



BOGAN SHIRE COUNCIL

Ordinary Business Paper

I hereby give notice that an Ordinary Council Meeting will be held on:

Date: Thursday, 24 October 2024

Time: 7.00pm

**Location: Bogan Shire Council
Council Chambers
81 Cobar Street
Nyngan**

**Derek Francis
General Manager**



Published Recording of Council Meeting

This Council Meeting is being recorded for publishing on Council's website as a public record. By speaking at the Council Meeting, you agree to being recorded and for this recording to be published. Please ensure that if and when you speak at this Council Meeting that you are respectful to others and use appropriate language at all times. Bogan Shire Council accepts no liability for any defamatory or offensive remarks made during the course of this Council Meeting.

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- 1 OPENING PRAYER**
- 2 REMEMBERANCES**
- 3 APOLOGIES**
- 4 DISCLOSURE OF INTERESTS**
- 5 CONFIDENTIAL MATTERS - NIL**
- 6 CONFIRMATION OF MINUTES**
- 6.1 MINUTES OF CONFIDENTIAL MEETING - 22 AUGUST 2024**

The minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 August 2024 have been circulated to Council.

Recommendation

That the minutes of the Confidential Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 August 2024, be received and noted.

6.2 MINUTES OF ORDINARY MEETING - 22 AUGUST 2024

The minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 August 2024 have been circulated to Council.

Recommendation

That the minutes of the Ordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 22 August 2024, be received and noted.

6.3 MINUTES OF EXTRAORDINARY MEETING - 10 OCTOBER 2024

The minutes of the Extraordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 10 October 2024 have been circulated to Council.

Recommendation

That the minutes of the Extraordinary Council Meeting held at the Bogan Shire Council, Council Chambers, 81 Cobar Street, Nyngan on 10 October 2024, be received and noted.

7 NOTICE OF MOTION

Nil

8 MAYORAL MINUTES

Nil

9 COMMITTEE MEETING MINUTES

Nil

10 GENERAL MANAGER’S REPORTS

10.1 GENERAL MANAGER'S CHECKLIST

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------------------------|------------------------|---|---|-----------|---|
| 1 | 21/12/2017 23/11/2023 | 392/2017 282/23 | Increase of train speed through Nyngan | Strong letter of concern and a request to address Council be sent to the relevant rail authorities and a copy to the local member. That Council respond to Minister Aitchison, with a request that the train speed limit be reduced to 20km/hour, as Council is not in a position financially to provide rail crossing lights. | GM | Refer below. This matter was drawn to the attention of Minister Aitchison on 12/01/2024 during her visit to Nyngan. Further letters sent to Minister Aitchison and Roy Butler MP. Discussed with Minister Aitchison on 15/07/2024 during her visit to Nyngan. Letter received from Minister Aitchison. TNSW has requested a review of train speeds from UGL |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|--------------------------------------|---|-----------|---|
| 2 | 27/05/2022 | 122/2022 | Nyngan Emergency Bore | Council seeks advice from the Minister for Water, as to a mechanism for periodic extraction of water for maintenance purposes, given that it is understood that Council is unable to extract water from the bore at this stage. | GM | Letter written to new Minister for Water, advising them of resolution 122/2022 and seeking clarification on funding. Minister for Water has advised that: <ul style="list-style-type: none"> • Work has begun on amendments to the Water Sharing Plan. • No further funding is available for the bore project. |
| | 23/02/2023 | 010/2023 | | Council vote for a 200mm pipe instead of 375mm pipe, on the basis of water consumption. A decision on the request for a meeting be deferred until Council receives a response from | GM | Public Works have provided an alternative cost estimate of \$5.092M, based on the 200mm pipeline. On hold pending response. |

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|------|------------|-----------|--------|---|---------|--|
| | 27/04/2023 | 081/2023 | | <p>the NSW Government on whether the emergency bore hole project is to be funded.</p> <p>Virginia and Richard Woodlock be requested to provide Council with specific concerns of concerned landholders and rate payers in writing, so that responses can be prepared, and arrangements made for appropriate NSW Government staff to be available.</p> | | <p>Letter sent to Richard and Virginia Woodlock advising them of Council's resolution.</p> |
| | 24/08/2023 | 184/23 | | <p>That Council prioritises remaining available grant funding of \$7,111,871 across the following</p> | | <p>DPE advised accordingly.</p> |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|---------------------------------------|---|------------|------------------|
| 4 | 25/07/2024 | 144/24 | New Water Treatment Plant Site | That Council does not proceed with building the new Water Treatment Plant on the site adjacent to the substation at the end of Dandaloo Street. That Council constructs the new Water Treatment Plant on the Council owned land at the Raw Water Pump Station at the upper weir. | DES | In Progress |
| 5 | 28/07/2022 | 171/2022 | Hoskins Street Subdivision | Council notes the proposed changes to the design and layout of the Hoskins Street subdivision and that | DES | COMPLETED |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|--------|--|-----------|--|
| | 23/11/2023 | 279/23 | | <p>Council staff progress detailed design and development of tender specifications accordingly.</p> <p>The General Manager be authorised to lodge a development application for Stage 1 of the Hoskins Street subdivision.</p> | GM | COMPLETED |
| | 22/02/2024 | 005/24 | | <p>The General Manager be authorised to proceed to final preparation of tender documents, based on the layout contained in the Concept Plan, attached to report 5.3, with a view to inviting tenders for</p> | GM | <p>UPDATE: Development Application submitted to Council. Tender documentation released 09/10/2024, closing 13/11/2024.</p> <p>Proposed Extraordinary Council Meeting to consider tender submissions 14 November 2024 – to be advised.</p> |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|--------|---|-----------|--------|
| | 22/08/2024 | 174/24 | | <p>construction on a “subject to DA” basis.</p> <p>That consideration be given in 2024-2025 budget discussions to cover any shortfall in available grant funding, with this to be recovered from land sales.</p> <p>That Council seek the assistance of Local Member, Roy Butler to approach the Minister for Western NSW / Minister for Regional NSW for an extension of time within which to complete the Hoskins Street Subdivision Project.</p> | GM | |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|--|--|-------------|---|
| | | | | | | Pending confirmation of construction timeframes – subject to tender outcomes. |
| 6 | 23/03/2023 | 053/2023 | Reclassification of Land – 8 Tabratong Street | Council submits a planning proposal under Section 28 of the Local Government Act to reclassify Lot 1 DP102113, Lot 2 DP355559 and Lot 3 DP 945184 from Community Land to Operational Land. | DDES | In progress – Planning proposal is under development. Conversion from Community Land to Operational Land is expected to have an outcome by March 2025. Site has been valued at \$110,000 to \$125,000. UPDATE: Report to Council refers. |
| 7 | 27/07/2023 | 160/23 | School Exchange Program | The General Manager commence discussions around the future of the | GM | Not yet commenced. |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|---|---|-------------|--|
| | 25/07/2024 | 146/24 | | <p>Tongling Exchange Program, with a report to Council.</p> <p>That Council consider locations that may have economic/industry ties for the School Exchange Program, to enhance the student experience.</p> | | |
| 8 | 28/09/2023 | 209/23 | Relocation Marketing Campaign – Promotional Videos | Council investigates creating an artwork that acknowledges Country that can be used in the videos and other purposes, with a report to a future meeting of Council. | DPCS | Awaiting response from Nyngan LALC regarding their suggestions for suitable artwork. |
| 9 | 26/10/2023 | 247/23 | Before and After School Care, Nyngan | That the Before and After School Care matter be further pursued with the Department of | GM | Refer below. |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|----------------------------------|---|------------|--|
| | 22/02/2024 | 009/24 | | Education, and if necessary the Minister. Issue of lack of Before and After School Care in Nyngan be referred to Local Member. | | Correspondence sent to Local Member. |
| | 25/07/2024 | 147/24 | | That Council request the Local Member to make further contact with the Minister for Education about the lack of Before and After School Care in Nyngan. | | UPDATE: Email sent to Local Member in August 2024. Contact, with reminder, made with Local Members Office October 2024. |
| 10 | 23/11/2023 | 278/23 | Nyngan Year-Round Fishery | That Council provide in principle support for the development of a Memorandum of Understanding with DPI | DES | In Progress |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|--|---|------------|---|
| | | | | Fisheries for a managed fishery in the Nyngan off-river storages, with a further report to Council to consider a draft Memorandum of Understanding. | | |
| 11 | 27/06/2024 | 121/24 | NSW Governments Holiday Break Program | <p>That Council write to the Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon:</p> <ul style="list-style-type: none"> • Explaining the impacts on small communities of the changes in the Holiday Break program funding, | DPC | <p>Letter sent to Minister for Youth, Minister for Regional New South Wales and Western New South Wales, and Member for Barwon.</p> <p>UPDATE: Precis item refers. Note: Council subsequently applied for Summer/Autumn Holiday Break funding on 28/08/24, 2 days after it opened and 26 days before the grant closed.</p> <p>COMPLETED</p> |

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|------|------------|-----------|---------------------------------|--|------------|---------------------------------|
| | | | | <ul style="list-style-type: none"> • Providing solutions on how the Department of Regional NSW, could better group LGAs based on population/size, • Suggesting the option of single holiday break applications for smaller LGAs, and • Requesting applications to be determined based on merit rather than on a first in first approved basis until funding has been exhausted. | | |
| 12 | 27/06/2024 | 127/24 | Tottenham Road Condition | That Council prepares a Tottenham Road Rehabilitation Business | DES | Business Case process underway. |

Item 10.1

| Item | Date | Minute No | Matter | Action Required | Officer | Status |
|------|------------|-----------|-------------------------------|--|-----------|---|
| | | | Assessment Report | <p>Case for the Tottenham Road.</p> <p>That Council brings the condition assessment to the attention of the Minister for Roads and Transport for NSW to seek urgent funding to address the issues raised.</p> | | |
| 13 | 27/06/2024 | 134/24 | Nyngan Community Homes | <p>That Council request that Nyngan Community Homes Association presents a satisfactory Business Plan and shows it has the capacity to build planned homes on the land, Council will consider an appropriate arrangement to facilitate</p> | GM | <p>Email forwarded to Nyngan Community Homes with Council resolution and to contact the General Manager if further information is required.</p> <p>UPDATE: Business Plan received from Nyngan Community Homes, 1 October 2024, with a request to</p> |

Item 10.1

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| | | | | the provision of the land which was formerly the Palais Theatre, on the basis of that plan. | | address Council at a future meeting. Date to be determined in consultation with Mayor. |
| 14 | 25/07/2024 | 151/24 | Water Tower Art | That Council gives direction to an artist to determine the style and subject matter of artwork to be placed on the water tower near the skate park. Themes that are iconic to Bogan Shire including artwork with aboriginal designs <u>Theme One:</u> Flood and Evacuation Scene <u>Theme Two:</u> Mining & Agricultural industries of Bogan Shire | DES | Report to Council refers. |

Item 10.1

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|------|------------|-----------|--|--|-----------|--|
| | | | | <p><u>Theme Three:</u> Olympic Gold Medallists</p> <p><u>Theme Four:</u> Bogan River & Wildlife/recreation</p> | | |
| 15 | 25/07/2024 | 165/24 | Correspondence from Dianne & John Wynne | That Council keep this matter in mind and refer this to the next Budget Review to see if Council can find savings to be considered at that time. | | Report to Council refers (Budget Review). Original correspondence provided as Attachment to Checklist. |
| 16 | 22/08/2024 | 175/24 | Nyngan Tennis Section 355 Committee | That Council: (a) Establishes a Nyngan Tennis Section 355 Committee. (b) Adopts the attached Nyngan Tennis Section 355 Committee Instrument of Delegation effective from 23 August 2024. | GM | UPDATE: Meeting with Tennis Committee scheduled for November 2024. |

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|------|------|-----------|--------|--|---------|--------|
| | | | | (c) Becomes a member of Tennis NSW. (d) Installs the Tennis NSW booking and locking systems for the Nyngan tennis courts and clubhouse. 3. That the General Manager has further discussions with the interim executive of Nyngan Tennis Club about membership, fees and other relevant matters with a further report to Council. | | |

1. Attachments

- 1. Correspondence from Dianne and John Wynne - July 2024

Recommendation

That the report relating to the Monthly Checklist be received and those items marked at “Completed” be removed from the Checklist.

Item 10.1

Dianne and John Wynne
107 Bogan Street
NYNGAN NSW 2825

The General Manager
Bogan Shire Council
PO Box 221
NYNGAN NSW 2825

Dear Derek .

After continuing medical issues, our son Cooper is now confined to a wheelchair and mobility scooter for anything other than a very short walk.

We would like to ask Council if they would consider providing a concrete footpath in Bogan Street between Hoskins Street and our residence, approximately 180 metres. As this section of the street has a narrow pavement, a footpath would allow Cooper to move safely and independently away from the traffic lanes.

We are aware that a concrete footpath is expensive and ask that this request be included for consideration in a future budget or if grant funding becomes available. We appreciate your help with this matter and assisting Cooper to retain his independence.

It would be appreciated if this letter could be included in the July Council business paper.

Yours thankfully,

Dianne and John Wynne

10.2 BOGAN SHIRE COUNCIL CODE OF CONDUCT

1. Introduction

The purpose of this report is for Council to adopt the Bogan Shire Council Code of Conduct and Procedures for the Administration of the Bogan Shire Council Code of Conduct.

2. Background

The Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW are prescribed under the Local Government Act 1993 (LGA) and the Local Government (General) Regulation 2005.

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

3. Discussion

All councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct.

Breaches of a council's or joint organisation's code of conduct are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. All councils (including county councils) and joint organisations must adopt procedures for the administration of their codes of conduct that incorporate the provisions of the Model Procedures.

According to the Office of Local Government, failure by a Councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years. Failure by a member of staff to comply with a Council's code of conduct may give rise to disciplinary action.

4. Attachments

1. Bogan Shire Council Code of Conduct
2. Procedures for the Administration of the Bogan Shire Council Code of Conduct

5. Recommendation

1. That Council adopts the Bogan Shire Council Code of Conduct
2. That Council adopts the Procedures for the Administration of the Bogan Shire Council Code of Conduct

**Bogan Shire Council
Code of Conduct**

DRAFT
2024

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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

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

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

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

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

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

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

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

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

| | |
|--------------------------|---|
| administrator | an administrator of a council appointed under the LGA other than an administrator appointed under section 66 |
| committee | see the definition of “council committee” |
| complaint | a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures. |
| conduct | includes acts and omissions |
| council | includes county councils and joint organisations |
| council committee | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee |
| council official | includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers |
| councillor | any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| delegate of council | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated |
| designated person | a person referred to in clause 4.8 |
| election campaign | includes council, state and federal election campaigns |

| | |
|-----------------------------------|---|
| environmental planning instrument | has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> |
| general manager | includes the executive officer of a joint organisation |
| joint organisation | a joint organisation established under section 400O of the LGA |
| LGA | <i>Local Government Act 1993</i> |
| local planning panel | a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> |
| mayor | includes the chairperson of a county council or a joint organisation |
| members of staff of a council | includes members of staff of county councils and joint organisations |
| the Office | Office of Local Government |
| personal information | information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion |
| the Procedures | the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation |
| the Regulation | the <i>Local Government (General) Regulation 2005</i> |
| voting representative | a voting representative of the board of a joint organisation |
| wholly advisory committee | a council committee that the council has not delegated any functions to |

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or 'initiation ceremonies'
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

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

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee 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.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

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

- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

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

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

What disclosures must be made by a council committee member?

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

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

What disclosures must be made by a councillor?

- 4.20 A councillor:

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council

committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

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

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

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly

close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

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

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

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

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

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

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

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

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

Other business or employment

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

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

“Cash-like gifts”

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

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

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

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

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

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

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

- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

whether the original intention was to create the information for personal purposes.

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

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODEComplaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

submission invited under the Procedures will not constitute a breach of this clause.

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

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

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

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

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

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

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

Complaints alleging a breach of this Part

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

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

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21Part 1: PreliminaryDefinitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

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or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

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

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

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

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

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

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

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

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]
[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

| Name and address of settlor | Name and address of trustee |
|-----------------------------|-----------------------------|
| | |

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

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

| Description of each gift I received at any time since 30 June | Name and address of donor |
|---|---------------------------|
|---|---------------------------|

D. Contributions to travel

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June | Dates on which travel was undertaken | Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken |
|---|--------------------------------------|---|
|---|--------------------------------------|---|

E. Interests and positions in corporations

| Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June) | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|-----------------------------|----------------------------------|---|
|---|-----------------------------|----------------------------------|---|

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

G. Positions in trade unions and professional or business associations

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June | Description of position |
|---|-------------------------|
|---|-------------------------|

H. Debts

| Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June |
|---|
|---|

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

| | |
|---|---|
| Pecuniary interest | |
| Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land) | |
| Relationship of identified land to the councillor <i>[Tick or cross one box.]</i> | <input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land. |
| Matter giving rise to pecuniary interest ¹ | |
| Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i> | <input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land. |
| Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i> | |

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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| | |
|---|--|
| Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i> | |
| Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i> | |

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

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Procedures for the Administration of the Bogan Shire Council Code of Conduct

2024

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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

| | |
|-----------------|--|
| administrator | an administrator of a council appointed under the LGA other than an administrator appointed under section 66 |
| code of conduct | a code of conduct adopted under section 440 of the LGA |

| | |
|---------------------------|---|
| code of conduct complaint | a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures |
| complainant | a person who makes a code of conduct complaint |
| complainant councillor | a councillor who makes a code of conduct complaint |
| complaints coordinator | a person appointed by the general manager under these procedures as a complaints coordinator |
| conduct reviewer | a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager |
| council | includes county councils and joint organisations |
| council committee | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee |
| councillor | any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| council official | any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser |

| | |
|-------------------------------|---|
| delegate of council | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated |
| external agency | a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police |
| general manager | includes the executive officer of a joint organisation |
| ICAC | the Independent Commission Against Corruption |
| joint organisation | a joint organisation established under section 400O of the LGA |
| LGA | the <i>Local Government Act 1993</i> |
| mayor | includes the chairperson of a county council or a joint organisation |
| members of staff of a council | includes members of staff of county councils and joint organisations |
| the Office | the Office of Local Government |
| investigator | a conduct reviewer |
| the Regulation | the <i>Local Government (General) Regulation 2005</i> |
| respondent | a person whose conduct is the subject of investigation by a conduct reviewer under these procedures |
| wholly advisory committee | a council committee that the council has not delegated any functions to |

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must establish a panel of conduct reviewers.

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

- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another

council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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

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

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

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

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

- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

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

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and

- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

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

offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to

be taken as a determination that there has been a breach of the council's code of conduct.

- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

Referral of code of conduct complaints to external agencies

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

Disclosure of the identity of complainants

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

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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

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

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

- a) a panel of conduct reviewers established by the council, or
- b) a panel of conduct reviewers established by an organisation approved by the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:

- a) they have a conflict of interest in relation to the matter referred to them, or
- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
- c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or

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

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and

appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

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

Complaints assessment criteria

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

- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

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

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of

investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

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

- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide

the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.

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

- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:

- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

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

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

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the

general manager or their delegate, and consider any submission made by them.

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

10.3 BOGAN SHIRE COUNCIL COUNCILLOR AND STAFF INTERACTION POLICY**1. Introduction**

The purpose of this report is to recommend to Council the adoption of a Councillor and Staff Interaction Policy.

2. Background

Council had previously adopted a Councillor and Staff Interaction Policy (AP013) at its meeting on 14 March 2019 however a new, updated Model Policy has since been released by the NSW Office of Local Government.

3. Discussion

While not mandatory, the Model Councillor and Staff Interaction Policy reflects best practice and the NSW Government encourages all Councils to adopt it.

As stated in the Preface to the Policy, positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk, and ultimately the Council's performance will suffer.

4. Attachments

1. Policy AP013 - Councillor and Staff Interaction Policy

5. Recommendation

That Council adopts the Councillor and Staff Interaction Policy, AP013.

POLICY AP013

COUNCILLOR AND STAFF INTERACTION POLICY



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Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk¹, and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the *Local Government Act 1993* (the LGA) and the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of council staff, under the leadership of the general manager, is to carry out the day-to-day operations of the council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the council's strategic position and performance to perform their civic functions effectively. The general manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

Official capacity versus private capacity

It is also inevitable that councillors and council staff will engage with their council in their private capacity. This can be for something as simple as borrowing a book from a council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that councillors and council staff do not seek to use, or appear to use, their position within council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on councillors and/or council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a council's decision-making processes, as well as the community's confidence in council, and so must be avoided.

¹ As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha <https://www.icac.nsw.gov.au>

Bogan Shire Council

Councillor and Staff Interaction Policy

AP013

Part 1 – Introduction

- 1.1 *The Councillor and Staff Interaction Policy* (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with Bogan Shire Council's Code of Conduct (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 – Application

- 2.1 This Policy applies to all councillors and council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

Part 3 – Policy objectives

3.1 The objectives of the Policy are to:

- a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
- b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
- c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
- d) ensure councillors have adequate access to information to exercise their statutory roles
- e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations
- f) maintain transparent decision making and good governance arrangements
- g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
- h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 – Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:
 - a) to be an active and contributing member of the governing body
 - b) to make considered and well-informed decisions as a member of the governing body
 - c) to participate in the development of the integrated planning and reporting framework
 - d) to represent the collective interests of residents, ratepayers and the local community
 - e) to facilitate communication between the local community and the governing body
 - f) to uphold and represent accurately the policies and decisions of the governing body
 - g) to make all reasonable efforts to acquire and maintain the skills

necessary to perform the role of a councillor.

4.4 The administration’s role is to advise the governing body, implement Council’s decisions and to oversee service delivery.

4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle **Achieved by**

Equitable and consistent Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels

Considerate and respectful Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions

Ethical, open and transparent Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct

Fit for purpose Ensuring that the provision of equipment and information to councillors is

done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of nine people.

Accountable and measurable Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

4.7 Councillors are members of the Council’s governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

- a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
- b) staff are not accountable to them individually
- c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
- d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
- e) they must not contact a member of staff on council-related business unless in accordance with this Policy
- f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay.

Council staff need to understand:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
- b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
- c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
- d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
- e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 – The councillor requests system

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the Executive Officer) under this Policy for the management of requests from councillors.
- 5.4 Councillors can use the councillor requests system to:
 - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
 - b) bring concerns that have been raised by members of the public to the attention of staff
 - c) request ICT or other support from the Council administration
- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

- 5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within five working days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 5.8 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.9 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 5.10 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.
- 5.11 The General Manager may refuse access to information requested by a councillor if:
- the information is not necessary for the performance of the councillor's civic functions, or
 - if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or
 - the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - the General Manager is prevented by law from disclosing the information.
- 5.12 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 5.13 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.11 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.11 (c) or (d).
- 5.14 Nothing in clauses 5.11, 5.12, and 5.13 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 5.15 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 5.16 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 5.17 A report will be provided to Council quarterly regarding the performance and efficiency of the councillor requests system against established key performance indicators.

Part 6 – Access to Council staff

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should only contact staff during normal business hours.
- 6.4 If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Officer who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 – Councillor access to council buildings

- 7.1 Councillors are entitled to have access to the council chamber, chambers meeting and public areas of Council's buildings during normal business hours for meetings. The Council Chambers foyer, toilets, kitchen and meal room are considered to be public areas for the purposes of this policy. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

Part 8 – Appropriate and inappropriate interactions

8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff are courteous and display a positive and professional attitude towards one another
- b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
- c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
- d) council staff, including Council’s executive team members, document councillor requests via the councillor requests system
- e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
- f) councillors and council staff feel supported when seeking and providing clarification about council related business
- g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

- a) councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory
- b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
- d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
- e) councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council
- f) councillors being overbearing or threatening to staff
- g) staff being overbearing or threatening to councillors

- h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media
- i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
- j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

8.4 Council recognises that incidental contact between councillors and staff is likely to occur in country areas like Nyngan and the greater Bogan Shire LGA as councillors and staff may already be known to each other as family members, socially or through their involvement in community activities.

This policy does not aim to restrict these types of contact however this does not detract from the obligations that these Councillors and Council staff have under the Code of Conduct and this Policy. If in doubt about this aspect, a councillor or staff member should seek advice from the general manager.

8.5 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 – Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Schedule 1 – Authorised staff contacts for councillors

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member’s area of responsibility.
3. Councillors should only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or Executive Officer who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council’s executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

| <i>Authorised staff members name</i> | <i>Position</i> |
|---|---|
| Cathy Black | Director Development and Environmental Services |
| (Currently Vacant) | Director Infrastructure Services |
| Stephanie Waterhouse | Director Finance and Corporate Services |
| Debb Wood | Director People and Community Services |
| Melissa Salter | Executive Officer |

10.4 CHRISTMAS - NEW YEAR CLOSURE

1. Introduction

The purpose of this report is to obtain Council's approval for the closure of Council offices and services over the Christmas/New Year holiday period.

2. Background

As a long-established practice in common with other Councils, Bogan Shire Council has closed its Council offices and certain services between Christmas and New Year.

3. Discussion

Christmas Day and Boxing Day fall on a Wednesday and Thursday, with Wednesday 25 December and Thursday 26 December 2024 being declared Public Holidays. New Years Day falls on a Wednesday, with Wednesday 1 January 2025 being declared a Public Holiday.

Customary practice is to close the Council offices as well as other services between Christmas and New Year.

This would mean that the Shire Administration Offices and the Library would be closed for what would otherwise be normal working days on Friday 27 December 2024, Monday 30 December 2024 and Tuesday 31 December 2024 but open as normal on Monday 23 December, Tuesday 24 December, Thursday 2 January and Friday 3 January.

The Bogan Shire Early Learning Centre closes for two weeks over this period for their annual shutdown and clean, which will be between 23 December 2024 and 3 January 2025. It is envisaged that the Youth and Community Centre will also be closed over this period, noting that the Library will be open. It is also envisaged that the Bogan Shire Medical Centre will be closed for this same period this year due to the timing of the holidays and the difficulty and cost in securing doctors for two short work weeks.

It has previously been suggested that the December Council Meetings be held at 9.00am, on a Thursday, and the most suitable date in December 2024 is Thursday 12 December.

It has been the practice in the past to have a combined Councillor/Staff Christmas Party from 12.00pm to 3.00pm on the day of the December Council Meeting, with Council covering the cost of this event.

4. Attachments

Nil

5. Recommendation

1. That Council closes the Shire administration offices as well as the Library, on Friday 27 December 2024, Monday 30 December 2024 and Tuesday 31 December 2024 and advises the community accordingly.
2. That Council closes the Bogan Shire Early Learning Centre, Bogan Shire Medical Centre and Bogan Shire Youth and Community Centre between Monday 23 December 2024 and Friday 3 January 2025 and informs the community accordingly.
3. That the December Ordinary Council Meeting takes place at 9am on Thursday 12 December 2024.
4. That the Bogan Shire Council Christmas Party take place between 12.00pm and 3.00pm on Thursday 12 December 2024, involving all Councillors, Staff and their partners, and that Council covers the cost of this event.

10.5 DECEMBER 2024/JANUARY 2025 RECESS

1. Introduction

The purpose of this report is for Council to consider the option of going into recess during December 2024/January 2025.

2. Background

Council has in the recent past not held an Ordinary Monthly Meeting in January.

3. Discussion

It is common for Councils to go into recess over the holiday season. At that time of year a number of people, including Councillors and staff take holidays. Generally speaking, this is a quieter period for Government, suppliers and professional advisors as well, resulting in less need for Council decision-making than at other times of the year.

Not having regular meetings can result in delays in decision-making. Council has previously, subject to the limitations in Section 377 of the Local Government Act 1993, delegated certain Council functions, including making decisions that would otherwise be made by Council, to the Mayor, Deputy Mayor and General Manager collectively for this period – with Councillors to be contacted and consulted if practical. These decisions should be reported to the Council at its first meeting in the New Year.

4. Attachments

Nil

5. Recommendation

That Council:

1. Goes into recess from Friday 13 December 2024 until Friday 31 January 2025 and consequently does not have an Ordinary Meeting during January 2025.
2. Pursuant to and subject to the limitations of Section 377 of the Local Government Act, Council grants authority to the Mayor, Deputy Mayor and General Manager, to collectively make decisions on behalf of Council during this recess period, with Councillors to be consulted if practical.
3. Any such decisions are to be reported to the Council at its first meeting in 2025.

11 PEOPLE AND COMMUNITY SERVICES REPORTS

11.1 BOGAN BUSH MOBILE TERM 3 OPERATIONAL REPORT

1. Introduction

The purpose of this report is to advise Council on the Term 3 activities of the Bogan Bush Mobile service.

2. Discussion

Term 3 2024

22 July – 11 October 2024

Statistics:

Total children enrolled: 74 official enrolments, 56 families

Term 3 attendance: 64 children

Term 3 sessions: 47 sessions

KMs travelled: 8,824 kms approx.

Current areas being visited:

Tottenham, Nyngan, Marra, Mungery, Trangie, Hermidale, Marthaguy, Narromine, Duck Creek and Collie.

Term 3 2024 activities

Term 3 at Bogan Bush Mobile (BBM) has been both busy and successful, with children and families fully engaged in the various sessions provided. A highlight was the opportunity for the children to create handmade Father's Day gifts during the day care sessions, allowing them to give their dads something truly special on their big day. These gifts are always cherished by the families and foster meaningful connections.

Continuing the focus on literacy, the book of the month purchased from Concepts in Early Learning has been a favourite among the children, enhancing their experience during day care sessions.

The service has also welcomed new families interested in different play sessions, along with several inquiries about the Marra Day Care session. This term has seen an increase in enrolments for both play sessions and long day care sessions, reflecting a growing interest in what the service offers.

Over the course of the term, eight Bush Mobile play sessions needed to be cancelled. These cancellations were due to low numbers of families attending or staffing challenges.

Ag Expo

In August, Bogan Bush Mobile had the exciting opportunity to participate in the 2024 Ag Expo in Nyngan. During this event, BBM organised a fun and interactive educational program designed for the local community and its surrounding areas. Attendees embraced the experience, making it a memorable day for everyone involved.

In recognition of the Service's efforts, Bogan Bush Mobile was honoured with the 2024 Nyngan Ag Expo Award for Best Overall Exhibit. This award represents a significant achievement for the BBM team and highlights their commitment to engaging and educating the community. The BBM team are immensely proud of this recognition (Award attached).

School Holidays

The school holidays ending Term 3 run from 30 September to 11 October. During the school holidays, Bogan Bush Mobile still operates its Marra and Collie Day Care sessions, which is extremely valued by the families who live in remote areas. Bush Mobile Educators also support the Early Learning Centre on their available days during the school holidays period.

3. Attachments

1. Nyngan Ag Expo 2024 Award

4. Recommendation

That the Bogan Bush Mobile Term 3 Operation Report be received and noted.



**2024 Nynghan Ag Expo Award for
Best Overall Exhibit**
Presented to
Bogan Bush Mobile

By Rob Avard – Chairperson

3rd August 2024

11.2 BOGAN SHIRE EARLY LEARNING CENTRE TERM 3 REPORT

1. Introduction

The purpose of this report is to advise Council of the activities and statistics of the operation of the Bogan Shire Early Learning Centre (ELC).

2. Background

At the end of each term a report is provided to Council on the activities and statistics of the Bogan Shire Early Learning Centre (ELC).

3. Discussion

Usage Capacity

| | Monday | Tuesday | Wednesday | Thursday | Friday | Ave |
|--------------|--------|---------|-----------|----------|--------|-----|
| July 24 | 77% | 76% | 75% | 86% | 73% | 77% |
| August 24 | 77% | 77% | 77% | 86% | 78% | 79% |
| September 24 | 81% | 81% | 79% | 94% | 76% | 82% |

The numbers above are currently booked to below 100% capacity due to legislative staffing requirements. (2 ECT’s minimum required to meet ratio and 50% Diploma qualified staff). A waiver has been applied for through the Department of Education for the 2 ECT requirement. (Report 11.7 has relevance to this issue).

Staffing

A new Manager Children’s Services has been appointed and started work on 2 September 2024.

The ELC capacity continues to grow steadily with the increase in staff applying to study their Diploma qualifications, as well as some School Based Trainees finishing their Cert III and moving into Diploma studies. Due to ongoing recruitment efforts, there are also now qualified staff from outside the local area looking to gain employment and move to the Bogan Shire.

Departmental Approvals

The Department of Education has now approved the usage of the newly built space for children. This has coincided with their decision to increase the Centre’s licensed places from 43 to 59 children per day.

Management will be working through the waitlist and required transitions within the service, with the intent to put out letters of offer for enrolment for 2025 in the first weeks of November.

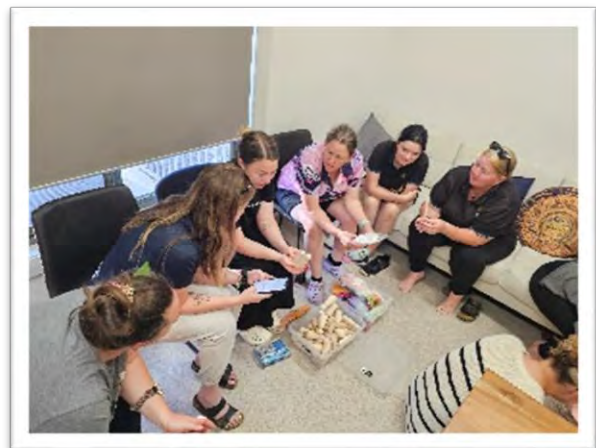
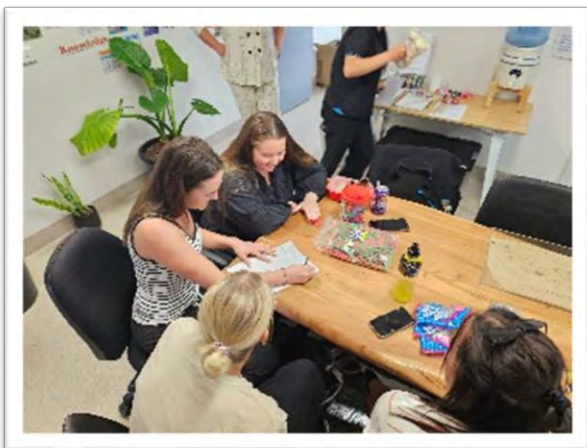
Re-enrolment letters will be sent out to existing families by Monday 21 October to ensure that the Service has accurate information from current families and information regarding those children starting school to ensure offers are given for those positions once available.

Waitlist

The waitlist for all age groups across the service remains high with approximately 64 children waiting to access the Service.

Recent Activities

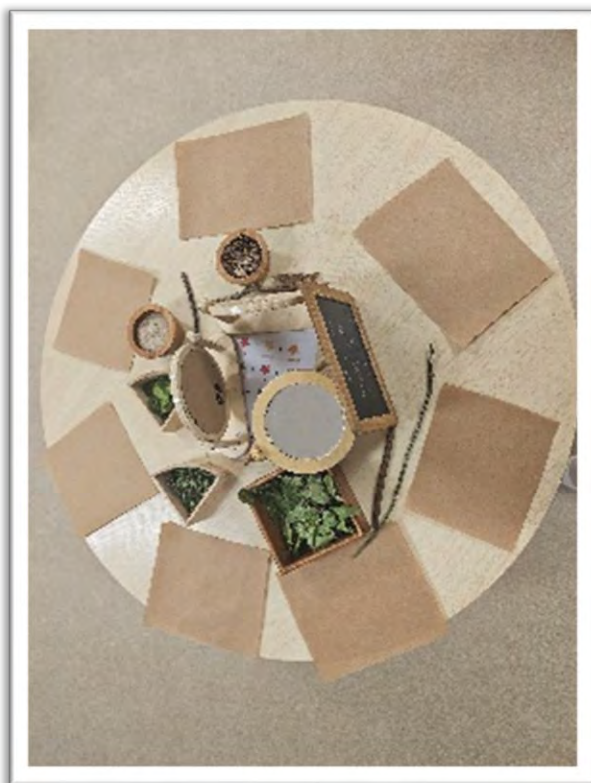
ELC staff have been working to increase their knowledge and extend their own learning. For several months, Council management with the assistance of external consultants, have been identifying professional development opportunities and working with staff on addressing regulatory and compliance matters as well as providing one on one training and support to the leadership team and group training for all Children’s Services staff. Staff recently took the opportunity to work with trainers on professional development activities and extending on their teaching and programming practices through identifying children’s interests and applying this to the children’s goals and programming cycles.



Staff training days held recently to extend on their programming and professional development

Staff have been discussing the setup of their rooms and how they can allow for thoughtful use and relevance to the children’s days and interests. Some changes, for example, have been made to provide easier transitions from group time to mealtime. The spaces that are setup throughout the rooms have been reviewed and the activity spaces are now sectioned, making it clear and easy to recognise what each space is designed for, and the children can see what the space/table has to offer them.

These valuable changes allow for the children to be able to take full advantage of each activity/table/space and reduce the need for large amounts of resources to be utilised at the same time. Room setup and “invitations to play” are regularly monitored and rearranged thought out the ELC and are continuously reviewed to ensure that the children are getting the most out of the resources provided.



Different room setups and activity stations based on children’s interests

Children and Families

Families have been given food preference/allergy forms and have completed and returned them on behalf of the children. This will help staff to further understand the needs and requirements of each child/family and to ensure that the Service remains safe and compliant around managing allergies and medical conditions. The families have made this process easier by returning the forms promptly and accurately and following up with any concerns. Based on the feedback and information that was returned, staff have now been able to increase children's food and drink options, such as having multiple milk alternatives.

Children have also been seen enjoying the benefits of our recent Professional Development. They have been more interested and engaged as their "invitations to play" are extended upon based on their own interests. This has been noticed through more engagement with planned activities, less distress and anxiety at drop off time, and the children now expressing what they would like to have available to them in the future.

Grant Funding

Council was successful with a grant application for additional operational funding for the ELC and will be receiving \$200,000 in 2024/25 and an additional \$200,000 in 2025/26. This funding has been specifically provided to support our transition from a 43 to 59 place Service in an under-served rural / remote area.

Council has also received confirmation of our successful application for funding totalling \$78,456 over two years towards the cost of playground capital improvements in the newly expanded outdoor play area.

4. Attachments

Nil

5. Recommendation

That the Early Learning Centre report be received and noted.

11.3 BOGAN SHIRE MEDICAL CENTRE OPERATIONAL REPORT

1. Introduction

The purpose of this report is to provide information to Council on the operations and statistics of the Bogan Shire Medical Centre.

2. Introduction

Below are the activities and statistics of the Bogan Shire Medical Centre for the June 2024 to October 2024 period.

Statistics

| | |
|--|-------|
| Total registered patients as of October 2024: | 4,783 |
| Total active patients: | 3,237 |
| Total CDM (Chronic Disease Management) patients: | 325 |
| Total RAC (Residential Aged Care) patients: | 28 |
| Total 75+ Health Assessments completed: | 154 |
| Total ATSI (Aboriginal/Torres Strait Islander) Health Assessments completed: | 69 |

Current waiting periods to see a GP is approximately 2 days maximum, with appointments available for acute complaints (On the Day appointments) daily.

Online Bookings for Appointments

The BSMC online booking system - AutoMed continues to be a successful addition to the Practice, with many online bookings being made every week. The application displays each doctor's availability and/or services on offer at the Bogan Shire Medical Centre.

Residential Aged Care (RAC) Patients

Dr Senthil Chengoden has been providing care to the 25 Residential Aged Care (RAC) patients currently residing at the Nyngan Multipurpose Service. Dr Chengoden visits the Aged Care facility every Thursday afternoon with the Practice's Enrolled Nurse and generally sees between 4 and 6 patients on each visit.

Dr Chengoden, the Enrolled Nurse and the Practice's administrative staff work closely with the Nyngan Multipurpose Service staff to manage the visits, ensuring the best coordinated ongoing care for the RAC patients. We have received positive feedback from the Nyngan MPS Manager regarding Dr Chengoden and the Enrolled Nurse's visits.

During Dr Chengoden's absence the Bogan Shire Medical Centre strive to continue providing a high level of care with the assistance of locum doctors who continue to provide scripts for the aged care patients

Bogan Shire Medical Centre Aboriginal Health Worker

In September, the Medical Centre welcomed the new Aboriginal Health Worker (AHW).

In this role the AHW will engage and consult with the First Nations community, building trusted community connections and relationships to deliver patient-centred holistic care. This will encourage active collaboration and shared decision-making, enabling an increase in access to health treatment and prevention services and improved health outcomes of First Nations peoples.

The AHW will be working from the Medical Centre, collaborating with our clinical team, allied health providers, and agencies to deliver culturally safe and accessible clinical and primary healthcare services to First Nations peoples, including acting as a link to other healthcare services. In addition, the AHW's purpose will be to promote awareness and prevention of chronic disease, develop and implement care plans, undertake community engagement including providing health education and promotional activities, and advocate for the cultural and health needs of First Nations patients.

A key element of this role will be to provide local, responsive and dedicated primary healthcare support for our community's First Nations peoples, recognising whole-life-view, traditional knowledge and connection to country.

Ultrasound Services

The Ultrasound service continues to operate four days per week (Monday, Tuesday, Wednesday and Thursday), with on call services provided as needed for emergency cases.

Medical Diagnostic Services

For the period May 2024 to September 2024, the following number of medical diagnostic services were provided.

| | |
|------------|-----|
| June: | 95 |
| July: | 96 |
| August: | 120 |
| September: | 111 |

Allied Health Services

Allied Health services as of October 2024 are listed below:

| Type of Service | Days | Times | Frequency | Service Accessed by |
|--|---------------------------------------|------------------|-----------------------|--|
| Aboriginal Health Worker* | Offered 5 days a week | 8:30am-4:30pm | Offered 5 days a week | BSMC or self |
| Alcohol and other Drug worker | Tuesday | 9.30am-3pm | Fortnightly | BSMC or Self-Referral |
| Dietician | Tuesday | 9:30am-4pm | Fortnightly | Referral |
| Family Planning NSW | Monday/ Tuesday | 11am-5pm | Monthly | BSMC or Self-Referral |
| Mental Health Clinician | Tuesday, Wednesday & Thursday | 9am-4pm | Monthly | BSMC Referral |
| Pathology | Monday to Friday | 8.30am - 11.30am | Weekly | Anyone holding a pathology request form – not required to be a patient of BSMC |
| Physiotherapy | Mondays & Thursdays | 8.30am – 4.30pm | Weekly | Referral or Private appt. |
| Podiatrist | Wednesdays & Fridays | 9.00am - 2.30pm | Weekly | Referral or Private appt. |
| Sonography | Monday, Tuesday, Wednesday & Thursday | 8:30am-4:30pm | Weekly | Private bill with Medicare rebate |
| Telehealth Services with a variety of specialists (pain specialist, endocrinology, psychology) | Offered 5 days a week | 8:45am-5pm | Offered 5 days a week | Referral (Medicare or private bill) |

* Services that were added during the reporting period.

It should be noted that Diabetes Education has not been available in person at the BSMC for an extended period. Telehealth diabetes consultations were being provided through the Care Partnership Diabetes program however the Diabetes Educator has since resigned from the program.

The issue of a shortage of diabetes educators has been raised with the relevant stakeholders and we have been informed that there is a shortage both in the public health sector and across the region.

3. Attachments

Nil

4. Recommendation

That the Operational Report for the Bogan Shire Medical Centre be received and noted.

11.4 NYNGAN SHOW DAY

1. Introduction

The purpose of this report is to advise Council of community response to the declaration of a local event day / public holiday for Nyngan Show Day in 2025 and for Council to determine their request to the Minister for Industrial Relations accordingly.

2. Background

The NSW Government introduced legislation in 2010 which makes provision for the declaration of local event days as an alternative to local public holidays. Based on information provided by NSW Industrial Relations the potential impacts on business and the community for a public holiday as opposed to a local event day in a designated local government area are:

Public Holidays

- Banks are required to close unless they hold specific approval to remain open.
- Shops are free to open without restriction.
- All employees who work in the designated area are entitled to be absent from work.
- Those employees who work may have an entitlement to penalty rates.

Local Event Day

- Banks and shops are free to open without restriction.
- Entitlements to paid time off work or penalty rates for employees will only arise where they have been agreed at a workplace level.

Following many years of representation from Nyngan schools and the general community who wished to fully participate in the Nyngan Show, Council has resolved since 2021 to apply for a full day Public Holiday on the Monday (the second and final day) for the Nyngan Show Day.

3. Discussion

As part of the standard public consultation process for the 2025 Show Day, Council is required to assess community sentiment by specifically targeted consultation with local banks, schools, major employers, and local transport companies, taking into consideration arrangements for students on the day as well as consideration of the costs and benefits to business and community.

Council requested that submissions include a preference on whether the declaration of a Local Event Day over a Public Holiday was preferred.

Council's application for a public holiday is due to the Minister for Industrial Relations by Friday 8 November 2024. Broad community consultation has included a Facebook post, Public Notices in the Nyngan Weekly and a Public Notice on Council's website. Letters were also sent to local business and organisations.

Council received 7 letters/emails in response to targeted consultation which have been included as attachments to this report for Council's consideration in determining its application to the Minister for Industrial Relations.

No other correspondence, submissions or community feedback was received at the time of writing the report.

4. Attachments

1. Response - 2025 Nyngan Show Day Holiday - Lawlab
2. Response - 2025 Nyngan Show Day Holiday - Nyngan High School
3. Response - 2025 Nyngan Show Day Holiday - Tritton Aeris Resources
4. Response - 2025 Nyngan Show Day Holiday - Vanes Bus Service
5. Response - 2025 Nyngan Show Day Holiday - Commonwealth Bank
6. Response - 2025 Nyngan Show Day Holiday - Lajeanca
7. Response - 2025 Nyngan Show Day Holiday - St Joseph's School

5. Recommendation

For Council's consideration.



Convincing. Ready when you are.

Mr Derek Francis
General Manager
Bogan Shire Council
PO Box 221
Nyngan NSW 2825

Email: i.perkins@lawlab.com.au
Phone: 1800529522
Fax: 1300529522
Lawlab Pty Limited
Post: PO Box 47
Nyngan NSW 2825
DX:
Our ref:
Your ref:

10 September 2024

Dear Derek

RE: 2025 NYNGAN SHOW DAY HOLIDAY

I refer to your letter dated 6 September 2024 regarding arrangements for Nyngan Show Day next year.

Lawlab would prefer the declaration of a Local Event Day rather than a Public Holiday. To date we have seen no evidence that the declaration of a Public Holiday increases the attendance figures at the show.

Kind regards

Mr Richard Bootle
Director



NYNGAN HIGH SCHOOL

PO Box 156
Telephone 02168 321004
Facsimile 02168 321769

Relieving Principal: D Slack-Smith
Deputy: T Buchanan

Email: nyngan-h.school@det.nsw.edu.au

10 September 2024

Mr Derek Francis
General Manager
Bogan Shire Council
Re: Nyngan Show Day Holiday

Dear Derek,

I am writing with regard to the Bogan Shire Council's application for a show day holiday on Monday 26 May 2025, coordinated for the Nyngan Show. Nyngan High School supports the Council's application to the Minister for Industrial Relations, for a Public Holiday to occur on this day. Our school has many student, staff and parent members who annually take part in Nyngan Show events and as such would be absent from any normal school events to attend their duties at the show. Our school is also a large contributor to stalls and events such as the livestock judging and parading, artistic competitions and culinary commitments. These commitments draw our students and staff away from the normal school day to attend the Nyngan Show. As such it would be advantageous for a full day Public Holiday to occur, whereby all school community members can attend the Nyngan Show in support of our local community and there would be no detrimental effect to educational delivery for our students or staff. Historically half day holidays have shown a considerable amount of absenteeism on the morning of the half day which disrupts the running of the school but is also detrimental to student attendance statistics collected by system measures. A full day Public Holiday would not result in a largely negative amount of unapproved leave occurring for the student body.

Yours sincerely,

Debra Slack-Smith

R/Principal

Nyngan High School

| | |
|---------------------|-----|
| BOGAN SHIRE COUNCIL | |
| FILE | R/N |
| 12 SEP 2024 | |
| ASSIGNEE | |



30 September 2024

Derek Francis
 General Manager
 Bogan Shire Council
 PO Box 221
 NYNGAN NSW 2825

Dear Derek,

RE: 2025 NYNGAN SHOW DAY HOLIDAY

I am writing to you with reference to your letter dated 6 September 2024, requesting feedback on the declaration of a local public holiday for Nyngan Show Day on Monday 26 May 2025.

I can confirm that Tritton Operations supports the Bogan Shire Council's declaration of a local public holiday for Nyngan Show Day.

Kind Regards,

A handwritten signature in blue ink that reads 'P. Harris'.

Paul Harris
 Chief Operating Officer
 Aeris Resources

Tritton Resources Pty Ltd - ABN 88 200 095 474
 A subsidiary of Aeris Resources Limited
 T: 61 7 4333 2000 F: 61 7 4333 2001
 P: 20 609 390 Nyngan NSW 2825
 Registered Office
 Level A, 130 Foward Street, Brisbane QLD 4000
 Post: GPO Box 1660 Brisbane QLD 4001
 E: info@aerisresources.com.au T: 61 7 3031 2500 F: 61 7 3031 2501

From: [Vanes Bus Services](#)
To: [Olivia Ashton](#)
Subject: Re: 2025 Nyngan Show Day
Date: Thursday, 26 September 2024 5:00:21 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Hi Olivia,

Vanes Bus Services are happy for the local event day to go ahead.

Kind regards,

Rex Vane

From: [Jodi \(Branch Manager\) Douglas](#)
To: [Olivia Ashton](#)
Subject: RE: 2025 Nyngan Show Day
Date: Thursday, 3 October 2024 11:36:37 AM
Attachments: [image004.png](#)
[image005.png](#)

[CBA Information Classification: Confidential]

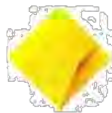
Hi Derek

Thank you for the letter. Our preference is for a public holiday. We will always take steps to minimise inconvenience to our customers including advance notice with signage, organising cash/change arrangements prior with our regular businesses and maintaining our ATM to minimise outages.

Commbank is committed to having staff active in our community and as such we are usually involved with the show in some way in a voluntary capacity.

Regards

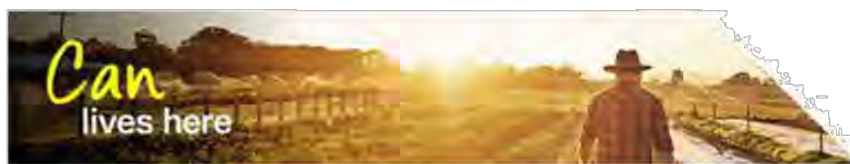
Jodi Douglas



Jodi Douglas
 Branch Manager
 Nyngan
 109 Pangee St
 Nyngan NSW 2825
Phone: 0268321120
Mobile 0478402856
 E: jodi.douglas@cba.com.au

We work flexibly at Commonwealth Bank. I'm sending this message now because it suits me, but I don't expect that you read or respond to it outside of regular working hours.

Our purpose: Building a brighter future for all.



CommBank acknowledges the Traditional Owners of the lands across Australia as the continuing custodians of Country and Culture.

From: [Lachlan Wallis](#)
To: [Olivia Ashton](#)
Subject: Re: 2025 Nyngan Show Day
Date: Thursday, 3 October 2024 8:18:55 PM

Hi Olivia

We are happy to have a full day public holiday.

Cheers
Lach

Sent from my iPhone



St Joseph's School

23 Terangion Street
P.O. Box 142
NYNGAN NSW 2825
Phone: (02) 68321588
Fax: (02) 68321454

Email: admin.nyngan@wf.catholic.edu.au

4th October, 2024

Derek Francis
General Manager
Bogan Shire Council
P.O. Box 221
NYNGAN NSW 2825

Dear Derek,

RE: 2025 NYNGAN SHOW DAY HOLIDAY

The Nyngan Show is an important event for the people of Nyngan and surrounding districts. All attempts should be made to allow full participation by the community and enable our townsfolk to enjoy this time and to appreciate the talents of our local exhibitors. It is also an occasion for interacting with family and friends, where they can come together and enjoy all that the show has to offer.

We, at St Joseph's School, fully support the council's decision to declare a public holiday as the most appropriate option for the Nyngan Show Day. As many people as possible should be encouraged to participate in the Nyngan Show.

I do hope that the opinions of our school community will be taken into consideration.

Yours sincerely,

A handwritten signature in black ink that reads "S. Grimmond".

Sharon Grimmond
Principal

11.5 AUSTRALIA DAY 2024 NOMINATIONS AND AWARDS

1. Introduction

The purpose of this report is for Council to approve the Australia Day Award categories, nomination form, guidelines and voting system for the 2025 awards.

2. Background

In recent years Council has asked for nominations from the community for the following Australia Day categories:

- Citizen of the Year
- Young Citizen of the Year (aged 25 or under)
- Sportsperson of the Year
- Young Sportsperson of the Year (aged 25 or under)
- Sports Team of the Year
- Community Event of the Year

In 2018, Council resolved to present certificates to all nominees and award one overall winner (300/2018) and that all Councillors be circularised with the nominations shortly after the closing date, to allow Councillors to vote for the nominees (301/2018).

All nominees considered worthy are invited to attend the Bogan Shire Australia Day Ceremony in Davidson Park on January 26. Nominees are presented with certificates, and the winner of each category is presented with a medal or plaque.

In November 2022 Council resolved to hold the Australia Day Ceremony including Citizenship at Davidson Park, with a contingency plan of the Town Hall as an adverse / wet weather back up (283/2022).

In December 2023, Council resolved to hold the Australia Day Ambassador dinner at the Nyngan RSL upstairs dining room (296/2023).

3. Discussion

Council will shortly begin the process of emailing and sending out nomination forms to various clubs, community organisations, NGOs and Nyngan High School. The nominations will also be promoted on Council's Facebook page over the coming months.

Online forms will also be made available to increase accessibility for those wanting to put forth a nomination.

The closing date for nominations this year will be Friday 6 December 2024. This allows staff adequate time to collate nominations and prepare copies to go out to Councillors. This will then allow for Councillor assessment of nominations and Councillor votes to be received by Friday 13 December 2024.

These timeframes will assist staff in effective coordination of the event, ordering and printing of certificates and awards and preparation of the January event and presentation.

4. Attachments

1. Australia Day 2025 Community Event Nomination Form
2. Australia Day 2025 Individual Nomination Form

5. Recommendation

That Council approves the categories, nominations forms and guidelines with the date of Friday 6 December 2024 being the closing date for all nominations and Councillor votes to be received by Friday 13 December 2024.



OTHER PERSONS TO CONTACT FOR FURTHER INFORMATION ABOUT EVENT

| | |
|-------------------|-------------------|
| <i>Name:</i> | <i>Name:</i> |
| <i>Telephone:</i> | <i>Telephone:</i> |
| <i>Email:</i> | <i>Email:</i> |
| <i>Address:</i> | <i>Address:</i> |

TO BE COMPLETED BY PERSON SUBMITTING NOMINATION

| | | |
|-------------------------------|--------------|------------------|
| <i>Title:</i> | <i>Name:</i> | <i>Surname:</i> |
| <i>Address:</i> | | |
| | | <i>Postcode:</i> |
| <i>Telephone:</i> | | |
| <i>Email:</i> | | |
| <i>Organisation (if any):</i> | | |
| <i>Signature:</i> | | <i>Date:</i> |

PLEASE USE THIS CHECKLIST TO ENSURE THAT YOUR NOMINATION IS COMPLETE

- I have read the Nomination Guidelines and Criteria.
- The information provided in this nomination is accurate.
- Supporting material, including references and media (newspaper clippings) are attached.
- The event representative has signed the Nomination Form.

Nominations close on Friday 6 December, 2024

Please send completed form to:

The General Manager
 PO Box 221
 Nyngan NSW 2825

The awards will be announced on Australia Day Sunday 26 January 2025.





**Bogan Shire Council Australia Day Awards 2025
Nomination Form**

Nomination for:

- Citizen of the Year (26 years or older on 26 January 2025)
- Young Citizen of the Year (under 26 years of age on 26 January 2025)
- Sportsperson of the Year
- Junior Sportsperson of the Year (18 years and under on 26 January 2025)
- Sports Team of the Year

DETAILS OF PERSON BEING NOMINATED:

| | | |
|-----------------------|--------------|------------------|
| <i>Title:</i> | <i>Name:</i> | <i>Surname:</i> |
| <i>Address:</i> | | |
| | | <i>Postcode:</i> |
| <i>Telephone:</i> | | |
| <i>Email:</i> | | |
| <i>Date of birth:</i> | | <i>Age:</i> |

- Does the nominee currently live and/or work in Bogan Shire YES / NO
- Is the nominee an Australian citizen? YES / NO
- Will nominee be aged 26 years or over on 26 January 2025? YES / NO

I, the nominee, agree to be nominated for this award.

| | |
|-------------------|--------------|
| <i>Signature:</i> | <i>Date:</i> |
|-------------------|--------------|

CONTRIBUTION TO THE COMMUNITY FOR WHICH THE PERSON IS NOMINATED

Include membership or life membership of community and / or sporting groups, awards and other significant achievements.

Please attach additional sheets/material if required.





OTHER PERSONS TO CONTACT FOR FURTHER INFORMATION ABOUT NOMINEE

| | |
|---------------------------------|---------------------------------|
| <i>Name:</i> | <i>Name:</i> |
| <i>Relationship to Nominee:</i> | <i>Relationship to Nominee:</i> |
| <i>Telephone:</i> | <i>Telephone:</i> |
| <i>Email:</i> | <i>Email:</i> |
| <i>Address:</i> | <i>Address:</i> |

TO BE COMPLETED BY PERSON SUBMITTING NOMINATION

| | | |
|-------------------------------|--------------|------------------|
| <i>Title:</i> | <i>Name:</i> | <i>Surname:</i> |
| <i>Address:</i> | | |
| | | <i>Postcode:</i> |
| <i>Telephone:</i> | | |
| <i>Email:</i> | | |
| <i>Organisation (if any):</i> | | |
| <i>Signature:</i> | | <i>Date:</i> |

PLEASE USE THIS CHECKLIST TO ENSURE THAT YOUR NOMINATION IS COMPLETE

- I have read the Nomination Guidelines and Criteria.
- The information provided in this nomination is accurate.
- Supporting material, including references and media (newspaper clippings) are attached.
- The nominee has signed the Nomination Form.

Nominations close on Friday 6 December 2024

Please send completed form to:

The General Manager
 PO Box 221
 Nyngan NSW 2825

The awards will be announced on Australia Day Sunday 26 January 2025.



11.6 BIG BOGAN STREET FESTIVAL 2024

1. Introduction

The purpose of this report is to provide information to Council on the recent Big Bogan Street Festival and to seek feedback on behalf of the community for planning of potential future grant funded events.

2. Background

At its meeting in April 2024, Council resolved to accept grant funding under the Open Streets Program for the hosting of the Big Bogan Street Festival, to be held on Saturday 28 September 2024 (066/24), which included the closure of Pangee Street.

A subsequent report was provided to Council in May 2024 outlining further details regarding the planning of the Big Bogan Street Festival.

A further report was provided to Council in June 2024 requesting the temporary suspension of the Alcohol-Free Zone in Pangee Street for the Big Bogan Street Festival and this was approved by Council (120/24).

3. Discussion

Community involvement

The Open Streets Program Guidelines places a strong emphasis on the importance of supporting local businesses and collaboration with community groups for events funded by the program. Council took on a considered approach to inviting local businesses and community groups to participate in the festival before extending this invitation wider.

In June 2024, Council distributed three letters to three different interest groups.

A letter was sent to local clubs, businesses, community organisations, schools, and committees inviting them to participate in the festival in any capacity that suited them (market stalls, catering, running activities, managing gate entries etc.) with the opportunity to invoice Bogan Shire Council for services, if applicable (Attachment 1).

Another letter was sent to businesses in Pangee Street notifying them of the planned road closure and that there would still be pedestrian access to their business (Attachment 2). This was followed up by Council staff visiting these businesses in person during the week leading up to the festival to ensure they had received this communication.

A final letter was sent to businesses in Pangee Street to invite them to take part in the festival (Attachment 3).

Advertising

Following feedback from the 2022 Big Bogan Festival about insufficient advertising, Council developed a strategic promotional plan for the 2024 event, starting with an initial announcement in May. Advertising efforts included Council's Facebook page, Facebook community groups and newspapers based in Nyngan and across central NSW, flyers in businesses and Visitor Information Centres across central NSW, radio ads on 2WEB and Capital Country Radio, and flyers in school newsletters.

In addition to the letters that were sent to local clubs, businesses, and organisations, requests for market stall holders and food vendors were published on our Facebook page, as well as shared in local community Facebook groups, Council's website, and the newspaper.

Council also approached multiple news outlets, including The Project, Channel 7 and ABC Western Plains to make them aware of the event and to present it as a compelling topic for coverage. No responses were received.

In July and August, Council directly invited over 50 market stall holders and food vendors based across NSW to participate in the festival.

Artists

All music artists were booked in to perform months ahead of the festival date. Council staff also made attempts to book local acts however no local artists chose to participate.

Equipment hire

Equipment hire was one of the most time-consuming aspects of festival planning. Council had to determine the necessary furniture and equipment, factoring in existing infrastructure and estimated attendance, which was difficult due to low ticket sales at the time, (refer below). Several complications arose with the equipment hire in the days leading up to and on the day of the festival.

Ticketing

As stipulated in the grant funding agreement, one of the measures Council has to report on is the number of attendees at the festival. To measure this an online ticketing system was set up where those wishing to attend could book free tickets. For those unable to access the online system, bookings could be made with staff at the front desk, Library, and Visitor Information Centre. Tickets sales would also help us anticipate numbers for food vendors, equipment, and security. This was communicated to encourage early bookings.

Perhaps because tickets were free and unlimited, meaning there was no pressure on attendees to get their tickets early, sales remained steady until a spike in the final week. Of the 1,441 tickets sold, 727 were sold in the last week, with 422 sold the day before and on the day of the festival (Attachment 4).

In the weeks leading up to the festival, the number of tickets sold so far were indicating the event would be half the size it actually turned out to be. Therefore, the ticket sales data did

not prove to be as useful of a tool in attracting market stall holders and food vendors as it could have been.

Site preparation

On Thursday 26 September, the rest area near the Big Bogan was closed for the delivery and storage of hire and stage equipment. The Davidson Park stage was set up by Council staff.

On Friday 27 September the remaining equipment was delivered and our staff prepared recycling bins for Live Better, set up additional rubbish bins and prepared the CWA Hall as a green room for artists. Pangee Street was closed in the evening for the hire equipment staff to set up the 100m marquee and market tents. Security guards were assigned to watch over the equipment that night.

Overview of the day

Two businesses in the main street opted to open for the festival, both were retail stores. A local sporting club ran the bar, two local dancing groups performed, and another club ran a raffle. Multiple local business and organisations also had market stalls. Six businesses sponsored the Best Dressed Bogan Competition.

There were approximately 1,600 attendees throughout the day (indicated by tickets and manual tallying at the gates).

There were 25 market stalls and 7 food vendors (3 of which were dedicated to desserts).

Council staff started early for final preparations on the day, including setting up, assisting vendors, briefing security, and other tasks. Duties throughout the day included managing registrations for the Best Dressed Bogan Competition, coordinating the MC and running of the program of events, supporting vendors, stocking the greenroom, arranging meals for performers, taking photographs, documenting demographics for grant purposes, coordinating entertainment schedules, assisting security when needed, maintaining the park facilities, and the final pack up of equipment, CWA Hall and ensuring rubbish was removed from the parks and main street.

Other Challenges Faced

- Food Vendors:

In the lead-up to the festival, Council regularly updated food vendors on ticket sales, site plans, and power options. Two vendors withdrew in the week before the festival, which was immediately communicated to the remaining food vendors so they could adjust their quantities of food provisions.

Four days before the festival, a major food truck who had confirmed their attendance at every point of previous communication also withdrew. This vendor would have been providing key vegan, vegetarian, gluten-free options, plated meals, and popular children's items like hot chips.

In an attempt to fill this gap, Council organised a community BBQ to sell sausage sandwiches for a gold coin donation. Understandably given the lack of notice, the community groups and organisations contacted were unavailable to run this BBQ, so Council purchased all the supplies and relied on council staff working on the day and a couple of volunteers to run it. The BBQ raised approximately \$600 for the Nyngan Hospital Auxiliary.

- **Equipment Hire:**

Council faced several issues with the equipment hire. The day before the equipment was to be delivered, the hire company informed us that their own forklift did not fit on their truck, and they asked to borrow ours (this was not possible as only our staff are allowed to operate this for insurance reasons). Council had to liaise with locals and the hire company to find a suitable alternative forklift hire, which was an unexpected last-minute task added to the planned preparations.

Upon getting to site early on the day of the festival staff discovered that not all the hired market tents had been set up, resulting in the need to source Council's own tents to be set up before stall holders began to arrive at 7:00am for their bump-in.

Additionally, despite earlier assurances that they would handle the pack down on the night of the festival, the hire company informed Council staff on the day that they would not be doing so. This resulted in Council staff having to undertake this work themselves. Both these issues have been brought to the attention of the hire company management.

- **Length of Day:**

The Festival started at 12:00pm and finished at 10:30pm, resulting in Council staff working a 15.5-hour long day including the preparation before the event and the pack up after.

Staff wages were not covered by the grant, so all hours worked on the day and in the months spent organising and preparing were paid by Council and this is to be considered Council's in-kind contribution for the grant acquittal purposes as shown below.

- **Other Events in Surrounding Towns:**

Multiple events in nearby towns, like Gilgandra's 'Under the Gums' and the Nevertire Rodeo, may have affected festival attendance and demographics. The rodeo, in particular, likely drew younger Bogan Shire residents, which could explain the drop in attendees after 6:00pm when most families had left.

Community feedback

The feedback from the community has been overwhelmingly positive based on verbal feedback given to staff, social media messages and comments, and a feedback survey that was published after the event (it was also sent to the emails of ticket holders).

Trends in feedback suggest that what worked well was the setup of the event, the 100m long marquee with tables and chairs, the music, and the kids' entertainment.

Trends indicate that having a shorter event with main acts starting earlier, having more food vendors, trying to avoid having it on the same date as other events in the area (although not

always possible as other events were announced after our date was decided), and more community involvement were areas for improvement.

High level cost breakdown of the event

| | |
|---------------------------------|------------------|
| Artists and stage production: | \$ 57,988 |
| Equipment: | \$ 51,810 |
| Security and first aid: | \$ 21,228 |
| Advertising: | \$ 2,673 |
| Other items: | \$ 11,681 |
| Council's in-kind contribution: | <u>\$ 27,148</u> |
| Total | <u>\$172,528</u> |

Other than our in-kind contribution, all costs were covered by the Open Streets Program Grant.

Recommendations

Upon reflection and community feedback, the following changes to a future festival may be considered:

- Shortening the festival to a day event, starting at 12:00pm and finishing at 6:00pm, rather than 10:30pm. This was the busiest period during the festival, with many families leaving at 6:00pm.
- Having the Best Dressed Bogan Competition later in the day, rather than 12:30pm, so more attendees have a chance to register on the day (registrations were open and advertised for 4 weeks before the festival, but most registrations were made on the day).
- Establishing a committee to assist with the preparation and running of the day. This would make unexpected changes and challenges easier to manage.
- Doing more extensive research into whether there are other major events on in surrounding towns on the proposed date of our event (although not always possible as other events popped up after our date was decided earlier in the year).

Photos

Photos from throughout the event have been included below, ranging from Best Dressed Bogan Competition entrants and winners to musical acts, performers, food vendors, market stalls, the 100m long marquee, and children's activities.

