



**INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 15 FEBRUARY 2016**

EXECUTIVE SERVICES REPORTS

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Paul Toole
Minister for Local Government

MEDIA RELEASE

Wednesday, 6 January 2016

COUNCIL MERGER PROPOSALS PUT FORWARD FOR EXAMINATION

Minister for Local Government Paul Toole today referred the NSW Government's 35 council merger proposals to the Chief Executive of the Office of Local Government (OLG) for examination and report under the Local Government Act.

"Independent analysis by KPMG of the proposed mergers shows significant financial benefits for NSW of up to \$2 billion that can be reinvested in improved infrastructure, better services or keeping rates stable," Mr Toole said.

"The proposed mergers have been informed by four years of consultation with NSW councils, independent assessment, council merger preferences, and feedback from communities and stakeholders. There is no 'one-size-fits-all' approach and we have recognised that each community area in NSW is unique."

The Chief Executive of OLG will assign the function of examining and reporting on each merger proposal to Delegates.

Delegates will prepare reports after allowing the community to have its say by conducting a public inquiry (public meetings) and calling for written submissions. The reports prepared by the delegates will consider the factors set out in the legislation, which include financial considerations, communities of interest, elected representation, employment of staff, service and facilities, and the attitude of residents and ratepayers.

"The delegates will provide a report on the proposals against the factors in the Act and will take into account written submissions and comments raised in public meetings. I would encourage those wishing to contribute to provide a written submission on the website or attend a public meeting," Mr Toole said.

Delegates' reports will go to the Minister, as well as the independent Local Government Boundaries Commission, which will comment on each report. The Minister will consider the Delegates' reports and the comments of the Boundaries Commission before determining the outcome of merger proposals.

Details on the proposals, delegates and the consultation process can be found at www.councilboundaryreview.nsw.gov.au

MEDIA: Ashley Gardiner | Minister Toole | 0429 063 494



The Hon Paul Toole MP
Minister for Local Government

Clr Scott Ferguson
Mayor
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799
council@blayney.nsw.gov.au
crferguson@blayney.nsw.gov.au

06 January 2016

Dear Clr Ferguson

Today I referred a council merger proposal relating to your Council to the Chief Executive of the Office of Local Government (OLG) for examination and report under the *Local Government Act 1993*.

The merger proposal identifies significant benefits for the local community. It has been informed by four years of consultation with NSW councils, independent assessment, council merger preferences, and feedback from communities and stakeholders.

The Chief Executive has delegated the function of examining and reporting on the proposal to a Delegate.

The proposal relating to your Council and details regarding the process being undertaken, including the name of the Delegate, can be located at: www.councilboundaryreview.nsw.gov.au

The process for reviewing a council merger proposal will now commence, and will allow councils and the community to have their say through public inquiries (public meetings) and written submissions. I encourage you to take advantage of this opportunity to put forward your views.

Delegates will prepare reports that consider the factors in the legislation, including financial considerations, communities of interest, elected representation, employment of staff, service and facilities, and the attitude of residents and ratepayers. These reports will go to me, as well as the independent Local Government Boundaries Commission, which will comment on each report. The timeframe for the process is a matter for the Delegate and the Boundaries Commission. I will carefully consider the reports before making a final decision. This is not expected to be before the middle of 2016.

GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 7000 Fax: (61 2) 9339 5552 Email: office@toole.minister.nsw.gov.au

The Government remains committed to allowing councillors that are supportive of making the new council a success the opportunity to shape the future of the new council.

No decision has been made in relation to the manner in which existing councillors may continue to be involved in a new council for an amalgamated area. Options available under the *Local Government Act 1993* include the appointment of a single person or group of people (which may include councillors for presently existing council areas) to act as administrators, or the continuation in office of councillors from the former council areas, as councillors of a new area ahead of the next election. In addition, councils can establish Local Representation Committees, to help shape the new council.

On behalf of the Government, I thank you for your input into this process.

Yours sincerely

A handwritten signature in black ink that reads "Paul Toole". The signature is written in a cursive, slightly slanted style.

Paul Toole MP
Minister



Office of Local Government

**COUNCIL DECISION MAKING DURING
MERGER PROPOSAL PERIODS**



DECEMBER 2015

ACCESS TO SERVICES

The Office of Local Government is located at:

Levels 1 & 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000
Fax 02 9289 4099

Email olg@olg.nsw.gov.au
Website www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 9289 4000.

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PURPOSE

These Guidelines provide guidance to councils that are the subject of merger proposals on the appropriate exercise of their functions during the period in which a merger proposal is under consideration by the Chief Executive of the Office of Local Government, the Boundaries Commission and the Minister for Local Government under the Act.

It is important during any merger proposal period that councils continue to operate appropriately, effectively and efficiently to meet the needs of their communities. The Office of Local Government recognises that councils, councillors and council staff all share the desire to continue to serve their communities effectively during the merger proposal period and will have many questions about how to do this in a manner that is appropriate and permissible. These Guidelines seek to assist councils to do this and to provide clear guidance on what is and is not appropriate and permissible during the merger proposal period.

These Guidelines are issued under section 23A of the Act meaning that all councils must consider them when exercising their functions.

THE SCOPE OF THESE GUIDELINES

These Guidelines apply to decisions made by councils the subject of a merger proposal during a merger proposal period.

For the purposes of these Guidelines:

“the Act” – means the *Local Government Act 1993* (NSW).

“a decision” - includes the exercise by the council of any function (including the expenditure of monies and the use of resources) and includes functions exercised under delegation by council officials.

“council officials” – includes a councillor (including the Mayor), a member of council staff or a delegate of a council.

“merger proposal” – means a proposal for the amalgamation of two or more local government areas or the alteration of the boundaries of one or more local government areas initiated by the Minister for Local Government, a council affected by the proposal or an appropriate minimum number of electors under section 218E of the Act.

“merger proposal period” – means the period of time during which a council is affected by a merger proposal, commencing on the day a proposal is made with respect to the council’s area under section 218E of the Act and concluding on:

- the day after the Minister decides to decline to recommend to the Governor that a proposal referred to the Boundaries Commission or the Chief Executive be implemented under section 218F(8), or
- the date specified in the proclamation implementing the proposal if the Minister

recommends to the Governor that the proposal be implemented.

“**new council**” – means a new council created as a result of a merger proposal.

COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS – GENERAL PRINCIPLES

During a merger proposal period, councils and council officials should be mindful of the need to act in the best interests of their community and for the purposes of meeting the needs of that community. Councils should not make decisions that needlessly impose avoidable costs on a new council.

In particular, councils and council officials should not make decisions during a merger proposal period for the following purposes:

- to prevent or disrupt the consideration of merger proposals by the Chief Executive of the Office of Local Government or his delegate, the Boundaries Commission or the Minister for Local Government other than through the legitimate exercise of legal rights of review or appeal
- to exercise their functions or use council resources to oppose or support a merger proposal for personal or political purposes (see below for more information on merger-related information campaigns)
- to seek to damage or impede the operational effectiveness of a new council including by (but not limited to):
 - making significant and/or ongoing financial commitments that will be binding on a new council
 - making other significant undertakings or commitments that will be binding on a new council
 - making decisions that are designed to limit the flexibility or discretion of a new council
 - deliberately and needlessly expending council resources to minimise the resources available to a new council on its commencement.

INTEGRATED PLANNING AND REPORTING

During a merger proposal period, councils should continue to implement and operate in accordance with their adopted Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy.

Annual reporting requirements continue in accordance with the Act, and a report on the progress on implementation of the Community Strategic Plan should be presented at the final meeting of each of the outgoing councils.

Preparation of Operational Plans

Should councils prepare Operational Plans during a merger proposal period, these should be prepared as a sub-plan of the council's adopted Delivery Program and should not depart from the council's adopted Delivery Program.

The Operational Plan should directly address the actions outlined in the council's adopted Delivery Program and identify projects, programs or activities that the council will undertake within the financial year towards addressing these actions.

The Operational Plan should include a detailed budget for the activities to be undertaken in that year.

FINANCIAL MANAGEMENT

Expenditure during merger proposal periods

During a merger proposal period, councils should only expend monies in accordance with the detailed budget adopted for the purposes of implementing their Operational Plans for the relevant year.

There should be clear and compelling grounds for any expenditure outside of a council's adopted budget. Expenditure outside of the adopted budget should be approved by the council at a meeting that is open to the public.

The council's resolution approving the expenditure should disclose the reasons why the expenditure is required and warranted.

Should such expenditure be outside of a council's adopted budget and be of an amount equal to or greater than \$250,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger), then such a variation shall be advertised and public comments invited.

Councils the subject of merger proposals should not make decisions that will impose a significant and/or ongoing financial commitment on a new council.

Entry into contracts and undertakings

Councils the subject of merger proposals should not enter into a contract or undertaking involving the expenditure or receipt by the council of an amount equal to or greater than \$250,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger), unless:

- the contract or undertaking is being entered into as a result of a decision made or procurement process commenced prior to the start of the merger proposal period; or
- entry into the contract or undertaking is reasonably necessary for the purposes of:
 - meeting the council's ongoing service delivery commitments to its community; or

- to implement an action previously approved under a council's Delivery Program or the Operational Plan for the relevant year

WORKFORCE MANAGEMENT

Appointment and termination of employment of general managers and senior staff

A council affected by a merger proposal should not during a merger proposal period appoint or reappoint a person as the council's general manager, other than:

- appointing a person to act as general manager under section 336(1) of the Act, or
- temporarily appointing a person as general manager under section 351(1) of the Act.

Councils affected by merger proposals should also avoid making appointments of senior staff other than temporary or "acting" appointments unless there are compelling operational reasons for doing so. Outside of these circumstances, where possible, councils should make temporary appointments to fill vacancies to senior staff positions during the merger proposal period.

There is no restriction on councils' ability to terminate the employment of general managers and other senior staff during a merger proposal period. However, in doing so, councils must comply with the standard contracts of employment for general managers and senior staff and the 'Guidelines for the Appointment & Oversight of General Manager' (July 2011).

Organisation restructures

Councils affected by merger proposals should not undertake organisation restructures unless there are compelling operational grounds for doing so.

No forced redundancies of non-senior staff

Councils affected by a merger proposal should not during a merger proposal period terminate the employment of non-senior staff on grounds of redundancy without their agreement (see section 354C).

Determination of employment terms and conditions for council staff

Determinations of the terms and conditions of employment of council staff members (including in an industrial agreement, in an employment contract or in an employment policy of the council) made during a merger proposal period will not be binding on a new council unless the determination has been approved by the Minister for Local Government (see section 354E).

The Minister's approval is not required for the following determinations:

- determinations authorised by an industrial instrument, or employment policy of the former council, made or approved before the merger proposal period
- determinations in, or authorised by, an award, enterprise agreement or other

industrial instrument made or approved by the Industrial Relations Commission or Fair Work Australia

- determinations that comprise the renewal of an employment contract (other than for the general manager) entered into before the proposal period.

As a general rule, the Minister will approve determinations unless he is satisfied that the determination arises from or is in anticipation of a merger proposal and would result in an unjustifiable increase or decrease in the obligations of the new council in relation to transferred staff members (see section 354E(3)).

REGULATORY FUNCTIONS

Councils and council officials should exercise their regulatory functions strictly in accordance with statutory requirements and the requirements of the *Model Code of Conduct for Local Councils in NSW* and solely on the basis of relevant considerations.

Councils should not exercise their regulatory functions (including in relation to development applications or strategic land use planning) for the purposes of campaigning for or against a merger proposal.

Councils should not make decisions that would not otherwise withstand legal challenge on the basis that the new council and not the outgoing one would need to defend any such challenge.

MERGER-RELATED INFORMATION CAMPAIGNS

Any public information campaigns conducted by councils with respect to merger proposals:

- should be conducted for the purposes of informing the local community about the merger proposal and should be proportionate to this purpose
- should not involve disproportionate or excessive expenditure or use of council resources
- should be conducted in an objective, accurate and honest manner and should not be deliberately misleading
- should not be used to endorse, support or promote councillors, individually or collectively, political parties, community groups or candidates or prospective candidates at any election, Local, State or Federal.

Merger-related information campaigns should be approved by councils at an open council meeting. Councils should also publicly approve a budget for the campaign at an open council meeting before incurring any expenditure on the campaign.

Any variations to the budget should also be publicly approved by the council at an open meeting.

Councils should account fully and publicly for the costs of merger-related information campaigns, including staff and contractor costs. This information should be accessible to the community on councils' websites.

ENFORCEMENT OF THESE GUIDELINES

These Guidelines are issued under section 23A of Act. Councils are required to consider the Guidelines in exercising their functions. The Office of Local Government will be monitoring compliance with these Guidelines.

Failure to comply with the Guidelines may result in the Minister for Local Government issuing a performance improvement order under section 438A of the Act against a council to compel them to comply with the Guidelines or to correct any non-compliance.

The Chief Executive of the Office of Local Government may also surcharge a council official under section 435 the amount of any deficiency or loss incurred by the council as a consequence of the negligence or misconduct of the council official.



Outline of Financial Modelling Assumptions for Local Government Merger Proposals

TECHNICAL PAPER

Prepared for the
NSW Department of Premier and Cabinet

19 January 2016

This report is delivered subject to the agreed written terms of KPMG's engagement.

This report provides an outline of KPMG's financial modelling assumptions during the course of the work undertaken for the Department of Premier and Cabinet under the terms of the engagement contract dated 24 November 2015. The contents of this report do not represent our conclusive findings.

This report is provided solely for the benefit of the parties identified in the engagement contract and is not to be copied, quoted or referred to in whole or in part without KPMG's prior written consent. KPMG accepts no responsibility to anyone other than the parties identified in the engagement contract for the information contained in this report.



Financial modelling assumptions

KPMG was engaged by the NSW Department of Premier and Cabinet to prepare independent modelling of the potential financial impacts of selected council mergers. The financial modelling undertaken relied on publically available council data and a financial model developed by KPMG. The financial model drew on a series of assumptions to estimate the potential savings, costs and overall financial impacts of council mergers.

This paper provides an outline of the assumptions underpinning KPMG's financial model. The components of the benefits and costs included in the financial analysis are provided in the following tables, including the key data sources used in this analysis. Other parameters, such as the applied discount rate and time period of net financial impacts are also provided in this paper.

Table 1 Outline of merger benefit streams

	Approach	Data source(s)
1. Merger benefit components		
Savings from materials and contracts expenditure	<p>Description:</p> <p>Starting in the first year of a merger, and growing gradually over three years, an annual cost saving is applied to a council's budgeted materials and contracts expenditure.</p> <p>Assumptions</p> <ul style="list-style-type: none"> The assumed value of efficiency savings was up to 3 per cent of a council's expenditure on materials and contracts as reported in long term financial plans. This assumption was capped at 2 per cent for regional councils – reflecting the wider geographic dispersion and smaller scale may mean procurement and consolidation of contracts may be more difficult to achieve in some areas. For all councils, it was assumed that only 80 per cent of items reported under 'materials and contracts' are subject to scale efficiencies. These efficiency savings are achieved on a scaled basis. For example, it is assumed that the efficiencies achieved in Year 1 of the merger are one-third of total possible efficiencies (i.e. one-third of the 3 per cent savings potential for metropolitan councils). This assumption remains the same in Year Two, increasing to two-thirds of total possible efficiencies in Year Three and then fully realised by Year Four. 	Council long term financial plans (from 2013-14; general fund where available).
Savings from councillor expenditure	<p>Description:</p> <p>Councillor fees are reduced as a result of the mergers (fewer councillors will exist following merger implementation). This will be, in part, offset by potential increases in annual fees paid to councillors.</p> <p>Assumptions</p> <ul style="list-style-type: none"> The number of councillors for a new merged entity will mirror the highest number of councillors that currently 	OLG Annual Data Return (2013-14).



	<p>exist in any one of the councils participating in the merger.</p> <ul style="list-style-type: none"> • The dollar value of savings is sourced from actual 2013-14 reported data on councillor fees by council. This figure is grown at a standard wage growth rate of 2.3 per cent over the period. • This savings are offset by the assumption that all newly elected councillors (metro and regional) will receive a fee of \$30,000 per annum. This fee is greater than the top remuneration level currently received by councillors (with the exception of the City of Sydney). 	
<p>Savings from reduced salary and wage expenditure</p>	<p>Description</p> <p>Staffing reductions are assumed to occur gradually with a modest level of voluntary attrition in the first three years of amalgamation.</p> <p>After the three year employment protection period, savings are generated by reducing duplication of back office, administration and corporate support staff functions. This approach assumed council mergers would not directly impact staffing allocations for council frontline service delivery roles.</p> <p>Assumptions – Metropolitan Councils</p> <ul style="list-style-type: none"> • Overall staffing efficiencies were estimated at 7.4 per cent for metropolitan mergers. • Reductions in the cost of Tier 4 (General Manager (GM)) salaries (due to the reduced number of GMs in a post-merger environment) using historical salary data reported to the Office of Local Government. • Reductions in the costs of Tier 3 (Directors) salaries are also assumed on the basis that Tier 3 salaries are equivalent to approximately 75 per cent of the Tier 4 (GM) reported salary. • For metropolitan councils it is assumed that a merger leads to a loss of four (4) Tier 3 positions per council. • It is assumed that 1 General Manager and 4 Directors continue to operate post-merger. <p>Assumptions – Regional Councils</p> <ul style="list-style-type: none"> • No net staffing reductions were assumed for regional councils. • However, efficiencies are generated by a merger that allows a regional council to re-allocate duplicated back-office, administration and corporate support roles to frontline service positions. • These efficiencies are assumed to be equivalent to between 3.7 to 5 per cent of a council’s employee salary and wage costs (with larger regional councils having a 	<p>Council long term financial plans (from 2013-14; general fund where available).</p> <p>OLG Annual Data Return (2013-14)</p> <p>Comparator and jurisdictional analysis / merger business cases</p>



	<p>greater capacity to achieve a higher staffing efficiency).</p> <ul style="list-style-type: none">• Reductions in Tier 4 (GM) salaries (due to the reduced number of GMs in a post-merger environment) uses historical salary data reported to the Office of Local Government.• Reductions in Tier 3 (Directors) salaries are also assumed on the basis that Tier 3 employee salaries are equivalent to approximately to 75 per cent of the General Manager’s reported salary.• For regional councils it is assumed that a merger leads to a loss of two (2) Tier 3 positions per council.• It is assumed that 1 GM and 2 Directors continue to operate post-merger.	
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Source: KPMG

Table 2 Outline of merger costs streams

	Approach	Data source(s)
2. Merger cost components		
ICT Costs	<p>Description</p> <p>To ensure a merged entity can be operational and functional from launch, a number of minimum information and communications technology (ICT) investments and common applications are required:</p> <ul style="list-style-type: none"> • email systems so that each employer of the merged entity has access to, and uses, a single common email address and server; • business applications to enable basic reporting requirements; • website overlay to create a single online portal for the merged entity; and • limited data migration so that, for example, current financial year data for the merged entity can be accessed from a single ICT system. <p>The immediate ICT requirements will therefore be focused on enhancing existing ICT systems that will continue to operate in the background. The following tables provide a summary of the expected costs from establishing this 'vener' solution for each merged entity.</p> <p>Assumptions</p> <p>Introduce ICT 'vener' solution, based on:</p> <ul style="list-style-type: none"> • Small Regional Cluster = \$2.26m • Medium Regional Cluster = \$2.80m • Metropolitan Cluster = \$3.35m <p>In addition, a +30 per cent contingency component is added to the above costs as appropriate in early planning of ICT projects.</p> <p>These assumptions have been based on input from:</p> <ul style="list-style-type: none"> • a selected number of industry representatives consulted by DPC drawing on recent experience in planning and implementing ICT solutions for council entities; and • analysis undertaken by KPMG based on advisory services to Queensland local councils involved in de-amalgamations. 	<p>Selected industry consultations undertaken by DPC.</p> <p>Previous KPMG analysis undertaken for Queensland councils involved in de-amalgamations.</p>



<p>Costs from transition</p>	<p>Description</p> <p>Additional one-off costs, including office relocation, staff training and general transition-related expenditures are calculated as a percentage of operating expenditure based on case study examples from regional and metropolitan amalgamations.</p> <p>Assumption</p> <p>Transition costs are estimated to be 2 per cent of a merged entity operating expenditure in the first year of operation.</p>	<p>Council long term financial plans (from 2013-14; general fund where available).</p>
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Table 3 Outline of treatment of merging councils that are split

	Approach	Data source(s)
3. Treatment of councils that are split in a merger		
	<p>Description</p> <p>A council that is split has its financial statements (operating revenue / expenditure) split on a per capita basis and apportioned accordingly to each new council.*</p> <p>*Note that Jerilderie Shire Council had its financial statements split on a 50:50 basis rather than a per capita basis.</p> <p>Treatment of merger benefits (for split councils).</p> <p>For metropolitan councils the assumptions for savings from staff reductions are half (or 3.7 per cent) of those savings achieved in a normal 'whole' merger scenario. This reflects the reduced levels of duplication from merging only part of a council and, consequently, more limited scope for staffing reductions.</p> <p>The treatment of other merger savings (such as materials and contracts) are the same as those outlined in Section 1.</p> <p>Treatment of merger costs (for split councils)</p> <p>The same merger costs outlined in Section 2 above are also applied to mergers involving split councils.</p> <p>Other notes</p> <p>Councils that are part of a merger but lose a portion of its area to another merger cluster (e.g. Hornsby or The Hills), will have its financial statement adjusted to reflect the reduced revenue / expenditure profile. These adjustments are generally made on a per capita basis.</p> <p>The asset base and infrastructure backlog of split councils has been apportioned by land area (sq km) rather than a per capita basis. This reflects the fixed and built nature of these assets (such as roads and footpaths).</p>	<p>ABS Statistical Area 1 (SA1) population data</p>

Source: KPMG

Table 4 Outline of other key financial modelling assumptions

	Approach	Data source(s)
4. Other		
Financial Year Data	<p>To provide a consistent basis for collating and comparing council financial statements, individual council income statements and long term financial plans for the 2013-14 financial year were used for input to the financial analysis.</p> <p>It is important to note:</p> <ul style="list-style-type: none"> • These financial statements were accessed from publically available sources. • Where available, income statements for a council's 'general fund' were the preferred data source. • While some councils have since updated financial statements – to ensure consistency of approach financial statements released by councils have not been relied upon. • Some councils' financial statements were either incomplete (did not provide full 10 year projections), or included errors in calculations. Where appropriate, trend data has been used to estimate missing / incorrect data. 	
Asset Base estimation	The asset base referred to in council merger proposals is related to the written down value (WDV) of <i>infrastructure assets</i> only, e.g. buildings and other structures, roads, bridges, water, sewerage and recreational facilities. It is subject to data reported in OLG annual data returns and, in some cases, may differ slightly from other measures of asset bases reported by councils.	OLG Annual Data Return 2013-14
Infrastructure Backlog estimation	The infrastructure backlog is based on each council's <i>estimated cost to bring to a satisfactory standard</i> reported in 2013-14 financial statements. The infrastructure backlog ratio is calculated by dividing the backlog figure by the infrastructure asset base (WDV) noted above. The ratio may differ slightly from council-reported ratios due to the inclusion of depreciable land and other specialised asset classes that may not have been captured in the OLG data return template.	OLG Annual Data Return 2013-14
Other assumptions	<p><u>Inflation</u></p> <p>A simple rate of 2.5 per cent was used over the time period to be consistent with the RBA target band of between 2 and 3 per cent.</p> <p><u>Discount rate and time period</u></p> <p>A 9.5 per cent nominal discount rate was used to maintain consistency with the NSW Treasury Guidelines for Government Business Cases. Present value figures are represented in 1 July 2015 dollars. The financial analysis is conducted over a twenty (20) year time period from 2015-16.</p>	<p>RBA (2014), Inflation Target</p> <p>NSW Treasury (2007), <i>NSW Government Guidelines for Economic Appraisal</i></p>

Source: KPMG



Circular Details	Circular No 16-01 / 8 January 2016 / A456067
Previous Circular	
Who should read this	Councillors / General Managers / All council staff
Contact	Office of Local Government Relationship Manager
Action required	Information

New Local Government Act Development Consultation

What's new or changing

- Consultation has commenced on the first phase of amendments to the *Local Government Act 1993*.

What this will mean for your council

- Details of proposed phase 1 amendments are available through the Fit for the Future website at www.fitforthefuture.nsw.gov.au, which also provides the opportunity to submit comments online.
- The Office invites feedback from councils and their communities on the proposed amendments via this online facility.

Key points

- Consultation on phase 1 amendments to the *Local Government Act 1993* has commenced. The proposed amendments will:
 - clarify roles and responsibilities of councillors, mayors, administrators and general managers;
 - introduce new guiding principles for local government;
 - improve governance of councils and professional development for councillors;
 - expand on the framework for strategic business planning and reporting;
 - prioritise community engagement and financial accountability; and
 - streamline council administrative processes, including in relation to delegations and community grants.
- While the fundamentals of the *Local Government Act 1993* remain sound, both the Independent Local Government Review Panel and Local Government Acts Taskforce recommended changes to modernise the legislation and to ensure it meets the future needs of councils and communities.
- Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Phase 2 will focus on the way in which councils raise revenue and exercise their regulatory functions.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046

- In the initial consultation stage, details of the phase 1 amendments to the *Local Government Act 1993* will be available at the Fit for the Future website at www.fitforthefuture.nsw.gov.au with an opportunity to provide online feedback on those proposals.
- Consultation on phase 1 amendments to the *Local Government Act 1993* will close on 15 March 2016.

Where to go for further information

- For more information, contact your Office of Local Government Relationship Manager.



**Tim Hurst
Acting Chief Executive
Office of Local Government**

Fit for the Future 



Towards New Local Government Legislation
Explanatory Paper: proposed Phase 1 amendments

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



ACCESS TO SERVICES

The Office of Local Government is located at:

Levels 1 & 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000
Fax 02 9289 4099

Email olg@olg.nsw.gov.au
Website www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
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Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



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Foreword



The journey towards stronger, more sustainable local government began in late 2011. Councils from throughout NSW came together for Destination 2036 to discuss their long-term future. The gathering considered how communities, economies and technologies might change over the next 25

years and how the local government sector might change to meet these challenges. This led to the appointment of the *Independent Local Government Review Panel* (the Panel) and *Local Government Acts Taskforce* (the Taskforce).

While the fundamentals of the *Local Government Act 1993* remain sound, both the Panel and the Taskforce recommended change. The Government's response to the Taskforce and Panel reports was released in 2014 and supported many important recommendations that had been made for legislative reform – including the development of modern, principles-based local government legislation.

The proposed phase 1 reforms are the first step in the process of modernising the Local Government Act, to ensure that it meets the future needs of councils and communities. Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Later phases will focus on how councils raise revenue and how they exercise their regulatory functions, as well as a program of restructuring and updating the local government legislation.

I would like to invite councils and communities to provide your input and co-operation on this critical phase of the Fit for the Future reforms and I look forward to working with you as we continue the process of reform.

A handwritten signature in black ink that reads 'Paul Toole'.

**The Hon. Paul Toole
Minister for Local Government**

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Overview

We are seeking your feedback

The Office of Local Government is seeking input on important proposals by the NSW Government for legislative reform. The views of councils and their communities, and other stakeholders, are now being sought on phase 1 of the development of new Local Government legislation.

Phase 1 is designed to:

- embed strategic business planning principles across the range of council functions and practices;
- promote independent and sustainable councils engaged with and accountable to their local communities that have the capacity to deliver on local and regional needs; and
- support a culture of continuous improvement in councils to ensure the effective and efficient delivery of the strategic goals agreed to with their local communities.

How to give your feedback

Each of the amendments that is being proposed for phase 1 is described briefly in this explanatory paper and a cross-reference to any relevant recommendation of the Panel and/or the Taskforce is given. Most of these proposals have been the subject of stakeholder consultation in developing the Government's response to the Panel and Taskforce reports, so the paper is as streamlined as possible. The aim of this consultation is to use feedback received about the phase 1 amendments to inform the legislative drafting process.

The first stage of consultation is therefore an invitation to provide your feedback on each of these proposals through an online survey on the Fit for the Future website at www.fitforthefuture.nsw.gov.au. There will also be a link through the NSW Government's Have Your Say website at www.haveyoursay.nsw.gov.au.

Following consultation, it is anticipated that amending legislation could be introduced into and passed by the NSW Parliament in 2016.

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1. Guiding principles for the Act and local government

1.1 Purposes of the Local Government Act

Proposed Amendment

The purposes of the *Local Government Act 1993* should be:

- to establish a legal framework for the NSW system of local government, in accordance with section 51 of the *Constitution Act 1902* (NSW);
- to describe the nature and extent of the responsibilities and powers of local government; and
- to create a system of local government that is democratically elected, engages with and is accountable to the community, is sustainable, flexible, effective and maximises value for money.

Current provision:

Section 7

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.1 Purposes of the Local Government Act

Background

The current purposes of the Act will be updated and streamlined by the proposal.

1.2 Role of local government

Proposed Amendment

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

The role of local government should be to enable local communities to be healthy and prosperous by:

- providing strong and effective elected representation, leadership, planning and decision making;
- working cooperatively with other bodies, including other levels of government, to pursue better community outcomes;
- effective stewardship of lands and other assets to affordably meet current and future needs;
- endeavouring to provide the best possible value for money for residents and ratepayers;
- strategically planning for and securing effective and efficient services, including regulatory services, to meet the diverse needs of members of local communities; and
- following the guiding principles of local government.

Current provision:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

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1.3 The guiding principles of local government

Proposed amendment:

The council charter in section 8 should be replaced by provisions that:

- describe the role of local government; and
- establish guiding principles for local government.

The new guiding principles to be observed in local government should enable councils to:

- actively engage local communities, including through integrated planning & reporting;
- be transparent and accountable;
- recognise diverse needs and interests;
- have regard to social justice principles;
- have regard to the long term and cumulative effects of its actions on future generations;
- foster ecologically sustainable development;
- effectively manage risk;
- have regard to long term sustainability;
- work with others to secure services that are appropriate to meet local needs;
- foster continuous improvement and innovation;
- act fairly, ethically and without bias in the public interest; and
- endeavour to involve and support its staff.

Current provisions:

Section 8

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.1.2 Role and Guiding Principles of Local Government

Background:

The Taskforce's proposed role of local government was similar but has been modified in this proposal to:

- more closely reflect the vision for Local Government in NSW agreed to at Destination 2036, including a focus on achieving outcomes and working together within and outside local government;
- adopt clear and simple language and remove duplication;
- reflect the role of councils in enabling outcomes and shaping its local government area through external relationships; and
- focus on the context in which councils operate, rather than prescribe outcomes.

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2. Structural framework of local government

2.1 The role of the governing body

Proposed Amendment

It is proposed to replace the current prescribed role of the governing body under section 223 which is focussed only on the board-like function of the body. The governing body is the elected representatives of the council (the councillors).

It is proposed to use the Panel's more expansive list as a basis for describing the functions of the governing body:

- to provide effective civic leadership to the community;
- to consult regularly with community organisations and other key stakeholders and keep them informed of council's activities and decisions;
- to direct and control the affairs of the council in consultation with the general manager and in accordance with the Act;
- to ensure as far as possible the financial sustainability of the council;
- to determine and adopt the community strategic plan, delivery program and other strategic plans and policies;
- to determine and adopt a rating and revenue policy and operational plans that ensure the optimum allocation of the council's resources to implement the community strategic plan and for the benefit of the area;
- to make decisions in accordance with those plans and policies;
- to make decisions necessary for the proper exercise of the council's regulatory functions;
- to keep under review the performance of the council and its delivery of services;
- to determine the process for appointment of the general manager and monitor his/her performance; and
- to ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities.

Current provision:

Section 223

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background:

The proposed amendments are intended to:

- provide greater clarity to the roles of councillors by describing their collective role as members of the governing body, as distinct from their individual role as elected representatives; and
- embed strategic principles and practices within the prescribed role of the governing body.

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2.2 The number of councillors

Proposed Amendment:

Section 224 prescribes the numbers of councillors a council may have (between 5 and 15) and the manner in which that number is to be determined.

It is proposed to amend section 224 to require that councils must have an odd number of councillors and mayor.

Current provisions:

Section 224 and 224A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 22)

Background:

The proposed amendment would give effect to the Government's response to the Panel's recommendation that councils comprise an odd number of councillors. This change will reduce the risk of the mayoralty being determined by lot and decisions being made on the casting vote of the mayor.

2.3 Rural councils

Proposed Amendment

It is proposed to allow for small rural councils to apply to the Minister for Local Government for one-off approval to:

- reduce councillor numbers and abolish wards without the need for a constitutional referendum;
- omit the current restriction that prevents councils from making an application for a decrease in the number of councillors that would result in the number of councillors for each ward being fewer than 3; and
- reduce the number of council meetings to be held in a year to below the minimum of 10 currently required under section 365.

Current provisions:

Sections 224A and 365

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 12 Rural Councils (Box 33)

Background:

The Panel recommended that consideration be given to supporting the streamlining of some small rural councils' governance arrangements to allow efficiencies and savings. These councils are in rural-remote areas with small populations. It is proposed to provide a one-off voluntary process to allow the Minister to approve small rural council proposals to abolish wards, change councillor numbers and allow numbers of meetings that are less than the thresholds set out in the Act where proposed by some small rural councils in their Fit for the Future submissions.

This proposal is intended to facilitate a flexible response to the needs and circumstances of different regions.

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3. The governing body of councils

3.1 The role of the mayor

Proposed Amendment

It is proposed to describe the role of the mayor differently.

The mayor should have all the prescribed responsibilities of a councillor in addition to the following additional responsibilities:

- to be the leader of the council and the community of the local government area, and advance community cohesion;
- to promote civic awareness and, in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community;
- to be the principal member and spokesperson of the governing body and to preside at its meetings;
- to ensure that the business of meetings of the governing body is conducted efficiently, effectively and properly in accordance with provisions of the Act;
- to lead the councillors in the exercise of their responsibilities and in ensuring good governance;
- to ensure the timely development of the governing body's strategic plans and policies, and to promote their effective and consistent implementation, including by promoting partnerships between the council and key stakeholders;
- to exercise, in cases of necessity, the policy-making functions of the governing body between meetings of the council;
- to represent the governing body on regional organisations and in inter-government forums at regional, State and federal levels;
- to advise, manage and provide strategic direction to the general manager in accordance with the council's strategic plans and policies;
- to lead performance appraisals of the general manager;
- to carry out the civic and ceremonial functions of the mayoral office; and
- to exercise such other functions as the governing body determines.

Current provision:

Section 226

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 21)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background

Some aspects of the prescribed role of the mayor recommended by the Panel have not been included in this proposal as a result of previous stakeholder consultation.

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3.2 The mayor's term of office

Proposed Amendment

The current length of term for a mayor is either:

- one year for mayors elected by councillors; or
- four years for mayors popularly elected by the electors.

This would be changed so that mayors elected by councillors are to hold office for a minimum of two years, as recommended by the Panel, with the option of electing a person to the office for the whole four year term.

Also in accordance with the Panel's recommendation, and the Government's response, it proposed that it be compulsory for councillors to vote in a mayoral election.

Section 230 will also be amended to clarify that the office of mayor becomes vacant upon the person holding the office ceasing to hold civic office or on the occurrence of a casual vacancy.

Current provision:

Section 230

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 22)

T: 3.3.1(8) Elections

Background

The proposed amendments will

- enhance political leadership and stable governance of council to give effect to the Government's commitment to extend the term of mayors elected by councillors to a minimum of two years, as well as make voting in mayoral elections compulsory; and
- address an existing ambiguity in the Act that has allowed some Mayors to purport to exercise the role of mayor after they cease to hold office as a councillor after an election.

Although the Panel and Taskforce did not describe a four year mayoral term option – just proposing a *minimum* of two years – this extension is being explored as a way to further support stable local government.

Compulsory voting by councillors for a mayoral election (as recommended by the Panel) may also address community concern that too many mayors are chosen by pulling lots out of a hat. However, it is important that a positive statutory obligation to vote does not undermine the democratic process (such as by excluding a person who has a genuine reason for being absent) or be too easy to avoid for reasons that are not bona fide. To meet those policy ends, the Act could provide:

- councillors may cast a vote in a mayoral election by proxy;
- councillors may cast a vote by telephone, video-conference, or electronic means;
- if a councillor is absent from the meeting at the time of the vote so that the number of remaining councillors voting is even-numbered, and has not cast a vote by proxy or electronic means, then another councillor must be excluded from voting by way of a 'draw from a hat'; and
- a regulation-making power in relation to process of electing mayors by councillors.

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3.3 The role of councillors

Proposed Amendment

It is proposed to recast section 232 so that it focuses on individual responsibilities of councillors, rather than their responsibilities as members of the governing body of a council. The role and responsibilities of an individual councillor, (including the mayor), should be:

- to be an active and contributing member of the governing body;
- to make considered and well informed decisions;
- to represent the collective interests of residents, ratepayers and the wider community of the local government area;
- to facilitate communication between the community and the governing body;
- to be accountable to the community for the local government's performance; and
- to uphold and represent accurately the policies and decisions of the governing body.

Current provision:

Section 232

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (Box 19)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.18(7)d Other Matters

Background

Section 232 currently sets out a "dual role" for councillors as members of the governing body and as elected representatives and has been a source of confusion.

The proposed amendments are intended to provide greater clarity for councillors and communities by prescribing councillors individual roles as elected representatives separately from their collective roles as members of the governing body, as recommended by the Panel.

3.4 Councillors' term of office

Proposed Amendment

Section 234 prescribes the circumstances in which a civic office becomes vacant. Section 234 will be amended to clarify that a vacancy will occur in the civic office of a councillor where they are elected to another civic office in the council, (ie the office of a popularly elected Mayor) something that is currently not clear.

Current provisions:

Sections 233 and 234

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

3.5 Oath or affirmation of office

Proposed Amendment

It is proposed to require all councillors, including the Mayor to take an oath or affirmation of office in the prescribed form before commencing duties.

The oath or affirmation of office is to be taken within 1 month of election to office and councillors are not to undertake their duties until they do so. Where a councillor fails to take an oath or affirmation, his or her office will be declared vacant.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.18(2) Other Matters

Background

An oath or affirmation of office operates as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails. Both Victoria and Queensland require their councillors to take an oath of office. It is proposed that the NSW law should operate in a similar way to Victoria and Queensland.

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3.6 Councillors' expenses and facilities

Proposed Amendment

Sections 252 to 254 relate to the payment of expenses and provision of facilities to councillors and the adoption of policies governing this. It is proposed to amend sections 252 and 253 to:

- replace the requirement under section 252 for councils to annually adopt an expenses and facilities policy with one simply requiring councils to adopt a policy within the first 12 months of their terms; and
- remove the requirement under section 253 for councils to provide the Office of Local Government annually with a copy of their adopted policies and an assessment of public submissions made in relation to their adoption.

Current provisions:

Sections 235 – 254A and Schedule 1

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.18(3) Other Matters

Background

The proposed amendments are designed to reduce the compliance burden on councils of being required to annually exhibit, consult and adopt their councillor expenses and facilities policies even where no change is made to them and to provide copies to the Office of Local Government. It is also noted that open access obligations apply now to councils under the *Government Information (Public Access) Act 2009*.

3.7 Mayor/councillor professional development

Proposed Amendment

New provisions are proposed to require the following:

- Councils are to develop an induction program for newly elected and returning councillors and a specialist supplementary program for the mayor to assist them in the performance of their functions. The induction program is to be available for delivery within 4 months of the election.
- Each year, councils are to develop an ongoing professional development program for the mayor and each councillor to assist them in the performance of their functions to be delivered over the coming year.
- In determining the content of the induction and ongoing professional development programs, the council is to have regard to the specific needs of each individual councillor (including the mayor) and of the governing body as a whole and the requirements of any guidelines issued by the Office of Local Government.
- The content of the induction and ongoing professional development program is to be determined in consultation with the mayor, the council as a whole and individually with each of the councillors.
- Councils are to include details of the content of the induction and ongoing professional development offered to the mayor and each councillor and whether or not they participated in the training or development offered in the council's annual report.

Current provisions:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 26 Political Leadership and Good Governance (requirement for mandatory professional development)

P: 27 Political Leadership and Good Governance (linking remuneration with completion of professional development program).

Background

Some aspects of the Panel recommendation have not been included in this proposal as a result of previous stakeholder consultation. The proposed approach has the following benefits:

- it places a responsibility on all councils to offer an induction and ongoing professional development programs to their councillors;
- it allows councils the freedom to determine the content of those programs based on local and individual needs at the same time as allowing the Office of Local Government to have input into content through guidelines; and
- it places responsibility for participation on councillors and makes them accountable to the community that elected them for any failure to do so.

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3.8 Role and functions of administrators

Proposed Amendment

Several provisions of the Act provide that the administrator is to exercise the functions of the council without articulating what the nature of their role is within a council.

It is proposed to address this ambiguity and align the role of the administrator with the proposed prescribed role of the mayor and councillors by amending these sections to provide that:

- Where a sole administrator is appointed to a council, they are to exercise the role and responsibilities of the mayor and a councillor as prescribed under the Act.
- Where more than one administrator is appointed, all administrators are to exercise the role and responsibilities of councillors as prescribed under the Act and one, as specified by the relevant instrument of appointment, is to exercise the role and responsibilities of the mayor as prescribed under the Act in addition to those of a councillor.

Current provisions:

Sections 255-259, 438I, 438M and 438Y

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background

The proposed amendments are designed to address an existing ambiguity in the legislation that has been unhelpful in councils under administration. Providing greater clarity in relation to the roles of administrators aligns with the new descriptions that are being proposed for mayors and councillors.

3.9 Financial controllers

Proposed Amendment

A financial controller is responsible for implementing financial controls and related duties. Where a financial controller is appointed, a council may only make payments that are authorised or countersigned by the financial controller.

It is proposed to allow the Minister for Local Government to appoint a financial controller to a council that is performing poorly with respect to its financial responsibilities and/or is at high financial sustainability risk, in conjunction with issuing a performance improvement order.

A financial controller would only be appointed through the existing performance improvement order process after information is gathered or an investigation undertaken that shows the council is not performing, a notice of the proposed remedial action has been issued to a council and the Minister has considered the council's submissions with respect to the notice.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background:

The Minister has an existing power to issue a performance improvement order against poorly performing councils to compel them to take steps to improve their performance. Before issuing a performance improvement order, the Minister must first give the council notice of his intention to do so and consider submissions by the council.

As part of the exercise of these powers, the Minister may appoint a temporary adviser to the council. If a temporary adviser is appointed, the council, councillors and members of the staff of the council are required to co-operate with the temporary adviser and to provide any information or assistance the temporary adviser reasonably requires to exercise his or her functions.

It is proposed to complement these powers with a new power for the Minister to appoint a financial controller to a council. These powers will be modelled on those that exist in Queensland.

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3.10 Meetings

Proposed Amendment

In relation to conduct of meetings, amendments consistent with the following are proposed :

- provide that the Regulation may prescribe a Model Code of Meeting Practice (a Model Meeting Code);
- provide that the Model Meeting Code may include mandated and non-mandatory “best practice” provisions;
- require councils to adopt a Code of Meeting Practice (an adopted meeting code) that at a minimum incorporates the mandated provisions of the Model Meeting Code;
- allow a council’s adopted meeting code to supplement the provisions contained in the Model Meeting Code;
- provide that a provision of a council’s adopted meeting code will be invalid to the extent of any inconsistency with the mandated provisions of Model Meeting Code;
- require council and committee meetings to be conducted in accordance with the council’s adopted meeting code;
- require councils to review and adopt a meeting code within 12 months of each ordinary election; and
- retain the existing requirements under sections 361 - 363 in relation to the adoption and amendment of a meeting code and public consultation in relation to this.

Aspects of the current meetings provisions in the Act and the Regulation will be updated and incorporated into a new Model Meeting Code.

Current provisions:

Sections 9-11, and 360-376
Clauses 231-273

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.2 Meetings

Background

The Model Meeting Code will comprise mandatory provisions and non-mandatory best practice provisions. Councils will be required to adopt meetings codes that incorporate the mandatory provisions but will not be obliged to adopt the non-mandatory best practice provisions in order to respond to local requirements. The mandatory provisions will largely incorporate the existing meetings provisions, which will be updated to:

- address existing procedural ambiguities; and
- modernise procedural requirements.

It is expected that the new Code will initially include the provisions relating to meeting processes now found in the Act and Regulation, but be reordered to reflect the order in which events usually occur in meetings.

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3.11 Delegation of functions

Proposed Amendment

It is proposed to include amendments to section 377, which were introduced into Parliament previously but lapsed prior to the 2015 election, to remove the restriction on the delegation of the acceptance of tenders.

It is also proposed to allow councils to delegate the provision of community financial assistance for the purpose of exercising its functions where:

- the financial assistance is part of a specific program;
- the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given;
- the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year; and
- the program applies uniformly to all persons within the council's area or to a significant proportion of all persons within the area.

Amendments may be required facilitate the proposal to allow councils to delegate a regulatory function to another council or a joint organisation of councils, to support future collaboration and resource sharing.

Current provisions:

Sections 377-381

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.8 Delegations
T: 3.3.10 Procurement

Background

The amendments are designed to:

- Reduce red tape
- Remove impediments to collaboration, and
- Support the use of Integrated Planning and Reporting to guide council decisions on financial assistance.

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4. Elections

4.1 Extension of the option of universal postal voting to all councils

Proposed Amendment

It is proposed to amend section 310B to provide that the option of universal postal voting is available to *all* councils after the next ordinary election.

Current provisions:

Sections 310B
Clauses 313 and 321

**Independent Local Government Review Panel
(P)/Local Government Acts Taskforce (T)**

recommendation:

T: 3.3.1(1) Elections

Background

The Taskforce's election-related recommendations have largely been implemented through the *Local Government Amendment (Elections) Act 2014* which was legislated to give effect to the recommendations of the Joint Standing Committee on Electoral Matters' inquiry into the 2012 Local Government elections.

The one outstanding action arising from the Government response to the Committee's recommendations is the extension of the option of universal postal voting to all councils. Currently this is only available to the City of Sydney. In its response to the Committee's recommendation to give councils the option of universal postal voting, the Government indicated that this option would be made available to all councils following the 2016 elections. For councils that do not choose universal postal voting, the existing postal and pre-poll voting qualifications will remain.

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5. Council's workforce

5.1 Determination of the organisation structure

Proposed Amendment

It is proposed to amend the Act to provide that:

- the organisation structure is to be determined on the advice of the general manager;
- the adopted structure must accord with the priorities set out in the council's community strategic plan and delivery program;
- the adopted structure may only specify the roles and relationships of the general manager, designated senior staff and other staff reporting directly to the general manager; and
- the general manager is to be responsible for determining the balance of the organisation structure but must do so in consultation with the governing body.

Current provisions:

Sections 332-333

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 29

T: 3.3.3 (1)

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



5.2 The role of general managers

Proposed Amendment

It is proposed to describe the role and responsibilities of the general manager in the Act consistent with the following:

- to conduct the day-to-day management of the council in accordance with the governing body's strategic plans and policies;
- to advise the mayor and the governing body on the development and implementation of policies and programs, including the appropriate form and scope of community consultation;
- to prepare, in consultation with the mayor and governing body, the community strategic plan and the council's resourcing strategy, delivery program and operational plan, annual report and community engagement strategy;
- to certify that Integrated Planning and Reporting requirements have been met in full, and that council's annual financial statements have been prepared correctly;
- to ensure that the mayor and councillors receive timely information, advice and administrative and professional support necessary for the effective discharge of their responsibilities;
- to implement lawful decisions of the governing body in a timely manner;
- to exercise such of the functions of the governing body as are delegated by the governing body to the general manager;
- to appoint staff in accordance with an organisation structure and resources approved by the governing body
- to direct and dismiss staff;
- to implement the council's workforce management strategy; and
- to undertake such other functions as may be conferred or imposed on the general manager by or under the Act or any other Act.

Current provision:

Section 335

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 28: Political Leadership and Good Governance (Boxes 23 and 24)

T: 3.1.4 Roles and Responsibilities of Council Officials

T: 3.3.3 Appointment and Management of Staff

T: 3.3.18(7)d Other Matters

Background

The current provisions are unclear about the respective roles of general managers and councils in determining the organisation structure. This has been the source of conflict within councils.

The proposed approach has the benefit of:

- addressing this ambiguity making it clear what the respective responsibilities of the council and the general manager are;
- making it clear that the organisation structure has to be determined on the advice of the general manager (ie councils cannot unilaterally restructure without the input of the general manager); and
- clearly aligning the determination of the organisation structure with the delivery of a council's Integrated Planning and Reporting objectives.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



5.3 The requirement to report annually to the council on senior staff contractual conditions

Proposed Amendment

It is proposed to omit the requirement under section 339 for general managers to report annually to the council on the contractual conditions of senior staff.

Current provision:

Section 339

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

None

Background

Senior staff are now all employed under the approved standard contract for senior staff rendering this requirement redundant.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



6. Ethical standards

6.1 Consolidation of the prescription of ethical standards

Proposed Amendment

Provisions in the Act and the Regulation relating to the disclosure of pecuniary interests and the management of pecuniary conflicts of interests will be replicated in the Model Code of Conduct.

Current provisions:

Sections 441 – 459
Clauses 180 - 192

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T)

recommendation:

T: 3.3.6 Code of Conduct
T: 3.3.7 Pecuniary Interest

Background

The proposed amendments are designed to consolidate the imposition, administration and regulation of the ethical obligations of council officials into a single instrument, the *Model Code of Conduct for Local Councils in NSW* (the Model Code).

Currently council officials need to be familiar with their obligations under both the Model Code and the pecuniary interest provisions of the Act. The separate regulation of the obligation of council officials to disclose and appropriately manage pecuniary conflicts of interests is a historical anomaly that arose from the fact that these provisions predated the prescription of a Model Code of Conduct and the provision for a disciplinary regime with respect to councillor misconduct. Replication will allow the consolidation of ethical standards into a single instrument.

The current misconduct investigative provisions in the Act will apply to pecuniary interest matters and replace the pecuniary interest investigative procedures (see [6.2] below). The prescribed *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Model Code Procedures) will continue to require the referral of pecuniary interest breaches to the Office of Local Government and these will be dealt with under the misconduct provisions of the Act.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



6.2 Investigation of pecuniary interest breaches

Proposed Amendment

It is proposed to omit the provisions relating specifically to the investigation of complaints alleging breaches of the pecuniary interest provisions. These will instead be dealt with under the existing misconduct provisions.

General managers (and mayors in the case of allegations concerning general managers) will continue to be obliged to refer pecuniary interest breaches to the Office of Local Government under the prescribed Model Code Procedures. These will continue to be investigated by the Office and referred to the NSW Civil and Administrative Tribunal (NCAT) under the misconduct provisions where appropriate. As is currently the case with respect to misconduct matters, it will also be open to the Chief Executive to take disciplinary action with respect to less serious pecuniary interest breaches instead of referring them to the Tribunal.

The Tribunal's powers to take disciplinary action against council staff, committee members and advisors with respect to pecuniary interest breaches are to be retained. The provisions that apply to proceedings before the NCAT generally and the NCAT's consideration of misconduct matters will also be retained.

Current provisions:

Sections 440F – 440P
Sections 460 – 486A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments are required to give effect to the amendments that will see the prescription of all ethical standards under the Model Code of Conduct for Local Councils. All breaches (including in relation to the obligation to disclose and appropriately manage pecuniary conflicts of interests) will be dealt with under the existing misconduct provisions of the Act.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7. Councils' strategic framework

7.1 Integrated planning and reporting principles

Proposed Amendment

New provisions will be included to establish overarching Integrated Planning and Reporting principles and require councils to undertake strategic business planning in accordance with those principles.

The proposed Integrated Planning and Reporting principles will provide that councils (together with their communities, other councils and stakeholders) are proposed to include:

- lead and inspire residents, businesses and others to engage with their council;
- identify and prioritise key community needs and aspirations;
- develop strategic goals to meet these needs and aspirations;
- identify activities and prioritise actions to work towards these strategic goals;
- plan holistically to deliver on strategic goals within their resources;
- foster community participation to better inform local and state decision making;
- manage council's current and future financial sustainability;
- appropriately adapt to changing circumstances, evidence and priorities;
- proactively manage risks to the community and its council;
- be transparent and accountable for decisions and omissions;
- maintain an integrated approach to planning, delivery, monitoring and reporting;
- collaborate to maximise achievement of key community outcomes; and
- honestly review and evaluate progress on a regular basis.

Current provisions:

Sections 402 – 406 (Note there are mandatory guidelines)

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

The proposed amendments will ensure that the purpose and principles of Integrated Planning and Reporting as a strategic business planning tool are clearly reflected in the Act. These provisions will:

- set out the overarching principles of Integrated Planning and Reporting;
- require strategic business planning to be undertaken by councils in accordance with the prescribed Integrated Planning and Reporting principles and provisions;
- guide how Integrated Planning and Reporting documents are to be adopted/endorsed and reviewed; and
- require integrated planning to be directed to achieving better outcomes through continuous improvement.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7.2 Streamlining the existing integrated planning and reporting provisions

Proposed Amendment

The current Integrated Planning and Reporting provisions are contained in sections 402 to 406. These provisions will be amended so that they are confined to setting out the purpose of each document and when they must be delivered. Detailed process requirements for how this must be done will be moved to the Regulation.

Current provisions:

Sections 402 – 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

These amendments are designed to give effect to the Taskforce’s recommendations that the existing Integrated and Planning and Reporting provisions be simplified with prescriptive detail contained in the Regulation.

7.3 Council’s integrated planning and reporting to reflect regional priorities

Proposed Amendment

Amendments are proposed to ensure that regional priorities are reflected in individual councils’ strategic business planning. In particular, amendments are proposed to:

- require council’s community strategic plans to identify key regional priorities and strategies for the council, developed with adjoining councils and agencies; and
- require delivery programs to address key regional strategies including council actions and any proposed joint programs agreed regionally.

Current provisions:

Sections 402 and 404

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

7.4 Expanded scope of delivery programs

Proposed Amendment

Section 404 will be amended to clarify that delivery programs are to capture all council activities.

Current provisions:

Section 404 and 406

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act
T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to embed in the Act a requirement that is currently reflected in the mandatory Integrated Planning and Reporting Guidelines.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



7.5 Fiscal sustainability

Proposed Amendment

The *Local Government (General) Regulation 2005*, which provides for an annual statement of revenue policy in each operational plan, will be amended to require councils to:

- establish revenue policies with a view to ensuring fiscal sustainability; and
- provide a clear rationale for how rating systems are structured and what they are designed to achieve.

The Regulation will also set out in more detail what is required of councils' resourcing strategy to clarify the purpose and objectives of workforce, asset and long term financial planning. This will draw on the essential elements in the current Integrated Planning and Reporting guidelines to help councils produce more robust and useful strategies in these key areas.

Current provision:

Clause 201

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 2 Fiscal Responsibility (Box 9)

P: 5 Strengthening Revenues

Background

The amendments will give effect to the Panel's recommendations to embed the principle of fiscal sustainability through Integrated Planning and Reporting.

7.6 Expanded scope of councils' community engagement strategies

Proposed Amendment

It is proposed to broaden the existing requirement that a council must adopt a community engagement strategy to inform the development of its community strategic plan. If amended, the Act would require the adoption of a community engagement strategy to inform *all* council activities (other than routine business-as-usual operations), not only those directly associated with development of the council's Integrated Planning and Reporting framework.

This would be done by making the adoption of a community engagement strategy a general legislative obligation.

A council's community engagement strategy would need to meet minimum prescribed requirements. It is anticipated, for example, that guidelines would prescribe minimum public consultation requirements for specific activities including the development of the components of a council's Integrated Planning and Reporting framework, and include a requirement to periodically evaluate the efficacy of consultation methodologies.

It is proposed to accommodate the existing provisions relating to community polls within the proposed standalone community engagement provisions.

Current provisions:

Sections 14, 18 – 20, 402

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.0.0 Approach and Principles for the Development of the New Act

T: 3.2.2 Community Engagement

T: 3.3.18(7)b Other Matters

Background

The requirement for a single overarching community engagement strategy provides a framework for councils to engage with their communities in a strategic, ongoing, flexible and locally appropriate way. It also provides a single, consistent point of reference in the Act for other provisions requiring councils to undertake consultation for specified activities.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8. Council performance

8.1 Annual reports

Proposed Amendment

It is proposed to require the information reported in councils' annual reports to be endorsed as factually accurate by an internal audit committee. As noted below (at [8.4]), councils will be required to establish internal audit committees with a majority of independent members and an independent Chair.

Current provisions:

Sections 428-428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

T: 3.2.3 Performance of Local Government

Background

The proposed amendment is designed to provide an assurance mechanism and to give communities confidence in the integrity of the information their councils report about their council's performance through its annual report.

8.2 State of the environment reports

Proposed Amendment

It is proposed to remove the requirement under section 428A for a council to include a State of the environment report in its annual report every 4 years. Councils would instead be required to report on environmental issues relevant to the objectives established by the community strategic plan in the same way they are currently required to report on the achievement of other objectives set in their community strategic plans (that is, through their annual reports and the 4-yearly end of term report).

Current provision:

Section 428A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.2.1 Integrated Planning and Reporting

Background

This amendment is designed to:

- reduce the compliance burden on councils arising from the preparation of a separate state of the environment report every 4 years; and
- help councils achieve their environmental objectives by consolidating the reporting of those objectives into their Integrated Planning and Reporting frameworks.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.3 Performance measurement

Proposed Amendment

It is proposed to allow for the introduction of a performance management and reporting framework that should:

- provide a statutory basis to establish new indicators and benchmarks for reporting purposes;
- expressly require councils to collect and report against these indicators in accordance with guidelines;
- establish annual performance statements as part of council annual reports, which will be subject to oversight and attestation requirements;
- align performance reporting to the Integrated Planning and Reporting cycle; and
- provide the capacity to establish a state-wide community satisfaction survey.

Current provision:

Section 429

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 2 Fiscal Responsibility

P: 18 Improvement, Productivity and Accountability

T: 3.2.3 Performance of Local Government

Background

The proposed framework is a modified version of the one recently adopted by Victoria. Further work will be undertaken with the local government sector to develop the performance management framework in the coming months.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.4 Internal audit

Proposed Amendment

It is proposed to introduce a mandatory requirement for councils to have an internal audit function. To this end, it is proposed that new provisions will require all councils to have an internal audit function:

- with broad terms of reference covering compliance, risk, fraud control, financial management, good governance, performance in implementing their community strategic plan and delivery program, service reviews, collection of required indicator data, continuous improvement and long term sustainability; and
- that focuses on councils adding value to, and continuous improvement in, the performance of their functions.

All councils will be required to comply with guidelines issued by the Chief Executive of the Office of Local Government with respect to the implementation of their internal audit functions. All councils will appoint an audit, risk and improvement committee that meets the following requirements:

- audit committees must have a majority of independent members and an independent chair;
- general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and
- the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement.

Councils will be permitted to have joint arrangements for internal audit and share audit committees.

Current provisions:

Discretionary guidelines issued under section 23A

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

Mandating internal audit will:

- entrench within each council an internal assurance mechanism that offers an alternative to prescription and external oversight as a means of addressing risk, ensuring compliance and promoting best practice;
- drive and inform a culture of continuous improvement;
- facilitate reporting; and
- promote increased accountability.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.5 Sector-wide performance audits by the Auditor-General

Proposed Amendment

To identify trends and opportunities for improvement across the sector as a whole, it is proposed to compliment the mandated requirement for internal audit by empowering the Auditor-General to conduct issue-based performance audits in key areas of local government activity.

Current provision:

None

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 22 Improvement, Productivity and Accountability (Box 17)

Background

As noted by the Panel, such audits have been conducted by the Victorian Auditor-General for many years. Topics are selected in consultation with the sector, and recent audits have covered important issues such as rating practices, sustainability of small councils, business planning, fees and charges, and use of development contributions. They usually involve a small sample of representative councils. The audits do not question the merits of councils' policy objectives. Rather, the purpose of the audit is to assess whether councils are achieving their objectives and operating economically, efficiently and effectively.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.6 Financial management

Proposed Amendment

It is proposed to adopt a more ‘principles-based’ approach to the management of council funds by moving detailed requirements to the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*, which is prescribed under the Act.

New provisions in the Act will set out objectives and principles that are to inform councils’ financial management practices and that align them with the objectives set through councils’ Integrated Planning and Reporting frameworks. These provisions will ensure that the financial targets for councils are to be those reflected in their long term financial plans, delivery programs and operational plans.

They will also establish the following principles of sound financial management:

- responsible and sustainable spending, aligning general revenue and expenses as per the councils’ planning documents.
- responsible and sustainable infrastructure investment for the benefit of its community.
- effective financial and asset management, including sound policies and processes for:
 - performance management and reporting, and
 - asset maintenance and enhancement, and
 - funding decisions, and
 - risk management practices.
- achieving intergenerational equity, including ensuring that:
 - policy decisions are made having regard to their financial effects on future generations, and
 - the current generation funds the cost of its services.

Current provisions:

Sections 408 – 411

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to start to give effect to the Taskforce’s recommendations for a more “principles-based” approach to the regulation of councils’ financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments wherever practical.

The proposed principles of sound financial management are modelled on those contained in the *Fiscal Responsibility Act 2012*.

Towards New Local Government Legislation
Explanatory Paper: proposed *Phase 1* amendments



8.7 Financial reporting

Proposed Amendment

Consistent with the proposal that councils' financial obligations be recast to establish a "principles-based" approach in the Act detailed reporting requirements should be specified instead in the Regulation and the *Local Government Code of Accounting Practice and Financial Reporting*.

Current provisions:

Sections 412-421

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

T: 3.3.9 Financial Governance

Background

The proposed amendments are designed to give effect to the Taskforce's recommendations for a more "principles-based" approach to the regulation of councils' financial governance in the Act, with prescriptive detail moved to the Regulation and other subordinate instruments.

8.8 External audit

Proposed Amendment

It is proposed to place Local Government audits under the aegis of the NSW Auditor-General.

There will also need to be transitional arrangements in the Bill to ensure that existing auditor appointments can be brought to an orderly conclusion, with minimal disruption to councils, current auditors and the Audit Office of New South Wales.

Current provisions:

Sections 422-427

Independent Local Government Review Panel (P)/Local Government Acts Taskforce (T) recommendation:

P: 3 Fiscal Responsibility

Background

As noted in the Government response to the Panel and Taskforce, giving the Auditor-General oversight of council financial audit will improve quality, consistency and timeliness and financial management.

The Office of Local Government is currently working with the Audit Office on the development and implementation of the proposed amendments, including transitional arrangements.

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 1: GROW THE WEALTH OF THE SHIRE			
CSP1.1: A viable agricultural sector with niche opportunities and products coupled with lifestyle.			
1.1.1	Maintain and strengthen partnerships with organisations responsible for natural resource management	Attendance at meetings	Ongoing attendance at regional meetings during period by Council delegates and representatives.
1.1.2	Promote sustainable development and protection of our natural resources through the planning system.	Review of LEP and Council	Planning Proposal for E3 to RU1 finalised. Planning Proposal for Heritage Items progressing. Strategic Planning investigation of Employment Lands commenced. Input of information into Regional Growth Plan.
1.1.3	Ensure planning activities support long term sustainability of agricultural sector.	Support by agricultural sector/landcare groups for planning scheme	Submission to Bathurst Regional Council made supporting the potential sale of Treated Effluent for Regis Gold Mine.
1.1.4	Explore and promote opportunities for Agriculture value adding industries.	Production of a economic development strategy in 2013. Establishment of new industries.	Blayney 2020 Masterplan Plan progressing and draft endorsed by Council for public exhibition at September meeting.
CSP1.2: A thriving mining industry that supports and works well with the community.			
1.2.1	Manage the development of mining as it develops in the Shire in order to preserve sustainable industrial diversity into the future.	Industry meeting. Policy development.	Continue to meet with current and prospective mining companies on a regular basis. Submission to Bathurst Regional Council made supporting the potential sale of Treated Effluent for Regis Gold Mine.
1.2.2	Improve transport linkages across the Local Government Area to support the mining industry.	Development of work plan.	Stage 1 of the Fixing Country Roads project for Errowanbang Road completed, and open to traffic in December. Future projects being prepared including the replacement of Dirt Hole Creek bridge and realignment works.
1.2.3	Build meaningful relationships between the mining industry and community.	Established communication channels. Attendance at meetings. Working relationships and cooperation. Mutual projects.	Participation and representation at Mining Related Council's meetings.

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
CSP1.3: A well established, connected and prosperous tourism industry.			
1.3.1	Implement Blayney Shire Tourism Plan	Implementation of plan and targets. Tourism business thriving	New Blayney Shire Villages Guide printed. Cost supported by sale of advertising. Original print run 2,000, reprint required December. Launched at Regional Tourism Forum held in Blayney in November; attended by regional tourism, arts, cultural agencies and tourism operators.
1.3.2	Develop a structure to effectively support and grow tourism and local business.	Structure in place. Productive meetings.	Facebook campaigns - Spring into Blayney, Blayney Big Brekky, 12 Days of Christmas competition. Number of likes reached > 800 by December.
CSP1.4: Internationally recognised brand for Blayney Shire.			
1.4.1	Work with the community and organisations within the region to develop a recognised brand for the Blayney Shire.	Brand developed	Signage and banners being replaced around the Shire with Village brand.
CSP1.5: Sustainable water, energy and transport sectors to support future growth.			
1.5.1	Advocate for increased funding for transportation assets through Federal and State programs	Representations made to relevant agencies	Transport Infrastructure projects compiled by Centroc. Blayney/Demondrille Railway Line remains high regional priority.
1.5.2	Promote sustainable energy development and use within the Shire.	Provision of information.	Energy audit commissioned of all Council buildings including Sewerage Treatment Plant, CentrePoint and Community Centre.
CSP1.6: A vibrant local retail and business sector.			
1.6.1	Seek opportunities to build a vibrant local retail and business sector.	Cooperative projects. Opportunities identified and followed up.	Ongoing dialogue with Office of Small Business, Dept. of Industry and Investment and RDA. Business Investment information added to Council website. MasterPlan 2020 completed on exhibition ready for community consultation.
1.6.2	Build and retain relationships with government bodies and NGO's to assist small business	Productive relationships. Number of activities.	
1.6.3	Support and encourage the establishment or expansion of local businesses	New businesses. Empowered local business.	
1.6.4	Develop an environment that will attract technology or internet based industry to come to Blayney.	Establishment of technology industries and technologies.	

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 2: A CENTRE FOR SPORTS AND CULTURE			
CSP2.1: Cultural and sporting events are coordinated and resourced.			
2.1.1	Encourage development of a calendar of sport and cultural events.	Information provided on web site and updated by sporting groups.	Tourism and Calendar of Events website maintained, driven by information submitted from event/sporting club organisers. Our Carcoar and New Newbridge Community Village Plans in draft following community workshops. Towns and Villages Committee combined with Economic Development Committee working well.
2.1.2	Engage with key groups and organisations with a view to developing community partnerships for conducting activities and programs.	Participation of organisations.	CentrePoint activities and facilities ongoing during period. Member visits: 7,453; 189 membership renewals; active members 690; casual entries 3,435; 3,387 attended group fitness classes run though period. 28 participants in 10 week challenge programs.
2.1.3	Engage with the Shire youth to facilitate progress and activities across the Shire.	Youth activities held. Meetings of Youth Council.	Learn to swim: Term 3 2015 – 171 students enrolled Term 4 2015 – 283 students enrolled Kids Fit and Kids Holiday Programs run with good success with 62 attending in July and 74 in September.
2.1.4	Work proactively with the community groups to assist with event management.	Develop Community events guide and policies.	Mixed Sports competitions run in Terms 3 (7 teams) and Term 4 (5 teams). Small schools rotation program ran fortnightly and a number of school visits occurred during the period. Activities run by 3rd parties include Rock the Rim Basketball program, Martial Arts, Table Tennis, Girl Guides, Jasmynes Jitterbugs (Millthorpe Ballet School), Jets Swimming, Blayney Dolphins Swim Club.
2.1.5	Encourage and facilitate an active and healthy community by developing accessible programs through CentrePoint and local sporting groups.	Develop programs and activities with the community. Maintain facilities in accordance with financial estimates.	Coordination and support provided to the Cooee and Boomerang March re-enactments (October), Blayney Big Brekky (November), Millthorpe Markets and Millfest (December), Lyndhurst Market Day (October) and Blayney Pop Up Art Gallery (December) Building contractor engaged for the construction of the extension to the Redmond Oval amenities building for provision of a Food Safety compliant canteen. Specialist contractor engaged for the Redmond Oval upgrade project. Contractor engaged for Blayney Showground fencing Stage 2.

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
CSP2.2: Strong participation in sporting events and competitions.			
2.2.1	Encourage active participation in sport.	Participation in Regional Sport promotions.	Blayney Sports Council meetings conducted and minutes presented to Council. Shire ovals and sporting facilities well maintained and utilised for sporting programs.
2.2.2	Establish and support a community based representative body for sporting groups.	Report written and council established	
CSP2.3: Blayney Shire - a centre for arts, performance and entertainment.			
2.3.2	Develop partnerships with other arts organisations to help deliver arts and cultural activities	Arts and cultural activities coordinated.	Community Centre usage during period. Meetings: 18; Conferences: 5; Other functions: 53; Council related activities / meetings: 50; Unused days: 70 Blayney Pop Up Art Gallery (December) Council support formalise for acquisitive prize Textures of One Art Exhibition Blayney Shire Library for period are as follows: Visits: 1,205; Issues: 2,188; Membership @31/12/15: 1,212
2.3.3	Encourage the use of the Blayney Shire Community Centre as a facility for arts and culture.	Use of facility.	
2.3.4	Provide library services in the Blayney Shire	Usage of library services	

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 3: PRESERVE AND ENHANCE OUR HERITAGE AND RURAL LANDSCAPES			
CSP3.1: Retention of native vegetation with linking corridors.			
3.1.1	Protect and enhance biodiversity, native, vegetation, river and soil health.	Developed strategies for protection	Revive! Belubula River at Pound Flat, instream work (removal of woody/noxious weeds, and resnagging) and revegetation with native species completed.
3.1.2	Facilitate the delivery of more planting on Council owned and controlled land.	Compliance with strategy	Mapping system for planting projects completed. Data capture to be undertaken Q3/4 (2015/16).
CSP3.2: Biodiversity of waterways.			
3.2.1	Adopt and implement the Draft Integrated Water Cycle Management Plan (IWCM) Plan.	Implementation of agreed activities and tasks	IWCM approved by NSW Office of Water. Biodiversity education being provided through information in Community News and Ratepayers newsletters.
3.2.2	Enhance the community's understanding of biodiversity issues and work towards positive behavioural change	Research resourced and made available.	
CSP3.3: Heritage sites in the natural and built environment are identified and understood.			
3.3.1	Pursue recognition of heritage items in draft LEP 2012.	Information to public Heritage advice	Planning Proposal to alter Heritage Items within the LEP progressing.
3.3.2	Identify items of natural heritage in Blayney Shire.	Information to public Heritage advice	
CSP3.4: Sustainable land use practices across the Shire.			
3.4.1	Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.	Develop partnerships with relevant organisations.	Neville Cemetery grant funding project completed. Green Army grant funding secured for cemeteries work in 2016/17 financial year.

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

NO: 1 - DELIVERY PROGRAM REPORT

ITEM NO: 13

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 4: DEVELOP AND MAINTAIN SHIRE INFRASTRUCTURE			
CSP4.1: Adequate provision of transport, roads, rail, information and communication technologies and community social assets.			
4.1.1	Manage Local Road Network to agreed service levels.	Performance budget/time/quality. Meeting service levels. Customer request system.	Routine inspections and maintenance undertaken in accordance with budget limitations. Stage 1 of the Fixing Country Roads project for (Sothorn Cadia Route) Errowanbang Road completed.
4.1.2	Manage Regional and State Road Network to agreed service levels.	Service levels provided in accordance with State Government funding.	Maintenance grading continues on unsealed road network as and where required, within budget.
4.1.3	Ensure Ancillary Road facilities are serviceable and in line with current standards e.g. footpaths, cycleways, kerb and gutter, bus stops etc.	Performance budget/time/quality. Meeting service levels. Customer request system.	Removal of the Old Lachlan Road bridge and replacement with wet crossing completed. Review of bridge replacement program priorities completed. Request for Tenders issued for preliminary site investigations of 11 bridge sites.
4.1.4	Source road making materials in environmentally responsible manner.	Regulatory compliance	Asset inspections of culverts underway and report provided to Council in December.
4.1.5	Implement the Blayney Shire Council Asset Management Plans	Quantity and quality of information allocated	Customer complaints continue to be addressed as and when required. Essential Energy (EE) continue to undertake street lighting maintenance.
4.1.6	Seek additional grant funding for construction and maintenance of roads and associated facilities	Applications submitted and Grant funds received.	Injury surveys completed quarterly. Crushing operations completed in Gordons and Cadia quarries.
4.1.7	Plan for future transport and road infrastructure to service future needs	Projects are 'shovel ready'	Inspection of hired plant undertaken in accordance with legislative requirements. Road inspections undertaken on regular basis.
4.1.8	Investigate opportunities for stormwater harvesting and reuse	Projects identified and implemented. Successful grant applications.	Assets system software implementation underway . Active Transport program funded projects for shared paths and safety improvements along Carcoar and Martha Streets.
4.1.9	Apply the principles of Water Sensitive Urban Design (WSUD) to stormwater management	Completion of WSUD policy. Investigate grant funding.	Community engagement for Active Movement Strategy completed. 2015/16 capital works program design documentation continues, with preliminary investigations for 2016/17 underway.
4.1.10	Prepare Stormwater Management Plans	Completion of Plans	Council continues to meet with, utilise services and seek specialist advice from Local Land Services/Environment and Waterways Alliance.
4.1.11	Maintain cemeteries in accordance with the community's needs and expectations	Compliance with regulations. Maintain records.	Cemeteries were maintained in accordance with the regulations. Drone photography has been undertaken of all cemeteries within the shire.
4.1.12	Identify surplus Council owned assets for possible sale to be invested in infrastructure reserve.	Assets identified for sale	Building maintenance was undertaken within the period, with particular note to; Admin Building, King George Oval, Blayney Show Ground. Quotations and Tenders for a number of items were also accepted to commence in the near future.
4.1.13	Maintain and improve Council owned building assets	Implementation of Building maintenance program	

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DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
CSP4.2: Every village has access to water and sewerage services.			
4.2.1	Maintain the availability and quality of water for use in rural areas	Water availability and quality. Operational bores.	Routine inspections undertaken of sewerage treatment plant (STP) in conjunction with EPA and NSW Office of Water (NOW). Joint contract for pipe relining approved between Blayney and Cabonne Councils. Contractor commenced CCTV works in Q2(2015/16) with relining to commence Q3. EHO position is currently vacant. Progression of the Blayney Shire Onsite Waste Water Policy hinges on their being an EHO.
4.2.2	Ensure Sewerage Treatment Plant are able to meet needs of the Blayney Shire	Maintain to licensing standards	
4.2.3	Provide an effective and safe Sewerage Collection Network for Blayney Shire	Achieve network maintenance	
4.2.4	Ensure that the disposal of liquid waste in rural areas is carried out in a healthy manner without negative	SMF's (sewerage management facilities) reviewed.	
CSP4.3: Improved access to community and public transport between villages and centres.			
4.3.1	Lobby to improve public transport around the shire	Improved transport services. Greater accessibility across the Shire.	Public Transport services maintained. Newbridge Railway Station deterioration of Heritage building raised with local state member for referral to Minister.
CSP4.4: Integrated medical and aged care facilities across the Shire.			
4.4.1	Advocate for the upgrading of rail infrastructure	Meeting attended.	Awaiting announcement of launch of NSW Fixing Country Rail program as an opportunity for funding to reactivate Blayney-Demondrille railway. Advocacy via Centroc also being utilised to prioritise project at all levels of government.
CSP4.5: Sustainable Waste Management.			
4.5.1	Develop and promote programs that increase the participation of the community in recycling and reducing waste going to landfill.	Attendance at NetWaste meetings. Educational material developed. Participation in recycling program.	Meetings attended during period. Solid waste management by JR Richards monitored quarterly. Liaison with NetWaste regarding the finalisation the 10 year waste collection contract to start in 2016. Grant application made to supply composting bins to all premise who have Domestic Waste Collection.

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 5: DEVELOP STRONG AND CONNECTED COMMUNITIES			
CSP5.1: A diverse and sustainable population in our communities and villages.			
5.1.1	Assist incorporated village committees, progress associations and hall committees.	Active village committees	Council staff and Councillors attended various meetings, events and activities in particular Mayor, during FFF process and merger preference.
5.1.2	Promote living in the Blayney Shire	Residents Pack developed.	Residents pack on website and available from Tourist & Community Information Centre.
CSP5.2: Fit and healthy community members.			
5.2.1	Build partnerships with community groups to increase use of parks and reserves	Interaction with use groups	Staff continue to liaise with stakeholders as and when required, and via Sports Council to further capital improvements and strategic plans for facilities.
5.2.2	Provide for the implementation of projects, identified in Council's Pedestrian and Access Mobility, Bike Plan to improve community health and fitness	Meetings attended	Active Transport program funded projects for shared paths and safety improvements underway. Community engagement for Active Movement Strategy completed.
CSP5.3: Full and equitable access and strong usage of Information and communication technologies across the Shire.			
5.3.1	Implement programs to build community skills with computer technology, to build community participation and social inclusion amongst older Australians.	Internet access available to community. Program participation.	Information on website. Internet access maintained at Cottage and Library. Promotion of Seniors Kiosk ongoing.
CSP5.4: Capable, self sufficient communities engaged in decision making about issues that affect them.			
5.4.1	Develop and implement a community engagement process and policy	Informed communities	Communications strategy implemented in November/December regarding Fit for the Future and Blayney Shire merger preferences including; Newspaper, Facebook, newsletters to all residents, rates notice newsletter and Mayor and some Councillors attendance at every Town and Village Association Meeting.
5.4.2	Develop and implement plans for villages and township	Plans developed. Implementation ongoing as funds become available.	Presence at Blayney Farmers' Markets in November and Millthorpe Markets in December with Council tent. Community Engagement Policy remains current. Village Enhancement Plans included into works programs. Volunteerism promoted on Council website.
5.4.3	Encourage volunteerism within the Community	Promotion undertaken	

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
STRATEGIC DIRECTION 6: LEADERSHIP			
CSP6.1: Good governance across our communities.			
6.1.1	Councillors to exhibit leadership on Council and participate in Council and regional communities as well as community organisations.	Attendance to meeting. Councillor presence on relevant committees.	Council continues to support Centroc pilot JO participating at Centroc AGM, GMAC and WBC AGM. Blayney has resumed Chair and Secretariat of WBC Alliance, Wellington ceased membership 31 December. Grant funding workshop held for community groups in October.
6.1.2	Promote resource sharing and collaboration with regional organisations.	Participation in meetings. Resource sharing projects.	
6.1.3	Encourage sound governance practice in community organisations.	Provide assistance and training as requested.	
CSP6.2: Meaningful communication between the Shires communities and Council.			
6.2.1	Identify and engage with Shire Community Groups.	Establish regular communications with Shire Community Groups.	Engagement with community being undertaken in various forms. Website and media communications channels utilised to promote Council activities. Acknowledgement process to emails and correspondence in place and ongoing. Activity reports issued to Directors monthly. Rates notice newsletters, B Rock and 2BS radio presence, half page Blayney Chronicle advert and GM conversation weekly.
6.2.2	Implement Council's Community Engagement Plan	Engagement activities conducted	
6.2.3	Develop communications between Councillors and the community to provide community opinion.	Community satisfaction with communication processes. Available to community.	
6.2.4	Manage a customer request system to assist communications between community and Council.	Response times to requests.	
CSP6.3: A well-run Council organisation.			
6.3.1	Provide a framework for the efficient and effective administration of Council.	Assess Council's position against Better Practice Review.	Blayney Shire deemed Not Fit according to IPART criteria of population < 10,000 however financially sustainable. Audited Financial Statements submitted to OLG, presented to Council unqualified within regulations. Reviews undertaken of Council processes associated with fuel rebates an improvements effected. Review of Council insurance portfolio undertaken as part of Centroc project. Annual report and Financial reports finalised and lodged by required due dates. All legislative reporting per requirements and regulations for quarter including PID report, GIPA report etc.
6.3.2	Maintain a stable and secure financial structure for Council.	Report financial outcomes as required by legislation.	
6.3.3	Support actions for the sustainable future of local government.	Review Destination 2036 outcomes and actions to improve local government.	
6.3.4	Develop strategies that respond to the impact of climate change on the community.	Supply of community information.	

DELIVERY PLAN PERFORMANCE STATUS REPORT - DECEMBER 2015

DP Ref.	TASK	MEASURE	COMMENT
CSP6.4: A safe community.			
6.4.1	Provide support for emergency management in Blayney Shire in accordance with SERM Act	Emergencies responded to.	Preparation of new emergency management plan (EMPLAN) approved by LEMC and REMC. Road Safety Officer (RSO) continues to deliver road safety program, engage in Traffic Committee, and undertake road safety audits or speed zone reviews in conjunction with Roads and Maritime Services. RSO accepted two awards on behalf of the Tablelands Road Safety program, and delivered a paper at the Institute of Public Works Engineering Australasia (IPWEA) 2015 NSW State Conference. RSO undertook a child restraint fitting day in Blayney in December 2015. Environmental Health and Animal Control activities were undertaken in accordance with applicable legislation.
6.4.2	Undertake regulatory responsibilities for environmental health and animal control.	Regulatory responsibilities are met	
6.4.3	Educate communities on road and pedestrian safety	Programs delivered	
6.4.4	Review risk management of council operations.	Plan is implemented and risk managed.	



Blayney Shire Council

Policy Register

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Policy Title	Code of Conduct
Document/File No	
Officer Responsible	Director Corporate Services
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Objectives

The Code of Conduct sets the minimum requirements of behaviour for Council officials in carrying out their functions.



Office of
Local Government

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**MODEL CODE OF CONDUCT
FOR LOCAL COUNCILS IN NSW**



November 2015

ACCESS TO SERVICES

The Office of Local Government is located at:

Levels 1 & 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Level 9, 6 - 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000
Fax 02 9289 4099
Email olg@olg.nsw.gov.au
Website www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm

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PART 1

INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including a conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

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

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

PART 2

PURPOSE OF THE CODE OF CONDUCT

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

The Model Code of Conduct has been developed to assist council officials to:

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

PART 3

GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

- 3.4** You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5** You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

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

Development decisions

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

Binding caucus votes

- 3.9** You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10** For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11** Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12** Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4

CONFLICT OF INTERESTS

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

What is a pecuniary interest?

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

What are non-pecuniary interests?

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

Managing non-pecuniary conflict of interests

- 4.12** Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13** If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14** How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15** As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

- 4.16** If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17** If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18** If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19** Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20** Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21** Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a “major political donor” is a “major political donor” for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council’s decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:

- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
- b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

- 4.29** A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30** If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31** As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32** You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5

PERSONAL BENEFIT

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

Gifts and benefits

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

Token gifts and benefits

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

Gifts and benefits of value

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

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

5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6

RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

- 6.3** The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4** Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

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

Inappropriate interactions

- 6.7** You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

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

Use of certain council information

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

Use and security of confidential information

- 7.9** You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10** In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information
 - b) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

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

Use of council resources

- 7.12** You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13** Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14** You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15** You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16** You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17** You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18** You must not convert any property of the council to your own use unless properly authorised.
- 7.19** You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20** Councillors and administrators are entitled to have access to the council chamber, committee room, Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21** Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22** Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8

MAINTAINING THE INTEGRITY OF THIS CODE

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

Complaints made for an improper purpose

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

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

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

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

- 8.6** For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

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

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

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

Complaints alleging a breach of this part

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

PART 9

DEFINITIONS

In the Model Code of Conduct the following definitions apply:

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

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

For more information on the Office of Local
Government Code of Conduct visit our website

www.olg.nsw.gov.au



Office of
Local Government

	Date	Minute
Adopted:	12/8/1996	651
Last Reviewed:	14/02/2005	7
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Next Review	14/11/2016	



Blayney Shire Council

Procedure & Guidelines Register

Procedure No

Policy Title Enterprise Risk Management Guideline

Officer Responsible Risk Officer

Last Review Date 29/10/2015

Objectives

To provide Blayney Shire Council with a consistent approach to Risk Management across all of Council and to assist staff in making decisions in their day to day activities, and the management of the risks that will be encountered in those activities.

Blayney Shire Council



Enterprise Risk Management Plan

Revision History

Version	Date	Amended	Authorised by	Approved by	Revision Date
V1.2		Jennifer Robson			
V1.1	21/05/2014		Glenn Wilcox	MANEX	2015
V1.2	15/02/2016	Jennifer Robson			29/10/2015

Change History

Version	Change Details
V1.2	Review and revision
V1.1	Approved after minor changes
V1.0	New Procedure

Related Documents

Document Title	
Blayney Shire Council 09a WHS Policy 2013	1311/006
Blayney Shire Council 02i Risk Management Policy 2013	1309/012
Blayney Shire Council 03g Procurement of Goods & Services Policy 2013	1312/003
Blayney Shire Council Procedure No 3G Procurement Procedure	Manex 28/10/2014

Other Relevant Documents

AS/NZS ISO 31000:2009 Risk management - Principles and guidelines
 SA/SNZ HB 436:2013 Risk management guidelines – Companion to AS/NZS ISO 31000:2009
 SA SNZ HB 89 - 2013 Risk management - Guidelines on risk assessment techniques
 ISO GUIDE 73:2009
 Work Health and Safety Act 2011
 Work Health and Safety Regulation 2011
 Local Government Act 1993

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This document has been developed by Blayney Shire Council's Risk Officer in conjunction with Cabonne Shire Council, Forbes Shire Council and Central Tablelands Water to assist in the development and implementation of Enterprise Risk Management (ERM) and associated processes. It should be read in conjunction with Blayney Shire Council's Risk Management Policy. The purpose of this document is to provide an overview and explanation of the Enterprise Risk Management (ERM) process applied at Blayney Shire Council.

1. INTRODUCTION

This Enterprise Risk Management Plan establishes the framework and context, in terms of how Blayney Shire Council (Council) manages risk. Council recognises that risks are an integral part of normal everyday life. Taking control of risk is good business practice, and allows for risks to be identified, analysed, evaluated and treated. A set of descriptors and tables, known collectively as the Risk Rating Tables, or Risk Rating Matrix, are included to assist measuring and evaluating risks and controls and establishes a common language to manage risk and defines Council's level of risk tolerance.

Council shall manage risks associated with Council operations through:

- Identification of foreseeable risk;
- Assessment of the consequence of an event;
- Implementation of corrective/preventative measures which aim to eliminate if possible, or if not, control or prevent risk according to the hierarchy of control;
- Review or evaluation of the effectiveness of risk control measures;
- Providing instruction, training, information and supervision to support risk control

The requirements of this Plan shall apply to all Councillors, Council employees, contractors (including labour hire and temporary employees) and where applicable volunteers.

2. DEFINITIONS

Action Plan – a plan formulated for the treatment of a risk. Action plans consider implementing controls, strengthening current controls or introducing additional controls that reduce the likelihood of the risk and/or the impact of the consequences.

Business Continuity Plan - a treatment plan for certain risks when consequences could disrupt core business functions. The plan outlines the actions to be taken and resources to be used before, during and after a disruptive event to ensure the timely resumption of critical business activities.

Consequences - the impact or outcome of an event.

Control - a procedure, system, activity or process that modifies the likelihood and/or consequences of risk.

Event – occurrence or change of a particular set of circumstances.

Hazard – a situation or thing that is the source of potential harm.

IP&R – integrated planning and reporting.

Likelihood - a measure of how likely it is that a certain consequence will eventuate.

Residual Risk – risk remaining after treatment.

Risk - the effect of uncertainty on objectives and is measured as a loss or gain.

Risk Analysis - the process that determines risk by evaluating the effectiveness of existing controls and assigning values for consequences and likelihood.

Risk Acceptance – an informed decision to take a particular risk or accept a level of risk. Risk Acceptance can occur without risk treatment or during the process of risk treatment and is subject to monitoring and review.

Risk Appetite – the amount and type of risk that Council is willing to pursue or retain.

Risk Evaluation - a process of comparing the results of risk analysis to determine whether the risk is acceptable or tolerable.

Risk Identification means a process of finding, recognising and describing risks. The identification of risk includes the identification of the source, the events, their causes and their potential consequences.

Risk Management – the coordinated activities to direct and control Council with regard to risk.

Risk Owner - a person or entity with the accountability and authority to manage a risk.

Risk Rating - a determined value that is assigned to the risk.

Risk Tolerance - a degree that a Council is willing to accept risk, after risk treatment, in order to achieve its objectives.

Risk Treatment – process to modify risk.

Worker – includes Councillors, staff, trainees, labour hire personnel, contractors and volunteers.

3. RISK MANAGEMENT

The management of risk is an integral part of sound business management. Risk management is a critical component of Council's overall performance and an essential element of good corporate governance.

There is a direct relationship between risk and opportunity in all business activities, and as such, Council needs to be able to identify, measure and manage its risks in order to be able to manage threats and opportunities to achieve its goals and objectives. Risk management is simply the practice of systematically identifying and understanding risks and the controls that are in place to manage those risks.

Risk is the effect of uncertainty on objectives and can be described as:

- Any threat than can potentially prevent Council from meeting its objectives;
- Any opportunity that is not being maximised by Council to meet its objectives.

The process for managing Council's risks is consistent with AS/NZS ISO 31000:2009 Risk management – Principles and guidelines.

3.1 Managing Risk

The primary reason for managing risk is to enable Council to successfully achieve its goals. With the growing need for transparent decision-making, a structured, systematic risk management process demonstrates the due diligence that is required. A comprehensive understanding of the risk exposures facing Council also facilitates

effective planning and resource allocation, and encourages a proactive management culture, with flow-on benefits for every aspect of Council’s operation.

3.2 Risk Management – What is it?

Risk management is most successful when it becomes fully integrated into normal operating procedures, processes and systems. In other words risk management is to be applied at all levels of Council operations.

Everyone is accountable in managing risk.

Council has developed a detailed implementation framework, which provides a step by step outline for implementing risk management. There is a strong emphasis on training, education and communication, to ensure the skills of managers, supervisors and employees will be developed and maintained.

This management plan provides the framework for risk management and provides Blayney Shire Council staff with guidance in how to apply consistent and comprehensive risk management.

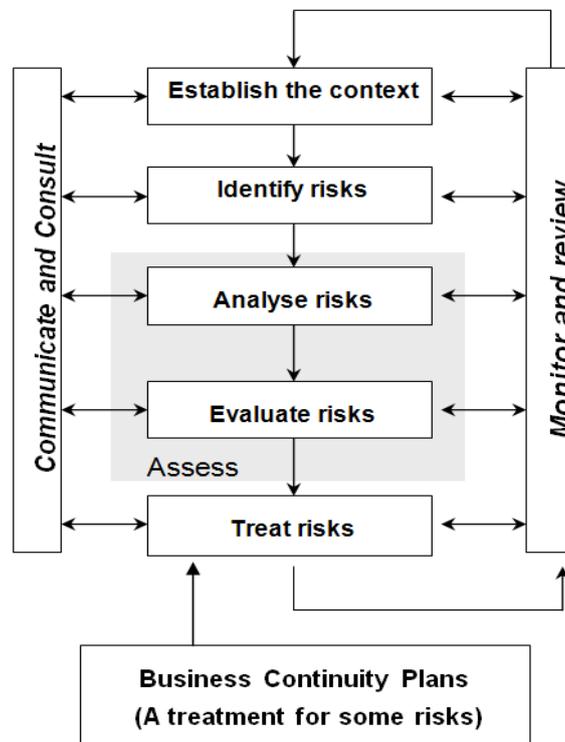


Figure 1: Risk Management Process

4. ROLES AND RESPONSIBILITIES

A commitment to risk management shall exist at all levels of Council.

4.1 Councillors

Councillors have overall responsibility for adopting and committing to Risk Management Policy and for overseeing Council's risk management framework. They approve and allocate funding, report to the community and liaise with the General Manager and Directors.

4.2 General Manager

The General Manager is accountable for the overall management of Blayney Shire Council's Risk Management Policy, this Enterprise Risk Management Plan and its implementation across all aspects of Council business. The General Manager will display leadership and direction and report to Council and statutory bodies. The General Manager is responsible for allocation of sufficient resources to support the effective and efficient management of risk and that risk management is aligned to the IP&R objectives and Operational Plan. The General Manager ensures that Council and Executive Services risks are identified and recorded in the Council Risk Register.

4.3 Management Executive Group (MANEX)

MANEX is chaired by the General Manager with the other members being the Directors. It meets weekly. MANEX will oversee the implementation, decide on the direction, monitor and review the risk management process. Risk management is a standing agenda item on the MANEX agenda and reports from the Risk Officer are tabled.

4.4 Directors

Directors are accountable for the implementation and currency of this Enterprise Risk Management Plan and its associated documents within their department. Other responsibilities include ensuring training and resources are available, providing leadership and support, and report to MANEX on matters relating to risk management. Directors ensure that departmental risks are identified and recorded in the Council Risk Register. The Director is notified of these risks and is the owner of the risks within their Directorate.

4.5 Managers

Managers are responsible for implementing and maintaining sound risk management processes to conform to this Enterprise Risk Management Plan. It is the responsibility of all Managers to actively promote a culture where risk mitigation is seen as the responsibility of all staff and contractors employed by Council. Managers are accountable for compliance, adherence to time frames, monitoring and review. They provide direction and support to supervisors and staff, and report to their Director. Managers are responsible for developing and implementing proposed actions on the Risk Register and ensuring actions are completed in the allocated time frame.

4.6 Supervisors

Supervisors are required to create an environment where the management of risk is accepted as the personal responsibility of all staff. Their duties include instruction, monitoring and enforcing risk management process. They assist Council by communicating and consulting with staff, ensuring timely identification of hazards and risks are eliminated or minimised, reviewing effectiveness of controls and reporting incidents. Supervisors report to their managers and Director.

4.7 Workers

All workers are responsible for their participation in Enterprise Risk Management activities and processes to minimise Council's exposure to risk within their area of activity. Worker participation includes the documentation of work methods, processes and risk assessments. Other responsibilities include attending training in risk management, reporting unsafe acts or any conditions of risk, incidents or injuries and compliance with direction, policies and procedures.

4.8 Audit Committee

A formally appointed committee of the Council and is responsible to that body. The objective of the Audit Committee is to provide independent assurance and assistance to Blayney Shire Council on risk management, control, governance and external accountability responsibilities.

4.9 Risk Officer

The Risk Officer's primary responsibility is the coordination, documentation, monitoring and compliance of risk management within Council. The Risk Officer reports directly to the General Manager and responsibilities include providing risk management advice and assistance, distributing information and facilitating training in risk management for all Council staff.

5. COMMUNICATION AND CONSULTATION

Communication and consultation are important elements in each step of the risk management process. Ongoing stakeholder engagement is crucial for success in the identification and management of risk.

Effective communication ensures those accountable for risk management and those with a vested interest, understand the basis on which risk management decisions are made and why particular strategies are implemented. It is important that the communication approach recognises the need to promote risk management concepts across all management and employees.

Communication is the sharing of information, ideas, experience and viewpoints. A structured approach to communication and consultation will provide the following benefits:

- Organisational unity and a risk tolerant culture;
- Risk management process is credible and understood;
- The interests of stakeholders are understood and considered;
- Integration of multiple viewpoints;
- Securing endorsement and support for risk action planning;
- Risk management is embedded in the way we do things.

6. RISK MANAGEMENT FRAMEWORK

Blayney Shire Council's risk management process is aligned to its strategic goals and objectives and is integrated within the overall planning and management functions of Council.

Council's risk management process is about understanding Council's environment by considering the following:

- Vision and values as set out in its Strategic Management Plan;
- Strategic direction, goals and objectives;
- Internal and external environment;
- Internal and external stakeholders;
- Community expectations;
- Organisational planning, reporting and management;
- Roles, responsibilities and communication strategies;
- Organisational governance and the integration of risk management;
- Operational planning, skills and resources.

7. RISK MANAGEMENT METHODS

There are a number of different methods Council utilises to manage risk. Blayney Shire Council employs a three level risk assessment structure:

Level 1 – site or task specific risk assessments

Level 2 – procedures and safe work method statements

Level 3 – high level risk assessments and action plans

All three methods involve the systematic process of risk identification, risk analysis and evaluation and risk treatment and control. The selection of risk assessment method is in relation to the level of risk or its complexity and exposure. Alternatively management may apply a specific method based on other factors introduced to the activity or task.

When the level of risk is identified as extreme or high they are to be recorded in the Council Risk Register. Risks can be entered into the Risk Management Module (Synergy) with the nominated Responsible Persons emailed to complete proposed actions within a specified time frame.

The **Risk Register** is a log of the identified risk and hazards, and contains details of:

- Risk or Hazard identification and type;
- A risk statement describing the risk or hazard;
- Details of the business or work unit and ownership of the risk;
- Assessed likelihood and consequence descriptors;
- Risk rating;
- Appropriate Control Measures;
- Adequacy of those Control Measures;
- Responsibilities for actions;
- Monitoring and review process.

Risk registers shall be reviewed and reported to MANEX every two months. Reports to Council and Audit Committee are to be prepared Three times a year or where there has been a significant incident or occurrence, and where changes to legislation or business practice occur.

7.1 Risk Identification

What is Risk?

AS/NZS ISO 31000:2009 defines risk as the effect of uncertainty on objectives. It is measured in terms of consequence and likelihood. To ensure that all risks within Council are addressed, a structured, systematic approach to defining and identifying risk is essential.

Risk identification considers what can happen, when and where, and why and how it can happen. Comprehensive risk identification using a well-structured process is critical, in order to achieve the strategic and operational outcomes agreed to by Council.

Risks can be identified using many techniques, including

- Checklists
- Questionnaires
- Staff experience
- Council records
- Group methods such as brainstorming or workshops
- Internal or external audits.

Strategic and operational risks that effect objectives can be identified in areas such as

- Service delivery
- Reputation
- People and culture
- Finance
- Fraud and corruption
- Health and safety

- Stakeholder
- Business continuity
- Security
- Compliance with legislative requirements

7.2 Risk Analysis

This is the process of considering the consequences and likelihood of a risk to determine the level of risk using the Risk Descriptors and Risk Matrix.

7.2.1 Consequence Rating

When analysing the consequences of a risk or event, consider the level of impact in relation to each of the consequence categories described in the Consequence Rating Table (Figure 2). Consequence is the outcome, injury, loss, gain, damage or any other unwanted outcome if the risk eventuates. Consequence ranges from minor to catastrophic.

7.2.2 Likelihood Rating

This describes how likely that a risk or event will eventuate. Likelihood can also be described as probability or frequency determined by referring to statistics, documents, skills and knowledge, past risk assessments and experiences (see Figure 3). Likelihood ranges from very unlikely to almost certain.

Consequence				
Category	Catastrophic	Major	Moderate	Minor
People	Fatality/multiple fatalities/life threatening injury or illness /extensive long term injury	Severe injuries/ permanent disability/lost time injury	Medical treatment or hospitalisation/ restricted duties time	First aid/minor injury/no lost time
Property & Finance	Extensive loss and long term consequences (\$1M+/>10% of Budget)	Major financial loss, replacement of property or infrastructure (\$300,000-\$1M/>5% of Budget)	Significant financial loss and impact on operations (\$10,000+/<5% of Budget)	Negligible financial loss or property damage (<\$10,000/<1% of Budget)
Information	Complete loss of all records and data; disaster management required	Loss of critical functions across multiple areas; extensive management and resources required	Significant interruption in multiple areas	Minor downtime in single area
Reputation	Extensive public outcry, potential broad media attention	Significant public criticism with media attention	Local community concern or criticism	Isolated, internal or minimal adverse attention or complaint
Environment	Extensive impact; Fatalities occur; requires long term remediation	Serious medium term impact; external services required to manage	Significant impact; contained with assistance	Minimal impact; dealt with by normal operations
Legal & Governance	Extensive breach, fines litigation and possible class action; threat to viability of organisation	Serious breach involving statutory authority with formal inquiry, fines and litigation; long term significance	Contained non-compliance or breach with short term significance	Isolated non-compliance or breach Managed by normal operations

Figure 2: Consequence Rating Table

Descriptor	Description	Indicative Frequency
Almost Certain	The event is expected to occur in most circumstances	>80% of the time
Likely	The event will probably occur in most circumstances	50-80% of the time
Unlikely	The event is not expected to occur	20-50% of the time
Very Unlikely	The event could happen but only in exceptional circumstances	<20% of the time

Figure 3: Likelihood Rating Table

		Likelihood			
		Almost Certain	Likely	Unlikely	Very Unlikely
Consequence	Catastrophic	Extreme	Extreme	High	High
	Major	Extreme	High	High	Medium
	Moderate	High	High	Medium	Low
	Minor	High	Medium	Low	Low

Figure 4: Risk Rating Matrix

Extreme	High	Medium	Low
<p>Rating level is NOT acceptable.</p> <p>Managed by responsible Director, entered on Risk Register.</p> <p>Requires immediate attention, including internal and external resources, documented controls and action plans.</p> <p>Monitored by GM and MANEX and possibly designated elected members.</p>	<p>Managed by responsible Director, entered on Risk Register.</p> <p>May require allocation of additional resources, procedures, processes or training.</p> <p>Monitored by Director, responsible Manager and Risk Officer.</p>	<p>Managed by designated Manager, may be entered on Risk Register and require specific procedures or processes.</p> <p>Monitored at Manager level.</p> <p>Notified to Risk Officer.</p>	<p>Managed in day to day operations, by individual staff or small team.</p> <p>Monitored by area supervisors.</p> <p>Generally handled by SWMS, Site Specific Risk Assessments, procedures or checklists.</p>

Figure 5: Risk Rating

7.3 Risk Evaluation

The level of risk, or risk rating, is evaluated by cross referencing the consequence and likelihood rating tables using the risk rating matrix (see Figure 4). Within each category of risk there may be multiple scenarios ranging from Minor and very unlikely with a low risk rating to Catastrophic and almost certain which has an extreme risk rating. It is important to rate what is the most probable or realistic level of risk considering both consequences and likelihood.

7.4 Risk Treatment

Risks that are identified, assessed and evaluated can be modified by the process of risk treatment.

Approaches to risk treatment include;

- Ceasing the activity that creates the risk
- Mitigating the risk, in the case of a threat, to reduce the likelihood and/or consequence or in the case of opportunity, to enhance the likelihood and/or consequence (i.e. controlling the risk)
- Monitoring the risk and/or the effectiveness of controls
- Accepting the risk
- Sharing or transferring the risk

In some cases, existing controls will be determined to be effective, and the risk will be accepted. In other cases, the risk will need to be more effectively managed before it can be accepted. Risk treatment is therefore strengthening existing controls or developing and implementing new controls, so that the risk can be accepted.

Following the risk rating process, the level of risk needs to be re-evaluated to determine if the controls reduces the risk to an acceptable level. If it is determined that the risk is not reduced to an acceptable level, additional controls will be required.

7.4.1 Risk Control

The primary aim of risk control is to eliminate the risk by removing the hazard. When this is not possible the risk must be minimised using one or more of the options from the hierarchy of controls. The risk control measure selected must be the highest possible option in the hierarchy to minimise the risk to the lowest level that is reasonably practicable.

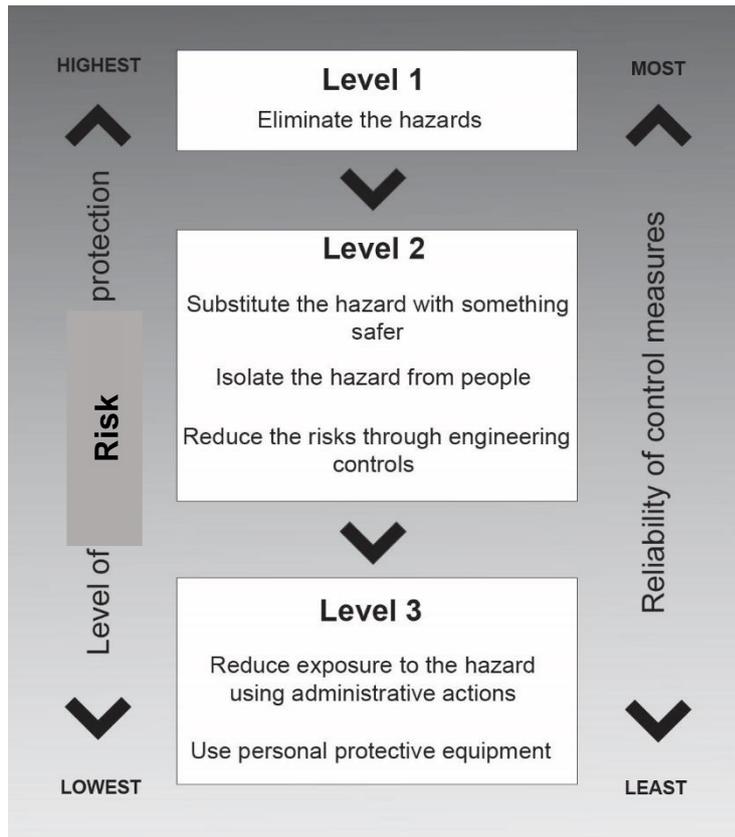
Hierarchy of Control

Figure 6: Hierarchy of Control

Level 1

Eliminate the hazard.

Level 2

If it is not reasonably practicable to eliminate the hazards and associated risks, you should minimise the risks using one or more of the following approaches:

- Substitute the hazard with something safer
- Isolate the hazard
- Implement Engineering controls

Level 3

Level 3 are the lowest level of controls. These control measures do not control the hazard at the source. They rely on human behaviour and supervision, and used on their own, tend to be least effective in minimising risks

Administrative controls and PPE should only be used:

- when there are no other practical control measures available
- as an interim measure until a more effective way of controlling the risk can be used
- to supplement higher level control measures.

7.4.2 Review Control Measures

The introduction or review of control measures will require a review of any changes to the way work is carried out. In these situations, it is usually necessary to support the control measures with:

- Work procedures

Develop a procedure or safe work method statement that describes the task, identifies the hazards and documents how the task is to be performed to minimise the risks.

- Training, instruction and information

Training will ensure workers are able to perform the task safely and demonstrate they are competent in performing the task according to the procedure. Training, instruction and information must be provided in a form that can be understood by all workers. Information and instruction may also need to be provided to others who enter the workplace, such as customers or visitors.

- Supervision

Council shall ensure that employees are provided with reasonable supervision necessary to ensure the health and safety of the workers and any other persons at Councils place of work and that the supervision is undertaken by a competent person. In determining the nature and extent of necessary supervision, Council must have regard to the competence, experience and age of each worker.

- Time frames

Controls and proposed actions are assigned to a responsible person with a specified date for completion or review.

7.4.3 Risk Appetite

- The risks that the Council is prepared to take to achieve its strategic objectives;
- The risks that it is prepared to endure in response to a decision not to implement treatments;
- The acceptance of the residual risk following the implementation of risk treatments.

Under most risk scenarios, Council generally has a conservative risk appetite but accepts there are risks associated with many of Council's activities. Where there is scope for discretion, Council is usually willing to accept a higher level of risk to achieve its strategic objectives, however all risk scenarios will be considered on a case by case basis.

7.5 Risk Action Planning

The purpose of risk action planning is to document how current controls and additional controls will be implemented.

Risk action plans shall include the following:

- Recommended and agreed actions – what is the control or additional controls required;
- Resources needed – what is required to implement the control;
- Responsibility – who will be responsible to implement the controls;
- Timing – what is the timeframes for implementing the controls;
- Reporting and monitoring – who needs to be informed when implementing the controls.

When data is input into the Synergy Risk Register Risk Action Plans are generated and staff responsible for the actions are notified.

8. DOCUMENTATION

In order to maintain the highest level of integrity in its decision-making process, it is essential that Council documents its risk management process, especially policies and procedures.

Documenting each step of the risk management process is important for a number of reasons:

- Demonstrate to stakeholders that the process has been conducted properly.
- Provide evidence of a systematic approach to risk identification and analysis.
- Provide a record of risk identification and analysis.
- Enable the review of decisions or processes.
- Develop Council's knowledge database.
- Provide an accountability mechanism.
- Facilitate continued monitoring and review.
- Provide an audit trail.
- Share and communicate information.

Appropriate documentation need not impose another layer of paperwork. Subject to legislative requirements, decisions and processes involving risk management should be documented to the extent appropriate to the circumstances.

Risks identified as extreme or high are to be recorded in the Council Risk Register. The register is developed by risks being entered into the Risk Management Module (Synergy) by each Directorate.

Medium risks are managed by site risk assessments, work methods and procedures and can be input to the Risk Management Module for monitoring if required.

Processes of low risk rating may be documented through a diary note or file notes.

All Risk Management documentation should be registered.

Blayney Shire Council ~~Delegations Register~~ of Delegations



Section 377 Local Government Act 1993 Register of Delegations to the General Manager

ADOPTED: 13 JULY 2009 MINUTE NO.: 0907/008
AMENDED: 9 AUGUST 2010 MINUTE NO.: 1008/022
AMENDED: 14 FEBRUARY 2011 MINUTE NO.: *Power of Attorney motion lost.*
AMENDED: 20 JUNE 2011 MINUTE NO.: 1106/007
AMENDED: 12 NOVEMBER 2012 MINUTE NO.: 1211/012
AMENDED: 10 DECEMBER 2012 MINUTE NO.: 1212/016
AMENDED: 13 MAY 2013 MINUTE NO.: 1305/004
AMENDED: 13 MAY 2013 MINUTE NO.: 1305/007
AMENDED: 12 MAY 2014 MINUTE NO.: 1205/006
AMENDED: 15 FEBRUARY 2016 MINUTE NO.:

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MAYOR

Pursuant to the Local Government Act and Regulations, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act 1993 and every other enabling statutory power, delegates to the person who occupies the position of Mayor, to perform on behalf of Council the following powers, authorities, duties or functions.

1. Council Seal

Authorise the Mayor to be the necessary witness to documents requiring Council's seal.

2. Media Relations

To make media statements or releases on behalf of Council.

3. Policy Making

To exercise in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

4. Correspondence

To sign correspondence on behalf of the Council.

5. Urgent Works

To authorise any work which is deemed urgent at a cost not exceeding \$5,000 provided that such expenditure is reported to the Council at its next Ordinary Meeting.

6. Complaints Against the General Manager

The Mayor shall have the power to investigate substantive written complaints against the General Manager and shall, if warranted, report to the next Ordinary meeting of Council.

*DEPUTY MAYOR***1. Council Seal**

Authorise the Deputy Mayor to be the necessary witness to documents requiring Council's seal.

2. In the absence of the Mayor

In the absence of the Mayor and subject to compliance with the requirements of the Local Government Act 1993, and any expressed policy or direction of the Council, the Council pursuant to the provisions of Section 377 of the Act, and every other enabling statutory power, delegates to the person who occupies the position of Deputy Mayor to exercise and perform on behalf of the Council the powers, authorities, duties and functions of the Mayor including the powers, authorities, duties and functions which the council has delegated by this Instrument to the Mayor.

BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE

1. Pursuant to the delegation of powers from the Roads and Maritime Services, the authority for regulation of traffic and traffic control signs on public roads. This authority is limited to the powers, authorities, duties and functions that are specified in the Roads and Maritime Services Instrument of Delegation to Council, from the Roads and Maritime Services. *Refer the following link for more information:* http://www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/downloads/information/committees/traffic_committees.html

GENERAL MANAGER

The General Manager's powers to act on behalf of Council are given through power of attorney, his/her employment contract and delegations made by Council pursuant to Section 377 of the Local Government Act (1993).

Contracts

The General Manager is employed under contract that is performance based.

The legislative requirements for Council to have a contract with the General Manager results in delegations being included under schedule B of the contract of employment as well as by resolution under the Local Government Act 1993.

Delegation

Pursuant to the provisions of the Local Government Act 1993, and any expressed policy or direction of Council, that Council in accordance with the provisions of Section 377 of the Local Government Act, 1993 and every other enabling statutory power, delegates to its General Manager authority to exercise and to perform on behalf of the Council, all necessary powers, authorities, duties and functions, including but not limited to:

Corporate and Executive Powers

1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any resolution of Council.
2. To carry on the regular services, functions and operations of the Council in accordance with Local Government Act 1993, and other Legislation, Regulations and or policies of the Council.
3. To authorise any action necessary to comply with any policy or code of Council, any statutory requirements of the Local Government Act or Ordinance or any other law, rule or regulation affecting Council.
4. To obtain legal advice from Council's Solicitors or Counsel where necessary.
5. To institute, conduct and defend legal proceedings with respect to Council's activities in all Courts, and instruct and engage Council's Solicitors and Counsel where necessary.
6. Be authorised to respond to notices in respect of such applications to [the Licensing Court of NSW Independent Liquor & Gaming Authority](#) for Liquor licences for functions.
7. Authorise action to be taken in connection with any complaints or requests received.
8. Provide interpretation, counsel and advice on applicable Statutes, and Council's existing and proposed policies; and on statutory limitations during the deliberative and decision making process and provide to the Mayor, individual Councillors and senior staff, a common source of statutory and policy interpretation.

9. To affix the seal of Council to a document.
10. To prepare and lodge applications for grants provided such action is consistent with Council's Strategic & Business Plan or Council Policy.
11. To authorise any works which is deemed urgent, provided that such expenditure is reported to the Council at its next Ordinary meeting, where funds have not been voted by Council.
12. Control communications internally and externally.
13. Rearrange and reorganise staff in all departments.
14. Sign legal contracts where Council has approved the making of that Contract.
15. Internal and external projection and promotion of Council's mantle of dignity, together with its image of efficiency and effectiveness.
16. To approve/refuse public access to Council books or documents which are required to be produced for any legal proceedings.
17. Be authorised to perform all necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the following acts and associated regulations and to implement the provisions as relating to the operation of Council of the following Acts and associated regulation, including but not limited to:
 - (i) Companion Animals Act 1998
 - (ii) Community Land Development Act 1989
 - (iii) Conveyancing Act 1919
 - (iv) Crown Lands Act 1989
 - (v) Environmental Planning and Assessment Act, 1979 as amended
 - (vi) Food Act 2003 and Food Regulation ~~2010~~ 2015
 - (vii) Government Information (Public Access Act) 2009
 - (viii) Fire Brigades Act 1989
 - (ix) Impounding Act, 1993 as amended
 - (x) Interpretation Act 1987
 - (xi) Interstate Road Transport Act 1985
 - (xii) Land Acquisition (Just Terms Compensation) Act 1991
 - (xiii) Library Act 1939
 - (xiv) Local Government Act 1993
 - (xv) Native Title Act 1993, as amended
 - (xvi) Noxious Weeds Act, 1993 as amended
 - (xvii) Workplace Health & Safety Act 2011
 - (xviii) Ombudsman Act 1976

- (xix) Protection of Environment Operations Act 1997; Protection of the Environment Operations (Waste) Regulation ~~2005~~ 2014; Protection of the Environment Operations (Clean Air) Regulations, 2010 and related legislation
- (xx) Public Health Act 2010 and Public Health Regulation 2012
- (xxi) Recreation Vehicles Act, 1983
- ~~(xxii) Road Transport (Safety and Traffic Management) Act 1999~~
- (xxiii) Roads Regulation 2008.
- (xxiv) Roads Act 1993.
- (xxv) Roads Transport (General) Act 2005
- (xxvi) Rural Fires Act 1997.
- ~~(xxvii) Rural Lands Protection Act 1998~~ Local Lands Services Act 2013
- (xxviii) Strata Schemes (Freehold Development) Act 1973
- (xxix) Strata Schemes (Leasehold Development) Act 1986
- (xxx) State Emergency and Rescue Management Act 1989
- (xxxi) State Emergency Service Act 1989
- (xxxii) Swimming Pools Act 1992 and Swimming Pools Regulation 2008.
- (xxxiii) Transport Administration Act 1988
- (xxxiv) Tobacco Advertising Prohibition Act 1992
- (xxxv) Transport Administration Act 1988
- (xxxvi) Unclaimed Money Act 1995

Corporate Services/Administration

- 101 To determine the matters which are to be included in the business papers, subject to the inclusion of the following items whenever they arise:
- (a) Reports on matters that cannot be determined under delegated authority;
 - (b) Reports required to be submitted under any Act or Ordinance;
 - (c) Reference to any deputation's which the Council has agreed to receive;
 - (d) Matters requiring a determination of Policy;
 - (e) Reports directed by Council to be submitted;
 - (f) Matters essential for the Council's information;
 - (g) Matters requiring a vote;
 - (h) Matters or decisions of a potentially contentious nature, or involving a significant variation of Council's policy or standard practice relating to Development Applications.
- 102 Have charge of the records of Council, except as otherwise specifically provided, and be responsible for the recording, filing and safe keeping of such records.
- 103 Keep accurate, permanent records of all properties purchased, leased or sold by, or in the possession of Council. Sign contracts for the sale and purchase price of land where Council has approved the sale or purchase price.
- 104 Authority to terminate any lease or rental agreement on any Council owned property where the terms of the lease have been breached, and accounts fall into arrears.
- 105 Sign all applications addressed to the Registrar General to record the Council as the registered owner of resumed land.
- 106 Authority to establish, maintain, alter or terminate leaseback agreements with employees.
- 107 To approve payment of expenses for elected members.
- 108 Authorise such employees time off for fighting fires within the boundaries of the Blayney Shire without loss of pay if properly called out by the Fire Brigade or the Bush Fire Brigade, where employees of the Council are members of the Blayney Voluntary Fire Brigade or the voluntary bush fire brigade.
- 109 Review Council's exposure to risk on a continuing basis and effect any changes by way of insurance, retention or transfer to protect Council's interest.
- 110 To determine levels of public liability insurance required in accordance with Council's adopted policy.
- 111 The authority to exercise and perform on behalf of Council, all powers, authorities, duties, functions and matters in relation to Strategic Defence Initiatives applying to:
- (a) Public roads;
 - (b) Footpaths;
 - (c) Carparks;
 - (d) Parks, reserves, recreational facilities, gardens and cemeteries;
 - (e) Solid Waste Disposal Depot;
 - (f) Council owned and managed public buildings and facilities;

(g) Floodplain Management.

- 112 Be authorised to offer a reward for information leading to the conviction of people found vandalising Council property, and further, that Council, without exception, takes all legal steps available to it to prosecute people found vandalising Council property.

Finance

- 201 To authorise the payment of salaries and wages of the staff of the Council.
- 202 To authorise the purchase of goods, works and services and to obtain tenders for items over \$150,000.
- 203 To keep accounts of the Council and present to audit in accordance with the requirements made by or under the Local Government Act, 1993 and regulations.
- 204 Determine the categorisation of each parcel of rateable land in accordance with Section 514 of the Local Government Act, 1993.
- 205 Sign cheques and vouchers on behalf of Council
- 206 To authorise the investment of surplus Council funds and sign such application and redemption documents as may be required.
- 207 To determine applications for reductions of rental charges for Council facilities in accordance with Council's policy.
- 208 To determine applications for pensioner rate reduction in accordance with the provisions of Section 575 of the Local Government Act.
- 209 To take action at any time for recovery of unpaid rates and any other amounts owing to Council.
- 210 To approve applications for extension of time to pay accounts.
- 211 To lay information, issue Summonses, swear statements and Affidavits for enforcing Default Judgements and institute any other legal and approved procedure necessary for the recovery outstanding amounts and debts owing to the Council.
- 212 To determine assistance to ratepayers experiencing genuine and substantial hardship.
- 213 To certify that prices and computations on vouchers have been checked and are correct, and as far as able to be ascertained, are fair and reasonable and are in accordance with any quotation/contract under which the goods/services were supplied.
- 214 To determine the amount of bond required to be lodged by developers as surety for completion of works under Council's control.
- 215 To write-off rates or debts which are determined not financially viable to recover to a limit in any one case not exceeding \$1,000.
- 216 To authorise Public Liability/Public Indemnity Claims goodwill payments up to \$500
- 217 To sign Section 603 Certificates on behalf of Council.
- 218 To authorise the disposal of surplus materials and goods.

- 219 To sign as the responsible accounting officer the statement of financial position with respect to Budget Review Statements [Local Government (General) Regulation 2005 – [Part 9](#) Division 3].

Engineering

- 301 To organise and allocate the priority of all construction and maintenance works, subject to any direction of the Council.
- 302 To determine applications for the use of (approve, subject to conditions, or refuse) public roads.
- 303 Be authorised to issue permits for holding of street stalls, processions on roads; holding of meetings in public places; and use of roads during building operations and standing of vehicles in restricted parking areas for any specific purposes and any other Act regulating functions under the control of the Council.
- 304 To sign and issue approval of engineering plans/designs for subdivision and engineering works and related construction certificates.
- 305 To order the removal of obstructions placed illegally on road reserves, footpaths and public places.
- 306 To close roads, or parts thereof, temporarily for repairs or construction.
- 307 To issue/refuse compliance and construction certificates in relation to subdivisions and engineering works.
- 308 Determine the extent and design of works associated with subdivisions and other development applications in accordance with Council Policies and Codes and to determine whether such works have been completed to a satisfactory standard.
- 309 To write to affected landowners seeking an indication on whether they wish the construction of concrete foot paving to be done, upon receipt of such requests for such work, and then arrange a report to Council.
- 310 Grant approval for helicopter touchdowns on Public Reserves in a manner and at a time under such conditions as may be appropriate.
- 311 Authorise the private planting of trees and /or shrubs on footpaths.
- 312 To remove dangerous trees on public works' construction sites under the control of the Council, where such removal is necessary, to allow work to proceed immediately.
- 313 To carry out private works and authorise the hire of Council plant subject to satisfactory arrangements being made for the payment of such works.
- 314 (i) To purchase new vehicles and dispose of existing vehicles where the standard of the vehicle remains the same;
(ii) To have the discretion to dispose of vehicles at other than in accordance with Council current accepted practice;
(iii) Obtain trade prices when replacing vehicles; and
(iv) To have the discretion to dispose of vehicles by either auction, trade-in or public tender.
- 315 To authorise the release of Council plant and other resources to assist firefighting, emergency work, and assist the Local Emergency Management Committee in emergency work.
- 316 Authorise the carrying out of sewer extensions up to 75m per tenement.
- 317 To determine the conditions of use of parks, gardens, reserves and other public places under Council's control.

- 318 To appoint a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency and Rescue Management Act (1989) as amended.

Planning & Development

- 401 To determine Development Applications, Complying Development Certificates, Construction Certificates and Building Applications.
- 402 To determine the fast tracking of Development Applications.
- 403 To issue or refuse to issue compliance, construction, subdivision and occupation certificates under Part 4A [of the Environmental Planning and Assessment Act 1979](#).
- 404 To defend appeals against failure or refusal to issue Part 4A certificates.
- 405 To give notice of intention to serve orders, and modify or revoke orders pursuant to Division 6 of Part 2A.
- 406 To issue or refuse to issue a complying development certificate.
- 407 To modify or refuse to modify a complying development certificate.
- 408 To vary or extend the lapsing period of a consent in accordance with Sections 95 and 95A.
- 409 To approve or refuse applications to modify development consents.
- 410 To refer for comment Development Applications within a Conservation area to the National Trust, where deemed appropriate.
- 411 That Council delegate to the General Manager the powers, authorities, duties and functions delegated to Council pursuant to Section 745 of the Local Government Act 1993, as amended in respect to Section 82(3) of that Act in relation to modification of the provisions of Clauses 50 or 51 of the Local Government (General) Regulation 2005.
- 412 To ensure that premises used for the preparation, storage and/or sale of food are maintained.
- 413 To commence legal proceedings pursuant to the Environmental Planning and Assessment Act 1979, the Local Government Act 1993 and the Food Act 2003.
- 414 To exercise powers conferred under the Protection of Environment Operations Act 1997; Protection of the Environment Operations (Waste) Regulation 2005 and related legislation.
- 417 Sign applications on behalf of Council as applicant and/or owner for works previously approved by Council to be undertaken by Council or on Council's behalf.
- 418 To sign Section 149 and Section 149A Certificates.
- 419 To sign and issue Section 121ZP and Section 735A Certificates on behalf of Council.
- 420 To exercise all of the powers of Council in respect of:
- (a) Applications for all those matters listed in Part A of the Table contained in Section 68 of the Local Government Act 1993.
 - (b) The variation of building lines made under Council's Approvals Policy.

- (c) The variation of Restrictive Covenants created pursuant to Section 88B of the Conveyancing Act 1919, as amended, provided that the subject of the variation complies with the relevant planning instrument.
- (d) Applications for those matters contained in Items 5 and 6 of Part B of the Table contained in Section 68 of the Local Government Act 1993.
 - i. Applications for all those matters listed in Part C of the Table contained in Section 68 of the Local Government Act 1993.
 - ii. Applications for those matters contained in Items 3, 4, 5 and 6 of Part D of the Table contained in Section 68 of the Local Government Act 1993.
 - iii. Applications for all those matters listed in Part E of the Table contained in Section 68 of the Local Government Act 1993.
 - iv. Applications for all those matters listed in Part F of the Table contained in Section 68 of the Local Government Act 1993.
- 421 Determine applications for the creation of temporary construction zones on public roads restricting public parking in such zones.
- 422 To administer the policy in relation to advertising on light standards.
- ~~423 To commence the preparation of a draft Local Environmental Plan under Section 54(1) of the Environmental Planning and Assessment Act, 1979 as amended:~~
 - ~~(a) Preparation and exhibition of Environmental Studies and Local Environmental Plans in accordance with Sections 56-64 and 66-67 of the Act.~~
 - ~~(b) To exercise any delegation conferred upon him/her from time to time by the Director General of the Department Urban Affairs and Planning under Section 65 and, or, 69 of the Act.~~
- ~~424 To prepare a draft Development Control Plan in accordance with Section 72 of the Act and in accordance with the appropriate Regulations, but not including Clause 24(1) of the Regulations, and exhibit, but not to adopt or amend, Town Planning Codes, Guidelines and Policies. To undertake all associated duties to prepare Environmental Planning Instruments and Development Control Plans in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.~~
- 425 To assume the concurrence of the Director General of the Department of Urban Affairs and Planning for variations of development standards in accordance with State Environmental Planning Policy 1 and Department of Environment and Planning Circular 117.
- 426
 - (i) To sign and issue approval of designs for subdivision plans and construction certificates.
 - (ii) To sign survey requests/amendments to the Land Titles Office.
 - (iii) To sign property identification reports.
 - (iv) To sign survey plans.
- ~~427 To order the removal of obstructions placed illegally on road reserves, footpaths~~
- 428 To refund unexpended Development Application fees on actual costs basis.

~~429 — To commission an independent structural assessment of a building for which a development application has been made for demolition where, in assessing the Development, the building is found to be of heritage significance.~~

1. Administration – Accounting

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
1A – Cheque Signatory	That the General Manager be delegated authority to act as a cheque signatory to for Council's bank accounts.	GM	DCS DIS DPES A CFO
1B – Authorisation of Invoices	That the General Manager be delegated authority to authorise invoices for the payment of goods and services received by Council, to the limits authorised by the General Manager, in accordance with the Local Government Act 1993 within the votes of expenditure approved by Council	GM	DCS DIS DPES EAGM MHR MIT CFO SH&BS MO MWW AO SF RS CM STP

1C – Sign Purchase Orders	That the General Manager be delegated authority to obtain quotations and authorise the purchase of goods, works and services to the limits authorised by the General Manager, in accordance with the Local Government Act 1993 and Council's Purchasing Policy, sign orders for the Supply and Delivery of Goods and Services within the votes of expenditure approved by Council.	GM	DCS DIS DPES CFO MIT SH&BS STP MO MI MWW SF
1D – Recover Outstanding Debts (other than Rates)	That the General Manager be delegated authority to Recover Outstanding Debts (other than Rates).	GM	DCS CFO RO ARO
1E – Write off Debts (other than Rates)	That the General Manager be delegated authority to write off all debts, other than rates, charges and interest, not exceeding \$1,000, and that the General Manager report half yearly on the amounts written-off.	GM	-
1F – Disposal of Assets	To approve disposal of assets that are surplus to requirements in accord with Management Council's Operational Plan. To approve disposal of assets that are surplus to requirements with a book value of less than \$1,000.	GM	-
1G – Request for Refunds	To approve or refuse all applications for the refund of application fees, booking fees, bonds and deposits for the use of Council facilities.	GM	DCS DIS DPES CFO A

2. Administration – Banking & Investments

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
2A – Operation of Bank Accounts	That the General Manager be delegated authority to Operate Bank Accounts.	GM	DCS DIS DPES CFO A
2B – Investment of Funds	That the General Manager be delegated authority to Invest Funds <u>for investment of surplus Council funds in Authorised Securities, sign such application and redemption documents as may be required</u> in accordance with Council's Investment Policy.	GM	DCS CFO A
2C – Bank Guarantees	That the General Manager be delegated authority to accept Bank Guarantees for due performance.	GM	DCS

3. Administration – Councillors

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
3A – Councillors	That the General Manager be delegated authority to liaise with Councillors and approve attendance at training and development seminars.	GM	-

4. Administration – Authority to Enter Premises

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
4A – Authority to Enter Premises - LGA	That the General Manager be delegated authority to enter premises and make an inspection in accordance with Section 199 of the Local Government Act 1993.	GM	DPES SH&BS R RR STWO EHO STP TDO
4B – Authority to Enter Premises - EPA	That the General Manager be delegated authority to enter premises and make an inspection, in accordance with Section 118A of the Environmental Planning and Assessment Act 1979.	GM	DPES SH&BS R RR STP EHO TDO
4C – Authorised Officer, Protection of the Environment Operations Act, 1997	That the General Manager be delegated authority to be the authorised officer under the provisions of the Protection of the Environment Operations Act, 1997.	GM	DPES SH&BS STP R RR EHO TDO

5. Administration – General

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
5A – Penalty Notices	That the General Manager be delegated authority to issue <u>a Penalty Notices under Section 679 of the Local Government Act 1993. for an offence under any law that confer regulatory functions on council.</u>	GM	DPES SH&BS STP R RR
5B – Bi-Annual Stocktake	That the General Manager be delegated authority to write off stores and materials to a value not exceeding \$1,000, following a Bi-Annual stocktake	GM	-
5C – Insurance Renewals	That the General Manager be delegated authority to negotiate Council's insurance renewals.	GM	DCS CFO RK
5D – Issue Orders	<p>That Council delegate to the General Manager the power to issue Orders as listed in the Table to Section 124 of the Local Government Act and the Public Health Act and Regulations there under.</p> <p><i>That the General Manager be delegated authority to issue any of the following under any law that confer regulatory functions on council;</i></p> <ul style="list-style-type: none"> <i>a) Notice of Order</i> <i>b) Order</i> <i>c) Emergency Order</i> <i>d) Revoke any Notice of Order or Order</i> <i>e) Alter any Notice of Order or Order</i> <i>f) Clean up Notice</i> 	GM	DPES SH&BS R STP EHO
5E – Donations – Delegation to Refuse Requests	That the General Manager be delegated authority, to consider applications for financial assistance, & determine which requests are to be referred to Council for decision.	GM	-

5F – <u>Community</u> Financial Assistance Program	That the General Manager be delegated authority to approve Financial Assistance Program applications <i>pursuant to the <u>Community Financial Assistance policy</u>.</i>	GM	-
5G – Press Statements	That the General Manager be delegated authority to authorise and issue press statements on Council's behalf.	GM	-
5H – Public Liability & <u>Professional</u> Indemnity Claims	That the General Manager be delegated authority to deny or accept liability for public liability and professional indemnity claims up to the excess as determined from time to time by Statewide.	GM	-
5I – Motor Vehicle Insurance Claims	That the General Manager be delegated authority to deny or accept liability for motor vehicle insurance claims up to \$1,000.	GM	-
5J – Legal Proceedings	That the General Manager be delegated authority to represent Council as required in any legal or court proceedings.	GM	DCS DPES DIS SH&BS STP
5K – Access to Information	That the General Manager be delegated authority to exercise functions under the Government Information (Public Access) Act 2009, and as the officer authorised to: i. To be responsible for responding to formal access applications under Part 4 of the Government Information (Public Access) Act ii. To be responsible for responding to applications for an internal review under Part 5 of Government Information (Public Access) Act.	GM	DCS

5L – Informal release of Information	<p>That the General Manager be delegated authority to exercise functions under the Government Information (Public Access) Act 2009, and as an officer authorised to:</p> <ol style="list-style-type: none"> 1. Informally release information identified as being held by Council and not subject to a 'formal' Access Application. <p><u>Exemptions</u></p> <ol style="list-style-type: none"> 1. Any personal information covered under the Privacy and Personal Information Protection Act 1998; 2. Any information for which a formal access application is required under the Government Information (Public Access) Act 2009; 3. Any information deemed for which it is to be conclusively presumed that there is an overriding public interest against disclosure and is therefore exempt under the provisions of the Government Information (Public Access) Act 2009 - s14 (and Schedule 1); and 4. Exempt documents under interstate FOI legislation - corresponding laws under the provisions of the Government Information (Public Access) Regulation 2009 – s10. 	GM	All staff
5M – Destruction of Records	<p>That the General Manager be delegated authority to authorise the destruction of appropriate Council records in accordance with the Local Government Retention and Disposal Manual.</p>	GM	-
5N – Filming on Council Reserves and Property	<p>To approve, approve with conditions as may be appropriate in the circumstances and subject to the payment of charges and fees as determined by Council, or disapprove of applications to use public reserves, beaches, public roads or Council property for filming or photographic purposes.</p>	GM	-

NO. 1 DELEGATIONS REGISTER		ITEM NO: 21	DCS
5O – Applications under Privacy and Personal Information Act	To determine applications made under the Privacy and Personal Information Protection Act 1998.		
5P – Internal Reviews under Privacy and Personal Information Act	To determine applications for internal reviews made under the Privacy and Personal Information Protection Act 1998.	GM	-
5Q – Signature of all Correspondence	Sign correspondence in relation to <u>Council operations the business of Council.</u>	GM	-
<u>5R – Signature of Department Correspondence</u>	<u>Sign standard correspondence in relation to day to day operations of the officers’ department with the exception of:-</u> <ul style="list-style-type: none"> • <u>contracts and lease documents</u> • <u>letters of appointment for new employees</u> • <u>letters to employees regarding disciplinary matters and grievances</u> • <u>responses to complaints against staff</u> 	<u>GM</u>	<u>DCS</u> <u>DIS</u> <u>DPES</u>
5RS – Signature of Department Correspondence	Sign standard correspondence in relation to day to day operations of the officers’ department with the exception of:- <ul style="list-style-type: none"> • correspondence to any Federal or State Minister or Member of Parliament • correspondence or memo advice to Councillors • contracts and lease documents • letters of appointment for new employees • letters to employees regarding disciplinary matters and grievances • responses to complaints against staff 	GM	A AC CFO CM CDTPO EAGM EHO MHR MI MO MWW PO SH&BS STP RO

			AO ARO RK RS
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6. Administration – Rating

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
6A – Write off Rates & Charges	That the General Manager be delegated authority to Write-Off Rates, Charges and Interest debtors not exceeding \$1,000.	GM	-
6B – Section 603 Certificates	That the General Manager be delegated authority to issue Section 603 Rating Certificates.	GM	DCS CFO RO
6C – Change in Rate Category	That the General Manager be delegated authority to approve or refuse Applications for Change in Rate Category.	GM	DCS CFO
6D – Recovering Outstanding Rates	That the General Manager be delegated authority to recover Outstanding Rates, Charges and Interest.	GM	DCS CFO RO
6E – Rating Certificate	That the General Manager be delegated authority to issue the appropriate Rating Certification under the Local Government Act 1993.	GM	-

7.

Administration – Staff

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
7A – Staff Training, Seminars & Conferences	That the General Manger be delegated authority to approve staff attendance at Training Seminars and Conferences, in accordance with the Staff Training Program and within the approved Budget.	GM	DCS DIS DPES CFO MIT MO MI MWW STP
7B – Public Officer	That the General Manager be delegated authority to undertake the duties as Public Officer, as prescribed by Section 343 of the Local Government Act 1993.	GM	DCS
7C – Staff	Direct staff within the Manager’s area of operations, in accordance with an organisation structure and resources approved by the Council. Make recommendations to the General Manager in respect of the employment / dismissal of employees within the Director’s area of operation, in accordance with Council’s organisation structure, resources, procedures and adopted policies.	GM	DCS DIS DPES CFO MIT MO MI MWW STP

8. Administration – Tenders & Contracts

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
8A – Tender & Quotations	That the General Manager be delegated authority to open Tenders & Quotations.	GM	DCS DIS DPES CFO SH&BS STP MO MI
8B – Works & Services Contracts	That the General Manager be delegated authority to sign contracts for works and services in accordance with the resolution of Council.	GM	-

9. Plant

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
9A – Purchase of Motor Vehicles, Plant and Equipment	That the General Manager be delegated authority to purchase Motor Vehicles, Plant and Equipment, within the approved budget allocations.	GM	DIS MO SF SD
9B – Registration of Motor Vehicles	Sign as nominee for vehicle registrations.	GM	DIS MI SF SD

10.

Companion Animals Dogs

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
10A – Companion Animals	That the General Manager be delegated authority to act on Council's behalf under Sections 18, 19, 22, 32, 52, 57, 75, 90, 92 and 98 all sections of the Companion Animals Act 1998.	GM	DPES SH&BS EHO R RR

11. Impounding

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
11A – Impounding Officer	That the General Manager be appointed Impounding Officer in accordance with Section 5(1) of the Impounding Act 1993.	GM	DPES SH&BS EHO R RR

12. Emergency

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
12A – Emergency Incidents	That the General Manager be delegated authority to approve the use of Council Plant, Equipment and Employees in response to Emergency Incidents.	GM	LEMO DIS MO OS SF
12B – Chairperson of Local Emergency Management Committee	That the General Manager delegate a representative of Council as the Chairperson to the Local Emergency Management Committee in accordance with Section 28 of the State Emergency & Rescue Management Act (1989) as amended.	GM	DIS

13. Health

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
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13A – Health Matters	That the General Manager be delegated authority to exercise each of the powers, authorities, duties and functions conferred by the Food Act 2003 and Food (General) Regulations 2010 as amended.	GM	DPES SH&BS EHO
13B – Inspect Regulated Premises	That the General Manager be delegated authority to inspect Regulated Premises, in accordance with the Public Health Act 2010 and Regulations made thereunder.	GM	DPES SH&BS EHO
13C – Issuing of Orders	That the General Manager be delegated authority to issue orders as listed in the Local Government Act and the Public Health Act and Regulations thereunder.	GM	DPES SH&BS

14.

Town Planning

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
14A – Development Application Consent	<p>That the General Manager be delegated authority to consent to Development Applications for:</p> <ul style="list-style-type: none"> a) The erection, alteration and addition to dwellings. b) The erection of garages, workshops, ancillary and minor building works. c) The construction of private swimming pools. d) Complying development as listed in the LEP. e) The alteration, addition and ancillary matters relating to industrial and commercial development. f) Applications made under State Environmental Planning Policy No. 4 (Development Without Consent). g) Commercial and industrial development with a value up to a maximum of \$1m. h) Subdivision in the village and Rural 1c zones which comply with the provisions of the current LEP in force. i) Subdivision in the Rural 1a, 7a, and 7c zones which comply with the provisions of the current LEP in force. j) The approval of Development Applications, where a State Environmental Planning Policy No.1 objection has been received, to which Council may assume the NSW Director of Planning's concurrence through arrangements approved by the Director pursuant to section 81 of the Environmental Planning and Assessment Act 1979. 	GM	DPES STP* SH&BS** *excluding j); **excluding f); h); i); j);

	<p>k) The approval of Applications made under section 96 of the EP&A Act to modify a Development Application, which was approved by the Council at a Council Meeting.</p> <p>l) To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary, an “equal to or greater than 90 percent” rule, as applied with SEPP1, may be applied when assessing applications which do not meet the strict numerical standards set by Council Policy.</p> <p>m) Except where a negative submission to the development that has set out planning grounds of the objection is received and where the matters raised in that submission have not been resolved.</p> <p>n) Except where a refusal to the development is proposed.</p> <p>o) Except where the General Manager considers the matter should go before Council.</p> <p>p) Except where a Councillor requests the matter go before Council</p> <p>That the General Manager be delegated authority to;</p> <p>a) Determine any application in accordance with the Environmental Planning and Assessment Act 1979, together with any other relevant Acts, Regulations, applicable LEP, DCP and relevant Council policies, and where no material objections have been received (Delegated approval is permissible if any objection can be resolved through a condition of consent or lodgement of amended plans).</p> <p>b) Classify development to be Exempt Development under any State Environmental Planning Policy.</p>		
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	<ul style="list-style-type: none"> c) Determine any development to be Complying Development under any State Environmental Planning Policy and issue a Complying Development Certificate. d) Determine any application lodged under section 96, 96A and 96AA of the Environmental Planning and Assessment Act 1979. e) Review a determination of a development application in accordance with section 82A of the Environmental Planning and Assessment Act 1979 f) Determine any development application which proposes the variation of a standard within a Development Control Plan where the variation is equal to or less than 10% where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary. g) Environmental Planning and Assessment Act 1979 h) Determine any application for an activity as specified under section 68 of the Local Government Act 1993. 		
14B – Section 149 Certificates	That the General Manager be delegated authority to issue <u>any</u> certificates under Section 149 of the Environmental Planning and Assessment Act 1979.	GM	DPES STP
14C – Subdivision Certificates	That the General Manager be delegated authority to issue Subdivision Certificates.	GM	DPES
14D – Removing Advertising	That the General Manager be delegated authority to remove Advertising, in accordance with Section 17 of the Tobacco Advertising Prohibition Act 1992.	GM	DPES SH&BS STP

<u>14D - Environmental Planning Instruments and Development Control Plans</u>	<i><u>That the General Manager be delegated authority to undertake all associated duties to prepare Environmental Planning Instruments and Development Control Plans in accordance with Part 3 of the Environmental Planning and Assessment Act 1979.</u></i>	<u>GM</u>	<u>DPES</u> <u>STP</u>
<u>14E – Department of Planning</u>	<i><u>That the General Manager be delegated Council's functions under Section 65(1) and 69 of the Environmental Planning and Assessment Act 1979.</u></i>	GM	-
<u>14E – Heritage Matters</u>	<i><u>That the General Manager be delegated authority to approve the Local Heritage Assistance Fund applications.</u></i> <i><u>That the General Manager be delegated authority to approve the Heritage Advisory service.</u></i>	<u>GM</u>	<u>DPES</u> <u>STP</u>
<u>14F – Use of Footpaths</u>	<i><u>That the General Manager be delegated authority to approve the use of the footpath area for commercial activities.</u></i>	GM	DPES STP
<u>14G – Environmental Planning & Assessment</u>	<i><u>That the General Manager be delegated authority to issue orders as listed in the Environmental Planning & Assessment Act 1979 as amended.</u></i>	GM	DPES SH&BS STP

15. Environment

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
15A – Blayney Waste Disposal Depot Operation	That the General Manager be delegated authority for the day to day operation of the Blayney Waste Disposal Depot <u>Facility and Neville Landfill</u> .	GM	DPES
15B – Waste Minimisation & Management	That the General Manager be delegated authority to exercise the powers and functions under Protection of Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005.	GM	DPES SH&BS EHO
15C – Environment Protection	That the General Manager be delegated authority to be the authorised officer under the provisions of the Protection of the Environment Operations Act, 1997.	GM	DPES SH&BS EHO R RR
15D – Clean Air Regulations	That the General Manager be delegated authority to exercise the Powers and Functions under the Protection of the Environment Operations (Clean Air) Regulations, 2002.	GM	DPES SH&BS EHO R RR
<u>15E – Waste Contract</u>	<u>That the General Manager be delegated authority for the day to day operation of the Waste Collection Contract</u>	<u>GM</u>	<u>DPES</u> <u>EHO</u>

16. Cemeteries

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
16A – Exhumations	That the General Manager be delegated authority to supervise Exhumations in accordance with the Public Health Regulation 2012.	GM	DPES SH&BS

17. Playing Fields / Swimming Pool / Reserve

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
17A – Approve use of Swimming Pools & Reserves	That the General Manager be delegated authority to approve the use of Playing Fields, Swimming Pool and Reserves.	GM	DCS DIS DPES
17B – Ordering Swimming Pool Closure	That the General Manager be delegated authority to issue an Order to Close the Swimming Pool, in accordance with Clause 8 of the Public Health Regulation 2012.	GM	DIS DPES SH&BS R
17C – Revoking Order to Close Swimming Pool	That the General Manager be delegated authority to revoke an Order to Close a Swimming Pool, in accordance with the Public Health Regulation 2012.	GM	DIS DPES SH&BS
17D – Carnivals and Circuses	That the General Manager be delegated authority to consider, approve or refuse applications for the operation of carnivals, circuses and the like and when approved, impose conditions deemed necessary. That all other applications be referred to Council for consideration on their merits.	GM	-

18.

Sewerage

Subject	Description	Delegation	S.378 Levels of Delegation
18A – Drainage Diagrams	That the General Manager be delegated authority to issue Drainage Diagrams.	GM	DPES SH&BS EHO STP
18B – Annual Treatment Works Return	That the General Manager be given delegated authority to sign future returns for the Blayney Sewerage Treatment Works. in accordance with Section 377 of the Local Government Act, 1993.	GM	DIS MWW

19. Building

Subject	Description	Delegation	S.378 Levels of Delegation
19A – Temporary Occupation of Land	That the General Manager be delegated authority to Consent to applications for temporary occupation of land, in terms of Council policy.	GM	DIS DPES SH&BS STP
19B – Issuing of Building Certificates	That the General Manager be delegated authority to the Issue of Building Certificates in accordance with the Environmental Planning and Assessment Act 1979.	GM	DPES SH&BS
19C – Determining Objections	That the General Manager be delegated authority to Determine Objections in accordance with Section 82(3A) of the Local Government Act 1993, in relation to the Local Policy.	GM	DPES SH&BS

19D – Minimum Building Line Reduction	That the General Manager be delegated authority to approve a Reduction in the Minimum Building Line, where it is appropriate to do so.	GM	DPES
19ED – Inspection of Regulated Premises	That the General Manager be delegated authority to inspect regulated premises in accordance the Public Health Act 2010.	GM	DPES SH&BS EHO
19FE – Swimming Pools Act	That the General Manager be delegated authority to exercise functions under the Swimming Pools Act 1992.	GM	DPES SH&BS EHO R
19GF – Issue Construction, Compliance and Occupation Certificates	That the General Manager be delegated authority where Council is the Principle Certifying Authority for the erection of a building, for the issuing of Construction Certificates, Compliance Certificates and Occupation Certificates. to issue certificates in accordance with Part 4A of the Environmental Planning and Assessment Act 1979 and Regulations thereunder	GM	DPES SH&BS EHO
19HG – Footpath Deposits	That the General Manager be delegated authority to authorise the refund of footpath deposits and to determine road restoration charges.	GM	-
19IH – Minor Numerical Variations to Council Policy	That the General Manager be delegated authority to approve minor numerical variations to Council policy where variations are not greater than 10%.	GM	DPES SH&BS
19JI – Plumbing and Drainage Act	That the General Manager be delegated authority to exercise functions under the Plumbing and Drainage Act 2012.	GM	DPES SH&BS

20. Roads / Streets

Subject	Description	Delegation	<u>S.378</u> Levels of Delegation
20A – Temporary Street Closures	That the General Manager be delegated authority to approve temporary street closures for community functions	GM	DIS MO MI
20B – Traffic Control Signs	That the General Manager be delegated authority to assume the all functions in accordance with sections 52, 53, and 55 (Traffic Control Devices) of the Road Transport Act 2013 (Safety and Traffic Management) Act 1999.	GM	DIS MO
20C – Regulation of Traffic by Road Authorities	That the General Manager be delegated authority to assume the functions in accordance with Division 2 of Part 8 (Regulation of Traffic by Roads Authorities) in accordance with Roads Act 1993.	GM	DIS MO MI
20D – Breaches under the Roads Act 1993 & Interstate Road Transport Act 1985	That the General Manager be delegated authority to be the Authorised Officer to commence action for breaches under the Roads Act 1993 & Interstate Road Transport Act 1985, within Council's area, in accordance with the <u>CENTROC Weight of Loads Group Agreement.</u>	GM	DIS R RR
20E – Impounding Items Risking Public Safety	That the General Manager be delegated authority to be the Impounding Officer under the Impounding Act 1993.	GM	DIS DPES SH&BS EHO MO R RR

20F – Matter Escaping onto Road	That the General Manager be delegated authority to be the authorised officer under the Roads Act 1993.	GM	DIS MO MI
20G – Naming of Public Roads	That the General Manager be delegated authority to approve the use of approved road names in accordance with Council guidelines for the naming of public roads, pursuant to Section 162 of the Roads Act 1993.	GM	DIS MI

21. Private Works

Subject	Description	Delegation	S.378 Levels of Delegation
21A – Private Works	That the General Manager be delegated authority to undertake Private Works in accordance with Council's Policy.	GM	DIS MO OS WWS

22.

Schedule of Abbreviations

Abbreviation	Position Title
<u>A</u>	<u>Accountant</u>
<u>AO</u>	<u>Administrative Officer</u>
<u>AC</u>	<u>Administration Coordinator</u>
<u>AC</u>	<u>Accounting Officer</u>
<u>AO</u>	<u>Administration Officer</u>
<u>ARO</u>	<u>Assistant Revenue Officer</u>
DCS	Director Corporate Services
<u>CDTPO</u>	<u>Community Development & Tourism Projects Officer</u>
<u>CFO</u>	<u>Chief Financial Officer</u>
CM	Centre Manager
<u>DFC</u>	<u>Depot / Fleet Coordinator</u>
DIS	Director Infrastructure Services
DPES	Director Planning & Environmental Services
<u>EAGM</u>	<u>Executive Assistant to the General Manager</u>
<u>EHBS</u>	<u>Environmental Health & Building Surveyor</u>
<u>EHO</u>	<u>Environmental Health Officer</u>
<u>AA</u>	<u>Assistant Accountant</u>
GM	General Manager
<u>HRM</u>	<u>Human Resources Manager</u>
<u>IM</u>	<u>Infrastructure Manager</u>
<u>ITSA</u>	<u>Information Technology Systems Administrator</u>
LEMO	Local Emergency Management Officer
<u>MFS</u>	<u>Manager Financial Services</u>
<u>MHR</u>	<u>Manager Human Resources</u>
<u>MI</u>	<u>Manager Infrastructure</u>
<u>MIT</u>	<u>Manager Information Technology</u>
<u>MO</u>	<u>Manager Operations</u>
<u>MWW</u>	<u>Manager Water and Wastewater</u>
<u>OM</u>	<u>Operations Manager</u>
OS	Overseer

PO	Payroll Officer
R	Ranger
RO	Revenue Officer
<u>RK</u>	<u>Risk Officer</u>
RR	Relief Ranger
RS	Records Supervisor
<u>SF</u>	<u>Supervisor Fleet</u>
STP	Senior Town Planner
SH&BS	Senior Health & Building Surveyor
STWO	Sewerage Treatment Works Operator
<u>TDO</u>	<u>Trainee Development Officer</u>
<u>TTP</u>	<u>Trainee Town Planner</u>

Schedule of Purchase Authorisation Limits

Position Title	Purchase Authorisation Limit	Position Title	Purchase Authorisation Limit
<u>Executive Services</u>		<u>Corporate Services</u>	
General Manager	Unlimited	Director Corporate Services	\$100,000
Executive Assistant to the General Manager Administration Coordinator	\$ 5,000	Chief Financial Officer Manager Financial Services	\$ 50,000
Manager Human Resources Officer	\$ 5,000	Records Supervisor	\$ 5,000
<u>Planning & Environmental Services</u>		Manager Information Technology Systems Administrator	\$ 5,000
Director Planning & Environmental Services	\$100,000	Community Development & Tourism Projects Officer Economic & Community Development Officer	\$ 5,000
Senior Health & Building Surveyor	\$ 50,000	<u>Infrastructure Services</u>	
Centre Manager	\$ 5,000	Director Infrastructure Services	\$100,000
Senior Town Planner	\$ 5,000	Manager Operations Manager	\$ 50,000
Administration Administrative Officer	\$ 5,000	Manager Infrastructure Manager	\$ 50,000
		Manager Water and Wastewater	\$ 50,000

		<u>Depot / Fleet Coordinator</u> <u>Supervisor Fleet</u>	\$ 25,000
		<u>Depot / Fleet Officer</u> <u>Supervisor</u> <u>Depot</u>	\$ 5,000 <u>25,000</u>