement for computer consumables, such as print cartridges, as well as for general stationary, and postage stamps used for council business. Reimbursement will be available up to a cumulative total for \$1000 per Councillor per term for such reimbursements.

8.9 Other items to be provided as necessary

The following items may be provided as required:

- up to four boxes of business cards, on a non cumulative basis;
- electronic letterhead;
- Council badge, tie and/or scarf;

- a shredder;
- personal protective clothing and/or equipment where deemed appropriate by the General Manager.

8.10 Acquisition and Returning of Equipment by Councillors

Except as provided above, all equipment provided to Councillors will remain the property of Council and is to be returned on completion of the Councillors' term of office. Councillors not seeking re-election, or who are not re-elected may request to purchase such property. These requests will be considered by the General Manager who will determine an appropriate selling price.

9. REPORTING REQUIREMENTS

The following information will be included in Council's Annual Report as detailed in Clause 217 of The Regulation:

- (1) For the purposes of section 428 (4) (b) of the Act, an annual report of a council is to include the following information:
 - (a) details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the council (including visits sponsored by other organisations),
 - (a1) details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:
 - (i) the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),
 - (ii) telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,
 - (iii) the attendance of councillors at conferences and seminars,
 - (iv) the training of councillors and the provision of skill development for councillors,
 - (v) interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,
 - (vi) overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,

- (vii) the expenses of any spouse, partner (whether of the same or the opposite sex) or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the *Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW* prepared by the Director-General from time to time,
- (viii) expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.

10. RESPONSIBLE OFFICER

The Corporate Governance Manager is responsible for the implementation of the policy and legislative compliance.

11. RESPONSIBILITIES

The Manager Governance and Customer Service and the Corporate Governance Manager are responsible for approving and reimbursement of expenses and, the provision of facilities to the Mayor and Councillors. These responsibilities specifically include:

- Maintaining records/register;
- Reporting;
- Keeping the policy current;
- Implementing communications, education and monitoring strategies.

12. MONITORING

Application of this policy is monitored by the Corporate Governance Manager.

13. REVIEW DATE

The Local Government Act requires that Council adopt a Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors annually within the first 12 months of a Council term.

The Council may, if required, amend this policy at other times or subsequent policies adopted in accordance with Sections 252 and 253 of the Local Government Act. Amendments will only be undertaken through a report to a Council meeting.

14. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

- Records in all formats must be managed in accordance with legislation and Council's Record Keeping Program.
- Information and records relating to customers is held in accordance with Council's Privacy Management Plan.
- Access to information is to be carried out in accordance with Council's Access to Information Policy.
- A copy of the Policy will be available for inspection at Council's Administration office during ordinary business hours and on Council's website.
- Councillors are responsible for keeping individual records and submitting information to Council officers for processing.

15. BREACHES AND SANCTIONS

Inappropriate claiming of expenses or misuse of facilities by Councillors is a breach of this policy and must be reported to the General Manager.



Legal Assistance to Councillors and Staff Policy

September 2016

POL004

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL

This document has been approved by:

Approved by	Minute No.	Date Approved
1. Council CCL103-97	1158	5 May 1997
2. Council CCL007-98	145	4 August 1997
3. Finance, Resources and Management Committee - FIN216-05	1121	9 May 2005
4. Finance and Management Committee - FIN130-13	787	6 May 2013

Revision history:

Version	Author	Date	Revision
1.	General Manager	5 May 1997	Original Version
2.	General Manager	2 May 2005	Introduction of Conduct Committees and enhanced standards of behaviour under the Local Government Amendment (Discipline) Act 2004
3.	Director - Corporate Services	11 April 2012	Policy reviewed as part of annual review process, no amendments necessary
4.	Governance Manager	15 April 2013	Policy updated to reflect changes to agency names and to add the following matters for assistance: <ul style="list-style-type: none"> • Administrative Decisions Tribunal of NSW • Information and Privacy Commission
5.	Director – Corporate Services	15 April, 2014	Policy reviewed as part of annual review process, no amendments necessary
6.	Director – Corporate Services	24 March, 2015	Policy reviewed as part of annual review process, no amendments necessary
7.	Manager Governance & Customer Service	14 September, 2016	Policy updated to Corporate Template. Established criteria for when assistance will be provided for legal action brought by Councillors or Staff

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1. PURPOSE

To define the circumstances in which legal assistance will be provided by Council to Councillors and/or staff.

2. APPLICATION

The policy will be applied to Councillors and staff, both current and former, of Sutherland Shire Council, where legal assistance is requested in the event of an inquiry, investigation, hearing or legal proceedings taken against them in connection with their performance in good faith of a function under the Local Government Act or any other statutory instrument.

3. DEFINITIONS

Councillor - current or former Councillor of Sutherland Shire Council.

Staff - current or former employee of Sutherland Shire Council.

4. PRINCIPLES

Legal Assistance will be provided for Councillors and / or Staff in the event of any of the following occurring:

- (a) Any inquiry, investigation or hearing by any of:
- The Independent Commission against Corruption
 - Ombudsman of New South Wales
 - The Office of Local Government
 - Information and Privacy Commission of New South Wales
 - NSW or Federal Police
 - Office of the Director of Public Prosecutions
 - The Local Government Pecuniary Interests Tribunal
 - State Coroners Court
 - Administrative Decisions Tribunal, including but not limited to Privacy and GIPA Act matters
 - A Committee of State or Federal Parliament
 - A Royal Commission
 - Pecuniary Interest Tribunal
 - Conduct Committee, including any investigation prior to consideration by or as a result of decisions of the Conduct Committee
 - Such other bodies that may be established under the statute or by Royal warrant to investigate the conduct of the Council, a Councillor or staff member.

- (b) Legal proceedings taken against a Councillor, former Councillor, employee or former employee, arising out of or in connection with the Councillor's/employee's performance in good faith of a function under the Local Government Act, or 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, or

Subject to Council resolution, Council shall reimburse such Councillor/employee during or after the conclusion of the inquiry, investigation, hearing or proceedings for part or all legal expenses properly and reasonably incurred given the nature of the inquiry, investigation, hearing or proceeding on a solicitor/client basis, provided that:

- (i) The amount of the reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor/employee on any basis;
 - (ii) The Councillor's/employee's performance or exercise of the statutory function or power was done in good faith for the purpose of executing that statutory function;
 - (iii) The amount of such reimbursement is limited to an amount considered reasonable by the Council but not to include expenses incurred beyond the level of representation agreed by the Mayor, a Councillor appointed by the Council and the General Manager under iv as being appropriate;
 - (iv) Upon becoming aware that a Councillor/employee may be required to attend any inquiry, investigation or hearing as set out in (a) that Councillor/employee must give immediate notice to the General Manager and must advise the Mayor, a Councillor appointed by the Council and the General Manager of the level of representation intended and the details of the cost agreement entered into with legal representatives.
- (c) Legal proceedings commenced by a Councillor, former Councillor, employee or former employee, as a consequence of related action first being taken against them. Subject to the initial proceedings meeting the criteria in section 4 (b) of this policy.

5. RELEVANT LEGISLATION

- Local Government Act 1993

6. RELATED AND ASSOCIATED COUNCIL POLICY AND PROCEDURES

- Sutherland Shire Council Code of Conduct
- Sutherland Shire Council Privacy Management Plan

7. RESPONSIBLE OFFICER

The Corporate Governance Manager is responsible for keeping the policy current.

8. RESPONSIBILITIES

The General Manager and General Counsel shall have the responsibility of ensuring that any legal proceedings are undertaken in accordance with the policy.

9. MONITORING

All applications will be actively monitored to ensure the expectations of Council and the community are being met.

10. REVIEW DATE

This Policy will be reviewed on a biennial basis from the date of adoption by Council, or in response to legislative and statutory requirements.

11. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

- Information and records relating to requests for legal assistance will be stored in council's Electronic Document Management System.
- Access to information relating to applicants will be considered in accordance with the Government Information (Public Access) Act and council's Privacy Management Plan.
- A copy of the Policy will be available for inspection at Council's Administration office during ordinary business hours and on Council's website.

12. BREACHES AND SANCTIONS

Council is committed to the standards contained in this Policy. All staff must adhere to this policy. Any staff member acting outside this Policy will be subject to the process as outlined in Council's Staff Disciplinary Policy.



Use of Council Resources for Private Purposes Policy

September 2016

POL006

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL**This document has been approved by:**

Approved by	Minute No.	Date Approved
1. Finance Committee FIN021-04	1474	21 July, 2003
2.		
3.		

Revision history:

Version	Author	Date	Revision
1.	Manager Administration	6 July, 2003	Original Version
2.			
3.			

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1. PURPOSE

This policy sets out the circumstances in which it is appropriate for Council resources to be used for private purposes by Councillors and staff.

2. APPLICATION

This policy applies to all Councillors and staff.

3. DEFINITIONS

Council resources include intellectual property, financial, material and human resources. This includes staff time; scrap; waste (i.e. items surplus to requirements); facilities; motor vehicles, fuel, spare parts and accessories; general plant and equipment; office equipment; communication and information devices and services; and information obtained and used by Council and related to Council activities.

Councillors elected Councillors, including the Mayor

Council staff permanent, part time and casual employees of Council, as well as labour hire staff

4. PRINCIPLES

Council resources should only be used for Council purposes and in the public interest. There are occasions when Council resources can legitimately be used for private purposes. For instance, when they are supplied as part of an employment contract; such as a laptop computer, motor vehicle and so on.

Council resources and equipment must not be used, under any circumstances, in relation to a second job; other business; for personal gain or gain of others; or loaned to any other person.

At no time is it acceptable for staff to undertake private work during Council work time.

The Council permits the limited private use of some Council resources when:

- There is a direct or indirect benefit to the Council and hence the community by allowing private use;
- There is no cost to the Council occasioned by the use; or
- There is reimbursement to Council of the cost of the resources utilised and the resources meet the requirements of this policy.

4.1 Use of Telephones, Printers, Multi Function Devices

In applying these restrictions, consideration should be given to the staff time involved, not only the charge cost for calls. If it is necessary that telephone calls be made outside these restrictions, then reimbursement to Council is required.

- (a) Fixed or mobile telephones and facsimile may be used for local private calls if the calls are short, infrequent and do not interfere with the employee's work or the work of another colleague. All private phone calls beyond that specified must be paid for by the staff member.
- (b) All calls are to be made using a personal mobile telephone. During periods of extenuating circumstances relating to immediate family, short contact can occur via a Council telephone.
- (c) The Council leases its multi-function devices and pays a maintenance fee for every copy made in addition to the cost of photocopy paper, thus there is a cost in allowing Councillors and staff to use photocopiers for private use. Any private use must be minor and occasional, be done in the staff member's own time and, where paper use is beyond what would be reasonably considered minute amounts, the staff member provides the paper.

4.2 Use of Computers, Related Equipment, Internet and Email

With normal use, there is no measurable wear and tear associated with the private use of computer equipment, meaning there is no cost to the public in allowing some private use of this equipment.

- (a) Appropriate and minimal private use of email and Internet is acceptable. Usage of the email and internet should be in accordance with the existing Email and Internet Policy. Access to inappropriate Internet sites and the use of email to distribute or store offensive and inappropriate material is a breach of Council's Code of Conduct.
- (b) Personal use of computers, tablets and mobile phones may be made as long as it is minor and occasional. Further, the use must be undertaken in the staff member's own time and personal information cannot be stored on Council systems.
- (c) All information contained within Council systems is the property of Council and may be discoverable.
- (d) No Council computer equipment, whether on-site or portable, may be connected to any private computer equipment.
- (e) Approved study is an activity that is indirectly of benefit to the Council. Accordingly, computer facilities may be used for such a purpose and the electronic information may be retained in the system for as long as necessary for the purpose. All work relating to the study must be done in the staff member's own time. Small amounts of Council paper may be used in relation to Council assisted study, however staff are required to seek prior approval from their Manager.

4.3 Use of Issued Tools and Equipment

Staff and Councillors who have allocated to them tools and equipment, which are required in connection with their duties, have the responsibility of providing adequate security over the resource. For example, if the tools or equipment are stored in a Council vehicle, that vehicle must be secured at all times and, if it is in personal time, then the vehicle is to be parked on private property, for instance parked in the driveway at your residence. Laptop computers, digital cameras or other electrical equipment must not be left unattended in a motor vehicle.

Any tools or equipment issued to a staff member or Councillor may only be borrowed by another staff member or Councillor in accordance with the clause 4.4 below.

4.4 Borrowing Tools and Equipment

Procedures are in place for Councillors and staff to borrow on a short and infrequent basis, some Council resources. No tool can be borrowed or item can be borrowed without the express permission of the Manager or Director of the relevant Division or Business Unit. The attached Borrowing Procedure and Criteria should be referenced.

Only tools and equipment determined by the Business Unit Manager and Director as having a low cost/value would normally be considered suitable to borrowing.

4.5 Use of Vehicles and Plant

No heavy or light vehicles or plant are to be utilised under any circumstances for private purposes unless under a formal agreement with Council.

Formal agreements must have been established with a staff member prior to any regular or frequent use of a Council motor vehicle occurring.

6. RELATED AND ASSOCIATED COUNCIL POLICY AND PROCEDURES

- Code of Conduct
- Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors

7. RESPONSIBLE OFFICER

The Corporate Governance Manager is the officer responsible for this policy and is the point of contact about the meaning and application of the policy.

The responsible officer shall:

- Keep the policy current
- Investigating breaches of the policy and refer matters to the General Manager as appropriate
- Implement communications, education and monitoring strategies.

8. MONITORING

Sutherland Shire Council is committed to the standards contained in this policy. All necessary reimbursements under this policy are to be paid within 30 days. A process will be established to ensure regular auditing of documentation associated with this policy occurs.

9. REVIEW DATE

This policy shall be reviewed by the responsible officer on a biennial basis from the date of adoption by Council, or in response to legislative and statutory requirements.

10. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Any records or information that arises from the implementation or monitoring of this policy will be stored by the responsible officer in Council's electronic document management system. Such information will be accessible to the public via application in accordance with the Government Information (Public Access) Act 2009.

11. BREACHES AND SANCTIONS

Breaches of this policy by staff may result in action in accordance with the Counselling and Disciplinary Policy, Award Provisions and Operational Management Policies. Breaches of this Policy by Councillors may result in sanctions contained in the Code of Conduct.

APPENDIX A

PROCEDURE FOR USE OF COUNCIL RESOURCES FOR PRIVATE PURPOSES

Councillors and staff who wish to borrow, on a short and infrequent basis, Council resources may do so after certain requirements have been met. The responsibility for determining which Council resources can be borrowed is governed by the Manager of the Business Unit who is responsible for the tool, equipment or item. The Manager may wish to seek guidance or endorsement on certain items from their respective Director, or in the case of a Councillor, from the General Manager.

Register to be maintained

A Register of borrowing's needs to be maintained in each Division or Business Unit to record any resources such as tools or equipment that are borrowed for private use. A proforma of this register will be provided to each Division or Business Unit. The register will be audited yearly by the Internal Auditor and reviewed on a regular basis by the relevant Director. These audits and reviews will determine whether Council's policy is being met to a satisfactory level for the types of items being borrowed; the frequency of the borrowing, including if frequency of the user is appropriate; and if the items are being borrowed for acceptable time periods.

The *Use of Council's Resources for Private Purposes Register* will incorporate the following information:

- date and time of entry;
- staff member or Councillor's name and the Unit or Division of the staff member;
- the staff member's payroll number;
- the item, tool or equipment requested to be borrowed;
- the asset number or identification number of the item, equipment or tool;
- the expected return date and time of the item, equipment or tool;
- the signature and date of the staff member or Councillor;
- the signature and date when signed and approved by the Business Unit Manager or Director.

A similar procedure will be followed upon return of the item, tool or equipment, including whether the item requires any repairs, whether any consumables associated with the item need replacing and so on.

Criteria to be used in determining their request is acceptable

The following criteria should be given consideration from the Business Unit Manager or Director prior to the Council resource being utilised for private purposes by a staff member or Councillor. The criteria should include, but not be limited to the following:

Need for the equipment to be available over the borrowing period.

Whilst the request may be to borrow the item over a weekend, if the equipment/tool could be required during this period, approval would not be appropriate.

Skill and Ability

Where the piece of equipment/tool needs special training or a certificate for use, the approving officer would need to be satisfied the borrower has this skill/ability.

Safety

Even if the borrower has the necessary training/skill, the approving officer should still consider safety issues. For example, a staff member who is qualified may use a chainsaw when used in a work situation and other staff present would be aware of safety requirements. However, a chainsaw would not meet the safety requirements of this policy and would not be allowed to be borrowed for private purposes.

Frequency

An approving officer can refuse a request where an officer regularly requests to borrow the same piece of equipment/tool.

Liability

Equipment should not be loaned out if the lending of the equipment/tool exposes the Council to any liability for injury/damage.

Possible misuse/damage

The approving officer should consider if there is an unacceptable risk of damage being caused to the equipment/tool being requested.

Value

The value of the equipment needs to be considered. Value is more than just financial, for example, it may be a piece of equipment that is in regular use and it may be difficult to replace in a short period of time.

Community Perception

Consideration should be given to what a reasonable member of the public may think if they were aware that an employee or Councillor was using the equipment/tool free of charge. For example, Council equipment or tools which carry a prominent Council logo would not be appropriate to utilise for private purposes.

A proforma document comprising a series of questions encompassing this criteria, will be provided with each register for the relevant Manager or Director to consider and apply. This will assist each Manager and/or Director in considering whether the request for the 'Use of Council Resources for Private Purposes' will be approved or declined. As equipment/tools are identified by Business Units for approval or are declined, this information will be coordinated and distributed on a regular basis to other Business Unit Managers and Directors for information.

All requests by staff or Councillors for use of Council resources for private purposes must be approved by the Business Unit Manager or Director, prior to that item, equipment or tool being utilised by the staff member or Councillor.



Councillor Access to Information and Interaction with Staff Policy

September 2016

POL005

Prepared by:

Corporate Governance Unit

DOCUMENT REVIEW AND APPROVAL**This document has been approved by:**

	Approved by	Minute No.	Date Approved
1.	Finance, Resources & Management Committee FIN219-98	1369	18 May 1998
2.	Finance, Resources & Management Committee FIN088-03	343	2 September, 2002
3.			

Revision history:

Version	Author	Date	Revision
1.	Manager Administration	1 May, 1998	Original Version
2.	Manager Administration	18 August, 2002	Amendment to Section 6 - Councillors seeking information in the Environmental Services Division.
3.	Manager Governance and Customer Service	13 September, 2016	Policy re-written for council term 2016-20

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1. PURPOSE

The purpose of this policy is to:

- Provide a documented process on how Councillors can access Council records and how Councillors and staff interact;
- Provide direction on Councillors' rights of access to Council buildings.

2. APPLICATION

This policy applies to all Councillors and staff.

3. PRINCIPLES

Councillor Interactions with Staff

Councillors seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, should contact the General Manager, Director, or Manager responsible for the carriage of the matter, provision of the service or completion of the project.

In interacting with staff, Councillors must:

- Only seek information on sensitive or controversial policy matters from the General Manager, Directors or the Public Officer;
- Only interact with staff below line manager level after speaking with the relevant Director / Manager;
- Restrict their dealings with staff (other than General Manager, Directors and Managers) to normal working hours;
- Avoid overbearing or threatening behaviour; and
- Not use electronic mail to broadcast personal and political views to staff.

Councillors are permitted to make direct routine contact with the following staff below line manager level:

- Service Desk staff of the Information Management and Technology group in relation to technical issues for Council provided equipment.
- Corporate Governance unit staff in relation to all matters concerning meetings, Councillor resources and Councillor expense payments.

As a general 'rule of thumb', Councillor enquiries that result in staff taking longer than 30 minutes to research, prepare and provide advice should be via a Question on Notice to the next Council meeting.

Councillors must not direct or pressure staff in the performance of their work in connection with the preparation of reports, recommendations or the making of decisions under delegated authority. Staff must report all such attempts immediately to their Director or the General Manager.

Access to Council Records by Councillors

The General Manager is responsible to the Council for the performance and direction of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or committee meeting, be directed to the General Manager, Public Officer, or a Director, in accordance with the following:

- It is within the discretion of the General Manager to require Councillors to make an appointment with a senior officer, to put a request in writing, or to put it on notice to the Council to obtain detailed or otherwise time consuming information. The General Manager must indicate in writing, the reasons for refusing a request.
- For all but straightforward advice on administrative/technical matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager, Director, Public Officer or nominated staff member. These written requests then form part of Council records and can be filed and accessed appropriately.
- A senior officer, or nominated staff member, has the discretion to refer any request for information to the General Manager. The senior officer or nominated staff member must indicate to the Councillor the reasons for the referral.
- Councillors are entitled access to all Council files, records or other documents where that document is related to a matter currently before the Council or in relation to the fulfilment of their civic duties.
- The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillor's civic duty and deny access to a Council document. The General Manager must state the reasons for the decision if access is refused.
- If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.
- Councillors who have a personal (as distinct from civic) interest in a document of Council has the same rights of access as any other person.
- Councillors can request access to other documents of the Council either by a Notice of Motion to the Council or a Government Information (Public Access) Act application.

Access to Council Offices

Councillors will be provided with swipe card access to all floors of the Council Administration Building. This access is provided so that Councillors can make contact with the General Manager, Director and relevant Senior Managers.

Councillors should enter staff work areas only to directly travel to the office of a Director or Senior Manager and shall not visit the workstation of or directly contact staff below the level of line manager without first liaising with the relevant Director / Manager.

Councillor access in the Administration Building is limited to the following areas:

- General Manager and Mayors Office
- Directors Offices
- Offices of relevant Senior Managers
- Council Chambers
- Meeting Rooms, Dining Room and Councillors Suite on Level 2
- Service Desk of the Information Management and Technology Group
- Corporate Governance Office

4. RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Government Information (Public Access) Act 2009

5. RELATED AND ASSOCIATED COUNCIL POLICY AND PROCEDURES

- Code of Conduct
- Code of Meeting Practice

6. RESPONSIBLE OFFICER

The Manager Governance and Customer Service is the officer responsible for this policy and is the point of contact about the meaning and application of the policy.

The responsible officer shall:

- Keep the policy current;
- Investigate breaches of the policy and refer matters to the General Manager as appropriate;
- Implement communications, education and monitoring strategies.

7. REVIEW DATE

This policy shall be reviewed by the responsible officer on a biennial basis from the date of adoption by Council, or in response to legislative and statutory requirements.

8. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Any records or information that arises from the implementation or monitoring of this policy will be stored by the responsible officer in Council's electronic document management system. Such information will be accessible to the public via application in accordance with the Government Information (Public Access) Act 2009.

9. BREACHES AND SANCTIONS

Any potential breaches of this policy shall be referred to the General Manager, or in the case of the General Manager, to the Mayor for consideration, investigation and sanction if appropriate.

Where the report relates to the conduct of a Councillor, the General Manager shall report the matter to the Mayor and to the next Council meeting.

Where the report relates to the conduct of staff, the General Manager shall deal with the matter according to the terms of employment of the staff member. Proven breaches should also be dealt with accordingly, that is, by counselling, disciplinary action or dismissal.

Where a councillor believes that the General Manager has failed to comply with the policy, the councillor shall immediately report to the Mayor who will report the matter to the council.

Before a report to council by the General Manager (or the Mayor), the General Manager (or the Mayor) should undertake preliminary inquiries to establish the facts. The preliminary investigations may take any form the Mayor and General Manager considers appropriate, but must involve discussions with the staff member and councillor involved. Natural justice principles need to be satisfied in dealing with an alleged breach.

Local Government NSW Annual Conference 2016

Sunday 16 – Tuesday 18 October 2016

Main conference venue is WIN Entertainment Centre, Crown and Harbour Streets, Wollongong, 2500

This program is correct at the time of publication; speakers and program details may have changed due to unforeseen circumstances.

DRAFT PROGRAM (as of 18 July 2016)

SUNDAY 16 OCTOBER	
1.00pm – 4.45pm	Bump in sponsors to WIN Entertainment Centre Foyer
1.00pm – 4.00pm	Registration opens in WIN Entertainment Centre Foyer
2.00pm – 4.45pm	Councillor training sessions in Winners Room 1, Winners Room 2, Victory Room <ul style="list-style-type: none"> - Understanding changes to the Local Government Act - Know your planning - Principles of good governance
2.00pm – 4.45pm	LGNSW briefing for General Managers and Interim General Managers in Premiers Room. This briefing will give progress on negotiation for a new 2017 Local Government (State) Award and workplace reform.
3.00pm – 3.30pm	Afternoon Tea meet the sponsors in trade exhibition next to Premiers Room
4.45pm – 5.00pm	Pre-booked local transfer buses from WIN to Lagoon Seafood Restaurant, Stuart Park, George Hanley Drive, North Wollongong
5.00pm – 7.00pm	President's Opening Reception in Lagoon Seafood Restaurant <ul style="list-style-type: none"> - Welcome To Country - Welcome from Cr Gordon Bradbery OAM, Lord Mayor of Wollongong City Council - Opening from Cr Keith Rhoades AFSM, President, LGNSW
7.00pm	Pre-booked local transfer buses will drop off back to WIN Entertainment Centre
MONDAY 17 OCTOBER – Business Session Day 1	
Chaired by Cr Keith Rhoades AFSM, WIN Entertainment Centre	
7.00am – 5.00pm	Registration opens in Box Office of foyer WIN Entertainment Centre Distribution of voting materials and electronic handsets
7.30am – 8.45am	NSW Reconciliation Council Breakfast, Winners Room 1 <ul style="list-style-type: none"> - Welcome from the Hon Leslie Williams MP, Minister for Aboriginal Affairs - Address from Mick Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner - Address from Stan Grant, journalist, author, and Referendum Councillor Supported by NSWALC and sponsored by Aboriginal Affairs NSW
8.15am -9.00am	Trade exhibition opens in WIN Entertainment Centre Foyer
9.00am – 9.30am	Address from The Hon Mike Baird MP , Premier of New South Wales

9.30am – 10.00am	Address from Cr Keith Rhoades AFSM , President, LGNSW
10.00am – 11.00am	Opening of the Federal Conference, chaired by Cr Keith Rhoades AFSM including demonstration of voting units, adoption of standing orders, presentation of the auditor's report, general financial report and operating report to members. Business session and consideration of motions.
	Opening of the State Conference, chaired by Cr Keith Rhoades AFSM including adoption of standing orders, business session and consideration of motions
11.00am - 11.30am	Morning tea in trade exhibition sponsored by LG Super
11.30am – 1.00pm	Consideration of Conference business continued, chaired by the President
1.00pm – 2.00pm	Lunch in trade exhibition sponsored by LG Super General Managers Lunch: StateCover, LG Super, LGP, LGNSW Member Services and councils: Building Mutually Beneficial Partnerships, Winners Room 1 and 2
2.00pm – 3.30pm	Consideration of Conference business continued, chaired by the President
3.30pm – 4.00pm	Afternoon tea in trade exhibition
4.00pm – 5.30pm	Consideration of Conference business continued, chaired by the President Collection of all electronic handsets and voting cards
	Conference business session closes
5.30pm – 6.30pm	Delegate networking function in trade exhibition
6.30pm	Trade exhibition closes. Free night for delegates

TUESDAY 18 OCTOBER – Business Session Day 2
WIN Entertainment Centre

7.00am – 5.00pm	Registration opens in WIN Entertainment Centre Foyer
7.30am – 8.45am	Australian Local Government Women's Association (ALGWA) Breakfast Winners Room 1: Tracy Howe , Chief Executive Officer, NSW Council of Social Service (NCOSS) Anti-Poverty Week 'Fighting Poverty Together', Room 1
8.00am – 5.30pm	Trade exhibition opens in WIN Entertainment Centre Foyer
9.00am – 9.15am	Introduction by Master of Ceremonies, Tracey Spicer
9.15am – 9.30am	Address from The Hon Paul Toole MP , Minister for Local Government
9.30am – 9.45am	Facilitated questions from the conference to the Minister
9.45am – 10.00am	Launch of NSW Workforce Development Strategy
10.00am – 10.05am	Premier Sponsor Meridian IT Company Update
10.05am – 10.30am	Morning tea in trade exhibition sponsored by EPA
10.30am – 10.45am	Address from The Hon Peter Primrose MLC , Shadow Minister for Local Government
10.45am – 11.00am	Facilitated questions from the conference to the Shadow Minister

11.00am – 11.45am	Keynote: Rethinking the role of Local Government, Peter McKinlay , Executive Director, McKinlay Douglas Ltd.
11.45am – 12.30pm	Tracey Spicer facilitates a Local Government Reform Panel: Challenges and Achievements. Panellists: <ul style="list-style-type: none"> - Jane Mills, Chief Operating Officer, City of Parramatta Council - Luke Johnson, General Manager, Wollondilly Shire Council
12.30pm – 12.45pm	Address on Association business from Cr Keith Rhoades AFSM, President, LGNSW
12.45pm – 1.00pm	Treasurer's Report
1.00pm – 1.45pm	Lunch in the trade exhibition WIN Entertainment Centre sponsored by EPA
1.45pm – 3.00pm	MOVE TO CONCURRENT SESSIONS
1.45pm – 3.00pm	CONCURRENT SESSION 1 - Natural Resources and Environment Stream Facilitated by Barry Buffier , Chair and Chief Executive Officer, NSW Environment Protection Agency
1.45pm – 2.30pm	Working Together to Keep our Environment Clean, with presentations on litter prevention by Steve Beaman , Executive Director Waste and Resource Recovery Developing sound planning decisions, and underground petroleum storage systems presented by Justin Turk , Operations Officer, Hazardous Incidents and Environmental Health
2.30pm – 2.50pm	Crown Lands Review Update, David Clarke , Group Director Governance & Strategy, NSW Department of Primary Industries – Lands
1.45pm – 3.00pm	CONCURRENT SESSION 2 - Infrastructure and Planning
1.45pm – 2.10pm	Fixing Country Roads, Fredric Horst , Principal Manager for Freight Strategy and Investment, Transport NSW
2.10pm – 2.30pm	Engaging councils in the process of allowing access to local roads for heavy vehicles, Sal Petrocchio , Chief Executive Officer, National Heavy Vehicle Regulator
2.30pm – 2.50pm	Councils investment in Human and Cultural Infrastructure /Sporting Facilities, Paul Doorn , Executive Director – Sport Infrastructure, NSW Office of Sport
1.45pm – 3.00pm	CONCURRENT SESSION 3 - Capacity Building and Diversity Facilitated Sarah Artist, Senior Manager, Innovation and Capacity, LGNSW
1.45pm – 2.05pm	Designing a Capability Framework for NSW Local Government – towards an integrated package for job design, recruitment, performance management and capacity building, Jo Grisard , Principal, Grisard Consulting (invited)
2.05pm – 2.30pm	Developing Council's Workforce: Case Studies from Wollongong and Port Stephens Councils presented by David Farmer , General Manager, Wollongong Council and Wayne Wallis , General Manager, Port Stephens Council (invited)
2.30pm – 2.50pm	Change – Fit for Purpose presented by Nigel Ward , Chief Executive Officer and Director, Australian Business Lawyers & Advisors

3.00pm – 3.15pm	RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE
3.30pm – 4.00pm	Final Keynote: TBC
4.00pm – 4.30pm	Afternoon tea and delegate networking function in trade exhibition
7.30pm – 11.00pm	CONFERENCE DINNER WIN Entertainment Centre (within the conference room)
7.30pm	Doors Open
7.45pm	Delegates seated and entrée served
8.00pm	LGNSW President introduces Elite Sponsor, StateCover Mutual Limited
8.10pm	LGNSW President and Elite Sponsor present the Outstanding Service Awards
8.30pm	LGNSW Chief Executive and Bluett Trustees present A R Bluett Awards
9.00pm	Main Course served
	Entertainment and dancing
11.00pm	Function finishes
CLOSE OF CONFERENCE	