



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 15 AUGUST 2022**

EXECUTIVE SERVICES REPORTS

05 Code of Meeting Practice

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Code of Meeting Practice

Policy	1C
Officer Responsible	Director Corporate Services
Last Review Date	xx/xx/2022

Strategic Policy

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1 INTRODUCTION

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

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

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

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

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

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:

Council shall meet at 6:00pm on the third Monday of each month at the Blayney Shire Community Centre, except for the June meeting which is held on the fourth Monday to adopt the Operational Plan. Where a Council meeting falls on a Monday that is a public holiday, the Council meeting shall be held on the Monday of the following week.

Council shall adopt an annual schedule of dates for Council and Council Committee meetings at the September meeting.

Any change from the date or commencement time of a Council meeting shall be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

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

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

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

Note: Clause 3.6 reflects section 367(1) of the Act.

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

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

Note: Clause 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted 6 (six) business days before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer

consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.9.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

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

Note: Clause 3.21 reflects section 9(2A)(a) of the Act.

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

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.28 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum in person must be received by 4.30pm or by audio-visual link by 9.30am on the day of the Council meeting on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.45 A person may apply to speak on no more than **2 (two)** items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than **2 (two)** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no later than **12pm** on the day of the public forum. The general manager or their delegate may refuse to allow such material to be presented.

- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 5 (five) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **2 (two)** minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **5** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

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

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

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

- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

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

Note: Clause 5.6 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 5.8 reflects section 368(1) of the Act.

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.9 reflects section 368(2) of the Act.

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Meetings held by audio-visual link

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

- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by

a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.30 reflects section 10(1) of the Act.

- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32 reflects section 10(2) of the Act.

Webcasting of meetings

- 5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.35 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.39 reflects section 376(1) of the Act.

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

Note: Clause 5.40 reflects section 376(2) of the Act.

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

Note: Clause 5.41 reflects section 376(3) of the Act.

- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

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

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

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

- 6.4 The election of a chairperson must be conducted:

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

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

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

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

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

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

Chairperson to have precedence

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

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

7 MODES OF ADDRESS

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [position title].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 Deleted
- 8.2 The general order of business for an ordinary meeting of the council shall be:
- (1) Acknowledgment of Country
 - (2) Recording of Meeting Statement
 - (3) Apologies for non-attendance, applications for leave of absence or by attendance by audio-visual link by councillors
 - (4) Confirmation of Minutes of previous meeting(s)
 - (5) Matters arising from Minutes
 - (6) Disclosure(s) of Interests
 - (7) Public Forum
 - (8) Mayoral Minute
 - (9) Notice(s) of Motion
 - (10) Reports of Staff
 - I. Executive Services
 - II. Corporate Services
 - III. Infrastructure Services
 - IV. Planning and Environmental Services
 - (11) Committee Meeting Minutes
 - (12) Delegate Reports
 - (13) Questions from Councillors
 - (14) Closed Meeting
- 8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

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

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it

is adopted by the council, a resolution of the council.

- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

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

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

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

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

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

Voting at council meetings

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

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

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

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

11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

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

Voting on planning decisions

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

- 11.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

Note: Clauses 11.10–11.13 reflect section 375A of the Act.

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

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

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,

- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

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

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

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

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

Representations by members of the public

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

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

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

- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications for in-person representations must be received by 4.30pm or by audio-visual-link by 9.30am on day of the meeting at which the matter is to be considered. 14.12 The general manager (or their delegate) may

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

- 14.13 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.14 The general manager (or their delegate) is to determine the order of speakers.
- 14.15 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded.
- 14.16 Each speaker will be allowed 5 (five) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.17 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.18 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

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

Information to be disclosed in resolutions closing meetings to the public

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

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

Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act, the Regulation or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 15.11 reflects section 182 of the Regulation.

- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

Note: Clause 15.16 reflects section 233(2) of the Regulation

- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

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

- 15.20 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.21 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.22 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.

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

16 CONFLICTS OF INTEREST

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

17 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

Note: Clause 17.3 reflects section 372(1) of the Act.

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects section 372(2) of the Act.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

Note: Clause 17.5 reflects section 372(3) of the Act.

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects section 372(4) of the Act.

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects section 372(5) of the Act.

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects section 372(7) of the Act.

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 5pm on the day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 17.11 reflects section 372(6) of the Act.

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15

can speak to the motion before it is put.

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than **10pm**.
- 18.2 If the business of the meeting is unfinished at **10pm**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **10pm**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 19.1 reflects section 375(1) of the Act.

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link, (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 19.3 reflects section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects section 375(2) of the Act.

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects section 11(1) of the Act.

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects section 11(2) of the Act.

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 17.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 19.12 reflects section 335(b) of the Act.

20 COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 18.18 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting

the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

End

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Last Reviewed:	11/09/2000	525
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	13/08/2001	371
	15/04/2004	104
	08/08/2005	05/225
	10/10/2005	05/280
	14/05/2007	07/094
	08/12/2008	08/333
	14/12/2009	0912/006
	14/03/2011	1103/006
	12/11/2012	1211/014
	13/07/2015	1507/010
	17/09/2018	1809/010
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Remote Attendance Guideline	17/05/2021	2105/007
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Payment of Expenses and the provision of Facilities to the Mayor and Councillors Policy

Policy	1A
Officer Responsible	Director Corporate Services
Last Review Date	xx/xx/2022

Strategic Policy

1. OBJECTIVE OF POLICY

Section 252 (1) of the Local Government Act 1993 requires Council to adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor and other councillors (including Administrators) in relation to discharging the functions of civic office.

The purpose of this policy is to ensure that councillors receive adequate and reasonable expenses and facilities to enable them to carry out their civic duties and that there is accountability and transparency in the payment of expenses incurred, or to be incurred by Councillors (including Administrators). The overriding principle to be addressed in the development of this policy is that the provisions of the policy meet the expectations of the local community.

This policy does not deal with matters associated with the setting and payment of annual fees to the Mayor and Councillors, which are determined by the Local Government Remuneration Tribunal.

Any reference hereon in this policy to Councillors will encompass Administrators.

2. STATUS OF THE POLICY

This policy has been prepared in accordance with the "Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW" as issued by the Office of Local Government, Department of Premier and Cabinet dated 7 October 2009 (Circular 09-36).

3. PAYMENT OF EXPENSES

3.1. CONFERENCES AND SEMINARS

Requests for attending conferences shall be in writing outlining the benefits for Council. A written report shall be furnished to Council from the Councillor or staff accompanying the Councillor on the aspects of the conference relevant to council business and / or the community. No written report shall be required for the Local Government NSW Annual Conference.

Council will meet the following expenses for Councillors attending conferences and seminars which have been authorised by Council resolution or by the Mayor under delegated authority.

3.1.1. Registration Fees

- i) Payment of registration fees for attendance at conference / seminar sessions.
- ii) Payment of official conference / seminar lunches and dinners, and associated tours where they are relevant to the business and interests of Council, if not covered by the registration cost.

3.1.2. Accommodation

Payment of accommodation costs on the following basis:

- i) Accommodation selected by the Council or General Manager on the basis of cost and convenience of location to the conference. A Councillor may choose accommodation at a different location but which is the same cost or less.
- ii) The number of accommodation days provided under this policy shall be limited to:
 - a. Registration day;
 - b. Each day on which official sessions of the conference / seminar are held, as well as the night preceding the conference / seminar where travelling schedules reasonably require such accommodation; and
 - c. Each day on which a Councillor is required to be accommodated en route to and from the conference / seminar.
- iii) Any additional accommodation costs incurred as a result of the attendance of partners and/or children shall be borne by the Councillor.

3.1.3. Car Parking Fees

Council shall meet the cost of the following car parking fees.

- i) Hotel / Motel parking – additional car parking fees not included in accommodation costs.
- ii) Airport parking – costs incurred in the parking of a Councillor's private vehicle at an airport for the duration of a conference / seminar, subject to the vehicle being parked in the most economical airport car park.

Reimbursement for parking expenses shall be made upon the production of appropriate receipts and tax invoices, and the completion of the required claim form. Claim for such expenses shall be made within two (2) months of the date of return from the conference / seminar.

The driver is personally liable for all traffic infringements and parking fines incurred while travelling in private or Council vehicles. Claims for reimbursement or payment of expenses shall be refused.

TRAINING AND PROFESSIONAL DEVELOPMENT

Council shall meet the expenses for Councillors attending training and professional development which have been authorised by Council resolution or by the Mayor under delegated authority, where the training or educational course is directly related to Councillors civic functions and responsibilities.

The specific expense items met by Council are the same as those applicable to "Conferences and Seminars", as listed at clause 3.1.

3.2. REIMBURSEMENT AND RECONCILIATION OF EXPENSES

Councillors seeking reimbursement of costs and expenses, incurred in accordance with the requirements of this Policy, shall only be approved upon the production of appropriate receipts and tax invoices, and the completion of the required claim form.

Claims for reimbursement of costs and expenses shall be made within two (2) months of the costs and/or expenses being incurred, unless otherwise specified within this policy.

3.3. CLAIM FORM

Provided as an attachment (Attachment A) to this Policy, is the prescribed Claim Form which shall be completed by any Councillor seeking reimbursement of their costs and expenses.

It is the responsibility of the Councillor to ensure that the Claim Form is submitted accurately and complete, and within the prescribed timeframe as required by this Policy.

Incomplete claim forms may result in costs and expenses not being reimbursed.

3.4. PAYMENTS IN ADVANCE

Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by this Policy. However, Councillors shall fully reconcile all expenses against the cost of the advance within fourteen (14) days of their return.

Note: No general allowance type payment shall be made under any circumstances.

3.5. PAYMENT OF EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

Where the business of Council includes an invitation to a Councillor's spouse, partner or accompanying person, Council shall meet all reasonable costs associated with the spouse, partner or accompanying person attending that function.

In circumstances where an invitation is not extended to a Councillor's spouse, partner or accompanying person, that spouse, partner or accompanying person may accompany the Councillor on the business of Council, at the expense of the Councillor.

Attendance at the Local Government NSW Annual Conference shall be regarded as business of the Council and, as permitted by the Office of Local Government Guidelines, registration and official conference dinner costs be met by Council.

An accompanying person is a person who has a close personal relationship with the councillor and/or provides carer support to the councillor.

3.6. INCIDENTAL EXPENSES

Claims for reimbursement of reasonable out-of-pocket or incidental expenses incurred by a Councillor whilst attending conferences, seminars or training courses shall only be approved upon presentation of receipts and the completion of the prescribed claim form. Payments of general expense allowances shall not be permitted under this policy.

Incidental expenses will be paid in accordance with the annual Taxation Determination issued by the Australian Taxation Office titled: *Income tax: what are the reasonable travel and overtime meal allowance expense amounts for the xxx-xx income year?* Amounts claimed shall not exceed amounts specified in the Taxation Determination.

3.7. INSURANCE

Council shall effect an appropriate level of insurance for Councillors in the following areas:

- i) Public Liability – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- ii) Professional Indemnity – for matters arising out of a Councillor's performance of their civic duties and/or exercise of their Council functions.
- iii) Personal Accident – coverage of Councillor and/or spouse while on Council business.
- iv) Defamation – excluding Councillor to Councillor, Councillor to Staff and Staff to Councillor.
- v) Travel – for approved travel on Council business.

Council shall meet any excess applicable under a policy for:

- Councillor and Officers – in relation to a Councillor performing their civic duties or Council functions;
- Other Insurances – in specific instances when considered necessary by the General Manager (e.g. travel insurance).

3.8. LEGAL EXPENSES

Council may indemnify or reimburse the reasonable legal expenses of:-

- i) A Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993 (refer Section 731), provided that the outcome of the legal proceedings is favourable to the Councillor.
- ii) A Councillor defending an action in defamation, provided that the outcome of the legal proceedings is favourable to the Councillor.
- iii) A Councillor involved in the event of:
 - An inquiry, investigation or hearing into a Councillor's conduct by any of the following:
 - o Independent Commission Against Corruption
 - o Office of the NSW Ombudsman
 - o Office of Local Government, Department of Premier and Cabinet
 - o NSW Police Force
 - o Director of Public Prosecutions
 - o Local Government Pecuniary Interest Tribunal
 - o Council's Conduct Review Committee / Reviewer

This is provided that the subject of the inquiry, investigation or hearing arises from the performance in good faith of a councillor's functions under the Local Government Act 1993 and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review. In the case of a conduct complaint made against a councillor, legal costs shall only be made available where a matter has been referred by the General Manager to the conduct reviewer/conduct review committee to make formal enquiries into that matter in accordance with the procedures in the Code of Conduct. In the case of a pecuniary interest or misbehaviour matter legal costs shall only be made available where a formal investigation has been commenced by the Office of Local Government.

In addition, legal costs shall only be provided where the investigative or review body makes a finding that is not substantially unfavourable to the councillor. This may include circumstances in which a matter does not proceed to a finding. In relation to a councillor's conduct, a finding by an investigative or review body that an inadvertent minor technical breach had occurred may not necessarily be considered a substantially unfavourable outcome.

Council shall not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.

Council shall not meet the legal costs of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

Legal costs shall not be met for legal proceedings that do not involve a councillor performing their role as a councillor.

Council may lawfully obtain insurance cover against the risk of having to meet the reasonable legal costs of a councillor, or to reimburse those costs, provided that the costs or reimbursements are ones that it is authorised to meet.

Council may reimburse such Councillor, after the conclusion of the inquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonable incurred, given the nature of the inquiry, investigation, hearing or proceeding, on a solicitor / client basis. Such determination shall be by resolution of Council.

3.9. CARER'S PROVISIONS

3.9.1. Carer's Expenses

Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member shall be entitled to reimbursement of carer's expenses up to a maximum of \$1,000 per annum for attendance at Council and Committee meetings and other official civic functions noted below, plus reasonable travel from their principal place of residence. Child care expenses may be claimed for children up to and including the age of 16 years. Reimbursement of carer's expenses shall be made after submission of receipts and tax invoices and completion of the prescribed claim form. Claims for such expenses shall be made within one (1) month of the expense being incurred. Official civic functions may include:

- Attendance at Ordinary and Extraordinary meetings of Council.
- Attendance at Council Committee meetings of which the Councillor is a member.
- Attendance at Ordinary, Committee and Sub-Committee meetings of an organisation where the Councillor has, by Council resolution, been duly elected as a Council delegate.
- Attendance at inspections, within or outside the area as authorised by Council resolution or by the Mayor under delegated authority.
- Attendance at official Council functions as authorised as Council business by a resolution of Council.
- Attendance at conferences or seminars approved by Council resolution or by the Mayor under delegated authority.
- Attendance at training or professional development approved by Council resolution or by the Mayor under delegated authority.
- Attendance at functions to which the Mayor has been invited, which are attended at the request of the Mayor.

Councillors shall provide suitable evidence to the General Manager that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.

3.9.2. Expenses and Facilities for Councillors with Disabilities

In addition to the provisions of 3.10.1, for any councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

4. CONSIDERATION OF SPECIFIC EXPENSES FOR MAYORS AND COUNCILLORS

4.1. GENERAL TRAVEL ARRANGEMENTS

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

Note: The driver is personally responsible for all traffic infringements and parking fines incurred while travelling in private or council vehicles on Council business.

4.2. LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

For the purposes of this Policy, Local Travel will include travel conducted within the following Local Government Areas:-

- Blayney
- Cowra
- Bathurst
- Orange
- Cabonne
- Dubbo

For the purposes of this Policy, where Council Delegates attend meetings of the Lachlan Regional Transport Committee Inc, Local Travel will include travel conducted within, and transiting to, the Local Government Areas of the members to this Committee.

Travelling expenses within these Local Government Areas shall be paid to Councillors upon submission of the completed claim form for:

- Attendance at Council or Committee meetings;
- Undertaking approved business of the Council.

Councillors are encouraged to pool vehicles where practicable.

4.3. NON-LOCAL AND OTHER TRAVEL ARRANGEMENTS AND EXPENSES

Payment of travelling expenses for all other travel outside of the "local area" as defined above shall be submitted to Council for consideration, and shall only be paid if approved.

All non-local and other travel should be advised to the General Manager in advance for coordination of accommodation and travel arrangements (if required). Such advice shall be on a travel authority and submitted in time for approval by Council as attached to this policy. For risk minimisation Councillors are to pool vehicles where practicable. All travel by vehicle shall be by the following priority:

- a. Council vehicle (if available)
- b. Councillor vehicle
- c. Hire vehicle

Claims for expenses incurred shall be submitted on the approved claim form as attached to this Policy, and each claim shall clearly state the purpose of the travel.

4.4. TRAVELLING EXPENSES PER KILOMETRE RATE

Approved claims for payment of travelling expenses shall be fixed at the rate per kilometre for vehicles per the cents per kilometre method as determined by the Australian Taxation Office.

4.5. OTHER EXPENSES

Councillor claims for payment of "Other Expenses" not specifically covered by this Policy shall be presented in a report to Council for consideration and shall only be paid if approved.

5. PROVISION OF FACILITIES

5.1. GENERAL PRINCIPLES

The provision of facilities, equipment and services to the Mayor and Councillors shall be used by the Mayor and Councillors only for the purposes of fulfilling their civic duties and functions. However, Council acknowledges that infrequent and incidental private use of the facilities and equipment may occur.

Council facilities, equipment and services shall not be used to produce and disseminate election material, personalised pamphlets or newsletters (and the like) or material for any other political purpose.

5.2. TECHNOLOGY EQUIPMENT

5.2.1. Mobile Devices

At the expense of Council, each Councillor shall be provided with Technology equipment, the provision of a mobile device (i.e tablet or laptop). Such equipment will be provided with required applications for Councillors to undertake their duties. Any additional applications at Council expense must be made in writing with substantiation of need.

Councillors shall be provided a \$50 itunes card on commencement of each Council term for purchase, update or replacement of applications. Any amounts beyond this will be subject to claim.

Council will not be responsible for purchase, update or replacement of applications not purchased through Council in the event of equipment failure.

5.2.2. Data Allowance

Tablet devices shall include a data plan allowance of 1 gigabyte per month. Councillors shall be eligible to claim a data allowance of up to 50% reimbursement of data charges associated with home internet and telephone up to a maximum value determined by Council annually.

5.3. APPAREL

At the expense of Council, each Councillor shall be provided with the following apparel each term:

- Two (2) ties or scarves;
- Two corporate polo shirts or dress shirts or a combination thereof;
- Corporate blazer and
- Protective clothing as deemed required by the General Manager.

Any apparel purchased under this section shall carry the Council logo.

5.4. OTHER FACILITIES

Councillors are to receive the benefit of:

- Provision and use of business cards and name badges;
- Postage of official correspondence - all mail is to be directed through the Council's own mailing systems;
- Meals/refreshments at Council, Committee, Sub-Committee Meetings and Working Parties, or at any other time deemed appropriate by the Mayor or General Manager whilst on Council business;

5.5. RETURN OF FACILITIES

Councillors shall return any equipment or other facilities to Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.

Where a separate sim card / telephone had been established, this line shall be disconnected at Council's expense. However, should the Councillor wish to retain the use of this line, then at Council's expense, the line shall be transferred into the name of the Councillor.

Councillors will also have the option of purchasing the equipment previously allocated at an agreed fair market price or written down price value.

6. PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYORS

6.1. SECRETARIAL SUPPORT

Secretarial support facilities are available to the mayor during normal office hours, through the General Manager.

6.2. CREDIT CARD

- i) The Mayor will be provided with a Corporate Credit Card to facilitate payment of incidental expenses such as attendance at functions, accommodation, parking and entertainment in conjunction with discharging the functions of the Mayoral Office.
- ii) The credit card will have a limit of \$2,000 personally issued to the Mayor. The application form is to be signed by the Mayor.
- iii) The credit card is to be used for Council-related business expenditure only.
- iv) The credit card must not be used for obtaining cash advances.
- v) Upon completion of the Mayoral term, the credit card is to be returned to the General Manager on or prior to the date the term ceases.
- vi) Ongoing use of the credit card by the Mayor will be in accordance with and subject to any other policy relating to the use of such credit facilities adopted by Council from time to time.

ATTACHMENT A – CLAIM FORM

**BLAYNEY SHIRE COUNCIL
COUNCILLOR’S EXPENSES CLAIM FORM**

Council has adopted a Policy for payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to discharging the functions of civic office.		
Name of Councillor: _____		
TRAVEL		
Date	Council Meeting/Committee/Other	Kilometres
ACCOMMODATION/ SUSTENANCE/ OUT OF POCKET EXPENSES		\$
<i>Please provide details and attach receipts</i>		
_____	_____	_____
_____	_____	_____
SIGNATURE: _____		DATE: _____
<small>Office Use Only</small>		<small>PAYMENT</small>
TRAVEL (Kilometres) _____	@ \$ _____	_____
OTHER _____		_____
TOTAL		\$ _____ =====

ATTACHMENT B – TRAVEL AUTHORITY

**BLAYNEY SHIRE COUNCIL
COUNCILLOR TRAVEL AUTHORITY
FOR NON-LOCAL AND OTHER TRAVEL**

Pursuant to the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy the following application is submitted:			
Name of Councillor: _____			
Purpose of Travel: _____			
Date(s): _____	Time from / to: _____		
Location: _____			
Venue: _____			
Mode of Transport: (please circle)			
Air	Council Vehicle	Councillor Vehicle	Hire Vehicle
Accommodation (if required):			
Single Room: _____	Double Room: _____	Other: _____	
Motel preference: _____			
Please provide other relevant details (e.g. special requirements):			
SIGNATURE: _____		DATE: _____	
(Authority should be lodged with sufficient time for Council report for approval to be submitted.)			
Office Use Only			
Council meeting date: _____		Minute No.: _____	
Transport: _____		Order No.: _____	
Motel: _____		Order No.: _____	

BLAYNEY SHIRE COUNCIL COUNCILLOR DATA ALLOWANCE CLAIM FORM

Council has adopted a Policy for payment of expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors in relation to reimbursement of internet (data) charges associated with home internet and telephone.

A new data allowance claim is required to be lodged each Council term or where an internet (data) plan or provider is changed.

Name of Councillor: _____

Date	Data provider	Internet Plan value per month \$	Claim per month \$

Maximum claimable is amount determined and approved by Council annually.

Please attach copy of invoice to substantiate plan value.

Please note: A new claim must be submitted where the plan value changes.

SIGNATURE: _____ **DATE:** _____

Office Use Only

TOTAL CLAIM

TOTAL

\$ _____
=====

	Date	Minute No.
First Adopted:	20/9/1999	592
Last Reviewed:	13/08/2001	388
	12/02/2007	7
	14/05/2007	07/094
	12/05/2008	08/105
	29/09/2008	08/231
	08/02/2010	1002/010
	09/05/2011	1105/007
	12/09/2011	1109/022
	10/12/2012	1212/005
	09/09/2013	1309/009
	16/09/2014	1409/010
	14/09/2015	1509/006
	19/09/2016	1609/009
	16/04/2018	1804/009
	xx/xx/2022	
Next Review:	19/02/2024	



Complaints Management Policy

Policy	2C Complaints Management Policy
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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1. Introduction

Customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality, and responsiveness will underpin service delivery. When they believe that their expectations have not been met, the Customer has a right to expect that the Council will deal with their concerns in a professional, respectful and timely manner.

This policy is intended to ensure that Council handles complaints fairly, efficiently and effectively. Council's complaint management system is intended to:

- Enable Council to respond to issues raised by people making complaints in a timely and cost-effective way;
- Boost public confidence in Council's administrative process; and
- Provide information that can be used by Council to deliver quality improvements in Council's services, systems and complaint handling.

This policy provides guidance to Council's staff and people who wish to make a complaint on the key principles and concepts of Council's complaint management system. It provides a framework to ensure complaints received are dealt with courteously, investigated thoroughly, resolved quickly and appropriately, in accordance with the relevant statutory requirements and this policy and procedure.

2. Scope

This policy applies to all staff receiving or managing complaints from the public regarding Council's services.

Code of conduct complaints and public interest disclosures are dealt with through separate mechanisms.

3. Organisational Commitment

Council expects staff at all levels to be committed to fair, effective and efficient complaint handling. The below table outlines the nature of the commitment expected from staff and the way that commitment should be implemented.

Who	Commitment	How
General Manager	Promote a culture that values complaints and their effective resolution	<ul style="list-style-type: none"> • Report publicly on Council's complaint handling. • Provide adequate support and direction to key staff responsible for handling complaints. • Regularly review reports about complaint trends and issues arising from complaints. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Encourage staff to make recommendations for system improvements. • Recognise and reward good complaint handling by staff. • Support recommendations for service, staff and complaint handling improvements arising from analysis of complaint data.
Public Officer	Establish and manage Council's complaint management system.	<ul style="list-style-type: none"> • Provide regular reports to the General Manager on issues arising from complaint handling work. • Ensure recommendations arising out of complaint data analysis are canvassed with the General Manager and implemented where appropriate. • Recruit, train and empower staff to resolve complaints promptly and in accordance with Council's policies and procedures. • Encourage staff managing complaints to provide suggestions on ways to improve the complaint management system. • Encourage all staff to be alert to complaints and assist those responsible for handling complaints to resolve them promptly. • Recognise and reward good complaint handling by staff.
Staff whose duties include complaint handling	Demonstrate exemplary complaint handling practices	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Assist people make a complaint, if needed. • Comply with this policy and its associated procedures. • Remain informed about best practice in complaint handling. • Provide feedback to management on issues arising from complaints. • Provide suggestions to management on ways to improve Council's complaints management system. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.
All staff	Understand and comply with Council's complaint handling practices.	<ul style="list-style-type: none"> • Treat all people with respect, including people who make complaints. • Be informed and aware of Council's complaint handling policies and procedures. • Assist people who wish to make complaints access the Council's complaints process. • Be alert to complaints and assist staff handling complaints resolve matters promptly. • Provide feedback to management on issues arising from complaints. • Implement changes arising from individual complaints and from the analysis and evaluation of complaint data as directed by management.

4. Definitions

Complaint - A complaint is an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents or quality of service. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

A complaint covered by this Policy can be distinguished from:

- Public interest disclosures made by Council staff (see 2D Public Interest Disclosures: Internal Reporting Policy);
- Code of conduct complaints (see Council's policies 1B, 1D and 1E on Code of Conduct);
- Responses to requests for feedback about the standard of Council's service provision (see the definition of 'feedback' below);
- Reports of problems or wrongdoing merely intended to bring a problem to Council's notice with no expectation of a response (see definition of 'feedback');
- Service requests (see definition of 'service request' below); and
- Requests for information (see 2G Access to information policy).

Complaints Management System - All policies, procedures, practices, staff, hardware and software used by Council in the management of complaints.

Dispute - An unresolved complaint escalated either within or outside of Council.

Feedback - Opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about Council services or complaint handling where a response is not explicitly or implicitly expected or legally required.

Service Request – A service request is likely to include:

- requests for approval;
- requests for action;
- routine enquiries about the Council's business;
- requests for the provision of services and assistance; and
- requests for explanation of policies, procedures and decisions.

Policy - A statement of instruction that sets out how Council should fulfil its vision, mission and goals.

Procedure - A statement or instruction that sets out how Council policies will be implemented and by whom.

Public Interest Disclosure - A report about wrong doing made by a public official in New South Wales that meets the requirements of the Public Interest Disclosures Act 1994.

5. Guiding Principles

5.1. Facilitate Complaints



5.2. People Focus

Council staff are committed to seeking and receiving feedback and complaints about Councils facilities, services, systems, practices, procedures and complaint handling. Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- Provided with information about Councils complaint handling process.
- Provided with multiple and accessible ways to make complaints.
- Listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate.
- Provided with reasons for Councils decision/s and any options for redress or review.

The manager will acknowledge receipt of the complaint, informing the complainant who is managing the complaint and what the process to be followed for handling the complaint is.

5.3. No Detriment To People Making Complaints

Council staff will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

5.4. Anonymous Complaints

Council can accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided. Where Council reviews a complaint and finds there is insufficient information to investigate, it will be closed with the action officer recording reasons why for audit trail purposes.

In some circumstances Council can deal with anonymous complaints however these can prove difficult where limited information is provided.

5.5. Accessibility

Council will ensure that information about how and where complaints may be made about Council is well publicised. Council will ensure that its systems to manage complaints are easily understood and accessible to everyone, particularly people who may require assistance.

If a person prefers or needs another person or organisation to assist or represent them in the making and/or resolution of their complaint, Council will communicate with them through their representative (if this is their wish). Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, Member of Parliament or another organisation).

6. Respond To Complaints

6.1. Early Resolution

Where possible, complaints will be resolved at first contact with the relevant departmental manager. If a complaint is resolved at the first point of contact that manager who received and addressed the complaint is required to make a file note in Council's records management system.

6.2. Responsiveness

Council staff will promptly acknowledge receipt of complaints.

Council staff will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and will be escalated from Customer Service staff to the appropriate manager.

Council staff are committed to managing people's expectations, and will inform them as soon as possible, of the following:

- The complaints process.
- The expected time frames for actions by Council.
- The progress of the complaint and reasons for any delay.
- Their likely involvement in the process.
- The possible or likely outcome of their complaint.

Council staff will advise people as soon as possible when Council are unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

Council staff will also advise people as soon as possible when Council are unable to meet time frames for responding to their complaint and the reason for the delay.

6.3. Objectivity And Fairness

Council staff will address each complaint with integrity and in an equitable, objective and unbiased manner.

Council staff will ensure that the person handling a complaint is different from the staff member whose service or conduct is the subject of the complaint. Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

6.4. Responding Flexibly

Council's staff are empowered to resolve complaints promptly and with as little formality as possible. Council will adopt flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.

Council will assess each complaint on its merits and involve people making complaints and/or their representative in the process as far as possible.

7. Confidentiality

Council will protect the identity of people making complaints where this is practical and appropriate.

Personal information that identifies individuals will only be disclosed or used by Council as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

8. Managing the Parties to A Complaint

8.1. Complaints Involving Multiple Agencies Or Areas

Where a complaint involves multiple organisations, Council will work with the other organisation/s where possible, to ensure that communication with the person making a complaint and/or their representative is clear and coordinated.

Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint involves multiple areas within the organisation, responsibility for communicating with the person making the complaint and/or their representative will also be coordinated.

Should a third party need to be contacted to resolve a complaint then the relevant Director should be informed.

Where Council services are contracted out, we expect contracted service providers to have an accessible and comprehensive complaint management system. Council take complaints not only about the actions of Council staff but also the actions of service providers.

8.2. Empowerment Of Staff

All staff managing complaints are empowered to implement Council's complaint management system as relevant to their role and responsibilities.

Staff are encouraged to provide feedback on the effectiveness and efficiency of all aspects of Council's complaint management system.

8.3. Managing Unreasonable Conduct By People Making Complaints

Council staff are committed to being accessible and responsive to all people who approach Council with feedback or complaints. At the same time Council's success depends on:

- The health, safety and security of Council staff;
- Our ability to do our work and perform our functions in the most effective and efficient way possible; and
- Our ability to allocate Council resources fairly across all the complaints we receive.

When people behave unreasonably in their dealings with Council staff, their conduct can significantly affect the progress and efficiency of Council work. As a result, Council staff will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council and will support staff to do the same in accordance with this policy.

Customer Service staff should escalate any complainant they find is being unreasonable to an appropriate Manager or Director. Customer Service staff will receive training to assist them to manage difficult complainants. Complainants will always be treated respectfully and in a courteous manner.

For further information on managing unreasonable conduct by complainants please see Council's Unreasonable and Unreasonably Persistent Customer policy.

8.4. Malicious, Frivolous And Vexatious Complaints

All complaints received by Council will be treated with the utmost seriousness. However, if following investigation, a complaint is found to be malicious, frivolous or vexatious, Council will take no further action on the complaint.

A decision to take no further action on the complaint will be made by a member of staff at the level of Manager or higher and the complainant will be informed in writing that no evidence was found to support the allegations.

Council management may, at its discretion, seek legal advice with respect to the implications of the suspected vexatious or malicious complaints. Where the complaints relate to a member(s) of staff, such legal advice will be made available to the affected staff member(s) on request.

The matter may also be referred to the Public Officer, who will determine whether the complainant should be requested to apologise in writing to the employee or offer a full retraction.

Where the staff member believes that the nature of the complaint has impugned their professional or personal reputation, they must seek their own legal advice at their own expense with respect to any intended actions in seeking damages for defamation.

Where complaints against an individual staff member cause distress to the staff member, the staff member will be supported via the Employee Assistance Program.

8.5. Persistent Complainants

From time to time, Council will encounter complainants who are persistent and write again and again to the point that Council's resources are unreasonably diverted. Where the complaints are about the same or similar issue(s) and the Council has either addressed or dismissed the issue(s) as being without substance, then an administrative control may be put in place to limit responses to future complaints.

Under these circumstances details of the number and nature of the complaints will be provided to the Director who will make a recommendation to the General Manager that further correspondence and/or telephone contact is to be restricted. The General Manager will consider all the facts and issues of the individual case prior to acting on any recommendation(s). Any action taken shall be in accord with Council's Unreasonable and Unreasonably Persistent Customer policy.

8.6. Difficult Complainants

In cases where a complainant's behaviour is aggressive or threatening e.g. the complainant:

- Is consistently rude or abusive or makes threats to staff or third parties using Council services or on Council premises.
- Causes damage to Council property or threatens physical harm to staff or third parties

Details of the aggressive or threatening behaviour are to be provided to the Director who will make a recommendation to the General Manager that access to the Council be restricted. The General Manager will consider all the facts and issues of each case. Any action taken shall be in accordance with Council's Unreasonable and Unreasonably Persistent Customer policy

All threats of violence will be reported to the NSW Police.

9. Complaint Management System



When responding to complaints, staff should act in accordance with Council's complaint handling procedures as well as any other internal documents providing guidance on the management of complaints. Staff should also consider any relevant legislation and/or regulations when responding to complaints and feedback.

The five key stages in Council's complaint management system are shown in the above diagram.

10. Receipt of Complaints

Verbal Complaints

Council staff aim to manage complaints and feedback, including anonymous approaches, when they are received. Face to face and telephone customer complaints will be received by Council's customer service staff in the first instance. When taking such complaints staff will endeavour to record details based on their interpretation of the complaint and the requested outcome sought. To this end the recorded complaint should be repeated to the complainant for endorsement.

Written Complaints

Written complaints and feedback, whether anonymous or otherwise, received by Council in writing (hardcopy or email or via website) will be assessed by the records staff and appropriately assigned to a Department Manager / Director.

Council will also assign a unique identifier to the complaint file in Council electronic records management system. The Department Manager responsible for the complaint will inform their Director or General Manager that the complaint has been received and is being managed.

It is the responsibility of Managers to keep Directors and the General Manager informed of complaint management occurring at that time.

The record of the complaint will document:

- The contact information of the person making a complaint.
- Issues raised by the person making a complaint and the outcome/s they seek.
- Any other relevant information.
- Any additional support the person making a complaint requires.

11. Acknowledgement of Complaints

With the exception of anonymous complaints Council will acknowledge receipt of each complaint promptly, and preferably within fourteen (14) working days. Consideration will be given to the most appropriate medium (e.g. email, letter) for communicating with the person making a complaint.

12. Initial Assessment and Addressing Of Complaints

12.1. Initial Assessment

After acknowledging receipt of the complaint, Council will confirm whether the issue/s raised in the complaint is/are within Council's control. Council will also consider the outcome/s sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, Council will consider:

- how serious, complicated or urgent the complaint is
- whether the complaint raises concerns about people's health and safety
- how the person making the complaint is being affected

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- the risks involved if resolution of the complaint is delayed, and
- whether a resolution requires the involvement of other organisations.

12.2. Addressing Complaints

After assessing the complaint, Council staff will consider how to manage it. To manage a complaint Council staff may:

- give the person information or an explanation
- gather information from the person or area that the complaint is about, or
- investigate the claims made in the complaint.

Council staff will keep the person making the complaint up to date on Council's progress particularly if there are any delays. Council will also communicate the outcome of the complaint using the most appropriate medium. Which actions Council decides to take will be tailored to each case and take into account any statutory requirements.

13. Providing Reasons for Decisions

Following consideration of the complaint and any investigation into the issues raised, Council staff will contact the person making the complaint and advise them:

- the outcome of the complaint and any action taken;
- the reason/s for Council's decision;
- the remedy or resolution/s that Council have proposed or put in place, and
- any options for review that may be available to the complainant, such as an internal review, external review or appeal.

If in the course of investigation, Council staff make any adverse findings about a particular individual, consideration will be given to any applicable privacy obligations under the Privacy and Personal Information Protection Act 1998 and any applicable exemptions in, or made pursuant to that Act, before sharing Council's findings with the person making the complaint.

14. Closing the Complaint, Record Keeping, Redress and Review

Council staff will keep comprehensive records about:

- How the complaint was managed.
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations.
- Any outstanding actions that need to be followed up.

Council staff will ensure that outcomes are properly implemented, monitored and reported to the complaint handling Manager and/or Senior Management.

15. Alternative Avenues for Dealing with Complaints

Council staff will inform people who make complaints about the internal review options and also external review options available to them.

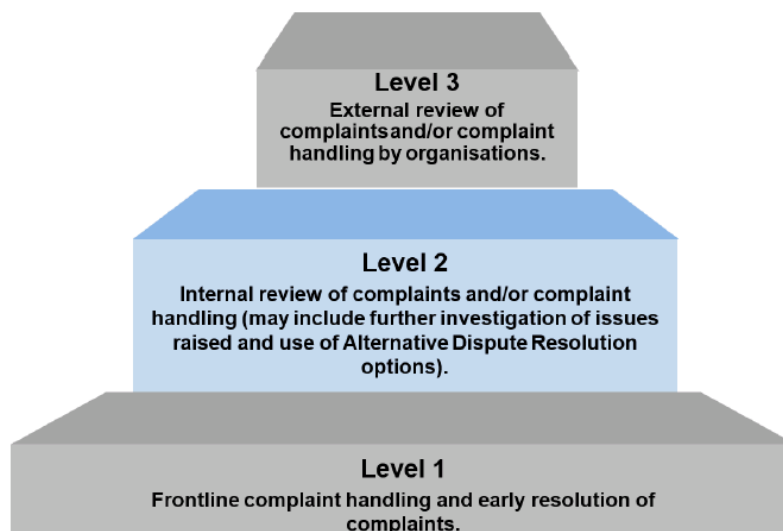
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Blayney Shire Council will in the first instance manage complaints at the Customer Service or managerial level. This will enable complainants to appeal any dissatisfaction internally to Directors or the General Manager. Dissatisfied complainants are encouraged to appeal internally as their first recourse.

Complainants can also appeal externally. The key agencies for external appeals are:

Investigations & Review Branch Office of Local Government Premier's Department Locked Bag 3015 NOWRA NSW 2541 Telephone: (02) 4428 4100 Email: olg@olg.gov.nsw.au	The Office of the Ombudsman Level 24 580 George Street SYDNEY NSW 2000 Telephone: (02) 9286 1000 Toll Free: 1800 451 524 Email: nswombo@ombo.nsw.gov.au
Independent Commission Against Corruption GPO Box 500 SYDNEY NSW 2000 Telephone: (02) 8281 5999 Toll Fee: 1800 463 909 Email: icac@icac.nsw.gov.au	Information & Privacy Commissioner GPO Box 7011 Sydney NSW 2001 Toll Free: 1800 472 679 Email: ipcinfo@ipc.nsw.gov.au

16. Levels of Complaint Handling



Council aim to resolve complaints at the first level, the frontline. Wherever possible staff will be adequately equipped to respond to complaints, including being given appropriate authority, training and supervision. Written complaints will be assessed by Records staff and appropriately referred to the relevant Manager. Records staff will be trained to

undertake the initial assessment of complaints so that they are appropriately referred. (Level 1).

Where a person making a complaint is dissatisfied with the outcome of Council's actions they should appeal to the General Manager. (Level 2). The General Manager will ask a Director or the Public Officer to review the complaint, the actions already taken and report back for a response to the complainant.

This level of complaint handling will provide for the following internal mechanisms:

- Assessment and possible investigation of the complaint and decision(s) already made.
- Facilitated resolution (where a person not connected with the complaint reviews the matter and attempts to find an outcome acceptable to the relevant parties).

Where a person making a complaint is dissatisfied with the outcome of review of their complaint, they may seek an external review of Council's decision (by the Ombudsman for example). (Level 3).

17. Accountability and Learning

17.1. Analysis and Evaluation of Complaints

Council will ensure that complaints are recorded in a systematic way so that information can be easily retrieved for reporting and analysis.

Regular reports will be run on:

- the number of complaints received
- the outcome of complaints, including matters resolved at the frontline
- issues arising from complaints
- systemic issues identified, and
- the number of requests Council receives for internal and/or external review of Council's complaint handling.

Regular analysis of these reports will be undertaken to monitor trends, measure the quality of Council's customer service and make improvements.

Both reports and their analysis will be provided to Council's General Manager and senior management for review.

17.2. Monitoring of the Complaint Management System

Council will continually monitor Council's complaint management system to:

- ensure effectiveness in responding to and resolving complaints, and
- identify and correct deficiencies in the operation of the system.

Monitoring may include the use of audits, complaint satisfaction surveys and online listening tools and alerts.

17.3. Continuous Improvement

Council are committed to improving the effectiveness and efficiency of its complaint management system. To this end, Council will:

- support the making and appropriate resolution of complaints;
- implement best practices in complaint handling;
- recognise and reward exemplary complaint handling by staff;
- regularly review the complaints management system and complaints data; and
- implement appropriate system changes arising out of Council's analysis of complaints data and continual monitoring of the system.

End of Policy

Adopted:	09/11/1998	723
Lasted Reviewed:	09/07/2007	07/145
	12/11/2012	1211/014
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Next Review:	19/03/2024	



Public Interest Disclosures: Internal Reporting Policy

Policy	2D
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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INTERNAL REPORTING POLICY

PUBLIC INTEREST DISCLOSURES ACT 1994

DEFINITIONS

Three key concepts in the internal reporting system are “corrupt conduct”, “maladministration” and “serious and substantial waste of public money”. Definitions of these concepts are outlined below.

(1) Corrupt conduct

“Corrupt conduct” is defined in the Independent Commission Against Corruption Act 1988 (sections 8 and 9). The definition used in the Act is intentionally quite broad - corrupt conduct is defined to include the dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms, i.e. taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, election bribery and illegal gambling are some examples.

(2) Maladministration

“Maladministration” is defined in the Public Interest Disclosures Act as conduct that involves action or inaction of a **SERIOUS NATURE** that is:

◆ **contrary to law** (s.11(2)(a)) - for example:

- ◆ decisions or actions contrary to the law or ultra vires
- ◆ decisions or actions contrary to lawful and reasonable orders from persons or body’s with authority to make or give such orders
- ◆ a breach of natural justice/procedural fairness
- ◆ unauthorised disclosure of confidential information

◆ **unreasonable** (s.11(2)(b)) - for example:

- ◆ decisions or actions:
 - ◆ inconsistent with adopted guidelines or policy
 - ◆ made or taken without obvious relationship to the facts or circumstances
 - ◆ so unreasonable that no reasonable person could so decide or act (i.e. irrational)
- ◆ relevant considerations not taken into account or irrelevant considerations taken into account
- ◆ serious delay
- ◆ wrong, inaccurate or misleading advice leading to detriment

- ◆ means used not reasonably proportional to ends to be achieved (i.e. excessive use of authority)
- ◆ failure to rectify identified mistakes, errors, oversights or improprieties
- ◆ **unjust** (s.11(2)(b)) - for example:
 - ◆ decisions or actions not justified by any evidence, so unreasonable that no reasonable person could so decide to act (i.e. irrational), or unconscionable
 - ◆ partial, unfair or inequitable decisions or actions
 - ◆ abuse of power
- ◆ **oppressive** (s.11(2)(b)) - for example:
 - ◆ unconscionable decisions or actions
 - ◆ abuse of power, intimidation or harassment
 - ◆ punitive, harsh, cruel or offensive decisions or actions
- ◆ **improperly discriminatory** (s.11(2)(b)) - for example:
 - ◆ inconsistent application of laws, policies or practices when there is no reasonable, justifiable or appropriate reason to do so
 - ◆ distinctions applied not authorised by law, or failure to make a distinction which is authorised or required by law
 - ◆ failure to perform duties impartially and equitably
- ◆ **based wholly or partially on improper motives** (s.11(2)(c)) - for example:
 - ◆ decisions or actions for a purpose other than that for which power was conferred
 - ◆ decisions or actions for personal advantage
 - ◆ bad faith

1. PURPOSE AND CONTEXT OF THE POLICY

The purpose of the Public Interest Disclosures Act (PID) 1994 is:

1. To encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector; and
2. To ensure that any public official who wishes to make a disclosure receives legal protection from reprisals, and that the matters raised in any disclosure are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters;
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- providing for those disclosures to be properly investigated and dealt with.

This policy seeks to:

1. To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Blayney Shire Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Mayor, or the General Manager.
2. To complement the normal means of communication between managers and members of Council staff. (Members of Council staff are encouraged to continue to raise appropriate matters at any time with their managers but they also have the right to make protected disclosures in accordance with this policy.)
3. To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

2. ROLES AND RESPONSIBILITIES IN COUNCIL

This policy will apply to:

- Members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council.

The policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

Members of Council staff are encouraged to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimize or harass anyone who has made a disclosure.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative have the option of making a protected disclosure in accordance with this policy.

3. COUNCIL COMMITMENT

Blayney Shire Council, as an ethical Council, is committed to acting in accordance with the spirit and letter of the PID Act by:

- creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate

- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for key personnel
 - investigate allegations
 - properly manage any workplace issues that the allegations identify or create
 - correct any problem that is identified
 - reassess or review the policy each year to ensure it is still relevant and effective.

4. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Blayney Shire Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Blayney Shire Council's policies.

Even if these reports are not dealt with as protected disclosures, the Blayney Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

5. WHEN WILL A REPORT BE PROTECTED?

The Blayney Shire Council will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. (the Ombudsman Guidelines provides further detail on when a report will be protected).
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the General Manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6. HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7. CAN A REPORT BE ANONYMOUS?

There will be some situations where you may not want to identify yourself when you make a report. Although the Blayney Shire Council will still deal with these reports, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8. MAINTAINING CONFIDENTIALITY

The Blayney Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

9. WHO CAN RECEIVE A REPORT WITHIN THE BLAYNEY SHIRE COUNCIL?

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the Blayney Shire Council, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the guidelines supporting this policy.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Blayney Shire Council who can receive a protected disclosure.

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The General Manager must make sure there are systems in place in the Blayney Shire Council to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on 02 6368 2104.

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the *Blayney Shire Council* to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor may be contacted on 02 6368 2104

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the *Blayney Shire Council* who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate Services) may be contacted on telephone 02 6368 2104.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Council's Disclosures Officers may be contacted as follows:

- Director Infrastructure Services on telephone: 02 6368 2104
- Director Planning and Environmental Services on telephone: 02 6368 2104
- Manager Human Resources on telephone: 02 6368 2104

10. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BLAYNEY SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Blayney Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the Blayney Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Blayney Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the Blayney Shire Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Blayney Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Blayney Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. THE INVESTIGATION PROCESS

All disclosures will be promptly and thoroughly assessed. Decisions as to the most appropriate action to be taken on the disclosure will also be made promptly. The basis for these decisions will be properly documented.

If an internal investigation is to be conducted, terms of reference will be drawn up in order to clarify the key issues to be investigated. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation plan is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

An internal investigation will be authorised by the General Manager and the disclosure coordinator with an appropriate investigator appointed.

Strict security will be maintained during the investigative process. All information obtained will be secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made. Where possible, interviews will be taped.

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of relevant facts and the evidence relied upon in reaching any conclusions;
- the conclusions reached and their basis; and
- recommendations to address any wrongdoing identified and any other matters arising during the investigation.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is to be included in the report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

A flowchart of Blayney Shire Council's Internal Reporting System is annexed to this policy.

12. FEEDBACK TO STAFF WHO REPORT WRONGDOING

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Blayney Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

13. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

The Blayney Shire Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The Blayney Shire Council will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace

- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Blayney Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

All staff who report wrongdoing will be supported, protected and their disclosures appropriately acted upon. No staff member who reports wrongdoing through the appropriate channels will suffer disciplinary action for having done so.

Staff within Blayney Shire Council who can receive an internal protected disclosure will also support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those suffering any form of reprisal. Details of support officers appear in section 9 of this policy.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

16. SUPPORT FOR THE SUBJECT OF A REPORT

The Blayney Shire Council is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

17. REVIEW

This policy will be reviewed by council every twelve/eighteen months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

18. MORE INFORMATION

Staff can access advice and guidance about the PID Act from Blayney Shire Council Disclosures Coordinator (Director Corporate Services / Public Officer on telephone 6368 2104) and the NSW Ombudsman (for general advice on telephone 9286 1000 or toll free 1800 451 524) or its website at www.ombo.nsw.gov.au.

19. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street,
Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Office of Local Government
Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: ocinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

20. LEGISLATION AND REFERENCES

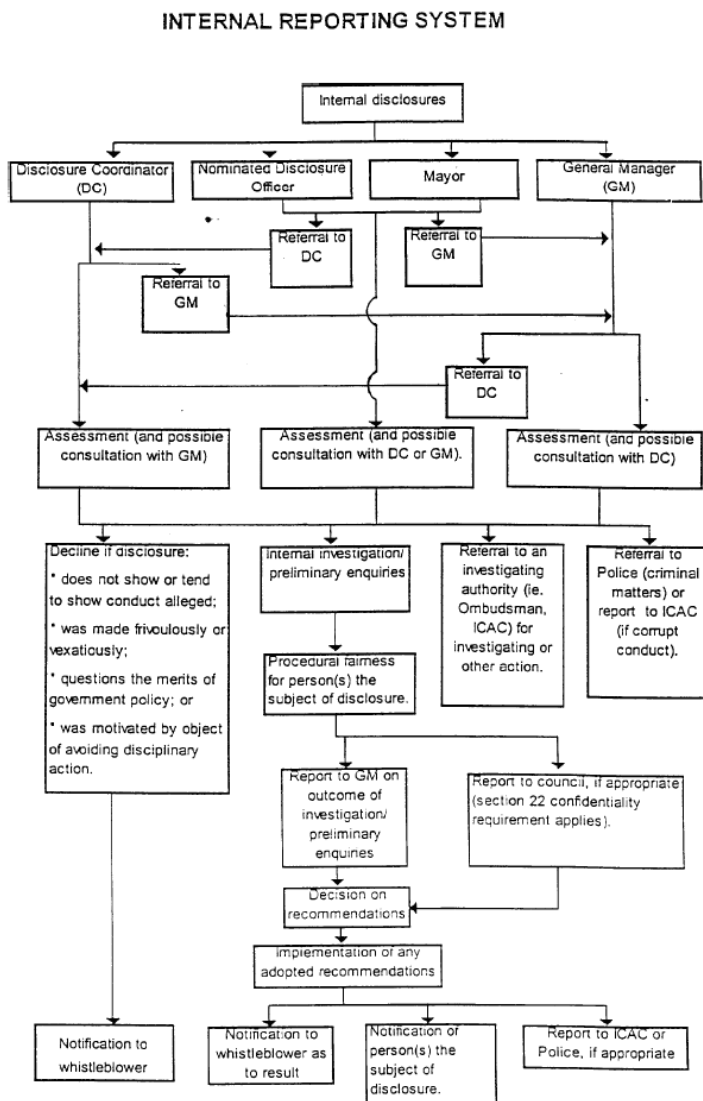
Blayney Shire Council references and relevant Codes & Policies

- 1B Code of Conduct
- 2C Complaints Management Policy
- 2F Fraud Control Policy
- 9A Occupational Health and Safety Policy
- 7P Grievance Handling Policy and Procedure

External References

- Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
- NSW Ombudsman: Changes to the public interest guidelines system – information for public authorities 2011
- NSW Ombudsman: Model internal reporting policy (local government) 2011
- NSW Ombudsman: Public Interest Disclosures Guidelines 2011
- NSW Ombudsman: What should be reported – http://www.ombo.nsw.gov.au/publication/PDF/guidelines/PID_guideline_B2-What_should_be_reported_6June2011.pdf

21. DIAGRAM: INTERNAL (PROTECTED DISCLOSURES) REPORTING SYSTEM



End of Policy

Adopted:	09/11/1998	725
Last Reviewed:	14/05/2007	07/094
	14/11/2011	1111/012
	10/12/2012	1212/004
	07/01/2015	Position titles updated
	16/02/2018	1802/015
	XX/XX/2022	
Next Review:	19/03/2024	



Gifts & Benefits Policy

Policy	2E
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

Purpose of the Gifts and Benefits Policy

- To provide clear guidelines for Councillors, staff members and other representatives of Council to enable them to deal with any offer of a gift or benefit;
- To protect Councillors, staff members and other representatives of Council from being compromised or to avoid the public perception of bias;
- To provide a safe working environment by reducing situations which can cause undue stress and anxiety; and
- To demonstrate to suppliers, citizens and other agencies that Council will deal with all matters in an impartial, transparent and accountable manner.

Background

In carrying out their role as Councillor, staff member and other representative of Council of a local government body, individuals and/or groups may from time to time, be offered gifts to establish an amicable initial business relationship, to display appreciation or demonstrate good faith in an ongoing business relationship.

The acceptance of gifts and other benefits has the potential to compromise a Councillor's and Council employee's position by creating a sense of obligation in the receiver and so undermining their impartiality. The acceptance of a gift can also affect the public's perception of the integrity and independence of the Council and its employees.

To ensure propriety in all such dealings, it is essential that Council adopt a policy and procedure for the acceptance of gifts and benefits, so that all gifts and benefits are declared and recorded in a Gifts and Benefits Register.

This policy has been produced to guide to assist in guiding Councillors, staff members and other representatives of Council during the course of their official duties upon being offered a gift or benefit. The acceptance of gifts and benefits is a potential problem for many public officials. Deciding where to draw the line between the proper and improper acceptance of gifts or benefits can be difficult.

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

Blayney Shire Council has a zero tolerance rule with respect to compliance with this policy.

Policy Statement

Council officials will act with integrity at all times. Acceptance of gifts and benefits has real and perceived opportunities for undermining integrity.

This Policy sets out the basis on which Blayney Shire Council will manage offers of gifts or benefits in accordance with the obligations set out in Council's Code of Conduct.

You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage, real or perceived, which has a monetary value.

You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- act in a particular way (including making a particular decision);
- fail to act in a particular circumstance;
- otherwise deviate from the proper exercise of your official duties.

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members include parents, spouses or de facto partners, children and siblings.

Responsibilities

Councillors, Staff Members and Other representatives of Council

The obligation to disclose instances relating to this policy rests with Councillors, members of staff and other representatives of Council and should be in accordance with the gifts and benefits procedures.

Councillors, staff members and other representatives of Blayney Shire Council must comply at all times with this policy and Council's Code of Conduct.

Council staff members and other representatives of Council must complete, the electronic declaration form or the hardcopy declaration form (for those staff members who do not have computer access), for all offers of a gift or benefit and submit the declaration form to their Supervisor, or General Manager (in the case of a Councillor or Director), within two (2) weeks of receiving the offer.

Councillors, members of staff and other representatives of Council, who have prior notice of the receipt of a benefit or hospitality, such as attendance at a

sporting event, should receive prior written approval to attend. The recipient is to ensure their declaration is submitted and authorised by the Supervisor or General Manager.

Management

The General Manager, or their delegate, will establish and maintain a Gifts and Benefits Register.

The Supervisor, or General Manager (in case of a Councillor and Directors), must authorise electronically, or sign/date paper copy declaration forms, scan and register the completed document in to Data works, and task to the Director of Corporate Services (as the General Manager's delegate), who will process the information into the Gifts and Benefits Register.

Procurement, Contracts and Tendering

All procurement activities are to be conducted in an ethical manner and in accordance with:-

- Policy 1B Code of Conduct for Councillors
- Policy 1C Code of Conduct for Staff
- Policy 1B Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers Councillors
- Policy 3G Purchases of Goods and Services
- Policy 13A Tender Procedures

Council representatives involved in corporate purchasing or procurement must not accept any form of gift, benefit or from suppliers or potential suppliers.

Council representatives involved in evaluating contracts, expressions of interest, tenders or other proposals must not accept any form of gift, benefit or hospitality from contractors, potential contractors, tenderers or associated parties. Any offer of gifts must be declared in writing as part of the evaluation process.

The recipient of any gift, benefit or hospitality offered and/or received must complete the electronic gift register form and submit it to the Director (or General Manager) for authorisation.

Circumstances where gifts or benefits may be acceptable

Gifts or other benefits not essentially token or inconsequential in kind (including moderate acts of hospitality) should only be accepted:

- where they are not obtained by virtue of a public official's office or position
- where a gift is given to a public official in a public forum in appreciation for the work, assistance or involvement of the public official or an agency, and refusal to accept the gift would cause embarrassment or affront

- if there is no possibility that the recipient might be, or might appear to be, compromised in the process, or
- in circumstances generally approved by the principal officer of the agency, or on any other occasion with the formal written approval of the General Manager, preferably obtained beforehand.

Approval of the General Manager should only be given where the acceptance of the gift is unlikely to be seen by a reasonable 'impartial observer' to create a conflict of interest, or influence the performance of duties or functions.

Gifts Benefits and Bribes

Gifts

For the purpose of this policy, "gifts" made to individuals in the course of a business relationship are usually given for commercial purposes, such as to create a feeling of obligation in the receiver.

Such examples of gifts may include (but are not limited to):-

- Money
- Alcohol
- Clothes
- Products
- Tickets

A councillor or employee should not accept an offer of cash or a cash-like gift, regardless of the amount. "Cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

Benefits

For the purpose of this policy, the term "benefit" is used to refer to something which is believed to be of value to the receiver, such as a service. Some examples may include:-

- a. Tickets to major sporting events or other entertainment.
- b. Corporate hospitality at a corporate facility or sporting venue.
- c. A new job or promotion.
- d. Preferential treatment, such as queue jumping.
- e. Access to confidential or sensitive information.
- f. Discounted products for personal use.
- g. Frequent use of facilities such as a gymnasium or holiday home.
- h. Free or discounted travel, Frequent Flyer points and free training sessions.
- i. Free or subsidised lavish meals or hospitality etc.

Bribes

“Bribery” is defined as an inducement by offering any undue reward by, or to any person in public office in order to influence his or her behaviour in that office, and incline that person to act contrary to the known rules of honesty and integrity.

Councillors, members of staff and other representatives of Council must not offer or seek a bribe. Receiving or offering a bribe is an offence under both Common law and NSW legislation.

A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor, or the General Manager. Council will take steps to report the matter to ICAC and the police immediately.

Token Gifts

Token gifts and benefits of a nominal value usually do not create a sense of obligation on the receiver and are unlikely to influence, or appear to influence, in the exercise of his or her official duties.

Compliance and Exemptions

This policy applies to all staff and Councillors of Blayney Shire Council. Failure to comply with this policy could be considered a breach of the Code of Conduct and may lead to disciplinary action and/or other sanctions, including dismissal.

Blayney Shire Council has a zero tolerance rule with respect to compliance with this policy. Any applications for exemptions from the requirements of this policy are to be in writing to the General Manager. Exemptions are entirely at the General Manager's discretion and will be determined in writing with reasons given for any specific exemptions. In determining an exemption, the General Manager will also determine whether the gift in question is able to be kept by a particular staff member or whether it should be shared at the workplace.

The following are considered exempt:

1. Invitations to appropriate out of hours social functions organised by groups, such as, Council committees and community organisations
2. Free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops
3. Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business
4. Ceremonial gifts – from visiting delegations
5. Ceremonial gifts – from sister cities

6. Industry networking functions hosted by Industry Group at a major event e.g. NSW Tourism group function at Bathurst race event.

Examples of the circumstances where exemptions MAY be approved by the General Manager, include:

- Learn to swim staff of the CentrePoint Sport & Leisure Centre – for gifts of token value children who attend learn to swim classes as a Christmas gift or gift of thanks associated with their role.
- Ceremonial gifts – presented to staff members as thanks for presenting at conferences/seminars
- Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages

Any gifts approved through the General Manager exemption process will still be subject to the following requirements:

For the purpose of this policy token value is defined as one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50.

Any gifts with an estimated value of more than token value should be rejected or returned.

The following gifts and benefits would normally fall below the token value:

- inexpensive pens or stationery
- chocolates
- flowers
- modest bottle of wine
- cup of coffee.

By contrast, the following gifts and benefits would be likely to be more than the token value:

- tickets to sporting events
- jewellery
- works of art
- discounted products for personal use
- use of facilities such as gyms.

Ceremonial gifts – an official gift from one agency to another agency. Such gifts are often provided to a host agency when conducting official business with delegates from another organisation or country. Although these gifts may sometimes be offered to express gratitude, the gratitude usually extends to the work of several people in the organisation, and therefore the gift is considered to be for the organisation, not a particular individual.

Where you have accepted a token gift or benefit from a person, you must not accept a further gift or benefit from the same person or another person associated with that person 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 a person associated with that person, during the same 12-month period would exceed \$50 in value.

Gifts and Benefits Register

All gifts, benefits and hospitality must be declared and recorded in Council's publicly available Gifts and Benefits Register against the name of the recipient. The name of the person who offered the gift and their agency or organisation must also be included.

There must also be a record of the decision that was taken in relation to the gift or benefit, and by the authorising Supervisor, or General Manager (in the case of a Councillor or Director), so that it can be shown that the Council was open and transparent in dealing with the gift or benefit.

Councillors and Designated Persons lodging pecuniary interest returns under Section 449 of the local Government Act, 1993 (NSW) are not required under Schedule 3 of the Act to disclose gifts and benefits under the value of \$500, unless they are among gifts totalling more than \$500 made by the same person over a twelve (12) month period. In the interests of openness and transparency, Designated Persons are also required to declare and record the offer and/or receipt of all gifts or benefits of more than token/nominal value in the Gifts and Benefits Register.

Procedures

- 1 Should you receive a gift or benefit, you must notes immediately after the incident has occurred, detailing the date, time, location, discussion and any other comments that could assist you with your later recollections of the incident.
- 2 Obtain a copy of the Declaration Form, which is available through the Councillor Portal or Council Intranet.
- 3 With regards to the paper copy,
 - They are to be scanned into Council's Corporate Records System.
 - The authorising Supervisor (If they have access) is to record the entry into Council's electronic register.
 - In the event that the Supervisor does not have access, then the authorising director is required to electronically record.
- 4 All gifts and benefits that become the property of Council should be delivered to the General Manager's Office (or his delegate) for appropriate storage or disposal.
- 5 If you have been offered a bribe, you must inform your Director or the General Manager immediately and the General Manager must inform ICAC and the Police.

Related Legislation, Policies and Guidelines

Crimes Act 1900 (NSW) Section 249 of the Crimes Act 1900 (NSW) creates an offence if a Councillor or employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. This also pertains to receiving benefits for showing favour or disfavour to any person in relation to their official duties.

Local Government Act 1993 – Section 440 of the Act requires that Councils adopt a Code of Conduct. The section states that serious corrupt, of which bribery is an example, may lead to the dismissal or temporary suspension from office of a Councillor or of a staff member.

Local Government (General) Regulation 2005, clauses 184 & 185 – relating to gifts and contributions to travel pecuniary interests to be disclosed in Section 449 returns.

Blayney Shire Council Codes of Conduct

Gifts and Benefits – Public Agencies Fact Sheet (NSW Ombudsman's Office), March 2012.



GIFTS AND BENEFITS DECLARATION FORM

DEPARTMENT

(Please tick)

- Corporate Services Infrastructure Services
 Environmental Services Executive Services

YOUR DETAILS

Name: _____

Title: _____

Office Location: _____

Phone No (w): _____

DETAILS OF GIFT OR BENEFIT

Person who offered gift or benefit: _____

Company/Organisation: _____

Date gift or benefit offered: / /

Description of gift or benefit: _____

Estimated value of the gift or benefit: \$ _____

What did you do with the Gift or Benefit?

Signed: _____ Date: / /

Signed: _____ Date: / /
(General Manager / Director)

PLEASE FORWARD COMPLETED FORM TO YOUR SUPERVISOR FOR RECORDING INTO COUNCIL'S ELECTRONIC GIFTS REGISTER.

This form is to be only used when the staff member does not have access to the electronic gift register.

Adopted:	12/03/2008	08/048
Lasted Reviewed:	12/03/2008	08/048
	11/04/2011	1104/005
	12/11/2012	1211/014
	16/04/2018	1804/010
	19/08/2019	1908/011
	xx/xx/2022	
Next Review:	19/03/2024	



Fraud and Corruption Control Policy and Plan

Policy	2F
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

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POLICY

INTRODUCTION

Council is committed to preventing fraud at its origin and believes that an emphasis on prevention and detection is the best way to deal with fraud. The focus of Council's policy and plan on fraud control is to encourage the public and staff to understand that fraudulent and corrupt acts against Council are unacceptable, may constitute a criminal offence and will be prosecuted.

This is required as Council is entrusted to manage its assets and resources in a responsible, ethical and efficient manner.

It is therefore important that all Councillors, Council staff, delegates, volunteers, contractors, consultants, committee members and customers have clear direction and an understanding of the expected behaviours and actions that they must abide by.

This policy has the following objectives:

- To ensure that councillors, staff and council representatives are aware of their responsibilities for identifying possible exposures to fraudulent activities and for establishing controls and procedures for preventing such fraudulent activities and or detecting such fraudulent activity when it occurs.
- To provide guidance as to the action which should be taken where fraudulent activity is suspected.
- To provide clear guidance as to the process of investigating fraudulent activities, and provide a suitable environment to report such matters.

This policy should be read in conjunction with Council's Code of Conduct and Business Ethics Statement and the Internal Reporting System.

DEFINITIONS

AS8001 – 2008 is the Fraud and Corruption Control Standards by Standards Australia.

Corruption – corruption and corrupt conduct are defined in the ICAC Act 1988 (s.7, 8, 9) as:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Additionally, corrupt conduct can also be the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence;
- A disciplinary offence; and/or
- A situation where there are reasonable grounds for dismissal or dispensing or terminating the Councillor or a public official.

Fraud - Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.

This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

Fraud Control Improvement Kit - The kit that has been developed by the Audit Office of NSW to help organisations deal with fraud.

Public Official - includes Councillors, Council staff, contractors, volunteers, Council committee members and delegates of Council.

FRAMEWORK

The administration of this policy is based around a holistic approach to fraud, and involves actions on the following fronts:

- Prevention – to establish and maintain a good governance framework through well established procedures that reduce the chances of fraud;
- Detection – sound auditing and checking procedures to deal with any transactions or activities that do not align with the expected procedures, and
- Response – detailed reporting and investigation procedures to deal with any potential fraud. A sound response system includes appropriate action to deal with any fraudulent activity.

The Audit Office has established a 10 attribute framework to deal with fraud as follows:

- Leadership;
- Ethical framework;
- Responsibility structures;
- Fraud control policy;
- Prevention systems;
- Fraud awareness;
- Third party management systems;
- Notification systems;
- Detection systems; and
- Investigation systems.

The Council's fraud framework is built around the above 10 attributes, as detailed in the Fraud Control Improvement Kit.

1 Leadership

A successful fraud control framework is led by a committed and accountable executive. The Council, General Manager and Directors will lead the organisation in the development of the fraud framework.

2 Ethical Framework

The Council has adopted and established the following documents in delivering the sound and ethical culture and behaviour required of public officials in the prevention of fraud and corruption throughout the organisation:

- The Model Code of Conduct as developed by the Office of Local Government, and
- The Council's established set of Values.

Senior staff shall set the example in regards to exercising and demonstrating high levels of integrity in the execution of their roles and functions by regular training of and reinforcement through internal communications to staff of the importance of complying with Council's Code of Conduct and the Internal Reporting Policy and Procedure.

3 Responsibility Structure

The General Manager and Directors are authorised to receive reports of fraud. If the suspected fraud relates to the General Manager, then the matter can be reported to the Mayor, as per the reporting mechanism for the Model Code of Conduct.

Reports regarding suspicious and/or illegal activities can also be reported directly to external agencies including:

- NSW Police Force
- Office of Local Government
- The NSW Independent Commission Against Corruption (ICAC)
- The NSW Ombudsman.

All staff are expected to report known or suspected fraud to the Mayor, General Manager or Directors as soon as possible.

4 Fraud Control Policy

The Fraud and Corruption Control policy sets out the Council's system of fraud control and covers the responsibilities for managing fraud.

5 Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee (ARIC) has been established and assists in reviewing the effectiveness of Council's fraud and corruption control strategies and plan.

6 Prevention Systems

The Council's prevention system consists of the following features:-

- Fraud Risk Assessments – as detailed in the Risk Framework;
- Fraud Control Plan;
- Fraud Database – register established to record all incidents;
- Ethical workforce – pre-employment screening to ensure staff employed are of the highest ethical behaviour;
- Separation of duties – to ensure no one staff member controls a process entirely;
- Delegations of authority – to ensure measures are in place to control activities;
- Position descriptions, Charters for Committees – limit the level of activity public officials can undertake;

7 Third Party Management Systems

The Council establishes appropriate controls, segregation of duties and delegations of authority to deal with third parties.

The Council has established a Statement of Business Ethics Policy to reinforce the expected standards of behaviour for public officials and any third parties dealing with Council.

8 Reporting

Although audits and reviews may be undertaken to detect incidence of fraud and corruption, most incidences are identified by staff members or the public. All staff are encouraged to promptly report any suspicions of fraud and corruption that they become aware of.

Consistent with its strong commitment to ensuring an ethical workplace, Council has developed an Internal Reporting Policy, in accordance with the Protected Disclosures Act 1994, which facilitates the reporting of suspicions of corrupt conduct, maladministration, or serious and substantial waste of public money. This guidance material helps staff and the public make protected disclosures and complements existing communication channels between supervisors and staff.

Staff and members of the public can make a Public Interest Disclosure and protect their identity, if they so desire.

Reporting directly to Council is an option for staff and the community. Reporting to an external entity as detailed under the "Responsibility Structure" is also available.

9 Detection Systems

Various internal control measures have been established to help detect fraud and these include:

- segregation of duties
- approvals and authorisation
- verification
- reconciliations
- management reviews
- risk assessments
- physical security
- job rotation
- internal and external audits.

10 Investigation Systems

When an allegation of fraud is made against an employee, the General Manager and / or Director(s), will discuss the matter with the person making the allegation. This person may be asked to make a written statement regarding the allegations.

The staff member alleged to have committed the fraud may be interviewed during this preliminary stage. Staff members can be accompanied during the interview by their manager or other nominated member of staff.

The applicable Director will organise a preliminary assessment of the allegation and provide details to the General Manager on the findings. If the allegation is serious enough and / or the evidence is compelling, then the matter may warrant a full investigation. In the event that the General Manager is the subject of a suspected fraud, the matter must be reported to the Mayor and the Mayor is responsible for investigating the suspected fraud with the assistance of appropriate staff (consistent with the Procedure for the Administration of the Code of Conduct or the Public Interest Act 1994 – Procedure for Assessing Disclosures and Investigations).

If a full investigation is to be followed, the General Manager / Mayor will need to determine whether the matter is referred to an external agency such as the NSW Police, ICAC or the NSW Ombudsman. The General Manager / Mayor may wish to refer it to the Code of Conduct Complaints Coordinator and have the matter referred to using the Code of Conduct Investigation procedures.

Investigations are to use appropriate and legal data gathering and analysis mechanisms to come to valid conclusions. (Refer Public Interest Act 1994 – Procedure for Assessing Disclosures and Investigations).

Table 1 Assessing Disclosures and Flowcharts, from Council's Procedure for Assessing Public Interest Disclosures and Investigations, provides an overview of the process.

TRAINING AND COMMUNICATION

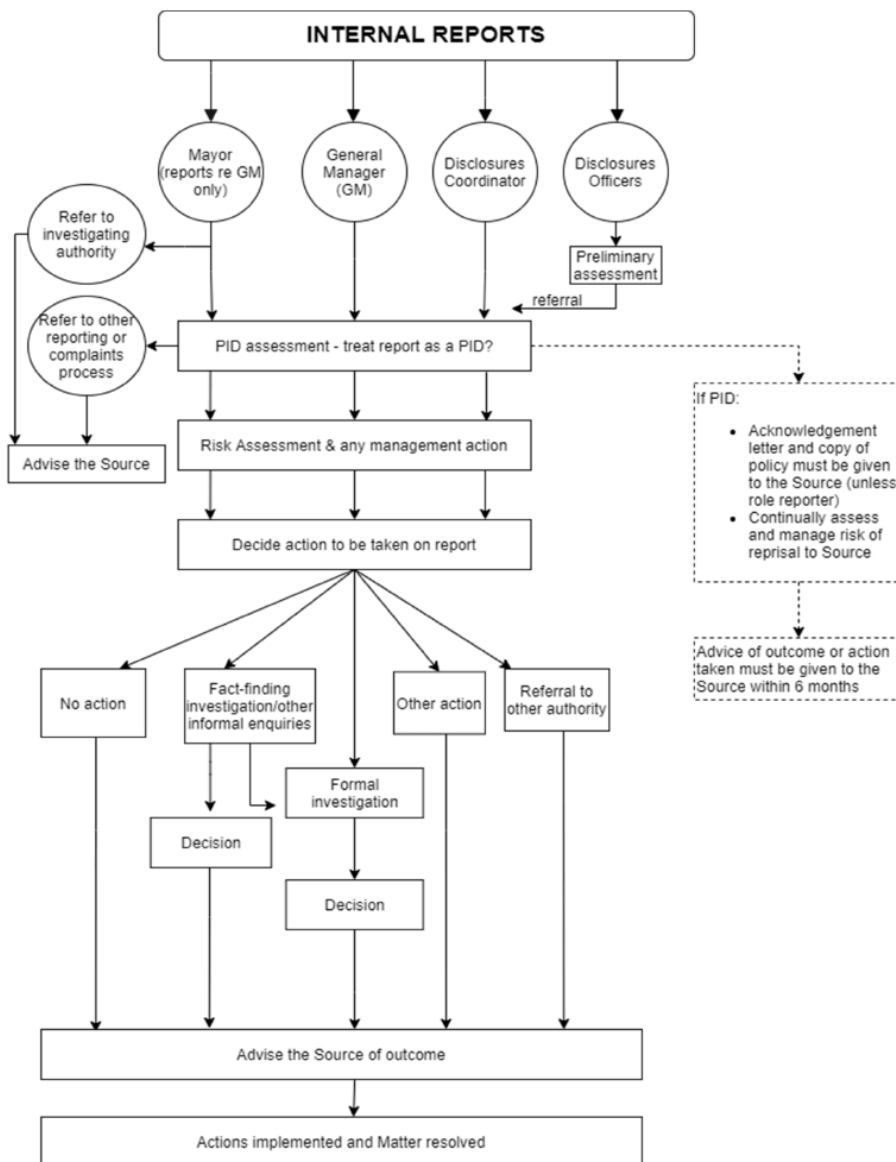
This Policy will be communicated to staff through Council's Internal Communication methods.

DISCIPLINARY ACTION

Where internal investigations confirm fraud has occurred, appropriate disciplinary action will be recommended having regard to Council's Code of Conduct, the relevant industrial instrument and other relevant legislative provisions.

Pursuant to section 440D of the Local Government Act 1993, the General Manager may temporarily suspend a member of staff in connection with serious corrupt conduct. Serious corrupt conduct is defined as corrupt conduct that may constitute a serious indictable offence done in connection with the exercise of the staff member's duties.

Table 1: Assessing Disclosures and Flowcharts



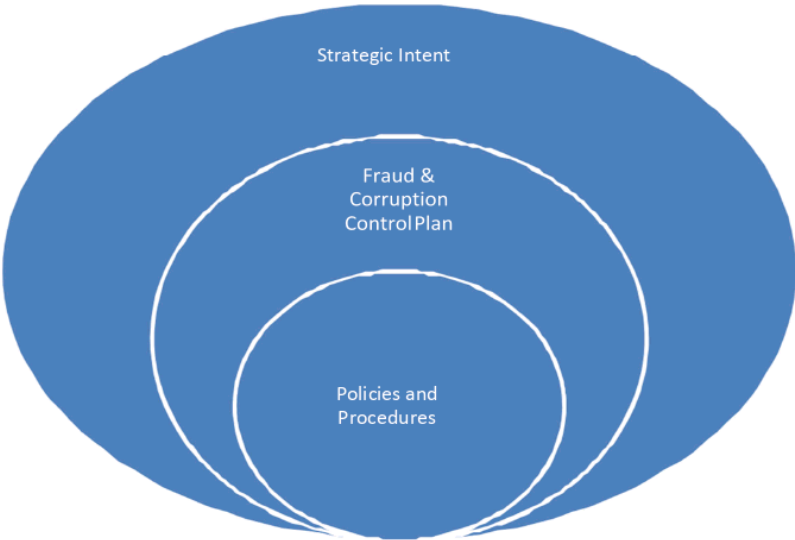
FRAUD AND CORRUPTION CONTROL PLAN

INTRODUCTION

This plan provides the basis for various control strategies to address risk exposures associated with Fraud and Corruption. It also forms an integral part of the Corporation's integrity framework which consists of the following:

- Fraud and Corruption Control Plan
- Fraud and Corruption Control Policy
- Code of Conduct
- Statement of Business Ethics

The relationship of the above key drivers of integrity are presented in the following diagram:



A key element of the Fraud and Corruption Control Plan is the Fraud and Corruption Control Policy.

The Plan follows the guidelines of the Australian Standard 8001-2008, Fraud and Corruption Control (the Standard) and tailors the requirements of the Standard to the Council environment.

While it is recognised that even the most stringent of governance frameworks may not prevent all fraud and corruption, the Plan summarises the Council's framework for the prevention, detection, investigation and reporting of such activity.

STATEMENT

Blayney Shire Council is committed to a work environment that is resistant to fraud and corruption and is dedicated to implementing effective measures to minimise fraud and corruption risks.

Blayney Shire Council does not tolerate fraudulent or corrupt behaviour and will take appropriate action against Council officers, contractors and elected members who have participated in such behaviour, and those who allowed it to occur.

SCOPE

The Fraud and Corruption Prevention Plan applies to:

- Councillors
- Council Officers
- Contractors working for Blayney Shire Council
- Other people who perform public official functions on behalf of Council, such as volunteers

DEFINITIONS

Corruption – corruption and corrupt conduct are defined in the ICAC Act 1988 (s.7, 8, 9) as:

- Conduct of a person (whether or not a public official) that adversely affects, or could affect the honest and impartial exercise of public official functions, or
- Conduct of a public official that involves the dishonest or partial exercise of any of his or her public official functions, or
- A breach of public trust, or
- The misuse of information or material acquired in the course of a public official's functions.

Additionally, corrupt conduct can also be the conduct of any person (whether or not a public official) that adversely affects or could affect the exercise of official functions and involves conduct such as bribery, blackmail, fraud, forgery and various other crimes.

For conduct to be corrupt it must be covered by one of the conditions above and also any one of the following:

- A criminal offence;
- A disciplinary offence; and/or
- A situation where there are reasonable grounds for dismissal or dispensing or terminating the Councillor or a public official.

Fraud - Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity.

This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

External Fraud - Fraud committed against Council by non-Council staff such as by customers, suppliers or contractors.

Internal Fraud - Fraud that is also known as "workplace fraud". It is fraud that is committed by Council staff in the workplace of Council.

Whilst internal fraud forms part of corrupt conduct, it is delineated here as a separate entity due to the fact that internal fraud can be perpetrated by an individual acting alone, also fraud in its own right occurs predominately when governance systems in place fail. i.e. that fraud is possible when systems in place are deficient and an organisation's resistance to fraud is ultimately found within the structures of the organisation.

AREAS WITHIN COUNCIL WHERE FRAUD AND CORRUPTION MAY OCCUR

Fraud and corruption may occur in Council in the following areas:

- Managing people – delegations, recruitment, supervision of staff, secondary employment.
- Managing external relationships – conflicts of interest, procurement, commercial activities, joint ventures, sponsorship.
- Managing services and products – client relationships, community affiliations, regulatory functions, and resource allocation.
- Managing money – accounts management, cash handling, credit cards, grants and program funding, payroll.
- Managing information – confidential information, electronic transactions, IT systems.
- Managing assets – disposal of goods and property, intellectual property, management of resources, use of resources.

CORRUPT CONDUCT

In addition to the above definition, corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority.

Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this policy, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before this policy was adopted and that any person or persons involved are no longer public officials.

Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.

Conduct may amount to corrupt conduct even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:

- matters arising in the State or matters arising under the law of the State, or
- matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.

The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

AREAS OF POSSIBLE RISK

Based on studies by ICAC the following public sector operational areas and functions are perceived to have high fraud and corruption risk ratings:

- Financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, and entertainment expenses
- Construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- Regulatory functions – involving the inspection, regulation or monitoring of facilities and operational practices, including the issue of fines or other sanctions
- Licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- Demand driven or allocation-based functions – where demand often exceeds supply, including the allocation of services, or the provision of subsidies, financial assistance, concessions or other relief
- Procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration
- Other functions involving the exercise of discretion, or where there are regular dealings

between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

DETECTION

Local Government is susceptible to fraud and no system of preventative controls can provide absolute assurance. As such, Council has systems established through the Fraud and Corruption Control Plan to assist with the detection of fraud as soon as possible after it has occurred, in the event that the Council's preventative systems fail.

The source of fraudulent activity may be:

- Internal:** perpetrated by an employee or contractor of an organisation;
- External:** perpetrated by a customer or an external service provider; or
- Complex:** involve collaboration between employees, contractors, and external service providers.

Measures to detect internal, external, and complex fraud fall into two main categories, passive measures and active measures:

Passive measures	Active measures
Include controls or activities that do not require the active and ongoing involvement of management, but exist as a means by which fraud is detectable within an organisation.	Include controls that require the assertive involvement of management and by their nature are designed to detect or assist in detecting fraud within an organisation.

Key elements of fraud and corruption detection will include:

Compliance with policies and procedures

Management and staff are required to ensure that Council policies for which they are responsible or administer are implemented in accordance with not only the policy but also the associated procedural framework.

Integrity Reviews

The Director Corporate Services will lead a program of integrity reviews in the application and administration of key Council policies, where fraud or corruption is identified as a risk. This may include:

- post transactional reviews of payroll
- post transactional reviews of payments
- procurement practices
- strategic information analysis

Annual Fraud Review

The Director Corporate Services will lead an annual Fraud Review, reported to Manex and subsequently the Audit, Risk and Improvement Committee, including assessment against the following categories:

- Prevention
- Detection (passive measures)
- Detection (active measures)

Warning signs (red flags)

Awareness of warning signs (red flags) for possible fraud or corruption is a useful method of detection. Often fraud indicators are inter-related and in some situations, evidence of one indicator may imply a potential risk but may not constitute fraud or corruption. The more inter-related indicators identified, the higher the risk of potential fraud or corruption.

Internal fraud

Examples of Internal Fraud perpetrated on Councils include:

- Unauthorised use of Council plant and equipment
- Claiming un-worked hours on time sheets
- Theft of money or goods from Council or its customers
- Allowing contractors to not fully meet contract requirements
- Deliberate transfer or miscoding of financial transactions to achieve favourable reported budget outcomes in a performance bonus environment

Early warning signs: people

- Unexplained and/or sudden sources of wealth
- Unwillingness to share duties, refusal to take leave
- A lifestyle above apparent financial means; the provision of gifts to other staff members
- Failure to keep records and provide receipts
- Refusal to implement internal controls
- The replacement of existing suppliers upon appointment to a position or unusually close association with a vendor or customer
- Employees who are aggressive or defensive when challenged, and/or controlling of certain colleagues
- Poorly reconciled cash expenses or customer accounts
- Employees known to be under external financial pressure
- Employees under apparent stress without identifiable pressure
- Employees making procedural or computer enquiries inconsistent or not related to their normal duties
- Managers/Staff who avoid using established procurement processes (e.g. Purchases with credit cards to purchase items outside the procurement framework or established practices)
- Employees who appear to make a large number of mistakes, especially those leading to financial loss
- Employees with competing or undeclared external business interests
- Employees (especially managers) with too much hands-on control
- An unusual number of customer complaints, and/or customers or suppliers insisting on dealing with just one individual

Early warning signs: areas and activities

- Financial information reported is inconsistent with key performance indicators
- High overheads
- Reconciliations of subsidiary ledgers to general ledger not up to date
- Abnormally high and increasing costs in a specific cost centre function
- Inadequate segregation of duties

External fraud

Examples of External Fraud perpetrated on Councils include:

- Theft of money or goods from Council
- Obtaining benefits by use of false identity or false qualifications
- Supplying goods or services of a lower standard or quality than promised
- Client applications for government assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document
- Invoices which look different to previous invoices issued by the same provider
- Lack of supporting evidence, or falsified supporting evidence, that eligibility criteria for grant or community funding has been met
- Expenditure has exceeded approved budgets for grant funding but there is not adequate information to explain the variance
- A high volume of transactions from one service provider, such as a registered training

organisation, used to support a licence, may indicate collusion between applicants and the provider

- A high volume of attempts to obtain sensitive information such as usernames, passwords and credit card details (e.g. Phishing emails, whaling attacks).

Corruption

- Taking or offering bribes (this could be in the form of cash, vouchers, gifts, free tickets, merchandise, product or services)
- Awarding contracts to family or friends
- Using or leaking privileged information for personal benefit
- An employee seeking or being offered a discount from a council supplier for a personal purchase / contract, where there may be a perceived or actual conflict.
- Continued use of suppliers or contractors that do not meet required performance standards
- Intentional steering or preference toward a particular supplier through a tender evaluation process by a panel member

BUILDING A FRAUD AND CORRUPTION RESISTANT CULTURE

Council will at all times promote an organisational culture that demonstrates complete intolerance of corrupt behaviour or misconduct. The foundation of these principles is to be found in the Model Code of Conduct that each member of the organisation must adhere to. The Fraud Control Plan is framed to build upon the Code of Conduct and translate the emphasis on the individual to include the organisation and the systems by which it operates.

It is vital for any public organisation to maintain public confidence to ensure the organisation has the credibility to carry out its function with the authority of its stakeholders. Council must deal with any corruption or fraud related issue, whether perceived or realised, in the following manner to maintain such public confidence:

- Any matter is to be dealt with expediently with no undue delay
- Any matter is to be dealt with as transparently as practicable with accountabilities and responsibilities clearly defined
- Any matter must be dealt with thoroughly to ensure all possible elements of corruption or misconduct have been considered and examined

All levels of the organisation must remain vigilant and committed to maintenance of a resistant culture to unethical behaviour. Ultimately the General Manager and Directors are to provide leadership and direction at all times in exemplifying the principles of Council's Code of Ethics.

FAIRNESS AND DUE PROCESS

Whilst it is important to be diligent in dealing with any allegation of fraudulent or corrupt conduct by staff, it is equally important to ensure that the basic civil rights and welfare of Council staff involved are not inappropriately managed. This means that all staff must be presumed innocent until sufficient proof is found to establish otherwise. Staff under investigation will continue to be given support in particular with regard to welfare if they find themselves subject to such an investigation or inquiry. Equally however, Council will take all steps to ensure a vigorous and thorough examination is carried out within the legal and ethical parameters available.

In a similar vein, Council staff who report fraudulent or corrupt behaviour and/or are witnesses to such incidents, disclosed under the Public Interest Disclosures: Internal Reporting Policy, will also be given every support reasonably available to them as they are entitled to under present legislation. Confidentiality for all involved parties will be protected as much as is practicable in any given circumstance by Council.

Staff will have the Council's support if mistakes or omissions arise whilst the officer is acting in good faith. This plan and Council's associated policy should not be construed as a departure from this approach.

RELATED INFORMATION

Legislation

Local Government Act (LGA) 1993
Local Government (General) Regulation 2005
Independent Commission Against Corruption Act 1988
Public Interest Disclosures Act 1994
NSW Audit Office Fraud Control Guidelines
Australian/New Zealand Standard on Risk Management
Workplace Video Surveillance Act 1998
Ombudsman Act 1974
Public Finance and Audit Act 1983
Police Integrity Commission Act 1996
Government Information (Public Information) Act 2009

Council Policies

1A Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy
1B Code of Conduct
2C Complaints Management Policy
2D Internal Reporting Policy
2D Internal Reporting Policy
2E Gifts and Benefits Policy
2H Business Ethics Policy
2I Enterprise Risk Management Policy & Plan
3G Procurement of Goods and Services Policy
4C Corporate Credit Card Policy
8A Internet and Email and Internet Policy
8C Information Technology Security and Usage Policy
8G Information Security Policy
11C Privacy Management Plan

End of Policy

Adopted:	11/08/2008	08/209
Lasted Reviewed:	12/11/2012	1211/014
	19/03/2018	1803/014
	20/04/2020	2004/008
	18/10/2021	2110/008
	XX/XX/2022	
Next Review:	19/03/2024	



Access to Information Policy

Policy	2G
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. Principles

Blayney Shire Council is committed to the following principles regarding public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals

2. Community Awareness

Council publishes specific open access information on our website, free of charge unless to do so would impose unreasonable additional costs to Council. Council will facilitate public access through this and other appropriate mediums. Also Council publishes for inspection documents listed under Schedule 5 of the Government Information (Public Access) Act held by it, unless there is an overriding public interest not to do so. Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.

Council also makes as much other information as possible publicly available in an appropriate manner, including on the internet. Such information is also available free of charge or at the lowest reasonable cost.

3. Background

Applications for documents will be assessed in accordance with the Government Information (Public Access) Act. Council will assess all requests for access to documents and information in a timely manner and in accordance with the 'Access to Information Guidelines' and relevant legislation.

Depending upon the nature of the request and the form of access requested charges may be applied in accordance with Council's Schedule of Fees and Charges and relevant legislation.

Council will assess requests for access to information with reference to relevant legislation including:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with operational needs may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will pursue ways to assist in defining the request to become more manageable and Council will endeavour to release alternate information that may sufficiently respond to the informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of the case.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public.

The General Manager has authority to approve Guidelines for Information Access, which is to be available to members of the public.

4. Accessing Information

Council will deal with requests to inspect documents in accordance with the Government Information (Public Access) Act 2009 (GIPA) free of charge but reasonable photocopying fees may apply under the Act. It is governed by legislation that requires its operations to be open and accountable, and to handle personal information in a fair and reasonable manner.

Council will ensure that legitimate requests for access to information are handled promptly and in a manner that enables the members of the public to access information which is in the public's interest. It is also recognised that privacy of others, legal and commercially sensitive information will be handled in a responsible manner.

There is a right of access under the GIPA Act to certain documents held by Council unless there is an overriding public interest not to do so. Any applications under GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under that Act. Charges for formal applications are in accordance with the GIPA Fees and Charges and include an application fee specified in Council's Schedule of Fees & Charges.

Council will also provide access to information under the NSW Privacy and Personal Information Protection Act (PPIPA) 1998, and the NSW Health Records and Information Privacy Act (HRIPA) 2002.

An individual has the right to access and amend records held by Council which may contain their personal details, matters relating to their business affairs or their health.

If information is held on individuals request for documents, files or systems should be made under the GIPA Act. The Act provides for consultation with the individuals or relevant third parties prior to the disclosure of information.

5. Information Available

Council publishes open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or do so would impose an unreasonable additional cost on Council. Should costs be deemed unreasonable Council will make the information available to the applicant in another suitable format such as viewing a hard copy at the Council's Office.

Information identified as 'Open Access Information' and is available on Council's website is:

- Council's policy documents;
- a publication guide with information about the Council's structure and functions, and listing the type of information that is publicly available;
- a disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- a register of contracts worth more than \$150,000 that Council has with private sector bodies
- a record of 'Open Access Information' that Council does not make publicly available on the basis of an overriding public interest against disclosure

In addition, schedule 5 of the GIPA Act requires that certain documents held must be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the Offices of Council during ordinary office hours. Any current and previous document may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

6. 'Open' Informal Access documents

'Open' Informal Access documents are:

Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy
- Annual Reports of Bodies Exercising Functions Delegated by Council

- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

Plans and Policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

Information about Development Applications

- Development Applications and any associated documents received in relations to a proposed development:
- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA

- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

Copies of documents provided to the public are done so for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document and the copyright / owner's consent is required if any part of the document is used for any other purpose.

Council may include 'other' documents on the website that are frequently requested and deemed to be in the public's interest as a result of a previous request under the GIPA Act. Council will endeavour to release this information in response to an informal request, subject to any reasonable conditions as Council sees fit to impose. However, notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and/ or resources to produce.

7. Exemptions to Access

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources. Council will always explain, to the applicant, reasons for applying an exemption.

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act. In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

The GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the only considerations against disclosure that Council will consider in applying the public interest test. Considerations are grouped under the following headings:

- responsible and effective government
- law enforcement and security
- individual rights, judicial processes and natural justice
- business interests of agencies and other persons
- environment, culture, economy and general matters
- secrecy provisions (in legislation other than those listed in Schedule 1)
- Exempt documents under Freedom of Information legislation in all Australian States except NSW

In applying the public interest test, Council will not take into account:

- that disclosure might cause embarrassment to, or loss of confidence in, the Council;
- that information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as particulars personal to the applicant. Under the GIPA Act there are 12 categories of information (eight of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure.

The eight Local Government categories are:

1. Information subject to an overriding secrecy law (26 specifically named Acts)
2. Information subject to the direction or order of a court or other body with the power to receive evidence on oath
3. Information subject to legal professional privilege
4. 'Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive and market sensitive information and information in relation to specific functions of the Public Trustee)
5. Documents affecting law enforcement and public safety.
6. Specific information relating to transport safety
7. Specific reports concerning the care and protection of children
8. Specific information relating to Aboriginal and environmental heritage.

Generally under the GIPA ACT, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.

In dealing with informal applications, Council will apply a similar decision making framework.

8. Accessing Information and Making an Application

The public may obtain access to information as follows:

- Council's website
- Written request to Council for the information and Council will advise whether the information requested:
 - is *open access*, or *mandatory release* information that is readily available and where and how to get the information
 - should be made available as part of a *proactive release* of information
 - can be disclosed through an *informal release*, for example where no third party personal information is involved
 - Requires a *formal access application*, and accompany the required fee and photocopying charges.

To make an informal request for access to information under the GIPA Act Council may require the completion of an 'Informal Access to Information Request' form but no fee is required with this application.

To make a formal request for access to information under GIPA Act, the 'Formal Access to Information' Request Form must be completed. The Formal Application fee as detailed in Council's Schedule of Fees & Charges is payable and processing charges may be applicable. GST does not apply in relation to these charges. Council will acknowledge receipt of formal access applications within five working days.

If a fee for photocopy is required the applicant will be notified under the GIPA Act of the amount payable. Charges will be as per Councils' Schedule of Fees and Charges and GST is payable.

9. Time Limits

Council will acknowledge receipt of formal access applications within five working days and further notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time.

Council may extend the time by up to 15 working days where consultation is required with a third party or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of Review and Appeal).

If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused' and Council will refund the application fee and the applicant may seek internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

10. Rights of Review and Appeal

Where a member of the public is refused access of a formal application under GIPA Act, staff will provide details of the reasons for refusal to the applicant in writing. An applicant who has been refused access by Council to information requested under a formal request has three options of review available:

Internal Review:

Application to Council for an internal review. This is review will be conducted by someone more senior than the original decision maker and the application will be accompanied by a fee prescribed in Council's Schedule of Fees & Charges (GST exclusive).

Applicants have 20 working days from notification that their original application has been reused to ask for an internal review.

Review by the Information Commissioner

If an applicant is not satisfied with the internal review, or does not wish one to be conducted, they can ask for a review by the Information Commissioner.

Applicants have eight weeks from notification that their original application has been reused to ask for a review.

Review by the Administrative Decisions Tribunal (ADT).

If an applicant is not satisfied with the decision of the Information Commissioner or an internal review by the Agency or if they do not want to take these options they can apply to the Administrative Decisions Tribunal (ADT).

If the applicant has already had a review by the Information Commissioner, they have four weeks from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have eight weeks from notification of the decision to make this application.

It is noted that there are no rights of review in respect of informal applications, but the applicant may make a formal application at any time.

End of Policy

Adopted:	14/02/2011	1102/011
Lasted Reviewed:	14/02/2011	1102/011
	12/11/2012	1211/014
	19/03/2018	1803/014
	XX/XX/2022	
Next Review:	19/03/2024	



Statement of Business Ethics

Policy	2H
Officer Responsible	General Manager
Last Review Date	XX/XX/2022

Strategic Policy

Introduction

This statement provides guidance for the private sector when doing business with Blayney Shire Council.

It outlines Council's ethical standards and our expectation that goods and service providers and contractors will comply with these standards in their dealings with Council. This Statement also outlines what goods and services external providers and contractors can expect of the Council.

Council aims to promote integrity and ethical conduct, consistent with the positions of trust they hold and we expect no less of the service providers and contractors that undertake work for us.

This statement is designed to ensure that business relationships between this Council and external private sector service providers and contractors are fair and productive for all.

Our Key Business Principles

The principle of best value for money is at the core of Council's business relationships with private sector suppliers of goods and services.

Best value for money does not automatically mean the lowest price. Rather, Council will balance all relevant factors including initial cost, whole-of-life costs, quality, reliability, and timeliness in determining true value for money.

Part of obtaining best value for money also includes ensuring all of our business relationships are honest, ethical, fair and consistent.

Our business dealings will be transparent and open to public scrutiny wherever possible. Given the nature of some of Council's work, there will be times when the details of some business relationships will not be made publicly available.

We are committed to the purchase of all goods, equipment and services through established NSW Government contracts systems, where possible and reasonably practical. Where Council does not use this established system, Council will define the reasons for this action.

What you can expect of us

Blayney Shire Council will ensure that all its policies, procedures and practices relating to tendering, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct.

Our staff are bound by Council's Code of Conduct. When doing business with the private sector, Blayney Shire Council staff are accountable for their actions and are expected to:

- Use public resources effectively and efficiently
- Deal fairly, honestly and ethically with all individuals and organisations and act in the public interest.
- Abide by the law and all relevant Council policies and procedures.
- Avoid any conflicts of interest (whether real or perceived).
- Always act with due care and diligence.
- Not use their position to obtain opportunities for future employment and not allow themselves or their work to be influenced by plans for, or offers of, employment outside Council.

In addition, all Council procurement activities are guided by the following core business principles:

- All potential suppliers will be treated with impartiality and fairness and given equal access to information and opportunities to submit bids
- All procurement activities and decisions will be fully and clearly documented to provide an audit trail and to allow for an efficient performance review of contracts
- Energy efficient equipment, products containing recycled materials and environmentally friendly products will be purchased wherever reasonably possible.
- Tenders will not be called unless Council has firm intention to proceed to contract
- This Council will not disclose confidential or proprietary information.

What we ask of you

We require all private sector providers of goods and services to observe the following principles when doing business with Council:

- Respect for obligation of public officials to act with the statement
- Deliver value for money
- Help Council prevent unethical practices in our business relationships
- Comply with Council's procurement policies and procedures
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interests as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with Council
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from engaging in any form of collusive practice including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties and not act secretly or fraudulently
- Refrain from discussing Council business or information with the media
- Assist Council to prevent unethical practices in our business relationships
- Commit to not offer staff or officials inducements or incentives such as money, gifts, benefits, entertainment
- Commitment to not exert pressure on Council staff or officials to act in ways that contravene Council's Statement of Business Ethics or Code of Conduct

- To ensure the integrity and confidentiality of Council information and commercial in confidence information received from other contractors and suppliers, as a general rule, you should not offer to employ or engage in any capacity Council staff while they are employed by Council or within 12 months of ceasing employment, if there is a risk of breach of confidentiality.

Why is compliance important?

By complying with our statement of business ethics, you will be able to advance your business objectives and interests in a fair and ethical manner. As all Blayney Shire Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with this, Council's stated principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

The ICAC Act defines those engaged as consultants and contractors by public authorities as 'public officials'. Therefore, contracted consultants and contractors are subject to the ICAC Act and are considered public officials for the purposes of the ICAC Act.

Further, any individual can be found corrupt by the ICAC (even if they are not a public official) if they try to improperly influence a public official or Council's honest or impartial exercise of official functions.

You should also be aware of the consequences of not complying with the Council's ethical requirements when doing business with Council. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Investigation for corruption and other offences
- Loss of reputation
- Loss of rights (*such as loss of operating or trading licences or loss of development approval*)
- Matters being referred for criminal investigation.

Consequences for Council staff or officials may include:

- Investigation
- Dismissal or loss of civic office
- Disciplinary action
- Potential criminal charges

Guidance Notes

Incentives, gifts, benefits

In general, this Council expects its staff to decline gifts, benefits, travel or hospitality offered during the course of their work. You should refrain from offering any such 'Incentives' to Council staff.

Council awards contracts and determines applications solely on the basis of merit. Gifts (including token gifts) must **not** be offered in connection with any business dealings and Council officials are not permitted to ask for any reward or incentive for doing their job.

Offering gifts and benefits may be seen as an attempt to unfairly influence us in our roles.

If a gift is accepted, Council requires the staff member to record the gift in the Gifts and Benefits register. (See Gifts and Benefits Policy for procedures).

Tendering

Council's tendering process does not permit applicants to canvass, lobby or contact Council staff or officials other than the advertised contact person. Applicants will be disqualified from tendering if they do anything that may be considered as an attempt to influence Council's decision.

Supplier Interaction

Suppliers, consultants and contractors must deliver value for money and not engage in relational selling techniques. Business relationships should always be conducted professionally, with attendance at Council sites by appointment only.

Businesses wanting to tell Council about new products or services should email: council@blayney.nsw.gov.au

Conflict of Interest

Council staff are required to disclose any potential conflicts of interest. Council extends this requirement to all of our business partners, contractors and suppliers.

Secondary Employment and Post –separation employment

Council will not authorise officials to undertake secondary employment if it could create a real or perceived conflict of interest between the official's public role and private interests.

Council officials have a duty to maintain public trust and not use any commercially sensitive information to help get future employment in the private sector or for personal financial gain.

You must not offer employment to Council officials because it may be publicly seen as obtaining an unfair advantage or trying to unfairly influence us in carrying out our public duty.

The following post-separation employment conditions are imposed on staff:

- Staff must not disclose confidential information obtained in the course of their employment.

- Staff must not convert any property of the Council to their own use unless properly authorised.

Confidentiality

All Council information should be treated as confidential unless otherwise indicated.

Communication between parties

All communication should be clear, direct and accountable to minimise the risk of perception of inappropriate influence being brought to bear on the business relationship.

Use of Blayney Shire Council equipment, resources and information

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

Council maintains a lot of information about its customers and the community. Council has an obligation to protect this information and maintain its integrity. It is expected that you will treat all Council information appropriately and use it for the purpose it was provided.

Council resources are to be used ethically, effectively, efficiently and carefully in the course of official duties and must not be used for private purposes, except where private use has been authorised. It is expected that you will treat our resources in the same manner.

Should you have any questions regarding this statement or to provide information about suspect behaviour please contact us:

91 Adelaide Street
PO Box 62
Blayney NSW 2799
Phone: (02) 6368 2104
Email: council@blayney.nsw.gov.au

End of Policy

	Date	Minute
Adopted:	09/02/2009	0902/006
Review History:	09/02/2009	0902/006
Repealed:	12/11/2012	1211/014
Adopted:	13/07/2015	1507/009
Review History:	13/07/2015	1507/009
	19/03/2018	1803/014
	XX/XX/2022	
Next Review:	19/03/2024	



Legislative Compliance Policy

Policy	2K
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. PURPOSE

The purpose of this policy is to provide a framework for legislative compliance across all aspects of the Council's operations in order to achieve the highest standards of good governance.

Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.

The Legislative Compliance Policy (Policy) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:

- identifying a clear legislative compliance framework within which Council operates;
- promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
- developing and maintaining practices that facilitate and monitor compliance within Council;
- seeking to ensure standards of good corporate governance; and
- engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

2. SCOPE

This policy applies to Councillors, staff, volunteers and contractors of the Blayney Shire Council.

The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans. Council recognises that there are four elements for an effective compliance program:

- Commitment – to and the establishment of a compliance program;
- Implementation – of a compliance program, including ongoing education and maintenance;
- Monitoring and Measuring – reporting and supervision of the compliance program; and
- Continual Improvement – regular review and continual improvement of the compliance program.

3. DEFINITIONS

Legislation - Laws that are made by Parliament, or under the authority of Parliament are called legislation, or statutes. "Acts" are primary legislation. Acts may authorise the making of Regulations, Orders and Notices and there are referred to as subordinate legislation.

Legislation compels or directs the action of individuals, industry and other groups in specified circumstances and also outlines actions that are not to be taken, in order to achieve certain policy objectives.

Delegations Register – Councils have certain duties which they must perform, and certain powers which they must exercise, pursuant to the Local Government Act 1993, as well as a number of other Acts. Under the Local Government Act 1993, Council is able to delegate those duties to staff and Committees of Council.

The Delegation Register is a listing of those functions which Council has delegated to appropriate staff and Committees of Council.

4. POLICY STATEMENT

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.

The processes and structures will aim to:

- Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
- Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
- Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up-to-date with legislative changes.
- Establish a mechanism for reviewing situations where non-compliance has occurred.
- Review and assess the system for compliance.

5. POLICY IMPLEMENTATION

5.1 Obligations

Councillors, staff, volunteers and Council contractors are responsible for ensuring the Council complies with all relevant legislation. These responsibilities however differ across the organisation, based on the role / position requirements of the individual and their direct involvement in statutory functions.

5.1.1 General Responsibilities

While the Council does not expect Councillors, staff, volunteers or Council contractors to be fully conversant with every State and Federal law, all are expected to be aware of the common areas of legislation that affect their role.

In addition, staff members are expected to be aware of a range of employment related laws (for example legislation relating to work, health and safety, equal opportunity, bullying and harassment), and are expected to be aware that certain actions may be subject to the criminal code (such as theft, assault, etc.).

Staff members should also be aware of any Council policies, codes, Australian Standards or statements that are relevant to their areas of responsibility.

5.1.2 Delegated Responsibilities

Staff members with delegated authority for carrying out statutory requirements, in accordance with the Delegations Register, are expected to develop a clear understanding of the relevant provisions as they relate to their responsibilities, and make themselves aware of changes to legislation and its impact on Council activities.

5.1.3 Management Responsibilities

Any staff member responsible for the management or supervision of staff must ensure appropriate information is disseminated to all workers under their responsibility. They are responsible for ensuring that risk due to non-compliance is minimised and workers under their responsibility are kept fully informed, briefed and/or trained about the key legal requirements relevant to their work.

They are also required to ensure that information relating to legislative changes is disseminated to appropriate staff members, and that recordkeeping systems and practices that capture evidence of compliance are in place.

5.2 Consequences of Non-Compliance

Councillors, staff, volunteers and Council contractors should be aware that any failure to comply with the law could be a criminal act, or result in a breach of the law or a breach of discipline.

Failure to comply with legal requirements could result in:

1. Disciplinary proceedings;
2. A hearing by the Pecuniary Interest Tribunal into complaints concerning alleged failures by Councillors, staff, delegates and advisors to disclose pecuniary interests;
3. Dismissal of the Mayor and Councillors and the appointment of an Administrator;
4. Removal of a Council's planning powers and the appointment of an Administrator;
5. The appointment of an Environmental Administrator (under relevant environmental legislation);
6. Legal proceedings against the Council for orders to remedy or restrain breaches of certain Acts, or for other legal challenges relating to such things as acting beyond the scope of authority of power, or failing to provide natural justice, possibly resulting in costly litigation and awards of damages;
7. Complaints about the conduct of the Council or staff members being referred to the Ombudsman, ICAC, Audit Office, Office of Local Government, or other relevant bodies;
8. Criminal proceedings;
9. Disruption to management, staff morale problems and bad publicity resulting from any of the above.

5.3 Application of Legal Requirements

The obligation to comply with legal requirements does not relieve the Council or individual staff members of the moral or ethical obligation to mitigate the effects of

rigid adherence to the letter of the law where that results in, or would result in, unintended or manifestly inequitable or unreasonable treatment of an individual or organisation. For example:

1. If the law gives the Council discretion, it should be exercised in a fair and reasonable way;
2. If the law does not give the Council discretion, fairness may involve adopting a broad interpretation in certain circumstances rather than a rigid adherence to legality;
3. Other options may be available to the Council to mitigate any unreasonable or inequitable effects of compliance with the law. These could include, for example, waiving debts, refunding fees or charges, offering an expression of regret or an apology, deferring regulatory action to allow for an authorisation to be obtained, fast tracking an assessment and determination of an application, etc.

In a similar manner, policies, codes, standards, etc. should not be applied inflexibly but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case.

Staff members should have regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the discretion available to the decision-maker.

5.4 Strategies for Ensuring Compliance

The General Manager will ensure a range of methods are adopted for use by Council staff to ensure compliance with key legislative changes.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Policies and Strategies

- Blayney Shire Council Community Strategic Plan
- Blayney Shire Council Local Environmental Plan
- Delegation Register
- All Council policies and plans developed in accordance with legislation

End of Policy

Adopted:	19/08/2019	1908/010
Lasted Reviewed:	19/08/2019	1908/010
	XX/XX/2022	
Next Reviewed:	19/03/2024	



Community Infrastructure Projects Policy

Policy	3H
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2022

Strategic Policy

1. Introduction

It would be helpful for community and sporting groups if Council introduced a policy for dealing with the application of funds received by organisations and community groups towards the construction of new asset or renewal of community assets on Council owned or controlled land. The policy will not cover routine maintenance of assets and amenities that are the responsibility of the community or sporting group. In view of the administrative time and costs involved only eligible projects with a total cost exceeding \$2,000 GST exclusive will be considered under the policy. This policy will permit the burden of the goods and services tax (GST) to be carried and claimed by Council if strict conditions are met.

Council will give preference to projects that are in accord with the priorities established under the Integrated Planning and Reporting Process.

This policy will cease to operate if there are changes to the GST that prevent Council from carrying out the steps required under the policy.

2. Purpose

To establish a policy to assist organisations and/or community groups to build/renew their facilities located on Council owned or controlled land and who are not registered to pay GST. Effectively this assists sporting and community groups in funding asset renewals or new assets by allowing the GST to be claimed resulting in greater funding being available for the project.

3. Policy

Scope of Project

All project proposals will need to be formally submitted to Council for consideration and adoption. The project will need to demonstrate a community benefit for current and future generations. The proposal must also contain:

- Contact details of all organisation's Project Manager with authorisation details from the organisation to act on the organisation's behalf.
- A budget and a timeline for the completion of the project.
- Sources of funds expected to be used for the project together with the related break up of those funds.

To be eligible under the policy, Council needs to be satisfied that applicant organisation must have the financial capacity to repay the costs that will be incurred by Council on its behalf under this policy. Council reserves the right to request payment in advance for goods and or services from the applicant organisation which seeks treatment under this policy.

Purchase Orders

- All purchase orders are to be made out in advance of supply (no confirmation orders permitted) and approved by Council.
- All purchases are to be made with persons or organisations with a registered ABN.
- Applicants are required to comply with Council's Procurement of Goods and Services Policy.

Invoices

All invoices to be made out in the name of Blayney Shire Council. Council payments will be made within 30 days following approval for payment from the organisation's Project Manager.

Council will generally invoice the applicant organisation for the amount due under the policy at the end of the project. Council reserves the right to make progress claims upon the applicant organisation if the project size warrants that procedure. This will be discussed at the time the application is lodged with Council.

4. Responsibility

Council's Finance Section has the responsibility of processing the claims of organisations and community groups under this policy. This includes ordering, establishment of job numbers, processing and payment of invoices and collection of monies due under the policy.

5. Related Documentation

Local Government (General) Regulation 2005
A New Tax System (Goods and Services Tax) Act (1999)
Blayney Shire Council Procurement of Goods and Services Policy

End of Policy

Adopted:	Date: 08/12/2014	Minute: 1412/007
Last Reviewed:	Date: 08/12/2014	1412/007
	19/03/2018	1803/014
	XX/XX/2022	
Next Reviewed:	Date: 19/03/2024	



Related Parties Disclosures

Policy	4D
Officer Responsible	Chief Financial Officer
Last Review Date	XX/XX/2022

Strategic Policy

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1. Purpose of the Related Parties Disclosures Policy

From 1 July 2016, Council is required to disclose Related Party Relationships and Key Management Personnel (KMP) compensation in its Annual Financial Statements.

The purpose of this policy is to define the parameters for Related Party Relationships and the level of disclosure and reporting required Council to achieve compliance with the Australian Accounting Standard AASB 124 - Related Party Disclosures.

2. Definitions

AASB 124 - means the Australian Accounting Standards Board, Related Party Disclosures Standard.

Act - means the Local Government Act 1993.

Close members of the family of a person - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependants of that person or that person's spouse or domestic partner.

Entity can include companies, trusts, joint ventures, partnerships, incorporated association or unincorporated group or body and non-profit associations such as sporting clubs.

Key Management Personnel (KMP) - as defined under section 5 of this policy.

KMP Compensation - means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- *Short-term employee benefits*, such as wages, salaries and social security contributions, paid annual leave and paid sick leave,
- profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees;
- *Post-employment benefits* such as pensions, other retirement benefits, post employment life insurance and post-employment medical care;
- *Other long-term employee benefits*, including long-service leave or sabbatical leave, jubilee or other long-service benefits,
- long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and
- *Termination benefits*.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements. Materiality does not refer to a dollar sum solely and the nature of the transaction may result in disclosure even if a small dollar value. For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Possible (Possibly) Close members of the family of a person - are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Council and include:

- a. that person's brothers' and sisters';
- b. aunts', uncles', and cousins' of that person's spouse or domestic partner;
- c. dependants of those persons' or that person's spouse or domestic partner as stated in (b); and
- d. that person's or that person's spouse or domestic partners', parents' and grandparents'.

Related Parties - as defined under section 6 of this policy.

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

Regulation - means the Local Government (General) Regulation 2005.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/ taxpayer relationship.

Remuneration means remuneration package and includes any money, consideration, benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

3. Background

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments (Councils).

AASB 124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

- disclosure of any related party relationship;
 - must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;
- Key Management Personnel (KMP) Compensation Disclosures;
 - must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

4. Policy Statement

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related Party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another—for example, a local supplier may be instructed by its parent not to engage in supplying goods to Council.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect assessments of Council's operations.

AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances; including commitments, in its Annual Financial Statements. Generally, disclosure shall only be made where a transaction has occurred between council and a related party of council. In addition, the transaction must be material in nature or size, when considered individually or collectively.

When assessing whether such transactions are significant the following factors shall be taken into consideration:

- significance in terms of size;
- was it carried out on non-market terms;
- is it outside normal day-to-day council operations;
- was it subject to council approval;
- did it provide a financial benefit not available to the general public;
- was the transaction likely to influence decisions of users of the Annual Financial Statements.

Regard must also be given for transactions that are collectively, but not individually significant.

To enable Council to comply with AASB 124 Council's KMP, as defined within this Policy, are required to declare full details of any Related Parties and Related Party Transactions. Such information shall be retained and reported, where necessary, in Council's Annual Financial Statements.

5. Key Management Personnel

AASB 124 defines KMP's as "those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity."

For Council purposes KMP include:

- the Mayor,
- Councillors,
- Administrators,
- the General Manager, and
- Directors.

6. Related Parties

For the purposes of this policy, related parties of Council are:

- entities related to Council;
- KMP of Council;
- close family members of KMP;
- possible close family members of KMP's; and entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

In addition, a person or entity is a related party of Council if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which Council is part of;
- they and Council are joint ventures of the same third party;
- they are part of a joint venture of a third party and council is an associate of the third party;
- they are part of a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;

- they are controlled or jointly controlled by close members of the family of a person;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or
- possibly close member of the family of a person who is a KMP of Council; or
- they or any member of a group of which they are a part, provide KMP services to Council.

The following shall be considered as close family members of KMP:

- a) Children and dependents of the Mayor, Councillors, General Manager and Directors;
- b) Spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- c) Children and dependents of a spouse/domestic partner of the Mayor, Councillors, General Manager and Directors;
- d) Other Family Members of a KMP that may be expected to influence, or be influenced by, that person in their dealings with Council.

Close family members shall be identified in the Related Party Declaration made by a KMP.

7. Related Party Transactions

Related Party Transactions are required to be disclosed regardless of whether a price is charged. Such transactions may include:

- compensation paid to KMP;
- purchase or sale of goods (finished or unfinished);
- purchase or sale of property and other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- provision of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised);
- quotations and/or tenders;
- commitments; and
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

8. Disclosure

AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its Annual financial statements by aggregate or general description and include the following detail:

- the nature of the related party relationship; and

- relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments, and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - details of any guarantee given or received;
 - provision for doubtful debts related to the amount of outstanding balances; and
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

All transactions involving Related Parties shall be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions, and to determine the significance of each of the transactions.

Generally, transactions with amounts receivable from and payable to KMP or their related parties that occur within normal employee, customer or supplier relationships and at arm's length that are immaterial or insignificant shall be excluded from detailed disclosures. Such activity shall be disclosed in the financial statements by general description.

Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

AASB requirements in this regard are available at Attachment A

9. Procedures

The method for identifying the close family members and associated entities of KMP shall be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

It is not the responsibility of the KMP is to make an assessment as to whether they have any related party transactions or not. It is their responsibility to identify all their related parties. The determination of and assessment of transactions will be undertaken by relevant Council staff.

The preferred method of reporting is for KMP to provide details of Related Parties and Related Party Transactions, utilising the Reporting Templates (Attachment B), to the General Manager.

Information provided will be held on a centralised register. Access to the register shall be available to only those who may lawfully be granted access after consideration of matters of privacy and other legislative requirements.

The register shall be used as a basis for information for inclusion into Council's Annual Financial Statements to satisfy Related Party reporting requirements.

10. Related Parties Disclosure timetable

Disclosures of Related Parties and Transactions shall be required of Key Management Personnel at least annually.

The due dates for Disclosures will be 30 June annually.

Key Management Personnel should provide updates on Related Parties and Transactions as issues arise or material changes occur by submitting an updated Related Parties Disclosure Form at times other than the collection date listed above if their situation changes.

11. Privacy

Information provided by KMP and other related parties shall be held for the purpose of compliance with Council's legal obligation and shall be disclosed where required for compliance or legal reasons only.

12. Review

This policy shall be reviewed at specified review intervals and may be reviewed if any of the following events occur:

- corporate restructure that impacts of the KMP's;
- the related legislation/documents or OLG Local Government Code of Accounting Practice that impact on application of the policy are amended or replaced; and
- other circumstances that may arise as determined by resolution of Council.

13. Related Legislation, Policies and Guidelines

Local Government Act 1993
Australian Accounting Board Standard – AASB124 Related Parties Disclosures
Local Government Act 1993
Local Government (General) Regulation 2005
Local Government Code of Accounting Practice
Blayney Shire Council Code of Conduct

Attachment A – AASB References

Reference	Reporting Requirements
AASB124.17	<p>The entity discloses key management personnel compensation in total and for each of the following categories:</p> <ul style="list-style-type: none"> a. short-term employee benefits; b. post-employment benefits; c. other long-term benefits; and d. termination benefits; <p>Key management personnel (KMP) are not named – disclosure on an aggregate basis only.</p> <p>Short-term employee benefits include non-monetary benefits.</p>
AASB124.18	<p>If there have been transactions between related parties, the entity discloses the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.</p> <p>Types of Transactions:</p> <ul style="list-style-type: none"> a. purchases or sales of goods (finished or unfinished); b. purchases or sales of property and other assets; c. rendering or receiving of services; d. leases; e. transfers of research and development; f. transfers under licence agreements; g. transfers under finance arrangements (including loans and equity contributions in cash or in kind); h. provision of guarantees or collateral; i. commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and j. settlement of liabilities on behalf of the related party. <p>The following information, at a minimum, is disclosed:</p> <ul style="list-style-type: none"> i. the amount of the transactions; ii. the amount of outstanding balances, including commitments, and terms and conditions (i.e. secured or unsecured) and the nature of consideration to be provided in settlement; and details of guarantees given or received; iii. provisions for doubtful debts related to the amount of outstanding balances; and iv. the expense recognised during the period relating to bad or doubtful debts due from related parties.

Reference	Reporting Requirements
AASB124.19	The entity separately discloses all the information required by Paragraph 18 at the following levels: <ul style="list-style-type: none">a. subsidiaries;b. associates;c. joint ventures in which the entity is a joint venturer;d. key management personnel of the entity or its parent; ande. other related parties.
AASB124.24	The entity discloses items of a similar nature in aggregate, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity.

Attachment B – Related Party Disclosure Form



Related Parties - Disclosure Form

Name of Key Management Personnel (KMP): _____

Related person <i>and / or</i> entity	Relationship of KMP with the person or entity

Notification

I _____,
(Full name)

_____ notify that,
(Position)

to the best of my knowledge, information and belief that as at the date of this notification, the above list includes all existing and potential related parties that may transact with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the above period.

I permit authorised Council Officers and other permitted recipients specified in Council’s Related Parties Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named KMP: _____

Dated: _____

Adopted:	18/04/2017	1704/010
Lasted Reviewed:	16/04/2018	1804/010
	XX/XX/2022	
Next Review:	19/03/2024	



Plaques and Memorials Policy

Policy	26C
Officer Responsible	Manager Urban Services & Projects
Last Review Date	

Strategic/Operational Policy

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OBJECTIVES

To provide a standardised and consistent policy framework for management of plaques, memorials, and memorial gardens, including existing, installation of new, and the assessment of new requests for plaques, memorials, and memorial gardens within public spaces in the Blayney Shire Council Local Government Area (Blayney Shire).

To ensure compliance with relevant legislative and Geographical Names Board (GNB) guidelines.

DEFINITIONS

“Plaque” - A flat tablet of metal, stone, engraved pavers (footpath) or other material which may include text and/or images that commemorate a person, event, or historical information relevant to a particular location. The tablet may be fixed to an object, building or hard ground surface located within public open space.

“Memorial” – An object (e.g., an obelisk) established to commemorate a person, group, association, or event. In the context of this Policy, memorial does not include a tree, but may include a memorial garden if proposed for a major public open space.

“Memorial Garden” – Memorial gardens are areas planted for a specific purpose, generally to commemorate a person or an historical event. Key features include the style and preferred plantings.

“Public Open Space” – Is all Council owned or managed land that is open or accessible to people, including:

- Council owned public open space including parks, bushland reserves and sports fields,
- Land managed by Council but owned by another body,
- Reserve furniture within public space (such as benches, picnic tables etc),
- Any other infrastructure within public space (such as picnic shelters, barbeques, playgrounds, fences etc), and
- Activity centre locations, including footpaths, median strips, public squares, recreation grounds and laneways.

SCOPE

This Policy covers plaques, memorials, and memorial gardens on Council owned or managed land, including streets, reserves, parks, or other public open space.

All new plaques, memorials, and memorial gardens will be required to conform to this Policy. Existing plaques, memorials, and memorial gardens in the Blayney Shire that predate this Policy, should not be taken as a precedent for the approval of any future plaques or memorials.

This Policy does not apply to cemeteries and crematoriums.

BACKGROUND

Public open space plays a significant part in Blayney Shire's social and cultural heritage and makes a valued recreational, environmental, and aesthetic contribution for people who live, work, and enjoy recreation in the Blayney Shire. Plaques, memorials, and memorial gardens provide recognition and can contribute to an understanding of events or individuals closely associated with the history or the community of the Blayney Shire.

Any decision regarding plaques, memorials, or memorial gardens needs to take into consideration the balance between the desire to commemorate events or individuals and the ongoing enjoyment of visually uncluttered public spaces.

POLICY OBJECTIVE

The objective of this Policy is to enable Council to:

- Provide an opportunity to recognise and celebrate significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the Blayney Shire.
- Protect the intended purpose, environmental values, and aesthetic appearance of Council public space.
- Provide a clear and equitable framework to manage requests for plaques, memorials, or memorial gardens to be located within Council public space.
- Ensuring risks are adequately considered in relation to plaques, memorials, and memorial gardens on Council land.

Council recognises that plaques, memorials, and memorial gardens provide recognition and are important in celebrating significant historical events and individuals closely associated with the leadership, cultural and social development within the Blayney Shire.

General Principles

To protect the intended purpose and aesthetic appearance of Council owned or controlled public space. Council does not generally encourage installation of plaques and memorials on land owned or managed by Council.

Plaques, memorials, and memorial gardens will only be considered where they are consistent with Council's strategic and urban design vision for the proposed location. The proposal must be consistent with relevant Council strategies, master plans and the land's public purpose. It must not result in a change of use of the land, or not negatively impact the aesthetic or environmental value of public space.

They must meet all relevant planning and building requirements and are to be designed and sited in a way that will not damage the supporting structure or natural environment or create a public risk. They are to be constructed in a manner that will require little ongoing maintenance and will be resistant to vandalism.

Plaques attached to an asset like a seat, building, etc. must be durable and must have a life equivalent to the asset to which they are attached.

All costs associated with the design, construction, installation and maintenance of plaques, memorials, or memorial gardens are to be paid by the person/group making the request. Once approved, installation of any plaque, memorial, or memorial garden must be undertaken by Council (cost to be negotiated). Once installed they will become the property of Blayney Shire Council and may be entered into Council's Asset Register.

Maintenance of plaques and memorials must only be undertaken by Council. Community involvement in the maintenance of memorial gardens may be considered in some circumstances.

Council does not guarantee to retain plaques, memorials, or memorial gardens in perpetuity. Generally, they will be retained in place for as long as practicable, with the following exceptions:

- The area in which the item is sited is to be redeveloped,
- Ongoing maintenance costs are prohibitive,
- In the case of a plaque, the asset to which it is attached has reached the end of its useful life; or
- The condition of the plaque or memorial is poor.

If a plaque, memorial, or memorial garden is removed for any of the reasons above, Council will not guarantee replacement, however replacement plaques or memorials of similar or different style or form may be considered. All reasonable efforts will be made to identify, contact, and advise relevant stakeholders (including family members).

Existing plaques, memorials, and memorial gardens

Existing plaques, memorials and memorial gardens will generally be retained in place for as long as practicable, subject to exceptions listed above. Non-compliant / unauthorised plaques, memorials, and memorial gardens will be removed by Council as soon as practicable. Where possible, Council will attempt to contact the community organisation, next of kin / family to return the non-compliant / unauthorised plaque or memorial.

New Plaques initiated by Council

Plaques may be installed by Council on Council owned or managed land, buildings, or structures to commemorate an opening of a new or refurbished Council building or facility, or a historically significant event, or site.

Where project funding has been provided by an external agency, such as the NSW or Australian Government, and acknowledgement of the funding agreement is required in the form of a plaque, the layout and wording of the plaque will be in accordance with the funding agreement.

Plaques installed by Council will be funded by Council. Council may seek a financial contribution from funding partners if applicable.

Requests for new plaques, memorials, and memorial gardens initiated by the public

Council will consider requests for new plaques, memorials, or memorial gardens on land owned or managed by Council, including those from private individuals and community groups. They will only be considered where the following criteria are met:

- They are strongly linked to the Blayney Shire community and recognise:
 - an act of bravery,
 - returned service men and women,
 - a substantial / significant contribution to leadership, cultural or social aspects (e.g., famous sports identities, educators, etc.),
 - a significant contribution to development or a shared community history (e.g., industry, civic, or community leaders), or
 - the contribution has been exceptional and extends beyond what might reasonably be expected through paid employment or voluntary contribution to the community.
- For individuals being commemorated:
 - they will not generally be considered until the significant person has been deceased for at least one year, to allow for appropriate development of historical perspective. Approval will be sought from a deceased person's next of kin or appropriate relative(s) where practicable. However, in exceptional circumstances Council may approve plaques or memorials commemorating significant living persons at Council's discretion.
 - they include substantiated / verified evidence of the persons significant contribution. Further, Council may undertake community consultation (including with the Blayney Shire Local & Family History Group) to substantiate the significant contribution.
- They commemorate a significant historical or cultural event which has a deep meaning for the broader Blayney Shire community or are of national or state significance.

Additionally, the subject of a requested plaque, memorial, or memorial garden must also have a clear association with and strong relevance to the proposed location and must not have been commemorated elsewhere in the Blayney Shire Council area already.

Memorials including open space public seating with attached plaques will be considered only where they meet the requirements of this policy and are consistent with Council's strategic and urban design objectives for the proposed site, including any masterplans for the site.

Significant donations for public space infrastructure (e.g., barbeques, picnic shelters etc.) may be acknowledged by mounting a plaque on or adjacent to the infrastructure.

Council approval can be sought for memorial gardens from Community groups. Applications made will need to include the site and proposed location, design (including preferred plantings), and demonstrate that community consultation has been undertaken.

APPROVAL PROCESS

Placement of plaques, memorials, or memorial gardens in public open space requires prior written approval from Council. Persons making initial enquiries should contact Council.

If the applicant(s) wishes to proceed with a plaque, memorial, or memorial garden in a public space, they must satisfy the requirements of this Policy, including the provision of substantiated / verified evidence to support the request.

New plaques, memorials, or memorial gardens initiated by Council

Plaques, memorials, or memorial gardens initiated by Council must comply with this Policy.

The final layout, wording, or style shall be submitted to the relevant Asset Custodian for approval. The wording, layout, or style may vary as appropriate based on the needs of the facility/event.

Final approval for the design and location of any proposed plaque, memorial, or memorial garden may be subject to a Council resolution.

Requests for new plaques and memorials initiated by the public

Applications for new plaques, memorials, and memorial gardens must be in writing and must demonstrate compliance with this Policy. They should include all relevant details including proposed text, images, garden style (including preferred plantings) as well as the preferred location.

Review of the design and layout, wording and location of any proposed plaque, memorial, or memorial garden will be undertaken by relevant Council staff in accordance with this Policy. A Council resolution may be required to approve the installation in some instances.

Any request for the placement of a plaque, memorial, or memorial garden within public space that is managed by but not owned by Council will initially be assessed for compliance with this Policy. If assessed by Council as compliant the request will be referred to the landowner for final approval. Approval from other responsible authorities may be required if a plaque or memorial is proposed on land controlled by legislation.

Once approved, the design, manufacture and installation will be coordinated by Council and all costs will be borne by the applicant. In some instances, Council may contribute toward the cost of the manufacture and/or installation.

Plaques, memorials, and memorial gardens placed in Council public open space without Council approval will be removed. All reasonable efforts will be made to identify and contact the persons responsible for placing the item to advise them of this Policy and to return any removed item to them.

RELATED DOCUMENTS

NSW Government, Geographical Names Board, *Commemorative naming fact sheet*. September 2018.

Blayney Shire Council, *Roads, Street and Bridge Names Policy (25F)*.

End

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	Date	Minute No.
Adopted:		
Last Reviewed:		
Next Review:		