



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL**  
**MEETING**  
**HELD ON MONDAY 23 JUNE 2025**

**PART 2 / 2**

**CORPORATE SERVICES REPORTS**

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# Access to Information Policy

Policy	2G
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2025

Strategic Policy

## 1. Principles

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

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

## 2. Community Awareness

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

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

## 3. Background

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

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

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

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

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

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

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

#### **4. Accessing Information**

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

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

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

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

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



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

## **5. Information Available**

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

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

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

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

## **6. 'Open' Informal Access documents**

'Open' Informal Access documents are:

### **Information about Council**

- The model code prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan

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

#### **Plans and Policies**

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

#### **Information about Development Applications**

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

## **Approvals, Orders and Other Documents**

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

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

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

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

## **7. Exemptions to Access**

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

Council will not classify information as exempt unless there are clear reasons for doing so. If documents partly contain exempt information, this information will be withheld and the remaining information will be available under the Act.

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.

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

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

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

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

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

The eight Local Government categories are:

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

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

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

## **8. Accessing Information and Making an Application**

The public may obtain access to information as follows:

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

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

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

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

## **9. Time Limits**

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

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

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

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

## **10. Rights of Review and Appeal**

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

### **Internal Review:**

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

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

### **Review by the Information Commissioner**

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

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

### **Review by the Administrative Decisions Tribunal (ADT).**

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

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

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



**End of Policy**

<b>Adopted:</b>	<b>14/02/2011</b>	<b>1102/011</b>
<b>Lasted Reviewed:</b>	<b>14/02/2011</b>	<b>1102/011</b>
	<b>12/11/2012</b>	<b>1211/014</b>
	<b>19/03/2018</b>	<b>1803/014</b>
	<b>19/09/2022</b>	<b>2209/010</b>
	<b>XX/XX/2025</b>	
<b>Next Review:</b>	<b>29/08/2029</b>	



**Child Safe Policy**

<b>Policy</b>	1G
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	XX/XX/2025

**Strategic Policy**

### **Policy Objective**

The overall objective of this Policy is to ensure compliance with child protection legislation, including; mandatory reporting, attraction and engagement and responding to allegations against staff involving children and young people.

The objectives of this Policy aims to ensure that:

- Council's commitment to protecting children is clearly spelt out.
- To promote the health, safety, welfare and wellbeing of children and young people in council activities
- Council provides a safe environment for children and young people whilst on Council premises and utilising Council services.
- All workers engaged with Council in a child-related role have a valid Working with Children Check clearance number.
- Workers are aware of their obligations in relation to the various child protection legislation and Council's policy.
- Council promptly implements procedures which are confidential and transparent when investigating and responding to allegations of "reportable conduct" as defined under the Children's Guardian Act 2019.

### **Policy Scope**

Child protection is a broad responsibility. It involves more than responding once an allegation has been made. It involves minimising the possibility of reportable conduct occurring in the first place. Council is committed to:

- Developing and reviewing strategies to minimise reportable conduct occurring.
- Staff training on child safe issues.
- Raising community awareness of child safety through brochures, posters or other means of communication.

This policy applies to all workers engaged by Council (in any paid or unpaid capacity). Any reference to 'worker' for the purpose of this policy includes employees, councillors, contractors or sub-contractors, work experience participants, labour hire, volunteers and student placements who are in a child-related role. Child related roles are to be in accordance with legislation and regulatory requirements.

### **Policy Statement**

This policy demonstrates Council's commitment to the safety and wellbeing of children and young people. Council is committed to children and young people having safe and happy experiences in our community, accessing our facilities and in the care of our services. All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified. Council is committed to the ongoing education of children, young people and families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection.

## POLICY DEFINITIONS

Abuse	A term used to refer to different types of harm or maltreatment. In this document it refers to types of harm or maltreatment that children and young people experience, including; physical harm, sexual assault, exposure to domestic violence, psychological harm and prenatal risks.
Allegation	A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable.
Child	Any persons under the age of 18 years.
Child-related Work	Work that involves direct contact (physical contact or Face to Face) by a worker with a child or children and that contact is a usual part of and more than incidental to the work, or work in a stipulated, child-related role.
Conviction	A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
Child-Safe Organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.
DCJ	Department of Communities and Justice.
Investigation	Conduct investigations to determine whether there is a risk of (significant) harm to a child or young person.
Mandatory Reporters	People who deliver services, wholly or partly, to children as part of their paid or professional work. This is regulated by the Children and Young Persons (Care and Protection) Act 1998.
MRG	Mandatory Reporter Guide. The MRG is a decision-making tool to assist Mandatory Reporters to help determine how the suspected risk of significant harm of a child or young person is reported.
Neglect	A term used to refer to a pattern characterised when a parent or caregiver cannot regularly provide a child or young person the basic requirements for his or her growth and development such as food, clothing, shelter, medical and dental care, adequate supervision and adequate parenting and care.
Risk of Significant Harm	Concern/s about a child or young person that are sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. It is something that is not minor or trivial and that may be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. In Addition, it can result from a single act or omission or an accumulation of these. Risk of significant harm is the NSW threshold to report child protection concerns to DCJ via the Child Protection helpline.
Reportable Conduct Scheme	The reportable conduct scheme monitors how organisations (relevant entities) investigate and report on types of conduct made against their employees, volunteers or certain contractors who provide service to children. When the head of a relevant entity becomes aware of a reportable allegation or a reportable conviction, the head of that entity must notify the Children's

	Guardian within seven (7) business days and conduct an investigation into the allegations.
WWCC	Working with Children Check. The WWCC is a requirement for any non-exempt person who works or volunteers in child-related work in NSW. The check provides either clearance to work with children for five years, or a bar against working with children.
Worker	A worker includes employees, councillors, contractors or sub-contractors, work experience participants, labour hire, volunteers and student placements who are in a child-related role. Child related roles are to be in accordance with legislation and regulatory requirements.
Young Person	A young person can be defined in a variety of ways depending on the context. For the purpose of this policy a young person is a person who is over the age of 16 years but under the age of 18 years.

## 1. Responsibilities

### Head of Entity

Council is considered a relevant entity and reporting body as per the Reportable Conduct Scheme and under the Children's Guardian Act 2019 must have a "head of a relevant entity". For the purpose of this policy Council's Head of Entity is the General Manager. The Head of Entity is required to notify the Children's Guardian of reportable allegations and convictions against employees.

Responsibilities include:

- Ensuring the entity's compliance with legislative obligations under the Reportable Conduct Scheme.
- Ensuring the entity has systems, policies and processes in place to adhere to the Children's Guardian Act 2019.
- Should Council become aware of a reportable allegation or a reportable conviction, the Head of Entity must follow the below steps:
  - Notify the Office of the Children's Guardian within seven business days
  - Conduct an investigation into the allegations.
  - Provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/carer unless the General Manager considers that it is not in the public interest to do so
  - By 30 calendar days after the Head of Entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion)
  - Make a finding of reportable conduct if satisfied, on the balance of probabilities
  - Provide information to the Children's Guardian, which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations

- Ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation

## **2. Commitment to child safety and wellbeing**

Council is committed to implementing the NSW Child Safe Standards which are aligned to the National Principles for Child Safe Organisations. Council have put into practice several measures to ensure we are providing a safe environment for children and young people. This includes the processes related to policy adherence, risk, recruitment, communications and council response to issues and complaints.

This policy reflects Council's commitment to the child safe standards identified by the Royal Commission (2017) as outlined below:

- Child safety is embedded in institutional leadership, governance & culture
- Children participate in decisions affecting them and are taken seriously
- Families and communities are informed and involved
- Equity is upheld and diverse needs are considered
- People working with children are suitable and supported
- Processes to respond to complaints of child sexual abuse are child focused.
- Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
- Physical and online environments minimise the opportunity for abuse to occur.
- Implementation of the Child Safe Standards is continuously reviewed and improved.
- Policies and procedures document how the institution is child safe.

## **3. Recruitment & Training**

Council has implemented a risk based approach on all pre-employment screening checks as part of its recruitment and selection process. The risk based approach has the level of risk identified and the requirements for when a Criminal Records Check and Working with Children Check need to be completed. Where a position is identified in child-related work, an employee of Council will be required to have necessary checks undertaken. These checks will be listed within Position Descriptions and within the Job Advertisement. If any concerns are highlighted as part of the employment screening process, Human Resources will consider the information in consultation with the responsible Manager.

Volunteers, work experience students and contractors in designated areas are responsible for maintaining their own Working with Children Checks and providing it as part of their screening processes prior to their applications being accepted by Council. Where Council has outsourced a service, e.g. library or leisure centre, a condition of engagement shall be the certification that required checks have been performed and requisite policies are in place.

Council is committed to ensuring that all workers engaged in child-related work are equipped with the knowledge, skills and awareness to keep children safe and will provide targeted training and support for individuals in those roles. All workers engaged in child-related work will be required to sign off that they have read, understood and will abide by the Child Safe policy and Code of Conduct.



#### 4. Complaints Management

Complaints and allegations concerning the welfare, wellbeing and safety of children against Council workers will be managed according to Council's Complaints Management Policy.

All complaints should be reported immediately, this includes:

- Disclosure of abuse
- Inappropriate behaviour around children
- Suspicion of abuse or harm to a child

All complaints must be reported either verbally or written as per Council's Complaint Policy. Any worker can also make a complaint to the Manager Human Resources.

For complaints related to outsourced services, the complaint shall be referred to the contractor will lead investigations and undertake mandatory obligations. The contractor shall keep Council of progress and ultimate outcome.

#### 5. Reporting Obligations

Where there are concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, staff who are 'mandatory reporters' are required to report this to Department of Communities and Justice (DCJ) by phoning the helpline on 132 111. Mandatory reporters should use the Mandatory Reporters Guide (MRG) (<https://reporter.childstory.nsw.gov.au/s/>) (<https://reporter.childstory.nsw.gov.au/s/mrg>) to help decide whether a child is suspected to be at risk of significant harm.

Field Code Changed

The MRG covers eight key areas to help you understand if a report should be made and they include:

- Physical Abuse
- Neglect – Supervision; Environment; Food; Hygiene; Medical Care; Mental Health Care; Education -Not Enrolled
- Sexual Abuse – Child; Young Person; Problematic Sexual Behaviour Toward Others
- Psychological Harm
- Danger to Self or Others
- Relinquishing Care
- Carer Concern – Substance abuse; Mental Health; Domestic Violence
- Unborn Child

Workers who are not mandatory reporters, as well as members of the community, can also report the suspected risk of significant harm to the DCJ helpline.

As a reporting body Council has obligations to report findings of sexual misconduct and serious physical assault involving children by a child-related worker to the Office of Children's guardian. Under the Child Protection (Working With Children) Act 2012, Council must investigate allegations of such conduct to make an informed finding as to whether or not the conduct occurred.

To determine whether or not the conduct meets the criteria, Council must consider the nature of the conduct itself and the context in which it occurred.

If the investigation results in a finding that sexual misconduct or serious physical assault occurred, Council must report this finding to the Office of the Children's Guardian.

#### **6. Risk Management**

Council will ensure that child safety is a part of the overall risk management approach. A risk assessment will be undertaken in facilities that have child related services and Council events. Steps that must be taken to complete council's Risk Assessment for child related services are:

- 1) An activity will be identified
- 2) Hazards associated with that activity will then be recorded.
- 3) A risk score for the hazards identified from the risk score matrix should be determined and recoded.
- 4) Determine appropriate risk controls as reasonably practical for hazards identified and recorded
- 5) Finally determine the risk score after controls have been implemented for the hazards in which have been identified

#### **7. Documentation and record keeping**

Council's Manager Human Resources will maintain records of Working With Children Checks, acknowledgement of the workers understanding of their child protection and training undertaken. Records will be electronic and be made available if requested for audit and monitoring purposes.

All documentation and/or records of a confidential nature relating to allegations against workers will always be kept private and confidential.

For outsourced services, such mandatory obligations complaint shall be the responsibility of the contractor.

#### **8. Barred Status**

Should the check or continuous monitoring result in a barred status the worker, if currently working in a child-related role, will be removed from that role. Should the worker be an employee of Council then the matter will be referred to the General Manager for determination, which depending on the circumstances may also result in termination of employment. This will be managed in accordance with the Local Government (State) Award.

#### **9. Support Available**

Council provides an Employee Assistance Program (EAP) which is available to workers who have had allegations made against them and workers who have been involved in the investigative process, including those who have been involved in reporting the matter to the Head of Entity. The EAP service is also available to workers and their families who may be experiencing personal difficulties including

child abuse and/or allegations. The EAP is a free confidential and independent counselling service.

**Relevant Legislation**

Child Protection (Working with Children) Act 2012 (NSW)  
Child Protection (Working with Children) Regulation 2013 (NSW)  
Children’s Guardian Act 2019  
Children and Young Persons (Care and Protection) Act 1998  
Crimes Act 1900—~~No-40~~  
Local Government (State) Award ~~2020~~2023

**Related Policies**

Code of Conduct  
Complaints Management Policy  
Procurement of Goods and Services Policy  
Risk Management Policy

END

Adopted:	14/02/2023	2302/013
Lasted Reviewed:	14/02/2023	2302/013
	XX/XX/2025	
Next Reviewed:	25/09/2029	

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**Complaints Management  
Policy**

<b>Policy</b>	2C Complaints Management Policy
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	XX/XX/2025

**Strategic Policy**

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## **1. Introduction**

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

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

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

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

## **2. Scope**

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

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

## **3. Organisational Commitment**

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



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

#### **4. Definitions**

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

A complaint covered by this Policy can be distinguished from:

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

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

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

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

**Service Request** – A service request is likely to include:

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

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

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

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

## **5. Guiding Principles**

### **5.1. Facilitate Complaints**



### **5.2. People Focus**

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

People making complaints will be:

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

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

### **5.3. No Detriment To People Making Complaints**

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

### **5.4. Anonymous Complaints**

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

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

### **5.5. Accessibility**

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

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

## **6. Respond To Complaints**

### **6.1. Early Resolution**

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

### **6.2. Responsiveness**

Council staff will promptly acknowledge receipt of complaints.

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

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

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

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

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

### **6.3. Objectivity And Fairness**

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

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

#### **6.4. Responding Flexibly**

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

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

### **7. Confidentiality**

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

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

### **8. Managing the Parties to A Complaint**

#### **8.1. Complaints Involving Multiple Agencies Or Areas**

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

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

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

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

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

#### **8.2. Empowerment Of Staff**

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

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

### 8.3. Managing Unreasonable Conduct By People Making Complaints

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

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

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

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

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

### 8.4. Malicious, Frivolous And Vexatious Complaints

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

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

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

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

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



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

#### 8.5. Persistent Complainants

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

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

#### 8.6. Difficult Complainants

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

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

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

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

### 9. Complaint Management System



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

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

## **10. Receipt of Complaints**

### **Verbal Complaints**

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

### **Written Complaints**

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

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

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

The record of the complaint will document:

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

## **11. Acknowledgement of Complaints**

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

## **12. Initial Assessment and Addressing Of Complaints**

### **12.1. Initial Assessment**

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

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

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

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

#### **12.2. Addressing Complaints**

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

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

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

#### **13. Providing Reasons for Decisions**

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

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

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

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

Council staff will keep comprehensive records about:

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

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

#### **15. Alternative Avenues for Dealing with Complaints**

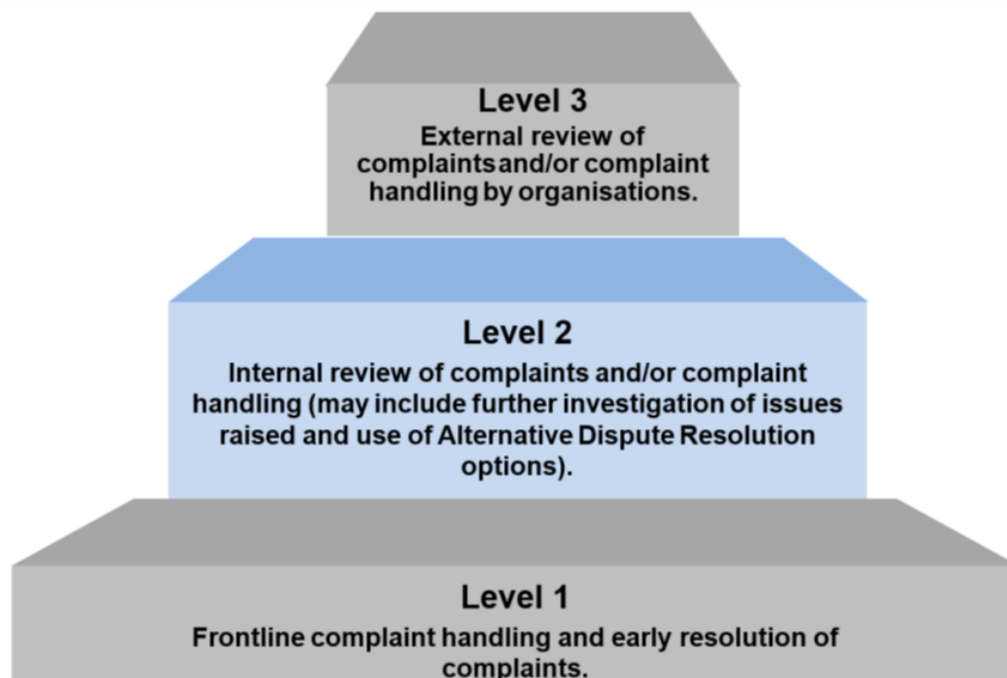
Council staff will inform people who make complaints about the internal review options and also external review options available to them.

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

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

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

## 16. Levels of Complaint Handling



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

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

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

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

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

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

## **17. Accountability and Learning**

### **17.1. Analysis and Evaluation of Complaints**

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

Regular reports will be run on:

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

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

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

### **17.2. Monitoring of the Complaint Management System**

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

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

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

### 17.3. Continuous Improvement

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

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

#### **End of Policy**

<b>Adopted:</b>	<b>09/11/1998</b>	<b>723</b>
<b>Lasted Reviewed:</b>	<b>09/07/2007</b>	<b>07/145</b>
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	<b>XX/XX/2025</b>	
<b>Next Review:</b>	<b>28/09/2029</b>	



# Corporate Credit Card Policy

Policy	4C
Officer Responsible	Chief Financial Officer
Last Review Date	XX/XX/2025

Strategic Policy



### **Objectives**

The purpose of the Corporate Credit Card Policy is to provide guidance on the provision and use of Council's Corporate Credit Cards and to identify who is entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.

### **Overview**

Council has introduced Corporate Credit Cards with the aim to minimise administration expenses and time inefficiencies with purchases and to ensure effective control and accountability of certain Council purchases and payments.

### **Policy**

The use of a Council Corporate Credit Card must be in accordance with the Corporate Credit Card Policy.

### **Scope**

This Corporate Credit Card Policy applies to all users of Council's Corporate Credit Cards.

### **Responsibilities**

#### Cardholders

Corporate Credit Cardholders are responsible for:

- All transactions for which their Council Corporate Credit Card is used.
- Signing the Corporate Card Acknowledgement and Conditions of Use form on receiving the Corporate Card.
- Ensuring the Council Corporate credit is maintained in a secure manner, guarded against improper use and safe keeping of the Corporate Card, immediately reporting to the Bank and Chief Financial Officer if the Corporate Credit Card is lost, stolen, damaged or has suspected fraudulent transactions.
- Taking the appropriate measures to ensure the Corporate Card is not used by another person other than the approved cardholder.
- Exercising professional judgement with regards to Internet purchases in regard to the security of the site.
- Not using the Corporate Credit Card without having read and understood the Corporate Card Policy.
- Ensuring that the Corporate Credit Card is used in accordance with Council's Procurement of Goods and Services policy and other policies, as appropriate.
- Ensuring that all purchases are made within their delegated expenditure limits and that that their credit limit is not exceeded.
- Ensuring that expenditure is contained within available budget limits.
- Reimbursing Council for the cost of purchases deemed not to be for the use of Council, or Council related business within a reasonable period of time.
- Ensuring that a tax invoice, receipt, docket or similar source document is obtained for each transaction and given to the Chief Financial Officer



with the completed Cardholder Statement form. EFTPOS receipts do not represent tax invoices and will not be accepted as supporting documentation.

- Completing and submitting the Corporate Credit Card Transaction Declaration form when the original source document for a transaction is lost, stolen, mislaid, damaged or not received.
- Completing the Corporate Card Termination of Use Advice form when forfeiting the Corporate Credit Card due to transferring to another position that does not require a Corporate Credit Card, terminating employment with Council, or any other reason that may warrant the forfeiture of the Corporate Credit Card. A full acquittal of expenditure from previous statement date to termination date shall accompany advice.

#### Mayor

- The initial approval of an application for a credit card by the General Manager.
- Ensuring that the General Manager is made aware of and understands their individual responsibility associated with holding a credit card.
- The prompt receipt, costing and authorisation of transactions for the General Manager.
- Verification and authorisation of monthly statements of credit cards by the General Manager.

#### General Manager, Directors and Managers

General Manager, Directors and Managers are responsible for:

- The initial approval of applications for credit cards by employees within their area of responsibility.
- Ensuring that each employee is made aware of and understands their individual responsibility associated with holding a credit card.
- The prompt receipt, costing and authorisation of transactions for each cardholder within their area of responsibility.
- Verification and authorisation of monthly statements of credit cards by employees within their area of responsibility. In the case of the Mayor, the Chief Financial Officer shall be responsible for review for policy compliance and authorisation.
- Ensuring all issues pertaining to disputed transactions are brought to the attention of the Chief Financial Officer.

#### Chief Financial Officer

The Chief Financial Officer (or their delegate) is responsible for:

- Ensuring the credit card register within banking system is maintained and accurate at all times.
- Safe custody of cards surrendered by employees during extended periods of leave.
- Annual review of all credit cards and limits to ensure appropriate business need.
- Coordination of annual acknowledgement and undertaking declarations.

- Maintaining a register of credit cards which should include the following details:
  - Name of the cardholder
  - Card number
  - Date of issue
  - Card expiry
  - Delegation limit
  - Card limit
  - Transaction Limit
- Cardholder signed agreement. Distribution and follow up of credit card statements for costing and authorisation. Regular reviews to ensure the system of controls continues to mitigate credit card risks effectively and efficiently.

#### Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee is responsible for:

- Receiving an annual report from the Chief Financial Officer of credit card usage, policy breaches and associated relevant matters pertaining to credit card usage.
- Internal audit reviews, at least every 3 years, covering credit cards as appropriate, e.g. processes for issue and return; whether reconciliation and review procedures are being followed. (Per NSW Treasury Guideline TPP21-02 Use and Management of NSW Government Purchasing Cards.)

#### **Restrictions on Use**

Under no circumstances is a Council Corporate Credit Card to be used for cash advances.

Purchases must only be for the use of Council, or Council related business, and not for private or personal use.

The Corporate Credit Card is not to be used for obtaining items which are available from Council's stores inventory or where an account exists with the supplier e.g. Blayney Supermarket. A lack of planning or organisation by the cardholder is not considered a reasonable explanation for not obtaining goods from stores inventory.

The card must not be used for fuel purchases unless the fuel card is unable to be used.

### **Card Application, Issue and Use**

The General Manager has the delegated authority to authorise the issuing of Corporate Credit Cards to the Mayor and employees. Entitlement to a Corporate Credit Card shall be determined by the General Manager and will only be issued when it is established that the anticipated usage of the card is warranted and required delegation is held.

In the case of a credit card for use by the General Manager, approval shall be by the Mayor.

Cards may be withdrawn at the discretion of the General Manager (or for the General Manager by the Mayor).

### **Disputed Transactions**

Council is responsible for paying all accounts on the monthly credit card statements and the provider will debit this amount to the Council's bank account at the end of each month.

The Cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Council. When a dispute occurs, the Cardholder should attempt to correct the situation with the merchant.

If unable to correct the situation, the Cardholder should advise the Chief Financial Officer who will attempt to resolve the matter and may have to contact the bank for assistance.

The General Manager will be the ultimate arbiter of disputed transactions involving staff. Where the disputed transaction involves the General Manager, the ultimate arbiter will be the Mayor.

### **Controls on purchases**

The use of the Corporate Credit Cards is subject to Council and Bank controls, policies and procedures.

The Chief Financial Officer will perform random audits on individual Corporate Cardholder's Statements to ensure that the Corporate Credit Card Policy is being adhered to.

Failure to comply with the conditions as detailed within this Policy may result in the cardholder's entitlement to a Corporate Credit Card being revoked and disciplinary action being taken.

### **Termination of Use**

In the event that a cardholder's entitlement to a Corporate Credit Card has been terminated for reasons such as:

- (i) termination of employment;
- (ii) re-assignment to another position within Council;
- (iii) failure to comply with the conditions of this Policy; or
- (iv) any other reasons as determined by the General Manager.

The Corporate Credit Card, together with all supporting documentation and other relevant documentation, with a completed Termination of Use Advice form, must be forwarded to Chief Financial Officer.

**Review**

The Corporate Credit Card Policy will be reviewed on an annual basis and referred to Council for amendment as required.

The End

<b>Adopted:</b>	<b>Date: 14/05/2007</b>	<b>07/091</b>
<b>Last Reviewed:</b>	<b>14/05/2007</b>	<b>07/091</b>
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	<b>16/04/2018</b>	<b>1804/010</b>
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# Email and Internet Usage Policy

Policy	8A
Officer Responsible	Manager Information Technology
Last Review Date	XX/XX/2025

Strategic Policy

## **Objective**

To provide parameters for the acceptable use of Blayney Shire Council's corporate systems for email/calendars and internet browsing.

## **PROTOCOLS FOR USE OF COUNCIL RESOURCES FOR INTERNET AND EMAIL**

### **Access**

Access to the use of Council resources for internet and email shall be made available to all councillors, staff, and authorised persons (referred hereon as users) who require such access to support the carrying out of official duties and who have access to a device that is connected to the Council network.

Access to individual mailboxes / email addresses shall normally be restricted to the individual and the system administrator user, however, broader access to a mailbox / email address may be organised when such access adds value to the business function and is authorised by the Director or General Manager. Users who are absent due to leave can organise delegated access to their mailbox/email address prior to commencing on that leave after Director or General Manager approval.

### **Acceptable Usage**

The following uses are acceptable and encouraged:

1. Investigations, research and support of vendor's products. This may include the retrieval and distribution of information, technical material, support documentation or promotional material that may assist users in their daily operations. This includes social media sites such as Facebook.
2. Peer group communications including retrieval and distribution of electronic messages, documentation, contributing or participation in group forums.
3. Use of network resources for personal or academic reasons during the Users' own time. Personal use does not extend to any activities that may provide personal commercial gain or interfere with work of other users for the Council.

### **Unacceptable Usage**

The following uses are unacceptable:

1. Conducting activities such as unsolicited distribution of advertising material.
2. Using the network for conducting personal business transactions.
3. Creating, transmitting or knowingly activating a computer virus.
4. Creating or distributing chain letters, personal advertising etc. to individuals or lists of individuals so as to cause a nuisance or congest the Council's network.
5. Using an account owned by another user who is authorised for Internet access to gain unauthorised access to the internet.
6. Allowing unauthorised users to access the internet or email using your login I.D.

7. Personal use of the network for obtaining illegally distributed or unlicensed software including Bit torrent downloads.
8. Sending or requesting messages or documents that are inconsistent with Council's policies.
9. Using the internet to access store or distribute pornographic, racist, sexist, inflammatory or otherwise offensive material.
10. Misrepresenting the Council or uses that are considered malicious or unethical.
11. Performing excessive, unauthorised downloads from the internet.
12. Uses that may violate any Federal or State laws such as copyright infringement.
13. Emails that interfere with the ability by others to conduct Council business.
14. Users will not reveal or publicise confidential material.

#### **Rules for use of Email**

1. Email should be treated with the same significance as Council signed letter.
2. User email, that provides evidence of Council's business activities, shall be registered, together with any attachments, in the corporate record keeping system.
3. Email is a business tool. Users must make sure that email is brief, concise and business related and is kept in the system only as long as required.
4. Email should not be assumed to be secure and viewing by third parties may occur. Users should be aware of potential risks involved in sending confidential or sensitive information.
5. User email signatures are controlled by Information Technology and are automatically created upon logging into a computer. ~~Email signatures on mobile devices are created manually on a per device basis.~~
6. Users should not forward someone else's email, without prior consent of the original sender, if it is considered sensitive. Users that receive email incorrectly sent should inform the sender promptly and delete the email.
7. Email is admissible as evidence in court and users must use good judgement and think carefully about the contents.
8. Users should follow email etiquette. Keep the message polite and not write in upper case, as this is considered as "shouting". Only send information that is of value to the receiver and not make it High Priority unless it is truly urgent.
9. Email is subject to the full range of laws applying to other communications, including copyright, breach of confidence, defamation, privacy, contempt of court, harassment and criminal laws.
10. Users are to be conscious that attachments may contain viruses, which may affect the integrity of Council's computer network. Council has installed the necessary anti-virus software on the net to detect any viruses, but Users are to remain aware that new viruses may go undetected. Accordingly, any suspicious emails received should not be

opened and immediately reported to IT for the appropriate action to be taken.

11. Emails relating to business user where required need to be registered in the Corporate Records Management System

#### **Rules for the use of Internet**

1. Internet use will be for Council business purposes. Personal use of the Internet is acceptable but should be limited to break times and not contravene any point in "Unacceptable Usage"
2. Users will not upload, download or transmit commercial software or copyrighted materials, without the authority of the owner of the software or material.
3. Council reserves the right to implement internet filtering software to ban access to sites that are considered inappropriate.

#### **Monitoring**

Council reserves the right to monitor all internet access and email messages received by and contained within Council's computer system(s) and will do so to support:

- System maintenance
- System management
- Document management
- Investigation of illegal use or wrongdoing
- Council's policies
- Legal requirements
- Any other business purposes.

Monitoring shall be undertaken by the Information Technology. Any use deemed excessive or inappropriate will escalate to the person's Manager, Director or General Manager.

Information Technology or other users should report misuse to their Manager, Director or to the General Manager for appropriate action within Council's standard conditions of employment, HR guidelines and policies.

Any disciplinary action taken will be in accordance with the guidelines set out in Council's Performance Management, Code of Conduct and Disciplinary policy.

#### **Ethics/Personal Use**

The internet and email system has been developed to support Council's business function and enhance communication. The Council will allow reasonable personal use and users are encouraged to use good judgment and integrity when they do so.

#### **Related Policies**

Council Code of Conduct  
Records Management



### **Legislative Context**

Local Government Act 1993

Local Government (General) Regulations [2005-2021](#)

State Records Act 1998 No 17

State Records Regulations 2015

Privacy and Personal Information Protection Act 1998 (NSW)

Privacy and Personal Information Protection Regulation 2014

Government Information (Public Access) Act 2009 No 52

Government Information (Public Access) Regulation 2018

Workplace Surveillance Act 2005 No 47

Workplace Surveillance Regulation 2017

END

<b>Adopted:</b>	<b>11/02/2002</b>	<b>636</b>
<b>Last Reviewed:</b>	<b>14/05/2007</b>	<b>07/094</b>
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	<b>21/11/2022</b>	<b>2211/010</b>
	<b>XX/XX/2025</b>	
<b>Next Review:</b>	<b>25/09/2025</b>	



**Fraud and Corruption Control Policy and Plan**

<b>Policy</b>	2F
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	XX/XX/2025

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## POLICY

### INTRODUCTION

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

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

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

This policy has the following objectives:

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

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

### DEFINITIONS

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

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

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

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

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

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

**Fraud** - Fraud refers to dishonestly obtaining a benefit, or causing a loss, by deception or other means. In broad terms, corruption is deliberate, serious wrongdoing that involves dishonest or partial conduct, a breach of public trust or the misuse of information or material. A more detailed definition is found in s 7, s 8 and s 9 of the *Independent Commission Against Corruption Act 1988*. Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

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

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

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

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

## **FRAMEWORK**

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

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

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

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

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

### **1 Leadership**

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

## **2 Ethical Framework**

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

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

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

## **3 Responsibility Structure**

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

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

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

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

## **4 Fraud Control Policy**

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

## **5 Audit, Risk and Improvement Committee**

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

## **6 Prevention Systems**

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

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

## **7 Third Party Management Systems**

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

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

Council.

## **8 Reporting**

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

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

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

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

## **9 Detection Systems**

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

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

## **10 Investigation Systems**

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

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

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

If a full investigation is to be followed, the General Manager / Mayor will need to determine

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

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

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

## **TRAINING AND COMMUNICATION**

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

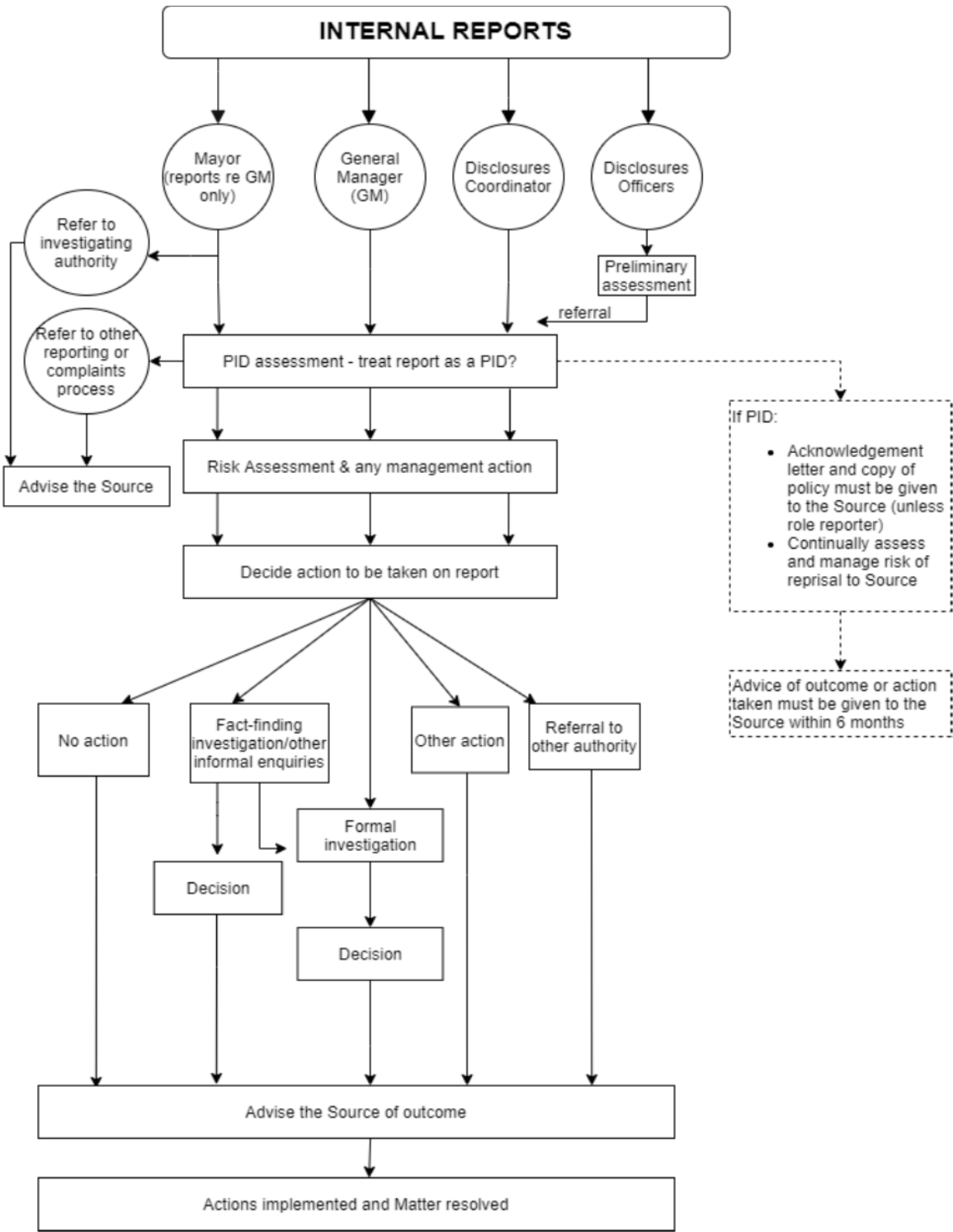
## **DISCIPLINARY ACTION**

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

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



Table 1: Assessing Disclosures and Flowcharts



# FRAUD AND CORRUPTION CONTROL PLAN

## INTRODUCTION

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

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

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



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

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

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

## STATEMENT

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

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

## SCOPE

The Fraud and Corruption Prevention Plan applies to:

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

## DEFINITIONS

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

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

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

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

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

**Fraud** - Fraud refers to dishonestly obtaining a benefit, or causing a loss, by deception or other means. In broad terms, corruption is deliberate, serious wrongdoing that involves dishonest or partial conduct, a breach of public trust or the misuse of information or material. A more detailed definition is found in s 7, s 8 and s 9 of the Independent Commission Against Corruption Act 1988. Council has adopted the definition of fraud contained in the Australian Standard 8001-2008 on fraud and corruption control, which defines it as:

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

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

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

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

Whilst internal fraud forms part of corrupt conduct, it is delineated here as a separate entity due to the fact that internal fraud can be perpetrated by an individual acting alone, also fraud in

its own right occurs predominately when governance systems in place fail. i.e. that fraud is possible when systems in place are deficient and an organisation's resistance to fraud is ultimately found within the structures of the organisation.

### **AREAS WITHIN COUNCIL WHERE FRAUD AND CORRUPTION MAY OCCUR**

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

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

### **CORRUPT CONDUCT**

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

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

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

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

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

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

### **AREAS OF POSSIBLE RISK**

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

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

- concessions or other relief
- Procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration
- Other functions involving the exercise of discretion, or where there are regular dealings between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

## DETECTION

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

The source of fraudulent activity may be:

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

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

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

Key elements of fraud and corruption detection will include:

### Compliance with policies and procedures

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

### Integrity Reviews

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

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

### Annual Fraud Review

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

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

### Warning signs (red flags)

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

related indicators identified, the higher the risk of potential fraud or corruption.

### **Internal fraud**

Examples of Internal Fraud perpetrated on Councils include:

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

Early warning signs: people

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

Early warning signs: areas and activities

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

### **External fraud**

Examples of External Fraud perpetrated on Councils include:

- Theft of money or goods from Council
- Obtaining benefits by use of false identity or false qualifications
- Supplying goods or services of a lower standard or quality than promised
- Client applications for government assistance with inconsistent signatures, mismatched fonts or handwriting on different pages of the same document
- Invoices which look different to previous invoices issued by the same provider
- Lack of supporting evidence, or falsified supporting evidence, that eligibility criteria for



- grant or community funding has been met
- Expenditure has exceeded approved budgets for grant funding but there is not adequate information to explain the variance
- A high volume of transactions from one service provider, such as a registered training organisation, used to support a licence, may indicate collusion between applicants and the provider
- A high volume of attempts to obtain sensitive information such as usernames, passwords and credit card details (e.g. Phishing emails, whaling attacks).

### **Corruption**

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

### **BUILDING A FRAUD AND CORRUPTION RESISTANT CULTURE**

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

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

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

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

### **FAIRNESS AND DUE PROCESS**

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

In a similar vein, Council staff who report fraudulent or corrupt behaviour and/or are witnesses to such incidents, disclosed under the Public Interest Disclosures: Internal Reporting Policy,

will also be given every support reasonably available to them as they are entitled to under present legislation. Confidentiality for all involved parties will be protected as much as is practicable in any given circumstance by Council.

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

## **RELATED INFORMATION**

### Legislation

Local Government Act (LGA) 1993  
Local Government (General) Regulation ~~2005~~2021  
Independent Commission Against Corruption Act 1988  
Public Interest Disclosures Act 1994  
NSW Audit Office Fraud Control Guidelines  
Australian/New Zealand Standard on Risk Management  
Workplace Video Surveillance Act 1998  
Ombudsman Act 1974  
Public Finance and Audit Act 1983  
Police Integrity Commission Act 1996  
Government Information (Public Information) Act 2009

### Council Policies

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

**End of Policy**



<b>Adopted:</b>	<b>11/08/2008</b>	<b>08/209</b>
<b>Last Reviewed:</b>	<b>12/11/2012</b>	<b>1211/014</b>
	<b>19/03/2018</b>	<b>1803/014</b>
	<b>20/04/2020</b>	<b>2004/008</b>
	<b>18/10/2021</b>	<b>2110/008</b>
	<b>19/09/2022</b>	<b>2209/010</b>
	<b>XX/XX/2025</b>	
<b>Next Review:</b>	<b>29/08/2029</b>	



**Legislative Compliance Policy**

<b>Policy</b>	2K
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	XX/XX/2025

**Strategic Policy**

## 1. PURPOSE

The purpose of this policy is to provide a framework for legislative compliance across all aspects of the Council's operations in order to achieve the highest standards of good governance.

Council is committed to conducting its functions and activities lawfully and in a manner that is consistent with its compliance obligations.

The Legislative Compliance Policy (Policy) establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:

- identifying a clear legislative compliance framework within which Council operates;
- promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
- developing and maintaining practices that facilitate and monitor compliance within Council;
- seeking to ensure standards of good corporate governance; and
- engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

## 2. SCOPE

This policy applies to Councillors, staff, volunteers and contractors of the Blayney Shire Council.

The Policy is aligned with Council's objectives as articulated in the Council Integrated Plans. Council recognises that there are four elements for an effective compliance program:

- Commitment – to and the establishment of a compliance program;
- Implementation – of a compliance program, including ongoing education and maintenance;
- Monitoring and Measuring – reporting and supervision of the compliance program; and
- Continual Improvement – regular review and continual improvement of the compliance program.

## 3. DEFINITIONS

**Legislation** - Laws that are made by Parliament, or under the authority of Parliament are called legislation, or statutes. "Acts" are primary legislation. Acts may authorise the making of Regulations, Orders and Notices and ~~there~~they are referred to as subordinate legislation.

Legislation compels or directs the action of individuals, industry and other groups in specified circumstances and also outlines actions that are not to be taken, in order to achieve certain policy objectives.

**Delegations Register** – Councils have certain duties which they must perform, and certain powers which they must exercise, pursuant to the Local Government Act 1993, as well as a number of other Acts. Under the Local Government Act 1993, Council is able to delegate those duties to staff and Committees of Council.

The Delegation~~s~~ Register is a listing of those functions which Council has delegated to appropriate staff and Committees of Council.

#### **4. POLICY STATEMENT**

Council shall have appropriate processes and structures to ensure that legislative requirements are achievable and are integrated into the day to day operations of Council.

The processes and structures will aim to:

- Develop and maintain a system for identifying the legislation that applies to Council's activities and functions.
- Assign responsibilities for ensuring legislative and regulatory obligations are fully implemented by Council.
- Provide education and awareness for Councillors and Council officers in the legislative requirements that affect them.
- Provide people with the resources to identify and remain up to date with legislative changes.
- Establish a mechanism for reviewing situations where non-compliance has occurred.
- Review and assess the system for compliance.

#### **5. POLICY IMPLEMENTATION**

##### **5.1 Obligations**

Councillors, staff, volunteers and Council contractors are responsible for ensuring the Council complies with all relevant legislation. These responsibilities however differ across the organisation, based on the role / position requirements of the individual and their direct involvement in statutory functions.

##### **5.1.1 General Responsibilities**

While the Council does not expect Councillors, staff, volunteers or Council contractors to be fully conversant with every State and Federal law, all are expected to be aware of the common areas of legislation that affect their role.

In addition, staff members are expected to be aware of a range of employment related laws (for example legislation relating to work, health and safety, equal opportunity, bullying and harassment), and are expected to be aware that certain actions may be subject to the criminal code (such as theft, assault, etc.).

Staff members should also be aware of any Council policies, codes, Australian Standards or statements that are relevant to their areas of responsibility.

#### 5.1.2 Delegated Responsibilities

Staff members with delegated authority for carrying out statutory requirements, in accordance with the Delegations Register, are expected to develop a clear understanding of the relevant provisions as they relate to their responsibilities and make themselves aware of changes to legislation and its impact on Council activities.

#### 5.1.3 Management Responsibilities

Any staff member responsible for the management or supervision of staff must ensure appropriate information is disseminated to all workers under their responsibility. They are responsible for ensuring that risk due to non-compliance is minimised and workers under their responsibility are kept fully informed, briefed and/or trained about the key legal requirements relevant to their work.

They are also required to ensure that information relating to legislative changes is disseminated to appropriate staff members, and that recordkeeping systems and practices that capture evidence of compliance are in place.

### 5.2 Consequences of Non-Compliance

Councillors, staff, volunteers and Council contractors should be aware that any failure to comply with the law could be a criminal act or result in a breach of the law or a breach of discipline.

Failure to comply with legal requirements could result in:

1. Disciplinary proceedings;
2. A hearing by the Pecuniary Interest Tribunal into complaints concerning alleged failures by Councillors, staff, delegates and advisors to disclose pecuniary interests;
3. Dismissal of the Mayor and Councillors and the appointment of an Administrator;
4. Removal of a Council's planning powers and the appointment of an Administrator;
5. The appointment of an Environmental Administrator (under relevant environmental legislation);
6. Legal proceedings against the Council for orders to remedy or restrain breaches of certain Acts, or for other legal challenges relating to such things as acting beyond the scope of authority of power, or failing to provide natural justice, possibly resulting in costly litigation and awards of damages;
7. Complaints about the conduct of the Council or staff members being referred to the Ombudsman, ICAC, Audit Office, Office of Local Government, or other relevant bodies;
8. Criminal proceedings;
9. Disruption to management, staff morale problems and bad publicity resulting from any of the above.

### 5.3 Application of Legal Requirements

The obligation to comply with legal requirements does not relieve the Council or individual staff members of the moral or ethical obligation to mitigate the effects of

rigid adherence to the letter of the law where that results in, or would result in, unintended or manifestly inequitable or unreasonable treatment of an individual or organisation. For example:

1. If the law gives the Council discretion, it should be exercised in a fair and reasonable way;
2. If the law does not give the Council discretion, fairness may involve adopting a broad interpretation in certain circumstances rather than a rigid adherence to legality;
3. Other options may be available to the Council to mitigate any unreasonable or inequitable effects of compliance with the law. These could include, for example, waiving debts, refunding fees or charges, offering an expression of regret or an apology, deferring regulatory action to allow for an authorisation to be obtained, fast tracking an assessment and determination of an application, etc.

In a similar manner, policies, codes, standards, etc. should not be applied inflexibly but on the basis of merit, with proper consideration being given to the particular circumstances of each individual case.

Staff members should have regard to circulars, practice notes, codes, guidelines, etc. issued by government or relevant central agencies. They should comply with their terms unless there are justifiable grounds for taking another course of action within the scope of the discretion available to the decision-maker.

#### **5.4 Strategies for Ensuring Compliance**

The General Manager will ensure a range of methods are adopted for use by Council staff to ensure compliance with key legislative changes.

### **6. RELATED LEGISLATION, POLICIES AND STRATEGIES**

#### **6.1 Policies and Strategies**

- Blayney Shire Council Community Strategic Plan
- Blayney Shire Council Local Environmental Plan
- Delegation Register
- All Council policies and plans developed in accordance with legislation

End of Policy

<b>Adopted:</b>	<b>19/08/2019</b>	<b>1908/010</b>
<b>Lasted Reviewed:</b>	<b>19/08/2019</b>	<b>1908/010</b>
	<b>19/09/2022</b>	<b>2209/010</b>
	<b>XX/XX/2025</b>	
<b>Next Reviewed:</b>	<b>29/08/2029</b>	



**Mobile Device Usage Policy**

Policy	7S
Officer Responsible	Manager Information Technology
Last Review Date	XX/XX/2025

**Strategic Policy**

**Objective**

Provide parameters for the use of corporate Mobile Devices used for access to Blayney Shire Council's corporate systems such as email/calendars, internet browsing and mobile applications used for Council related business.

**Purpose**

To provide Councillors and staff, referred hereon as "Users", with guidelines regarding the appropriate use of their Council supplied mobile device.

To provide users with mobile devices for use and to assist them in the performance of their duties.

To ensure that users are accessible, facilitate timeliness of responses to Council's customers and to enhance communications.

To facilitate the effective management and administration of costs of business calls relating to the Council's mobile device resources.

To encourage the standard for acceptable use of mobile device resources in the conduct of its business to safeguard users, protect Council assets and ensure compliance with appropriate legislation.

**Definition**

A "Mobile Device" for the purposes of this policy will be any device that is reliant on a carrier Mobile Network for the purpose of transmission of voice and/or data traffic. Mobile Devices include but shall not be limited to: Mobile Phones, Smart Phones, Laptops and Tablet devices.

**Eligibility**

A user will be eligible to have a mobile device if it is deemed necessary to their position, for example, if the employee's duties require them to spend time out of the office and/or to be contactable outside the normal hours of work. All mobile devices are provided at the discretion of the department director or General Manager or in the case of Councillors, the Payment of Expenses and Provision of Facilities policy. Any current employee who requires a replacement mobile device will need to fill in the Mobile Device Application Form on Council's Intranet and then forwarded to their manager and director for approval.

**Use**

While mobile devices are approved on the basis of business benefits and usage, reasonable personal use of devices is acceptable, but users must adhere to the following usage terms:

- The conditions of the Email and Internet Policy must be adhered to.
- The conditions of the Blayney Shire Council's Code of Conduct policy must be adhered to.
- The private usage of devices during business hours must not interfere with the employee's work performance or detract from the employee doing their normal duties.



- Monthly usage details will be accessible to the Manager Information Technology (IT) and Chief Financial Officer for cost management: IT ~~are~~is entitled to query excessive usage costs for mobile devices.
- Loss or theft of the mobile device must be immediately reported to IT. A loan device (if available) will be issued until a permanent replacement is organized. An incident form must also be completed and given to the WHS and Risk Coordinator
- Information stored on the mobile device is not backed up by Council systems, it is the responsibility of the user to backup personal data and to ensure that Council information is stored on Council approved systems for security and backup. Council takes no responsibility for the loss of personal data.
- All mobile devices come data plan deemed appropriate for its usage plan.

#### **Private Use**

The approved user is permitted incidental private usage of the mobile device so long it does not incur extra charges in which case the bill will be reviewed, and ~~employee-they~~ will be issued an invoice for reimbursement. This would most likely occur if personal overseas usage has occurred.

Council receives fully itemised records for all mobile devices. Council recognises the users' general rights of privacy, but Council reserves the right to monitor use of mobile devices where it is reasonably justified and/or there are legitimate reasons for doing so. Where Council has concerns, this matter will be referred to the relevant Director or General Manager.

Mobile Devices ~~are~~ fitted with location tracking software and remote wipe/remote lock capability will be enabled. The disabling of such features by users may result in disciplinary action.

#### **Hands Free Operation**

The use of mobile devices, 'without hands free', whilst driving is unlawful and the incursion of any penalties and fines will be solely at the user's cost.

#### **Responsibility of Users**

Users accept full responsibility for using their Council mobile device in an honest, ethical, safe and legal manner and with regard to the rights and sensitivities of other people. Use must be in accordance with Council policies and all relevant federal and state legislation.

Staff are required to:

- Take good care of the mobile device
- Take all reasonable precautions to ensure that the device is not damaged, lost or stolen. Keep mobile devices clean, and in a serviceable condition to the best of their ability, and
- Report all irregularities or faults/damage of the mobile device immediately to the IT Department.

There are some standard procedures that the user should implement as part of their day-to-day operational use of the mobile device:

- Activate the keypad lock to avoid accidental use of the device
- Mobile devices must not be left in open view in unlocked or unattended vehicles.
- Damaged devices should be returned to the IT Department who will arrange for any repairs to be carried out.

#### Lost or Stolen Devices

- Any devices that ~~is~~are lost or stolen: Must be reported to the IT Department immediately after discovering the loss of the mobile device (business hours) or first thing the next business day if discovered after hours
- Will be remotely locked and wiped clean of all data if the device can be tracked.
- Must have an Incident Report completed and provided to WHS and Risk Coordinator

Subject to the circumstances in which the mobile device was lost or damaged, Council will be responsible for replacing the device unless carelessness on the part of the user can be shown as the cause of the loss or damage. In circumstances where it has been shown that the user's carelessness contributed to the loss or damage of the device then the user may be required to contribute to the replacement cost.

#### Installation of Applications on Mobile Devices

Council currently has accounts for mobile applications devices. IT currently holds the passwords for these accounts. If the user of mobile device requires an application to be installed on the ~~device~~device, it must be undertaken by IT and be for business purposes. Justification must also be provided in an email to the IT Manager why the application is required. If the application will incur a cost, then this will be discussed with the user's Director.

Under Cyber Security NSW guidelines TikTok and Deepseek applications must not be installed or used on any Council device.

Council staff are permitted to login to the Mobile devices with personal app accounts but Council will not be responsible for any charges incurred or if the device becomes faulty and needs to be reset or replaced.

Councillors have personal iTunes accounts linked to their Ipad and Council email accounts and are responsible for the upkeep of those accounts. ~~Council does not keep a record personal iTunes login details.~~ Councillors will be provided with a 4GB Data plan for their Ipad or laptop devices, and \$50 iTunes credit for the duration of the council term.

#### Termination of Employment / Conclusion of Term/Change of Position

On termination of employment or conclusion of term of Council (resignation or where not re-elected), the user must return the mobile device to IT including any

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associated battery chargers or other accessories supplied by the Council for use with the mobile device.

~~The mobile device is to be issued to an employee where it is deemed necessary to their job position. When~~ If an employee subsequently changes job position within Council, authorisation by the relevant Director must occur for the mobile device to remain with the employee. Approval will only be given in this circumstance where the use of the mobile device is deemed a necessary requirement of the employee's new job position. If approval is not given the mobile device is to be returned to IT.

**Related Policies**

Council Code of Conduct  
Records Management

**Legislative Context**

Local Government Act 1993  
Local Government (General) Regulations [2005-2021](#)  
Workplace Surveillance Act 2005 [No 47](#)  
Workplace Surveillance Regulation 2012

<b>Adopted:</b>	<b>Date: 08/12/2014</b>	<b>1412/006</b>
<b>Lasted Reviewed:</b>	<b>08/12/2014</b>	<b>1412/006</b>
	<b>16/04/2018</b>	<b>1804/010</b>
	<b>21/11/2022</b>	<b>2211/010</b>
	<b>XX/XX/2025</b>	
<b>Next Reviewed:</b>	<b>28/09/2029</b>	



**Signs as Remote  
Supervision Policy**

Policy	26D
Officer Responsible	Director Infrastructure Services
Last Review Date	21/11/2022

Strategic Policy

Commented [VW1]: do we have a contents page?

Commented [JH2R1]: None required thanks

## PURPOSE

This Policy documents Blayney Shire Council's approach to the management of safety signage. The purpose of this Policy is to outline the requirements of selection, installation, placement and maintenance of safety signage to adequately manage and minimise the risk of injury or harm to workers and contractors.

## SCOPE

1. Users of Blayney Shire Council's owned, operated or controlled land are exposed to varying degrees of risk associated with the use of the land. The risk comes from the hazards which exist on the land: both natural hazards, and hazards related to developed facilities. It is desirable for Blayney Shire Council to provide a warning to users of the land about the nature of any hazards, to exercise its Duty of Care in accordance with the Civil Liability Act 2002.

The Blayney Shire Council supports this methodology through Community Consultation Committees and through the development of the strategic plan of the Blayney Shire Community. Signs as remote supervision are supported through other operational related policies.

2. Council has adopted the [Blayney/Statewide](#) Best Practice Guide for Signs as Remote Supervision as the process for the assessment, selection and placement of signs at Blayney Shire Council facilities. Such signage shall be used to direct, advise or warn the public of inherent dangers in the environment in which they are operating.
3. The Blayney policy for Signs as Remote Supervision will identify Blayney Shire Council's facilities requiring signage. Council's WHS and Risk Coordinator will assess site risks and audit Council properties, including but not limited to Pools, Open spaces, Skate Parks and Recreation Facilities. The information from the site risk will be entered into Council's asset management system with the condition and appropriateness of each sign.
4. This Policy has been developed taking into account the principles of ISO31000 – 2018 Risk Management Standard and the Statewide Mutual Best Practice Manual, Signs [As](#) Remote Supervision with a view to limiting Council's exposure to potential litigation claims.
5. To bring Blayney Shire Council's signs up to best practice, signs in existence that do not meet the current standard shall be replaced as funds permit based on a priority order. Blayney Shire Council will consider the ongoing maintenance and replacement of damaged or vandalised signs in annual budget allocations.
6. Council may refer to other documents for style, layout and regulatory requirements relating to the use of signs in specific circumstances, for

Commented [JH3]: [Blayney/Statewide](#) should this be Statewide best practice guide?

Commented [4R3]: Yes, as it is the Statewide best practice guide manual

example: Transport for NSW roadside signage guidelines.

7. When Blayney Shire Council becomes aware of a potential risk, it will endeavor to follow the hierarchical order of risk control principles i.e:
- Eliminate the risk
  - Reduce the risk
  - Accept the risk, using signs as remote supervision where possible.

## **ROLES AND RESPONSIBILITIES**

Outlined below are responsibilities specific for safety signage requirements at all Blayney Shire Council controlled worksites.

### **EXECUTIVE**

Executive and Senior Management are responsible for overseeing and ensuring the implementation of the requirements of this Policy and related procedures within their respective functional areas. This includes:

- Ensuring all tasks are assessed to identify required safety signage;
- Ensuring appropriate management practices are implemented;
- Ensuring safety signage is installed, suitable and maintained;
- Ensuring safety signage is regularly monitored and reviewed to ensure its effectiveness.

### **MANAGER**

Managers in all operational areas and Council worksites are responsible for ensuring the implementation of this Policy. This includes:

- Providing adequate resources to facilitate the provision all necessary safety signage and associated maintenance; and
- Providing awareness to all employees of this procedure.

### **SUPERVISOR**

Supervisors and Team Leaders in all operational areas and Council worksites are responsible for ensuring that the following is undertaken to minimise exposure to hazards and risks, including:

- Ensuring adequate signage has been installed, maintained and removed where necessary.
- Ensuring all workers are familiarised with the relevant parts of this Policy
- Documenting and retaining records of inspections; and
- Providing appropriate training, instruction and supervision for workers.

### **WORKER**

All workers shall ensure that they:

- Follow the requirements detailed in this Policy and associated documents.
- Adhere to all signage requirements; and
- Report any incidents/injuries immediately to their supervisor; and complete a

- WHS Incident [form](#).
- [report Report](#) in accordance with Council WHS incident reporting procedures.

## **CONTRACTORS**

At all times when performing work on a Blayney Shire Council site or for/on behalf of Council, contractors must meet and comply with Councils signage requirements detailed in this and related procedures.

## **WHS COORDINATOR**

The WHS and Risk Coordinator will work with the business to ensure:

- The establishment, review and continual improvement of management systems, arrangements and related procedures relating to the management and use of signage.
- The provision of advice to assist in the active management and resolution of hazards and risks that require safety signage and to ensure these are managed in accordance with Councils Safety Management System and relevant legislative requirements.

## **PROCEDURE**

Safety signage is used to draw attention to objects and situations affecting health and safety. Adequate safety signage must be in place in all areas of high risk and danger. Signage is essential to maintain heightened safety and awareness in and around Councils workplaces. Safety signage must be placed where required by legislation or another Councils' guidelines, as identified in a Safe Work Method Statements or Traffic Control Plans to increase protection in conjunction with other control methods.

The signage requirements are to be selected after reviewing the hazards and risks for each site and activity. Signage selected must comply with Australian Standards.

## **GENERAL**

Safety signage across all Council worksites must be of consistent quality and professional standard. Signage is an administrative control and must not be chosen as the primary control measure. Signage is classified into four (4) different categories. These include:

### **Regulatory Signs:**

- Prohibition Signs (such as Smoking Prohibited, No Pedestrian Access, Digging Prohibited);
- Mandatory Signs (such as Eye Protection Must Be Worn, Hearing Protection Must Be Worn);
- Limitation or Restriction Signs (such as Speed Limit signs); and
- Warning Signs (such as Confined Space and Asbestos warning signs).

### **Hazard Signs:**

- Danger Signs (such as Confined Space, Overhead Power); and

- Warning Signs (such as Electric Shock Risk, Asbestos, Forklift Hazard, and Slippery When wet)

**Emergency Information Signs** (such as First Aid, Emergency Eye Wash).

**Fire Signs** (such as Fire Alarm Sign, Fire Fighting Signage – e.g. extinguisher).

Additionally, there is specific signage (e.g. Entry Signage) which must be in-place at all fixed Worksites if required.

See Appendix A for examples of each category of signage.

#### **DESIGN AND LAYOUT OF SIGNS**

The type of sign used must be suitable for the intended purpose. All signage covered by this guideline must follow the same format as outlined in Statewide Best Practice Manual, Signs for Remote Supervision and AS1319 – Safety Signs for the Occupational Environment. Where no symbol is available for a required purpose, a worded message sign is to be used.

#### **INSTALLATION OF SIGNS**

Signs other than those painted directly on existing surfaces are to be constructed and erected so that they do not create a hazard (e.g. signs do not project into walkways or roadways so that persons or mobile plant including vehicles could strike them).

Signs are to be located where the message(s) are legible and clearly visible and so that they attract the attention of all workers (e.g. located at eye height, adjacent to plant such as lathes or at entrances to buildings/facilities). This also includes the installation of placards at the front of the facility, tanks and buildings where required.

Signs are to be installed in locations where there is limited possibility of them being obscured (e.g. placing items in front of signs or being overgrown by trees etc.). Placing several signs close together should be limited wherever practicable, as this may lead to confusion and make it difficult to distinguish individual messages.

Signs must not be placed on movable objects where a change in position would place the sign out of sight (e.g. doors or windows).

External or internal signs should be illuminated where it is required under legislation or where there is poor visibility as determined by a risk assessment.

All signs are to be kept clean and in good condition (e.g. not faded).

#### **MAINTENANCE AND REMOVAL OF SIGNS**

The Supervisor in conjunction with the WHS and Risk Coordinator must ensure safety signs are:

- Immediately removed, after the information they contain is no longer relevant; and/or when the hazard ceases to exist and,



- Removed for maintenance if safe to do so/ maintenance conducted on site.

#### **SITE SPECIFIC MANAGEMENT OF SAFETY SIGNS**

In addition to the signage outlined in [Section 7.1 throughout this policy](#), there are other signs that must be installed, but not limited to. These include:

- Evacuation Signs;
- Traffic Management Signs
- Office/Reception/Stores Signs;
- Public Access Signs;
- Evacuation Assembly Point Signs.












#### **REVIEW**




This Policy is to be reviewed once every Council Term or earlier if:

- There is an identified risk to business.
- A significant safety or unplanned event occurs.
- Incident investigation or audit results show that application of the standard fails to deliver the required outcomes.
- There are changes in associated legislation.

Commented [VW5]: where is 7.1? change to "throughout this policy"

EXAMPLES OF RELEVANT SIGNAGE USED

SIGN DESCRIPTION		EXAMPLE OF SIGN		
REGULATORY SIGNS	Prohibition Signs	 NO SMOKING	 WATER NOT SUITABLE FOR DRINKING	
	Mandatory Signs	 EYE PROTECTION MUST BE WORN IN THIS AREA	 FOOT PROTECTION MUST BE WORN	 HEARING PROTECTION MUST BE WORN IN THIS AREA
	Limitation Or Restriction Signs			
HAZARD SIGNS	Danger Sign	 DANGER CONFINED SPACE ENTRY BY PERMIT ONLY	 DANGER AUTOMATICALLY CONTROLLED MAY START AT ANY TIME	
	Warning Sign	 WARNING CONTAINS ASBESTOS FIBRE AVOID CREATING DUST BREATHING ASBESTOS DUST MAY CAUSE SERIOUS DAMAGE TO YOUR HEALTH INCLUDING CANCER SMOKING GREATLY INCREASES THE RISK	 WATCH OUT FORKLIFT OPERATING IN THIS AREA	 PINCH POINT CAN CAUSE SEVERE PERSONAL INJURY

SIGN DESCRIPTION		EXAMPLE OF SIGN
OTHER SIGNS	Emergency Information Sign	
	Fire Sign	
	Entry Signage To Recreation Areas	

RELATED DOCUMENTS

This Policy complies with various provisions of the Civil Liability Act 2002 [NSW] including sections 42, 43 and 45 by ensuring resources allocated to an asset and its maintenance are utilised to meet Council's commitments and in accordance with other relevant Legislation and associated Regulations.

- Work Health and Safety Act 2011.
- Work Health and Safety Regulations 2017
- Civil Liability Act 2002
- Statewide Best Practice Manual, Signs for Remote Supervision, [Version 11: October 2021](#)
- WHS Safety Signage Audit Form
- AS/NZS 1319:1994 Safety Signs for the Occupational Environment
- WHS Risk Management Policy
- Traffic Management SWMS — [W-010](#)

End of Policy

	Date	Minute No.
Adopted:	17/06/2013	1306/011
Last Reviewed:	17/06/2013	1306/011
	20/08/2018	1808/009
	21/11/2022	2211/009
	XX/XX/2025	
Next Reviewed:	28/09/2029	



**Work Health and Safety Policy**

<b>Policy</b>	9A
<b>Officer Responsible</b>	WHS and Risk Coordinator
<b>Last Review Date</b>	XX/XX/2025

**Strategic Policy**

## **Purpose**

Council is committed to provide a safe and healthy working environment for all our employees, volunteers, contractors, trainees, visitors including Council's elected members, that may be affected by works undertaken by Council, through the elimination or minimisation of risks.

## **Work Health and Safety Statement**

Blayney Shire Council will demonstrate its commitment to Work Health and Safety by:

- Promoting a culture where harm to people through work is unacceptable
- Applying a risk management approach to all specific work related Council activities and initiating controls where risk is identified, monitoring, and recording the same;
- Ensuring compliance with relevant safety legislation, codes of practice and standards wherever possible;
- Conducting inspections of the workplace to identify and control hazards and report these outcomes to the WH&S Committee;
- Ensuring when procuring or using plant, substances, equipment and materials they are used and handled properly, stored and transported without risk to health and safety of personnel;
- Identifying any foreseeable hazards Blayney Shire Council will provide appropriate information, training and resources to control or eliminate the risk;
- Promoting to all levels of management and staff to take responsibility, be accountable and assume authority for the management of work, health and safety within the workplace;
- Consulting with management, employees, volunteers, and contractors on work health and safety issues;
- Provision and circulation of appropriate work, health and safety information;
- Ensuring those injured are assisted in returning to duties in a safe and timely manner;
- Providing an environment where health and safety issues can be discussed openly and freely.
- Council's Work Health and Safety Policy, practices and systems being monitored and reviewed to ensure the achievement of the highest safety standards possible.

## **Responsibilities**

While the obligation for each person is different, all persons must ensure that the way they carry out their work does not interfere with the health and safety of themselves and other persons at ~~the~~their place of work.

## **Duty Holders**

### **Person conducting a business or undertaking (Council)**

Council must ensure, so far as is reasonably practicable, the health and safety of:

- Workers engaged, or caused to be engaged by the person, and
- Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

The General Manager has ultimate responsibility for the implementation of Council's WHS Protocol, reviewing overall organisational health and safety performance and health and safety performance review of executive management.

### **Officer duties**

Officers of Council have a duty to exercise 'due diligence' to ensure that Council complies with its duty to reasonably ensure health and safety. Officers are defined as a person who makes, or participates in making decisions that affect the whole or a substantial part of a business or undertaking.

Council shall fulfill these responsibilities through the appointed General Manager, Directors, and Managers who are responsible and accountable for the safety of workers including contractors, volunteers and Council property under their control.

### **All workers**

All workers have a duty to ~~responsibility~~ for:

- Taking reasonable care for their own health and safety;
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Following all WHS legislation, Council safety requirements and relevant codes of practice;
- Co-operating with management in the support of promotion of Health and Safety in the workplace;
- Not undertaking any task without the relevant induction, training or competency;
- Promptly reporting all hazards, injuries and safety incidents;
- Presenting for work in a fit state that does not prevent them carrying out their duties in a safe and responsible manner.
- Use any machinery, plant, equipment and any other tools and safety devices in accordance with the relevant product instructions and in accordance with any specific training which has been issued.
- Only perform tasks for which they are authorised, qualified, trained and licensed to perform.
- Use any personal protective equipment that has been provided by us for personal safety reasons under the requirements of WHS legislation. All workers to ensure that they follow the relevant training, signage or wearing of personal protective equipment. Compliance with health and safety requirements

Council employees must observe Council's health and safety policies, protocols, procedures and instructions. If a breach occurs, it may be necessary for disciplinary action in accordance with disciplinary procedures under the Local Government (State) Award.

### Relevant Documents

Work Health and Safety Regulation 2017  
 Occupational Health and Safety Management System (OHMS) (AS/NZIS 4801)  
 Work Health and Safety Act 2011  
 Local Government Act 1993  
 Corporations Act 2001  
 Blayney Shire Council Health & Safety Committee Constitution  
 Blayney Shire Council Enterprise Risk Management Policy  
 and Plan ~~Risk Management Policy~~  
 Incident Reporting and Investigation Procedure

<b>Adopted:</b>	<b>08/07/2002</b>	<b>198</b>
<b>Last Reviewed:</b>	<b>18/06/2007</b>	<b>131</b>
	<b>11/11/2013</b>	<b>1311/006</b>
	<b>21/05/2018</b>	<b>1805/014</b>
	<b>21/12/2020</b>	<b>2012/011</b>
	<b>21/11/2022</b>	<b>2211/010</b>
	<b>XX/XX/2025</b>	
<b>Next Reviewed:</b>	<b>28/09/2029</b>	





## Cyber Security Framework

Policy	8N
Officer Responsible	Manager Information Technology
Last Review Date	XX/XX/2025

Strategic Policy

## **1. INTRODUCTION**

### **1.1. OBJECTIVE**

This Cyber Security Framework establishes the overarching framework for managing cyber security within Blayney Shire Council. It defines Council's commitment to safeguarding the confidentiality, integrity, and availability of its information systems, data, and digital services.

This framework provides a structured, risk-based approach aligned to the Cyber Security Guidelines for NSW Local Government (2024), the NSW Cyber Security Policy, and national standards including the ACSC Essential Eight. It ensures that council operations, public services, and community trust are protected from the impacts of cyber threats.

The purpose is not only compliance but to foster a culture of proactive cyber resilience, equipping Council to address emerging risks in a dynamic threat landscape.

### **1.2. SCOPE**

This framework applies to:

- All council employees, contractors, consultants, volunteers, councillors, and third-party service providers who access or handle council-owned information systems, data, or services.
- All council information and communication technology (ICT) systems, operational technology (OT) systems, Internet of Things (IoT) assets, networks, applications, and data repositories, regardless of whether they are hosted on-premises, in the cloud, or through third parties.
- All activities related to the creation, access, processing, transmission, storage, and disposal of council information, across the entire data lifecycle.

### **1.3. COUNCIL COMMITMENT**

Blayney Shire Council is committed to:

- Embedding cyber security as a fundamental component of its governance, risk management, and operational practices.
- Aligning its cyber security activities with NSW Government guidelines, best practices, and legislative obligations.
- Adopting a continuous improvement approach, regularly reviewing its cyber security posture and uplifting capabilities over time.
- Promoting a strong cyber security culture across the council, ensuring that staff and third-party partners understand and fulfil their security responsibilities.
- Ensuring the council's resilience to evolving cyber threats, balancing innovation, public service delivery, and risk management.

#### 1.4. LEGISLATIVE AND POLICY CONTEXT

This framework is shaped by the following key frameworks and obligations:

- **NSW Cyber Security Policy (latest version)**
- **Cyber Security Guidelines for NSW Local Government (2024)**
- **Australian Cyber Security Centre (ACSC) Essential Eight Maturity Model**
- **Privacy and Personal Information Protection Act 1998 (NSW)**
- **Local Government Act 1993 (NSW)**
- **State Records Act 1998 (NSW)**
- **Other applicable state and federal legislation, standards, and regulatory obligations**

This framework is to be read in conjunction with following Council documentation:

- **Information Technology Security and Usage Policy**
- **Incident Response Plan**
- **Enterprise Risk Management Policy and Plan**

Where relevant, this framework also references international best practices including ISO 27001, NIST Cybersecurity Framework, and the NSW Beyond Digital Strategy.

## 2. GOVERNANCE AND RESPONSIBILITIES

### 2.1. GOVERNANCE OVERVIEW

Effective cyber security governance ensures that Council has clear leadership, accountability, and decision-making structures to manage cyber risks, meet compliance obligations, and deliver resilient services to the community.

Governance responsibilities are distributed across executive, management, operational, and third-party levels, following the **Cyber Security Guidelines for NSW Local Government (2024)**, with oversight by the **Audit, Risk and Improvement Committee (ARIC)**, and the Chief Information Security Officer of the Central New South Wales Joint Organisation.

### 2.2. EXECUTIVE-LEVEL RESPONSIBILITIES

#### **General Manager (GM)**

- Appoint a qualified senior officer (CISO or equivalent) with the authority to oversee cyber security.
- Ensure development, implementation, and maintenance of a cyber security strategy and/or plan aligned to business objectives and cyber risk appetite.
- Define Council's risk appetite for cyber security using whole-of-government risk management frameworks.

- Allocate sufficient funding, resources, and executive sponsorship for cyber security initiatives, training, and improvement efforts.
- Attend ARIC meetings and support independent oversight of cyber risks.
- Approve internal cyber security policies and major security decisions.

### **2.3. DIRECTOR-LEVEL RESPONSIBILITIES**

#### **Director Leadership Roles**

- Oversee the implementation of the cyber security strategy and key initiatives in collaboration with CIO, COO, and CISO, the ARIC and the Central NSW Joint Organisation's Information Security Steering Committee.
- Ensure reporting on cyber security progress, outcomes, and risks to the Executive Committee.
- Champion cyber security awareness and accountability across business units.

### **2.4. CISO / CIO RESPONSIBILITIES**

#### **Chief Information Security Officer (CISO)**

- Develop, maintain, and operationalise Council's cyber security strategy, architecture, and risk management processes.
- Define and apply risk treatment strategies for cyber security.
- Provide advice and recommendations on exemptions or changes to security policies.
- Investigate, respond to, and report on cyber security incidents, including to Cyber Security NSW as required.

### **2.5. MANAGERIAL AND OPERATIONAL RESPONSIBILITIES**

#### **Manager Information Technology or Equivalent**

- Manage day-to-day implementation of security controls, incident responses, vulnerability management, and security platform lifecycles.
- Develop and maintain cyber security procedures, guidelines, and metrics for performance assurance.
- Provide guidance on cyber risks emerging from business and operational changes.
- Coordinate operational teams to maintain system availability, performance, and security.
- Ensure Council's leadership is informed about cyber risks, required resources, and the implementation progress of the cyber strategy.
- Oversee execution of security controls, project security requirements, and integration of secure-by-design principles into new and legacy systems.
- Support the CISO in ensuring consistent application of security practices across all operations.

#### **Privacy Officer**

- Act as the point of contact for all privacy matters, including with the Information and Privacy Commission NSW.
- Ensure privacy obligations are integrated into cyber security practices, particularly around incident response and breach management.

- Assess the privacy impact of new projects and changes.
- Manage privacy complaints and regulatory notifications.

#### **Information Management Officer or Equivalent**

- Maintain records and data management aligned with cyber security needs.
- Ensure timely escalation and reporting of information loss or damage incidents.

#### **Internal Audit and Risk**

- Provide independent assurance on the effectiveness of cyber risk management, controls, and compliance.
- Validate that the cyber security strategy aligns with Council's overall risk framework.
- Conduct regular cyber risk assessments and report outcomes to the ARIC.

#### **All Council Staff**

- Complete mandatory cyber security awareness training.
- Practice secure behaviours, including password management, phishing vigilance, and incident reporting.
- Understand and follow the cyber security responsibilities relevant to their roles.
- Comply with the **Information Technology Security and Usage Policy**.

### **2.6. THIRD-PARTY RESPONSIBILITIES**

#### **Third-Party Service Providers**

- Comply with all cyber security requirements as outlined in council contracts.
- Report suspected or actual security incidents and data breaches immediately.
- Participate in periodic compliance reviews, audits, and security performance checks.
- Implement appropriate controls, including multi-factor authentication, access restrictions, data segmentation, and secure offboarding processes.

### **2.7. AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)**

- Provide independent advice to the Council on cyber security risks, issues, and improvement opportunities.
- Monitor Council's implementation of the foundational and detailed requirements outlined in the with the **Cyber Security Guidelines for NSW Local Government (2024)**.
- Review internal audit findings and external advice to inform council decisions on cyber risk management.

### 3. RISK MANAGEMENT

Council has an established **Enterprise Risk Management Policy and Plan**.

#### 3.1. PURPOSE OF RISK MANAGEMENT

Cyber security risk management enables Council to identify, evaluate, and mitigate risks to its information systems, digital assets, and operational services in a structured, proportional, and continuous manner.

This approach ensures Council aligns cyber security activities with organisational objectives, legal obligations, and the evolving threat environment.

#### 3.2. RISK MANAGEMENT PRINCIPLES

Council applies the following principles:

- **Risk-Based Approach:** Cyber risks are identified, prioritised, and treated based on their potential impact on council objectives and services.
- **Proportionality:** Controls are applied relative to the sensitivity and criticality of assets, recognising differences between ICT, OT, IoT, and cloud environments.
- **Continuous Improvement:** Risk management processes are iterative, adapting to emerging threats, technology changes, and lessons learned.
- **Alignment with Council Risk Appetite:** Cyber risk decisions reflect Council's defined tolerance and appetite, as set by the General Manager and Executive Leadership, within the broader corporate risk framework.
- **Integration with Enterprise Risk Management:** Cyber risks are incorporated into enterprise-wide risk assessments, reporting, and governance.

#### 3.3. CYBER RISK IDENTIFICATION

Council systematically identifies cyber risks by:

- Maintaining up-to-date inventories of all ICT, OT, IoT, and data assets, including crown jewels and sensitive systems.
- Conducting threat modelling exercises to map likely threat actors, attack vectors, and vulnerabilities.
- Monitoring external intelligence sources (e.g., ACSC advisories, Cyber Security NSW updates) and internal data (e.g., logs, vulnerability scans).
- Identifying risks introduced through new projects, system changes, third-party engagements, or evolving business requirements.

### 3.4. RISK ASSESSMENT AND ANALYSIS

Once identified, cyber risks are:

- Analysed to assess their likelihood and potential impact on the confidentiality, integrity, and availability of council assets and services.
- Classified and prioritised according to Council's risk assessment framework and aligned with approved risk appetite and tolerance levels.
- Evaluated with both inherent risk (before controls) and residual risk (after controls) considered.
- Documented in risk registers, ensuring traceability and accountability.

### 3.5. RISK TREATMENT

Council applies one or more treatment strategies for each assessed cyber risk:

- **Mitigation:** Implementing technical, procedural, or organisational controls to reduce risk levels.
- **Transfer:** Using contracts, insurance, or third-party arrangements to shift risk responsibility.
- **Acceptance:** Acknowledging residual risk within defined tolerances and documenting justification and approvals.
- **Avoidance:** Adjusting projects, systems, or processes to eliminate exposure to unacceptable risks.

Significant risks exceeding Council's risk appetite must be escalated through management and reported to the ARIC.

### 3.6. ONGOING MONITORING AND REVIEW

Cyber risk management is a continuous process, supported by:

- Regular reviews of risk assessments and treatment plans.
- Periodic vulnerability scans, penetration tests, and audits.
- Post-incident reviews, lessons learned, and corrective actions.
- Integration of findings from self-assessments and third-party assessments.
- Updating threat models, asset inventories, and risk registers as the environment changes.

### 3.7. INTEGRATION WITH BUSINESS OBJECTIVES

Council ensures that:

- Cyber risk considerations are embedded in strategic planning, service delivery, and change management.
- Major initiatives (including digital transformation, smart city projects, and outsourced services) are subject to cyber security risk evaluation.
- Cyber risk management supports Council's public service mission, community trust, and innovation goals, without imposing disproportionate barriers.

## 4. CYBER SECURITY CONTROLS

### 4.1. PURPOSE AND CONTEXT

Cyber security controls are the technical, procedural, and organisational safeguards that protect Council's information systems, data, and services from cyber threats.

These controls are designed and implemented in alignment with the **Cyber Security Guidelines for NSW Local Government (2024)**, the NSW Cyber Security Policy, and the Australian Cyber Security Centre (ACSC) Essential Eight.

They reflect Council's risk-based approach, ensuring that protections are applied proportionally to the sensitivity and criticality of assets, whether in ICT, OT, IoT, cloud, or hybrid environments.

### 4.2. FOUNDATIONAL AND DETAILED REQUIREMENTS

Council adopts the foundational and detailed cyber security requirements outlined by the **Cyber Security Guidelines for NSW Local Government (2024)** to strengthen governance, detect and respond to threats, protect critical assets, and recover from incidents effectively.

Key areas include:

- Establishing a governance framework where security controls are continuously monitored, reviewed, and improved.
- Maintaining comprehensive inventories of systems, data, applications, and physical devices to ensure visibility and accountability.
- Identifying critical systems and data ("crown jewels") that require enhanced protection measures.
- Ensuring segregation of critical assets and enforcing secure configurations, patching, and update processes.
- Implementing regular vulnerability and risk assessments to inform security control decisions.

### 4.3. ESSENTIAL EIGHT ALIGNMENT

Council explicitly integrates the ACSC Essential Eight mitigation strategies as its baseline technical control framework. These strategies are applied to all relevant systems, tailored to their environment, and continuously uplifted to meet target maturity levels.

The Essential Eight comprises:

1. Application control
2. Patch applications
3. Configure Microsoft Office macro settings
4. User application hardening
5. Restrict administrative privileges



6. Patch operating systems
7. Multi-factor authentication (MFA)
8. Regular backups

Maturity levels are determined through self-assessment and third-party evaluation, ensuring that Council progressively improves its cyber resilience over time.

#### **4.4. ACCESS MANAGEMENT AND IDENTITY SECURITY**

Strong access management is central to protecting council systems.

Council enforces principles of least privilege, ensuring that users have only the minimum access required to perform their duties.

Multi-factor authentication is mandated for all privileged and remote access accounts, with routine reviews of account permissions, logins, and dormant or orphaned accounts.

Access controls extend across staff, contractors, third-party providers, and automated systems, ensuring consistent application of authentication and authorisation safeguards.

#### **4.5. NETWORK AND INFRASTRUCTURE SECURITY**

Council maintains protections across its networks, including segmentation between critical and non-critical systems, secure perimeter defences (such as firewalls), and working to uplift routine monitoring of network traffic for anomalies or malicious activities.

Encryption uplift is on the roadmap to ensure its applied to sensitive data in transit, while secure configuration baselines are established and maintained across network devices, servers, and endpoints.

#### **4.6. DATA PROTECTION AND PRIVACY**

Data is protected across its lifecycle — from creation and collection, through storage and use, to archival and destruction — in accordance with the **Privacy and Personal Information Protection Act 1998 (NSW)** and State Records obligations.

This includes applying encryption to sensitive data at rest, maintaining secure backups, enforcing data retention and destruction policies, and applying privacy-by-design principles in system and process development.

#### **4.7. OPERATIONAL TECHNOLOGY (OT) AND INTERNET OF THINGS (IOT) SECURITY**

Critical OT systems (such as utilities, infrastructure, and smart hub platforms) are segregated from general ICT networks, monitored for threats, and maintained under strict patching and access control regimes.

#### **4.8. THIRD-PARTY AND SUPPLY CHAIN SECURITY**

Third-party providers are required to meet Council's cyber security standards as defined in contracts, including implementing appropriate controls, participating in security assessments, and notifying Council of incidents or changes in risk posture.

Legacy contracts are reviewed periodically to identify and address cyber security gaps, while new contracts incorporate minimum security requirements, performance metrics, and compliance obligations.

#### **4.9. CHANGE, CONFIGURATION AND VULNERABILITY MANAGEMENT**

Council maintains change management practices that incorporate cyber security impact assessments for system upgrades, patches, and modifications.

Configuration baselines are documented and enforced, ensuring consistency across environments.

Vulnerability management is proactive, with ongoing improvements to continuous scanning, prioritised remediation, and integration of threat intelligence to address emerging risks.

#### **4.10. CONTINUOUS MONITORING AND IMPROVEMENT**

Council commits to continuous monitoring, regular testing (including penetration tests, and adaptive improvements informed by self-assessments, audits, lessons learned from incidents, and external best practices.

Metrics and performance indicators will be used to track control effectiveness, with regular reporting to executive leadership and the ARIC.

## 5. INCIDENT MANAGEMENT

### 5.1. PURPOSE AND IMPORTANCE

Effective incident management enables Council to detect, respond to, and recover from cyber security incidents in a timely, coordinated, and controlled manner.

This ensures Council minimises operational, reputational, legal, and financial impacts while aligning with the **Cyber Security Guidelines for NSW Local Government (2024)**, the **NSW Cyber Security Policy**, and relevant privacy and regulatory frameworks.

A mature incident management capability not only addresses immediate threats but contributes to long-term resilience and continuous improvement.

### 5.2. INCIDENT MANAGEMENT FRAMEWORK

Council maintains an **Incident Breach Response Plan** in conjunction with managed service provider Incident Response Plans, and continues to uplift its incident management framework so that it includes:

- Defined roles, responsibilities, and escalation pathways.
- Clear classification of incident types and severity levels.
- Integrated workflows for detection, analysis, containment, eradication, recovery, and post-incident review.
- Alignment with council-wide business continuity and disaster recovery (BCP/DR) frameworks.
- Predefined communication strategies, both internal and external, including public communications where appropriate.

This framework applies to all council systems, data, services, and third-party providers and is regularly tested and updated to reflect evolving threats and lessons learned.

### 5.3. DETECTION AND REPORTING

Council is planning to establish and uplift:

- Continuous monitoring across its ICT, and cloud environments, using tools such as security information and event management (SIEM) systems, intrusion detection/prevention systems, and endpoint detection platforms. Currently Microsoft Defender for Endpoint is used for endpoint protection.
- Incident management frameworks so that incidents are reported through established channels, with clear procedures for staff, contractors, and third-party providers to escalate suspected or confirmed events.
- Guidance for reporting obligations include incidents that compromise the confidentiality, integrity, or availability of systems or data, as well as privacy breaches covered under the **Privacy and Personal Information Protection Act 1998 (NSW)**.

#### **5.4. RESPONSE AND CONTAINMENT**

Upon identification of an incident, the response team will coordinate actions to:

- Contain the spread and prevent further damage.
- Identify the root cause and affected systems.
- Preserve forensic evidence where required.
- Communicate with affected stakeholders, including internal leadership, Cyber Security NSW, law enforcement (if applicable), and regulatory bodies.

Council prioritises response activities based on the criticality of impacted services and the potential consequences to community operations.

#### **5.5. RECOVERY AND RESTORATION**

Once containment and eradication are complete, Council undertakes structured recovery processes, which may include system rebuilds, data restoration from secure backups, revalidation of system integrity, and reconnection to the broader network.

Recovery activities are integrated with Council's BCP/DR plans, ensuring service continuity for critical operations.

Systematic verification and testing are conducted before full resumption of services.

#### **5.6. POST INCIDENT REVIEW AND IMPROVEMENT**

Every significant incident triggers a formal post-incident review, capturing:

- A timeline of events.
- Root cause analysis.
- Effectiveness of detection, response, and recovery efforts.
- Lessons learned and improvement opportunities.

Outcomes inform updates to policies, procedures, controls, training, and risk registers, ensuring continuous enhancement of Council's security posture.

#### **5.7. EXTERNAL REPORTING AND COMPLIANCE**

Council fulfils all mandatory reporting obligations, including:

- Notification to Cyber Security NSW of significant incidents as required under the NSW Cyber Security Policy.
- Reporting privacy breaches to the Information and Privacy Commission NSW where applicable.
- Engaging with law enforcement or regulatory agencies for criminal or compliance-related matters.

- Providing required updates to the Audit, Risk and Improvement Committee (ARIC) and executive leadership.

These processes will be documented and then tested and reinforced through scenario-based exercises and tabletop simulations at least annually.

## **6. TRAINING AND AWARENESS**

### **6.1. PURPOSE AND IMPORTANCE**

A resilient cyber security posture depends not only on technology and governance but also on people.

Council recognises that staff, contractors, councillors, and third-party partners play a pivotal role in protecting information assets and services.

Human error, lack of awareness, and insufficient capability are among the most significant contributors to cyber incidents. Therefore, Council commits to fostering a strong cyber security culture underpinned by training, awareness, and continuous learning.

### **6.2. CYBER SECURITY AWARENESS PROGRAM**

Council maintains a structured Cyber Security Awareness Program designed to embed secure behaviours, reinforce policy compliance, and reduce human-related vulnerabilities.

The program addresses the needs of all staff and stakeholders, providing clear, relevant, and practical knowledge tailored to their roles.

It encompasses foundational security principles, organisational policies, threat awareness (such as phishing, social engineering, and ransomware), data handling requirements, incident reporting procedures, and acceptable use standards.

Content is regularly updated to reflect emerging threats, lessons learned from incidents, and changes in policy or technology.

### **6.3. MANDATORY TRAINING REQUIREMENTS**

Council staff, contractors, and councillors are required to complete cyber security training:

- At induction or onboarding.
- Annually thereafter as part of mandatory refresher training.
- As needed following significant incidents, control failures, or identified knowledge gaps.

Completion of training is tracked and reported to management, with non-compliance escalated for follow-up action.

#### **6.4. ROLE SPECIFIC AND ADVANCED TRAINING**

Staff with elevated privileges, such as system administrators, information security personnel, privacy officers, or executive leadership, receive or will receive targeted training aligned with their responsibilities.

This includes deeper knowledge of security configurations, incident management, risk assessment, privacy obligations, and decision-making under cyber pressure.

Where relevant, third-party providers and contractors are required under contract to demonstrate equivalent cyber security training and awareness for staff supporting council systems.

#### **6.5. EXERCISES, SIMULATIONS AND CONTINUOUS LEARNING**

To reinforce learning and test practical readiness, Council conducts or will conduct:

- Phishing simulations to evaluate user susceptibility and reinforce secure email behaviours.
- BCP Tabletop exercises and scenario-based drills to validate incident response capabilities, including coordination between ICT, business units, executive leadership, and third-party providers.
- Lessons-learned sessions following incidents, near misses, or emerging threat advisories to ensure knowledge is transferred and embedded.

These activities are designed not as punitive measures but as continuous improvement opportunities, fostering a learning culture where staff feel empowered and equipped to uphold cyber resilience.

#### **6.6. PROMOTING A CYBER-SECURE CULTURE**

Beyond formal training, Council promotes or will promote cyber security as a shared organisational value, integrating security messages into staff communications, leadership briefings, and public service initiatives.

Secure behaviours are recognised and reinforced, contributing to an environment where every individual understands their role in protecting council services and community trust.

### **7. THIRD-PARTY MANAGEMENT**

#### **7.1. PURPOSE AND IMPORTANCE**

As Council increasingly relies on external service providers, contractors, suppliers, and technology partners to deliver critical services, the risks introduced by these third parties become integral to Council's overall cyber security posture.

Council recognises that third-party vulnerabilities can become direct exposures, threatening the confidentiality, integrity, and availability of council data, systems, and services.

Therefore, it is essential to establish robust third-party management practices that ensure consistent application of cyber security standards and maintain resilience across the supply chain.

## **7.2. THIRD-PARTY RISK GOVERNANCE**

Third-party management is integrated into Council's overall governance and risk frameworks and practices.

Cyber risks arising from suppliers and partners are identified, assessed, and managed in alignment with Council risk management processes, with executive oversight and reporting to the Audit, Risk and Improvement Committee (ARIC). Contracts, service-level agreements (SLAs), and memoranda of understanding (MOUs), where possible, are structured to embed clear cyber security requirements, performance expectations, and compliance obligations.

## **7.3. PRE-ENGAGEMENT RISK ASSESSMENT**

Before entering into any agreement with a third-party provider, Council conducts:

- Due diligence on the provider's cyber security capabilities, maturity, and track record.
- Risk assessments that consider the provider's access to council data, systems, or services; the sensitivity of assets involved; and the potential impact of a security failure.
- Reviews of contractual terms to ensure inclusion of minimum-security standards, data protection clauses, breach notification requirements, audit rights, and liability provisions.

Where gaps or risks are identified, mitigation strategies are developed, or engagement is reconsidered.

## **7.4. SECURITY REQUIREMENTS DURING ENGAGEMENT**

Throughout the lifecycle of the engagement, third-party providers are required to:

- Comply with Council's security standards and policies, as well as all contractual cyber security obligations.
- Maintain secure configurations, patching, access controls, and monitoring over systems and services supporting council operations.
- Notify Council promptly of any suspected or confirmed security incidents, breaches, or material changes in risk posture.
- Participate in periodic compliance reviews, including audits, attestations, and performance reviews where required.

Council reserves the right to request evidence of cyber security controls, certifications, or independent assessments to validate compliance.

## **7.5. MANAGING LEGACY AND HIGH-RISK CONTRACTS**

Recognising that older agreements may not reflect current security expectations, Council periodically reviews legacy contracts to identify gaps or weaknesses.

Where significant risks are identified, mitigation actions are taken, which may include renegotiation, additional controls, or risk acceptance with documented executive approval.

For high-risk engagements such as those involving critical infrastructure, sensitive data, or privileged system access, enhanced oversight, technical controls, and incident coordination arrangements are implemented.

## **7.6. OFFBOARDING AND TERMINATION**

At the conclusion of an engagement, Council ensures that:

- All system and data access granted to the third-party provider is promptly revoked.
- Any council data held by the provider is securely returned, deleted, or destroyed, in accordance with contractual terms and legal obligations.
- Knowledge transfer, handover, and post-engagement reviews are conducted to identify lessons learned and inform future engagements.

## **7.7. INTEGRATION WITH BROADER SECURITY FRAMEWORK**

Third-party management is not a standalone activity but is integrated into Council's overall cyber security, incident management, risk, and compliance frameworks.

This ensures that risks introduced through the supply chain are monitored, reported, and addressed alongside internal risks, maintaining a holistic view of Council's threat landscape.

# **8. COMPLIANCE AND MONITORING**

## **8.1. PURPOSE AND COMMITMENT**

Council is committed to ensuring that its cyber security policies, controls, and practices are consistently applied, regularly evaluated, and continuously improved.

Compliance is not a one-time exercise but an ongoing obligation, aligning with the **Cyber Security Guidelines for NSW Local Government (2024)**, the **NSW Cyber Security Policy**, the **ACSC Essential Eight** and other legal, regulatory, and contractual requirements.

Through structured monitoring, assessments, and reporting, Council maintains accountability, demonstrates due diligence, and builds stakeholder confidence in its cyber resilience.



## **8.2. INTERNAL COMPLIANCE MONITORING**

Council maintains mechanisms to monitor compliance with its cyber security policy and related procedures across all operational areas.

This includes regular reviews of system configurations, access controls, patching, backup processes, training completion rates, and incident response preparedness.

Compliance monitoring responsibilities are clearly assigned to designated roles, including the CISO/Manager Information Technology, privacy officers, and system owners, with oversight by executive leadership and the Audit, Risk and Improvement Committee (ARIC).

Where non-compliance is identified, corrective actions are documented, tracked, and reported, ensuring that issues are addressed promptly and systematically.

## **8.3. SELF-ASSESSMENT AND CAPABILITY MATURITY**

Council conducts annual cyber security self-assessments against alignment with the **Cyber Security Guidelines for NSW Local Government (2024)**, and the **ACSC Essential Eight**.

These assessments evaluate Council's performance against foundational and detailed requirements and essential security controls, helping to:

- Identify gaps and improvement opportunities.
- Track progress over time, including Essential Eight maturity uplift.
- Inform executive reporting, budget decisions, and resource planning.

Where results are formally documented, they are reviewed by executive leadership and provided to the ARIC for independent oversight.

## **8.4. INDEPENDENT ASSURANCE AND AUDITS**

To strengthen accountability and transparency, Council complements self-assessments with:

- Internal audits focusing on cyber security risks, controls, and compliance, conducted in accordance with Council's Internal Audit Plan.
- External audits or assessments by independent parties, where required by regulation, best practice, or contractual obligations.
- Validation of third-party provider compliance through attestations, certifications, or on-site assessments, where appropriate.

Audit findings are reported to the ARIC, with management responsible for implementing agreed-upon recommendations and reporting progress.

## **8.5. PERFORMANCE METRICS AND REPORTING**

Council will establish performance metrics (key risk indicators, key performance indicators) to monitor the effectiveness of its cyber security program.

Metrics will be tailored to operational realities and cover areas such as incident response times, vulnerability remediation rates, training completion, system uptime, and third-party compliance.

Regular reports will be provided to executive leadership, the ARIC, and other governance bodies, enabling informed oversight and decision-making.

## **8.6. REGULATORY AND EXTERNAL REPORTING**

Council fulfils all external cyber security reporting obligations, including:

- Providing required updates to Cyber Security NSW under the NSW Cyber Security Policy.
- Reporting privacy breaches to the Information and Privacy Commission NSW, where applicable.
- Supplying cyber risk and performance data in accordance with state government requirements or public reporting expectations.

Council remains transparent with stakeholders and the community where appropriate, balancing disclosure obligations with operational and security considerations.

## **8.7. CONTINUOUS IMPROVEMENT INTEGRATION**

Compliance and monitoring activities are not simply tick-box exercises but are integrated into Council's continuous improvement approach.

Findings from assessments, audits, and performance monitoring inform updates to policies, controls, training, and strategic plans, ensuring that the cyber security program evolves in response to changing threats, technologies, and organisational needs.

# **9. POLICY REVIEW AND MAINTENANCE**

## **9.1. PURPOSE AND COMMITMENT**

Council recognises that cyber security is a dynamic and continuously evolving domain, driven by technological change, emerging threats, regulatory developments, and organisational growth.

To ensure this Cyber Security Framework remains relevant, effective, and aligned with the **Cyber Security Guidelines for NSW Local Government (2024)**, Council commits to structured, regular review and maintenance processes.

## **9.2. REVIEW CYCLE**

The Cyber Security Framework is formally reviewed:

- At least once every 12 months and referred to Council for adoption when required.
- As aligned with Council's broader policy review schedule.
- Following significant cyber security incidents, audits, regulatory changes, or shifts in organisational risk appetite.
- In response to lessons learned, technology upgrades, or changes in threat landscape identified through Council's continuous improvement processes.

The review process ensures that this framework remains consistent with Council's cyber security strategy, risk management framework, and external obligations.

## **9.3. REVIEW AND UPDATE RESPONSIBILITIES**

The Manager of Information Technology or delegate is responsible for leading this framework review process, and engaging stakeholders across:

- Executive leadership and governance bodies (including the General Manager and ARIC).
- Business units, technical teams, privacy and legal advisors.
- Third-party partners where applicable.

Updates are drafted, reviewed, and endorsed through formal approval channels, ensuring alignment with Council's governance and change management protocol.

## **9.4. CHANGE MANAGEMENT**

Policy changes are subject to controlled change management processes, ensuring that:

- Stakeholders are consulted appropriately, including impacted business units and governance bodies.
- Change rationale, impacts, and dependencies are documented.
- Communications plans are developed to inform staff, contractors, and third-party providers of updated requirements.
- Training and awareness updates are implemented where necessary.

Council maintains an audit trail of all policy changes, approvals, and communications.

**9.5. INTEGRATION WITH CONTINUOUS IMPROVEMENT**

Policy review is not a standalone task but forms part of Council's broader continuous improvement efforts, ensuring alignment with:

- Self-assessment and audit findings.
- Performance monitoring and metrics.
- Incident and breach lessons learned.
- Threat intelligence and external advisory updates.

This integrated approach ensures that Council's cyber security posture evolves in line with best practice, emerging risks, and community expectations.

The End

**Documentation Review:**

	Date	Minute No.
Adopted:	XX/XX/2025	
Last Reviewed:	XX/XX/2025	
Next Review:	28/09/2029	



**2I Enterprise Risk Management  
Policy and Plan**

<b>Policy Title</b>	2I Enterprise Risk Management Policy & Plan
<b>Officer Responsible</b>	WHS & Risk Coordinator
<b>Last Review Date</b>	XX/XX/2025

**Strategic Policy**

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## **POLICY**

### **1 POLICY STATEMENT**

Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

The Enterprise Risk Management (ERM) approach utilised by Council in the development of the ERM Framework is AS ISO 31000:2018 together with the requirements of the NSW Work Health and Safety Act, 2011, and will be incorporated into the Planning, Governance, Asset Management, and Operational Processes of Council.

### **2 OBJECTIVES**

- 2.1 To provide direction and commitment to ERM principles as part of Council's management planning, decision making and the undertaking of operational activities.
- 2.2 To effectively integrate the management of risk into Council's high level management planning activities to ensure the achievement of its strategic objectives as outlined in the Community Strategic Plan and associated documents. The ERM Framework (incorporated into the ERM Plan) includes ERM being integrated with Council's Integrated Planning and Reporting Structure.
- 2.3 To apply and incorporate the ERM Framework into Council's operational activities and business planning processes.
- 2.4 To promote an environment of risk awareness and willingness to manage risk at all levels of the organisation.
- 2.5 To provide opportunities that encourages continuous improvement of the ERM Framework at all levels of the organisation.
- 2.6 To ensure, through the application of this Policy:
  - a) That the Council, General Manager and the Executive Staff are in a position to confidently make informed strategic, project and operational decisions based on good business practices to ensure risks are identified, analysed, evaluated and treated ;
  - b) That the requirements of the Office of Local Government's New Risk Management and Internal Audit Framework, in relation to the management of risk, are satisfied;
  - c) That all reasonably foreseeable risks are systematically identified, assessed, analysed, prioritised and considered for appropriate treatment with all information documented in Council's electronic risk system;
  - d) The correct assigning of ownership of risks through appropriate delegation of risk management responsibilities to all Council officers across all functional areas of Council;
  - e) That all relevant legislation is complied with and relevant risk management standards (currently AS ISO 31000:2018) are used to provide guidance in best risk management practices;
  - f) The effective management and allocation of resources through more targeted and effective controls;
  - g) Improved protection of the community, Council's employees and volunteers, Council's assets and Council's financial integrity and sustainability;

- h) The effective communication of this policy through the development of an ERM Communication and Reporting Framework.

### **3 BACKGROUND**

- 3.1 Risks exist in all aspects of Council's undertakings. AS ISO 31000:2018 defines risk as the 'effect of uncertainty on objectives'. An effect is a deviation from the expected, whether it be a negative or positive (realising opportunities) deviation.
- 3.2 The effective implementation of this policy will ensure that the management of risk is seen as good business sense and provide a way to know which risks to take for the benefit of a greater opportunity, which risks to avoid in order to prevent significant impact on the organisation and managing the outcomes for success in order to achieve the organisation's key objectives.
- 3.3 It is essential that risks are managed to ensure that Council achieves its objectives; and in turn be recognised for the excellence of its services and for the strength of its partnerships with the community, customers, employees and stakeholders. ERM plays a key role in ensuring that Council achieves that objective.
- 3.4 Council's Risk Appetite is:
  - a) The level of risk that the Council is prepared to take to achieve its strategic objectives;
  - b) The risks that it is prepared to endure in response to a decision not to implement risk treatments;
  - c) The acceptance of the residual risk following the implementation of risk treatments.
- 3.5 Under most scenarios, Council generally has a conservative risk appetite but accepts there are risks associated with many of Council's activities. Where there is a negative impact, Council is usually willing to accept a higher level of risk to achieve its strategic objectives, however all risk scenarios will be analysed and evaluated on a case by case basis. An Extreme Risk Rating is NOT ACCEPTABLE and such a level shall not be tolerated by Council.

### **4 RESPONSIBILITIES**

The Council, General Manager, Directors, Managers, Supervisors and Employees, Contractors and Consultants are to be familiar with, and competent in, the application of the ERM Policy, and are respectively accountable for the delivery of this Policy within their areas of influence and responsibility. These are outlined in Council's ERM Plan.

### **5 ENTERPRISE RISK MANAGEMENT PLAN**

- 5.1 Council's ERM Plan is the document that articulates how the intent of the ERM Policy (this policy) is to be communicated and implemented throughout the organisation. It provides clear guidance and the associated processes, procedures and standards that are to be observed.
- 5.2 Effective communication is critical to the successful implementation of this policy. Council is to develop and implement a Communication Strategy that will ensure this policy and its intent is known, clearly understood and applied by all staff within the organisation.
- 5.3 Similarly, a Reporting Strategy will provide effective channels for information, decision making and instructions to be relayed efficiently and effectively in order to successfully manage any potential risk that may impact on Council's achievement of objectives. Council personnel will follow these protocols.



5.4 Council is committed to the proactive approach to risk management, to continually review its effectiveness and to be flexible enough to adapt to the changing needs of the organisation.

A performance review of the effective implementation of the ERM Plan and activities will be conducted for the Audit, Risk and Improvement Committee. This review will serve to further enhance Council's performance that will have Council seen as a proactive and resilient leader by the community.

## **6 RISK TOLERANCE / APPETITE**

6.1 How much risk Council is willing to accept will vary with each circumstance. Staff must be aware that there are risks Council will NOT be prepared to accept and as such, it is important to identify these and follow appropriate protocol.

6.2 Risk levels that are NOT ACCEPTABLE by Council are those risks where:

- a) Any reasonable preventable accident/incident resulting in the loss of life or serious injury
- b) Any reasonable preventable incident that will threaten the provision of critical services and the well-being of the community.
- c) Any reasonable preventable activity that will cause extensive endangerment or will cause long term or permanent damage to the environment.
- d) Any reasonable preventable activity that will disrupt normal business activities and/or cause major damage to reputation.
- e) Any reasonable activity that will cause Council significant financial loss.

## **7 RECORD REQUIREMENTS**

All documents associated with the ERM System and procedures will be kept in the appropriate Blayney Shire Council electronic records management system. All Blayney Shire Council stakeholders are responsible for the formal retention of any risk management documents.

## **8 CONFLICT OF INTEREST**

It is all employees' responsibility to ensure that there are no conflict-of-interest situations existing in undertaking their respective Council role. All conflicts of interest will be managed in accordance with Council's Code of Conduct Policy and Procedures.

PLAN

9 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; and
- Providing instruction, training, information and supervision to support risk management. The requirements of this Plan shall apply to all Councillors, Council employees, contractors (including labour hire and temporary employees) and where applicable volunteers.

Blayney Shire Council has adopted the three lines of defence assurance model within its risk management process. This ensures the continuous effective embedding of a risk culture in the management of each directorate.



Figure 1: 3 lines of Defence Assurance Model

10 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.

## 11 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.

**Stakeholders** – includes Councillors, employees, staff, trainees, labour hire personnel, contractors, volunteers and individuals and / or groups inside or outside the organisation, who have direct interest in the actions, products and services of the organisation.

## **12 RISK 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 that 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 31000:2018 Risk Management — [Principles and Guidelines](#).

## **13 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 required due diligence. 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 operations.

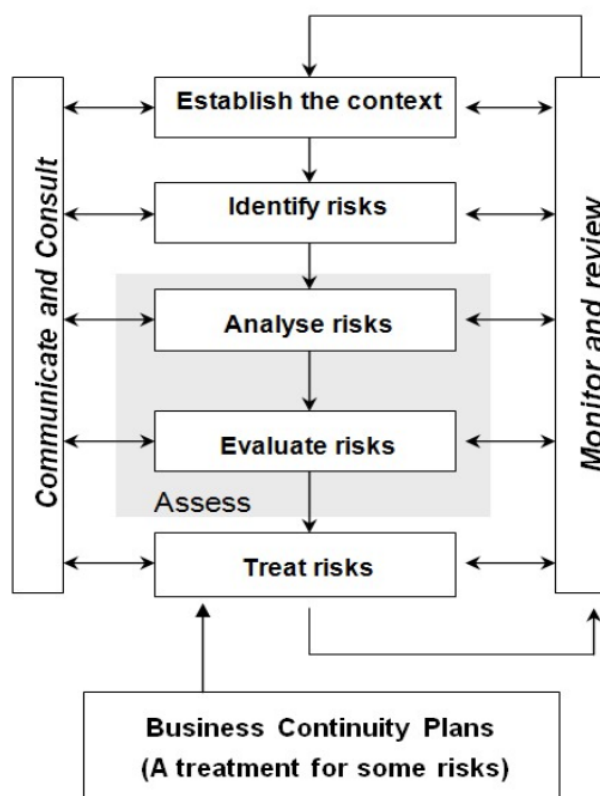
## **14 APPLICATION OF RISK MANAGEMENT**

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

Everyone is accountable in managing risk.

Council has adopted an 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 risk 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 2: Risk Management Process**

## 15 ROLES AND RESPONSIBILITIES

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

### **Councillors**

Councillors are responsible for adopting and committing to the Enterprise Risk Management Policy, setting of the risk appetite and overseeing Council's risk management framework. They approve and allocate funding, report to the community and liaise with the General Manager and Directors.

### **General Manager**

The General Manager is to oversee the management of Blayney Shire Council's Enterprise Risk Management Policy and Enterprise Risk Management Plan. The General Manager ensures this policy and the plan's implementation across all aspects of Council business. The General Manager will display leadership, 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.

### **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 WHS & Risk Coordinator are tabled.



### **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.

### **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 enforcing compliance with identified mitigating controls in place to manage identified risks and developing and implementing risk treatment plan actions where required ensuring all are completed in the prescribed/agreed timeframes.

### **Manager Information Technology Manager**

The Manager Information Technology (MIT) Manager is responsible for providing support to all staff, including consultants, contractors and outsourced service providers for them to understand the cyber security requirements of their roles. The MIT Manager is also responsible for implementing policies, procedures, practices and tools to ensure compliance and establishing training and awareness programs to increase staff's cyber security capabilities. This responsibility is to ensure Council

- maintains a secure-by-design approach for new initiatives and upgrades to existing systems to ensure compliance within the Council's cyber risk tolerance,
- builds cyber incident response capabilities,
- ensures security breaches or near misses affecting information assets are investigated and reported; and
- maintains a proactive approach to ensuring the security of the system is kept at the highest possible security level.

### **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 processes. They assist Council by communicating and consulting with staff, ensuring identification of hazards and risks ensuring they are eliminated or minimised, reviewing the effectiveness of controls and reporting incidents. Supervisors report to their managers and Director.

### **Stakeholders**

All stakeholders 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.

### **Audit, Risk and Improvement Committee**

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

### **WHS & Risk Coordinator**

The WHS & Risk Coordinator primary responsibility is the coordination, documentation, monitoring and compliance of risk management within Council. The WHS & Risk Coordinator 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.

## **16 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.

## **17 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 Community Strategic 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.

## 18 RISK MANAGEMENT METHODS

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

- Process 1 – site or task specific risk assessments
- Process 2 – procedures and safe work method statements
- Process 3 – high level risk assessments and action plans

All three methods involve a systematic approach 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 inherent risk is identified as extreme or high they are to be recorded in the Council Risk Register.

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, Risk and Improvement 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.

## 19 RISK IDENTIFICATION

Council's Enterprise Risk Management Methodology is based on AS/NZS ISO 31000:2018 Risk Management Guidelines and involves an assessment of the risk consequences 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 developed for specific events/projects/activities
- Questionnaires and individual staff interviews
- Examination of previous Council records of events/projects/activities
- Group methods such as brainstorming or workshops with relevant stakeholders
- Internal or external audits and the utilising of relevant codes or standards.

Strategic and operational risks that affect 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 requirement

## **20 RISK ASSESSMENT**

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.

### **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 3). Consequence is the outcome, injury, loss, gain, damage or any other unwanted outcome if the risk eventuates. Consequence ranges from minor to catastrophic.

### **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 [4\\_5](#)). Likelihood ranges from very unlikely to almost certain.

### **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 [3\\_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.

**Figure 3: Consequence Rating Table**

Level	People	Property & Finance	Information Technology	Reputation	Environment	Legal & Governance
1 Insignificant	Manager responsible to monitor and review	Negligible financial loss or property damage	Minor downtime in single area	Manager responsible to monitor and review	Improvement / deterioration in engagement is minimal, to monitor and review.	Isolated non- compliance or breach managed by administration.
2 Minor	First aid/minor injury/no lost time	Impact on environment loss, or property damage (<\$10,000/< 1% of Budget)	Impact on / improvement in reputation within immediate vicinity.	Isolated, internal or minimal adverse attention or complaint	Minor impact; dealt with by normal operations	Minor non- compliance breach Managed by normal operations.
3 Moderate	Medical treatment or hospitalisation/ restricted duties time.	Significant financial loss and impact on operations (\$10,000+/<5% of Budget)	Significant interruption in multiple areas. Manager responsible to implement appropriate actions.	Local community concern or criticism. Manager responsible to implement action as required	Significant impact; contained with assistance. Manager responsible to implement risk measures as required.	Contained non- compliance or breach with short term significance
4 Major	Severe injuries/ permanent disability/lost time injury. Risk control measures required.	Major financial loss, replacement of property or infrastructure (\$300,000-\$1M/>5% of Budget)	Loss of critical functions across multiple areas; extensive management and resources required	Significant public criticism with media attention	Serious medium term impact: external services required to manage. Risk control measures required	Serious breach involving statutory authority with formal inquiry, fines and litigation; long term significance
5 Extreme	Fatality/multiple fatalities/life threatening injury or illness/extensive or long term injury.	Extensive loss and long term consequences (\$1M+/>10% of Budget)	Complete loss of all records and data; disaster management required	Extensive public outcry, potential broad media attention	Extensive impact: Fatalities occur; requires long term remediation	Extensive breach, fines litigation and possible class action; threat to viability of organisation

Figure 4: Risk Rating Matrix

RISK TABLE						
PROBABILITY	Almost Certain	A Alst Cert	11	16	23	25
	Likely	B Likely	7	12	21	24
	Possible	C Poss	4	8	18	22
	Unlikely	D Unlikely	2	5	14	19
	Rare	E Rare	1	3	10	15
			1 Neg	2 Min	4 Maj	5 Cat
			Negligible	Minor	Major	Catastrophic
CONSEQUENCE						

**Figure 5: Likelihood Rating Table**

Likelihood Level	Likelihood of Risk
E Rare	Rare: Practically impossible. May happen only in exceptional circumstances. No event history in past 10 years.
D Unlikely	Unlikely: Not likely to occur. The event could occur in some circumstances. No event history in past 5 years.
C Possible	Possible: Could occur. May occur sometime. There have been warning signs the event might occur. Typically occurs in 1 to 5 years
B Likely	Likely: Known to occur. May occur frequently during the lifetime of an operation or project. Typically, once or twice a year.
A Almost Certain	Almost Certain: Common / repeat occurrence. The event is expected to occur in normal circumstances. Occurs more than twice a year.

## 21 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; and
- 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.

*Figure 6* provides a summary of Blayney Shire Council's Risk Appetite position across its identified risk categories. Each category has at least one shaded cell, which represents the general appetite position. Some categories contain multiple shaded cells, which is indicative of a willingness to adjust the appetite in certain circumstances.

**Figure 6: Summary Risk Appetite Positions**

The following table summarises the risk categories, the category definition and their Primary and Secondary Risk Appetite position as agreed.

Risk Category	Risks Associated with the following activities:	Primary Risk Appetite				Secondary Risk Appetite
		Avoid	Resistant	Accept	Receptive	
Service Delivery	• Delivery of services to the community, or the effective management of assets, infrastructure, or projects; Long-term or short-term disruptions.		▲	Primary		Resistant
Human Resources/ People Management	• All aspects of human resources; Attraction and retention of valuable employees; Leadership.			Primary	▲	Receptive
Work Health & Safety	• Relating to accident, injury or illness to Council staff, Councillors, contractors, visitors or members of the public, including mental health to employees.	Primary	▲			Resistant
Financial	• Significant financial decisions which may negatively impact on council's financial sustainability.		Primary	▲		Accept
Environmental Influences	• Environmental impacts including pollution, climate change, natural climatic events, land use and the natural environment; Activities where the environmental position within the community could be severely impacted or compromised.		Primary			NA
Stakeholders (Reputation)	• Parties external to Council and their relationship/interaction with Council, the impact of change, and stakeholder expectations; activities that increase public pressure on decision-making.			Primary		NA
Corporate Governance & Compliance (Legal & Governance)	• Corporate governance and compliance, including the efficient and effective direction and operation of the organisation; ethical, responsible and transparent decision making; risk relating to corruption, fraud; procedural/policy, legal and legislative compliance.	▲	Primary			Avoid
Political	• Activities that may prove to be politically challenging; delivery of operations that may generate the scrutiny of authoritative agencies such as policy positions of Government.			Primary		NA
Projects	• Successful engagement and delivery of projects.		▲	Primary		Resistant
Information Technology and Communications	• Resilience of its ICT infrastructure and support systems and its internal and external communications and messaging; activities/ decisions which may compromise the security or integrity of Council's ICT infrastructure and support systems; accurate and transparent communications with staff and the community.	Primary		▲		Accept

Marsh



▲ ▲ ▲ ▲ ▲ This symbol indicates the Secondary Risk Appetite


**Figure 7: Risk Appetite Scale**

Avoid	Resistant	Accept	Receptive
<b>(Little to no Appetite)</b> Avoidance of adverse exposure to risks, even when outcome benefits are higher.	<b>(Small Appetite)</b> A general preference for safer options with only small amounts of adverse exposure.	<b>(Medium Appetite)</b> Options selected based on outcome delivery with a reasonable degree of protection.	<b>(Larger Appetite)</b> Engagements with risks based more on outcome benefits than potential exposure.
Primary Risk Appetite – Risk Category Distribution			
• Work Health & Safety • Information Technology and Communications	• Financial • Environmental Influences • Corporate Governance & Compliance	• Service Delivery • Human Resources/ People Management • Stakeholders • Political • Projects	
Secondary Risk Appetite – Risk Category Distribution			
• Corporate Governance & Compliance	• Service Delivery • Work Health & Safety • Projects	• Financial • Information Technology and Communications	• Human Resources/ People Management


# Risk Appetite Statements by Risk Category

The tables below contain the "Primary" and "Secondary" Risk Appetite Statements for each Risk Category of Blayney Shire Council. These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take, retain or accept risk, in pursuit of its Strategic Objectives.


1. Service Delivery			
<ul style="list-style-type: none"> <li>Delivery of services to the community, or the effective management of assets, infrastructure, or projects; Long-term or short-term disruptions.</li> </ul>			
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
Accept	<p>To achieve its objectives, Council will choose to <b>Accept</b> risks relating to <b>Service Delivery</b>, the community, or the effective management of assets, infrastructure, or projects; long-term or short-term disruptions.</p> <p>In this instance, Council chooses options based on outcome delivery with a reasonable degree of protection.</p>		<p>In certain circumstances, when it relates to operations that would adversely impact delivery of services to the community, or the effective management of assets, infrastructure, or projects, Council is <b>Resistant</b> and will choose safer options with only small amounts of adverse exposure.</p>
2. Human Resources/ People Management			
<ul style="list-style-type: none"> <li>All aspects of human resources; Attraction and retention of valuable employees; Leadership.</li> </ul>			
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
Accept	<p>To achieve its objectives, Council will choose to <b>Accept</b> risks relating to <b>Human Resources</b> activities including attraction and retention of valuable employees and Leadership.</p> <p>In this instance, Council chooses options based on outcome delivery with a reasonable degree of protection.</p>		<p>In certain circumstances, when it relates to Council retaining its valuable employees and when aiming to attract the most suitable applicants for vacant positions, Council is <b>Receptive</b> to engagements with risks based more on outcome benefits than potential exposure.</p>


3. Work Health & Safety		• Relating to accident, injury or illness to Council staff, Councillors, contractors, visitors or members of the public, including mental health to employees	
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
<b>Avoid</b>	<p>To achieve its objectives, Council will <b>Avoid</b> taking risks relating to <b>Work Health &amp; Safety</b>, including risks relating to accident, injury or illness to Council staff, councillors, contractors, visitors or members of the public, including mental health to employees.</p> <p>In this instance, Council will choose to avoid adverse exposure to risks, even when outcome benefits are higher</p>		In certain circumstances, relating to risks associated with activities involving the community and visitors in public spaces, Council is <b>Resistant</b> and will choose safer options with only small amounts of adverse exposure.


  

4. Financial		• Significant financial decisions which may negatively impact on council's financial sustainability.	
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
<b>Resistant</b>	<p>To achieve its objectives, Council is <b>Resistant</b> to risks relating to <b>Financial</b> activities, including significant financial decisions which may negatively impact on council's financial sustainability.</p> <p>In this instance, Council has a general preference for safer options with only small amounts of adverse exposure</p>		In certain circumstances, when it relates to investment decisions, Council will <b>Accept</b> and choose options based more on outcome delivery with a reasonable degree of protection.


  

5. Environmental Influences		• Environmental impacts including pollution, climate change, natural climatic events, land use and the natural environment; Activities where the environmental position within the community could be severely impacted or compromised.	
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
<b>Resistant</b>	<p>To achieve its objectives, Council is <b>Resistant</b> to risks relating to <b>Environmental Influences</b> and impacts including pollution, climate change, natural climatic events, land use and the natural environment; Activities where the environmental position within the community could be severely impacted or compromised.</p> <p>In this instance, Council has a general preference for safer options with only small amounts of adverse exposure</p>		Council chose not to assign a Secondary Risk Appetite level for this Risk Category.


6. Stakeholders (Reputation)			
<ul style="list-style-type: none"> <li>Parties external to Council and their relationship/interaction with Council, the impact of change, and stakeholder expectations; activities that increase public pressure on decision-making.</li> </ul>			
Primary Level	Risk Appetite Statement		Secondary Level
			Secondary Risk Appetite
Accept	<p>To achieve its objectives, Council will <b>Accept</b> risks relating to <b>Stakeholders</b>, and activities parties external to Council and their relationship/ interaction with Council, the impact of change, and stakeholder expectations and activities that increase public pressure on decision-making.</p> <p>In this instance, Council chooses options based on outcome delivery with a reasonable degree of protection.</p>		 <p>Council chose not to assign a Secondary Risk Appetite level for this Risk Category.</p>

7. Corporate Governance & Compliance (Legal & Governance)			
<ul style="list-style-type: none"> <li>Corporate governance and compliance, including the efficient and effective direction and operation of the organisation; ethical, responsible and transparent decision making; risk relating to corruption, fraud; procedural/policy, legal and legislative compliance.</li> </ul>			
Primary Level	Risk Appetite Statement		Secondary Level
			Secondary Risk Appetite
Resistant	<p>To achieve its objectives, Council is <b>Resistant</b> to risks relating to <b>Corporate Governance and Compliance</b>, including the efficient and effective direction and operation of the organisation; ethical, responsible and transparent decision making; risk relating to corruption, fraud; procedural/policy, legal and legislative compliance.</p> <p>In this instance, Council has a general preference for safer options with only small amounts of adverse exposure.</p>		 <p>In certain circumstances, where it relates to corruption, fraud; procedural/ policy, legal and legislative compliance, Council will choose to <b>Avoid</b> adverse exposure to risks, even when outcome benefits are higher.</p>


9

8. Political			
<ul style="list-style-type: none"> <li>Activities that may prove to be politically challenging; delivery of operations that may generate the scrutiny of authoritative agencies such as policy positions of Government.</li> </ul>			
Primary Level	Risk Appetite Statement		Secondary Level
			Secondary Risk Appetite
Accept	<p>To achieve its objectives, Council will <b>Accept</b> risks relating to <b>Political</b> activities, including activities that may prove to be politically challenging and delivery of operations that may generate the scrutiny of authoritative agencies such as policy positions of Government.</p> <p>In this instance, Council chooses options based on outcome delivery with a reasonable degree of protection.</p>		 <p>Council chose not to assign a Secondary Risk Appetite level for this Risk Category.</p>



9. Projects		Successful engagement and delivery of projects .	
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
Accept	<p>To achieve its objectives, Council will <b>Accept</b> risks relating to <b>Projects</b>, including the successful engagement and delivery of projects .</p> <p>In this instance, Council chooses options based on outcome delivery with a reasonable degree of protection.</p>		<p>In certain circumstances, when it relates to projects that may not clearly provide a benefit to Council or community or place a huge financial burden on Council, Council is <b>Resistant</b> and will choose safer options with small only amounts of adverse exposure.</p>

10. Information Technology and Communications		Resilience of its ICT infrastructure and support systems and its internal and external communications and messaging; activities/ decisions which may compromise the security or integrity of Council's ICT infrastructure and support systems; accurate and transparent communications with staff and the community.	
Primary Level	Risk Appetite Statement	Secondary Level	Secondary Risk Appetite
Avoid	<p>To achieve its objectives, Council will choose to <b>Avoid</b> risks relating to <b>Information</b>, including resilience of its JCT infrastructure, support systems and its internal and external communications and messaging; activities/ decisions which may compromise the security or integrity of Council's ICT infrastructure and support systems; accurate and transparent communications with staff and the community.</p> <p>In this instance, Council chooses to avoid adverse exposure to risks, even when outcome benefits are higher.</p>		<p>In certain circumstances, when it relates to the resilience of its ICT infrastructure and support systems and its internal and external communications and messaging, Council will <b>Accept</b> and choose options based more on outcome delivery with a reasonable degree of protection.</p>

## **23 RISK TREATMENT**

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

The aim is not to eliminate all risks but to ensure the risk maintained is tolerable to Council's risk appetite level and to manage risks through the term of the project/event.

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 reduce 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.

Actions planned to manage a risk are to be documented and allocated to the appropriate staff member to be implemented within an acceptable timeframe.

## **24 MONITOR AND REVIEW**

The introduction of control measures will require a review of any changes to the way work is carried out. Continuous monitoring and review of controls implemented enables Council to proactively identify new risks, understand the effectiveness of implementing risk management strategies and take risks off the radar.

In major projects risk reviews should occur throughout the delivery of that project. Monitoring and reviewing is a continuous process, the reviewing process should be updated and documented and be responsive to change.

## **25 COMMUNICATION AND CONSULTATION**

Communication and consultation are important steps in the risk management process. Effective communication will ensure those responsible for implementing risk management and other interested stakeholders understand the process on which risk management decisions are made and the actions required. It is also important to consider the thoughts and needs of others when identifying and assessing risks.

## **26 RELATED DOCUMENTS**

- Blayney Shire Council WHS Policy 9A
- AS/ISO 31000 Risk Management – Guideline
- SA/SNZ HB 436:2013 Risk management guidelines – Companion to AS/NZS ISO

31000:2018 SA SNZ HB 89 - 2013 Risk management - Guidelines on risk assessment techniques

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Local Government Act 1993

**End**

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<b>Next Reviewed:</b>	<b>20/02/2029</b>	



**Community Financial Assistance  
Policy**

<b>Policy</b>	31
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	

**Strategic Policy**

## **Objectives**

The primary objective of the Blayney Shire Council's Community Financial Assistance Policy is, through the provision of financial assistance to community organisations, to:

- (a) encourage local participation in the development and maintenance of community projects, infrastructure and facilities for current and future generations;
- (b) foster the social, educational, economic and/or environmental wellbeing of the community;
- (c) support local schools and individuals to recognise academic and sporting achievements of local young citizens and to develop leadership skills; and
- (d) develop and promote the sporting, cultural and tourism potential of the shire through events and activities that support social inclusion, and accessibility.

### **1. LEGISLATION**

The Community Financial Assistance Policy has been approved by resolution of Council. It is authorised under section 356 of the Local Government Act 1993 which permits a Council to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

### **2. ELIGIBLE RECIPIENTS**

To receive financial assistance under this policy an applicant must be an eligible community organisation. For the purposes of this policy, an eligible community organisation is a separately constituted legal entity:

- (a) which operates on a "not-for-profit" basis (meaning that any proceeds of its activities are used for the benefit of the organisation and are not available for distribution to its members); and
- (b) the members of which are predominately members of the Blayney Shire community or, if not, which organises an event or function of regional significance which is supported by Council and benefits the Blayney Shire community.

Community groups representative of Aboriginal Australians, Torres Strait Island communities, communities from disadvantaged backgrounds, diverse gender identities, LGBTQIA+, people with disability, from culturally and linguistically diverse backgrounds are encouraged to apply.

Financial assistance is provided across a broad range of activities and projects conducted by charities, not for profits and incorporated organisations that fit the policy criteria.

### **3. CATEGORIES**

Financial assistance to community organisations is provided in two categories:

- (a) **Recurrent Annual Contributions.** These are contributions made to community organisations on an annual basis to assist financially with specified outgoings (such as public liability insurance), the waiver of Council rates and charges, waiver of Council rental charges, a school activity, the holding of a regular community event, cultural activity, other recurring activity or programs as approved by Council resolution.

Schedule 1 sets out the guidelines for determining the amount of such donations in each case.

The amount of these contributions for each organisation or event or program is approved by Council in its annual schedule contained in the Operational Plan or by Council resolution. The General Manager may approve other donations for an organisation or event under delegated authority, provided the donation is consistent with the guidelines, within budget and reported to Council via the next available Financial Assistance Program Committee meeting.

- (b) **One-off financial assistance.** This assistance is provided for projects involving the construction, maintenance or repair of community facilities, the purchase of equipment, or for the organising and conducting of local events and functions or for youth programs that foster leadership or access to tertiary education. In each case, having demonstrated broad community benefit and support. Projects must be in accordance with the Community Strategic Plan.

Under this category community organisations are eligible to receive Council funding via a competitive submission process. There are two (2) funding rounds each year. As a guide, applications are called in June and December via a public notice.

Applications received after the close of business on the due dates will not be considered unless the Financial Assistance Program Committee in its discretion agrees otherwise. Financial assistance will be made available following determination at an ordinary meeting by Council and subsequent claim by the applicant.

Schedule 2 sets out guidelines for determining the amount of such donations in each case. Applications are assessed in accordance with the criteria in clause 7 below.

- (c) **Flagship project financial assistance.** Each year an amount of up to \$25,000 will be set aside from the Iberdrola VPA Moneys to provide financial assistance for a major project(s) to be undertaken by a community group(s). Partial matching funding (in cash or kind) is desirable for major project(s). This will usually entail capital works such as groundworks, building construction, building repairs, refurbishment or renovation, and/or major equipment purchases. Funding for such a project is non-recurrent and is subject to the applicant entering into a management agreement for the facility with Blayney Shire Council or the Crown with Council's support.

Council assistance may include support for applications for grants made to a government or other public funding organisation. Success in such applications may result in a reduction of Council financial assistance.

[If a suitable major community project is not identified in any year, the funding will be set aside and be available in a subsequent year, when it will be in addition to any project in that year or pooled with that year's allocation to provide additional assistance for a suitable project.]

#### **4. AMOUNTS**

An annual budget allocation for the Community Financial Assistance Policy is made each year in Council's Operational Plan.

#### **5. APPROVAL PROCESS**

All applications for one-off financial assistance and for the annual flagship community project are decided by Council upon the recommendation of Council's Financial Assistance Program Committee, which is a section 355 committee of Council.

The Financial Assistance Program Committee is chaired by a Councillor nominated by Council and comprises 2 Councillors including the Chairman, the General Manager of Newmont or their delegate; a representative nominated by Iberdrola; and a minimum of 4 community representatives, appointed by Council. The secretariat is Council's Director Corporate Services.

Assessment of applications will remain confidential and no appeal is permitted as to any funding allocation decision.

#### **6. ASSESSMENT CRITERIA**

Council will use the following general criteria when considering requests for financial assistance:

- (a) activities which address gaps in service or community development;
- (b) activities which promote community development in a multicultural context and seek to address issues of access, equity and inclusion;
- (c) involvement from volunteers and self-help initiatives which build upon Council's contribution;
- (d) consumer / use participation in management of services / activities
- (e) innovative and creative approaches to identified needs; and
- (f) activities which use Council funding to attract further resources.

Council will give low priority to following types of requests for financial assistance:

- (a) activities/services which do not attempt to become self-supporting where the potential exists through fees or other feasible income-producing activities;
- (b) activities of a purely social nature, which do not provide a wider community benefit;
- (c) where more than one successful application has been awarded in the Council term;
- (d) activities which are eligible for support from statewide or regional parent bodies; and
- (e) organisations, which have failed accountability requirements, e.g. acquittal of funding, for past Council assistance.





## WHAT IS FUNDED

The following outline is not exhaustive, however is a guideline for assessing applications:

### 7. WHAT IS NOT FUNDED?

One-off financial assistance is not available for:

- (a) projects or organisations wholly outside the shire of Blayney;
- (b) operating or administrative overheads, such as rent, wages, office equipment or utility costs or travel, accommodation and conference costs;
- (c) operating expenses for events e.g. band hire. This does not include Council charges; traffic management; or hire of portable public conveniences.
- (d) projects by individuals or that benefit personal business interests;
- (e) projects that duplicate an existing project or service;
- (f) projects for funding of sporting equipment ordinarily funded by club member registrations, contributions or sponsorship e.g. renewal of equipment or clothing;
- (g) projects for funding of heritage buildings including churches not available for use by the broader community e.g. used solely for the benefit of a particular group; or
- (h) completed projects.

### 8. GENERAL CONDITIONS/PAYMENT

Funds approved under the community financial assistance policy are to be claimed by 30 June of the following financial year of approval. In the event that funds are not claimed the applicant shall re-apply, if required, and funds will be returned to the community financial assistance program budget for reallocation.

#### 9.1 Recurrent Annual Donations

- (a) Where Council is providing a contribution for Rates and Annual charges, this funding will be processed after the Rates Instalment notice has been issued in July. A table is shown below on eligibility of groups:

Group	Rates	Non-residential Sewer	Sewer Future Infrastructure Subsidy Charge	Waste Levy	Waste Availability Charge	Waste Service <sup>1</sup>
Community Halls, School of Arts	•	•	•	•	•	•
CWA Halls, RSL	•	•	•	•	•	•
Community facilities with NFP status				•	•	•
Historical Societies and similar	•	•	•	•	•	•
Churches <sup>2</sup>		•	•	•	•	•
Other groups <sup>3</sup>	•			•		

1. Maximum of 1 waste service only

2. Eligible for 50% subsidy of sewer charges

3. As determined by Council

- (b) For those categorised as Public Liability Insurance or Rental, Council requires a tax invoice prior to payment of financial assistance to be accompanied by the relevant Insurance Policy and Premium notice or proof of payment. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council. Financial assistance with Public Liability Insurance will only be available for village committees, progress associations, hall committees and schools of arts or groups, where agreed by Council through a Memorandum of Understanding. All recipients will be required to outline usage statistics for the facility, demonstrating appropriateness for expenditure of ratepayer funds and other information as required by Council. Such information includes building conditions and maintenance requirements to assist informing Village Plans and Council Asset Management Plans (for Council owned facilities).

## **9.2 One-off Financial Assistance and Flagship Annual Community Projects**

- (a) Projects must be clearly described, illustrate the community benefit that the financial assistance will provide and identify which of Council's vision statements in the Community Strategic Plan will be addressed.
- (b) Council does not offer any guarantee of funding as funding is subject to funds being available and not previously allocated. Also, as not all projects will receive funding, available funds will be allocated for projects that best meet the required community based criteria.
- (c) Applications that match \$ for \$ will be considered favourably. Any matching funding from the applicant or other sources are to be identified on the application.
- (d) All applications >\$3,000 must furnish 2 quotations to demonstrate best value for money.
- (e) Applicants must ensure that necessary approvals such as development applications or licences are considered prior to application lodgement. Evidence to this end in the form of a pre-development application consultation letter or correspondence from the relevant licence authority should accompany the application.
- (f) For projects involving construction / installation of new assets or renewal of existing assets on any Council controlled land, park, oval or recreational facility, consultation with Council including landowner consent, i.e. Crown or Council, will be required prior to application lodgement.
- (g) For projects involving major sporting equipment / infrastructure on any Council controlled land, oval or recreational facility, consultation with Council including landowner consent, i.e. Crown or Council, will be required prior to application lodgement.
- (h) Council reserves the right to manage any project approved on Council controlled land, park, oval or recreational facility as it deems required in consultation with the community organisation.

- (i) All applicants must provide certificates of currency for public liability insurance and the constitution or rules of their organisation where requested.
- (j) Council must be acknowledged in all promotional activities and must be provided with copies of advertising or promotional materials featuring Council for Council's approval prior to use in any promotional activity.
- (k) Any funds unspent at the completion of the project must be returned to Council.
- (l) Council requires a tax invoice prior to payment of financial assistance. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council.
- (m) Applicants who are not registered for GST should consider the applicability of Council's Community Infrastructure Projects Policy (No. 3h) which is intended to assist such groups with projects on Council land by enabling them to recover the GST paid on taxable supplies associated with of the project.
- (n) For financial assistance of \$10,000 and above, a performance agreement must be completed between Council and the organisation following approval.
- (o) Approved applicants for Flagship funding approved will be restricted to 1 per Council term however in special circumstances more than 1 application may be made.

In submitting an application, the applicant accepts and acknowledges the general conditions set out in this Policy and in the Guidelines and in particular acknowledges that if unsuccessful it cannot appeal, contest or petition any councillor, staff member or community representative acting on behalf of or for the Council or its funding partners.

## **9. APPLICATION FORM**

An application on the approved Council form must be submitted for those applicants seeking Council support under this Policy. Letters of request or verbal applications will not be accepted as funding applications.

An application form and Guidelines for applicants is available on Council's website and from Council's office. These guidelines describe the information that must be included in the application and set out the acquittal and reporting requirements which must be complied with.

**SCHEDULE 1**  
**Guidelines for Annual Donations**

<b>Type of assistance</b>	<b>Amount</b>
Public liability insurance	(i) reimbursement of 100% of the premium up to \$1,000 p.a.; and (ii) reimbursement of 50% of the premium exceeding \$1,000 up to a maximum grant of \$2,000 p.a.
Property rates and charges	as per cl. 9.1(a) of policy based on the Notice of Assessment for year claimed
Rental	as per Council invoice
Schools donations	for school prizes, \$100 per school per annum
Community Events/Cultural Activities	Not exceeding \$2,000 except with the approval of Council

**SCHEDULE 2**  
**Guidelines for One-off Financial Assistance**

<b>Type of assistance</b>	<b>Amount</b>
Financial Assistance for community facilities	(a) Up to \$5,000 in funding, with matching funding (in cash or kind) being desirable at all levels, but mandatory between \$3,000 and \$5,000; or (b) up to \$10,000 in exceptional cases for special projects approved by Council
Flagship annual community project (see clause 3(c))	Up to \$25,000
Development Applications	The total amount development application costs levied on works to be undertaken on Council owned facilities.

<b>Adopted:</b>	<b>15/06/2015</b>	<b>Minute: 1506/010</b>
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	<b>27/06/2022</b>	<b>2206/016</b>
<b>Next Review:</b>	<b>XX/XX/XXXX</b>	



# Code of Meeting Practice

Policy	1C
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2025

Strategic Policy

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## **1 INTRODUCTION**

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

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

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

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

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



## **2 MEETING PRINCIPLES**

### **2.1 Council and committee meetings should be:**

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

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

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

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

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

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

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

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

### **3 BEFORE THE MEETING**

#### Timing of ordinary council meetings

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

Council shall meet at 6:00pm on the fourth Tuesday of each month at the Blayney Shire Community Centre. Where a Council meeting falls on a Tuesday that is a public holiday, the Council meeting shall be held on the Tuesday of the following week unless otherwise determined.

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

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

#### Extraordinary meetings

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

**Note: Clause 3.2 reflects section 366 of the Act.**

#### Notice to the public of council meetings

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

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

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

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

#### Notice to councillors of ordinary council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

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

#### Questions with notice

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

#### Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

#### Agenda and business papers for extraordinary meetings

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

#### Pre-meeting briefing sessions

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

#### 4 PUBLIC FORUMS

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

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



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

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

## **5 COMING TOGETHER**

### Attendance by councillors at meetings

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

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

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

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

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

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

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

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

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

### The quorum for a meeting

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

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

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

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

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

Meetings held by audio-visual link

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

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

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

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19. Such a request shall be lodged by no later than 9.30am on the day of the meeting to assist alteration of standard meeting set-up for remote meeting attendance.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may **not** participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

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

#### Entitlement of the public to attend council meetings

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

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

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

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

Webcasting of meetings

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

**Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**

- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

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

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

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

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

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

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

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

## 6 THE CHAIRPERSON

### The chairperson at meetings

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

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

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

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

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

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

- 6.4 The election of a chairperson must be conducted:

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

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

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

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

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

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

### Chairperson to have precedence

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

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



## **7 MODES OF ADDRESS**

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

## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 Deleted

8.2 The general order of business for an ordinary meeting of the council shall be:

- ~~(1)~~ (1) Livestreaming Video and Audio Check
- ~~(1)~~ ~~Acknowledgment of Country~~
- ~~(2)~~ Recording of Meeting Statement
- ~~(2)~~ Apologies for non-attendance, applications for leave of absence or by attendance by audio-visual link by councillors
- ~~(3)~~ ~~Acknowledgment of Country~~
- ~~(3)~~ Confirmation of Minutes of previous meeting(s)
- ~~(4)~~ Matters arising from Minutes
- ~~(4)~~ Disclosure(s) of Interests
- ~~(5)~~ Statement of Ethical Obligations
- ~~(5)~~~~(6)~~ Public Forum
- ~~(7)~~ Mayoral Minute
- ~~(8)~~ Confirmation of Minutes of previous meeting(s)
- ~~(9)~~ Matters arising from Minutes
- ~~(6)~~~~(10)~~ Notice(s) of Motion
- ~~(7)~~~~(11)~~ Reports of Staff
  - I. Executive Services
  - II. Corporate Services
  - III. Infrastructure Services
  - IV. Planning and Environmental Services
- ~~(8)~~~~(12)~~ Committee Meeting Minutes
- ~~(9)~~~~(13)~~ Delegate Reports
- ~~(10)~~~~(14)~~ Questions from Councillors
- ~~(11)~~~~(15)~~ Closed Meeting

8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

## **9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### Business that can be dealt with at a council meeting

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

### Mayoral minutes

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

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

#### Staff reports

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

#### Reports of committees of council

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

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 RULES OF DEBATE**

### Motions to be seconded

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

### Notices of motion

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

### Chairperson's duties with respect to motions

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

### Motions requiring the expenditure of funds

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

#### Amendments to motions

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

#### Foreshadowed motions

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

Limitations on the number and duration of speeches

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

## 11 VOTING

### Voting entitlements of councillors

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

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

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

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

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

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.6 The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

### Voting on planning decisions

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



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

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

## **12 COMMITTEE OF THE WHOLE**

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

**Note: Clause 12.1 reflects section 373 of the Act.**

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

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

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 DEALING WITH ITEMS BY EXCEPTION**

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

### **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

#### Grounds on which meetings can be closed to the public

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

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

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

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

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

14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

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

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

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

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

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

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

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

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

#### Expulsion of non-councillors from meetings closed to the public

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

#### Obligations of councillors attending meetings by audio-visual link

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

#### Information to be disclosed in resolutions closing meetings to the public

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

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

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

Resolutions passed at closed meetings to be made public

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

## **15 KEEPING ORDER AT MEETINGS**

### Points of order

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

### Questions of order

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

### Motions of dissent

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



#### Acts of disorder

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

**Note: Clause 15.11 reflects section 182 of the Regulation.**

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

**Note: Clause 15.12 reflects section 233 of the Regulation.**

#### How disorder at a meeting may be dealt with

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

#### Expulsion from meetings

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

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

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

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

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

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

Use of mobile phones and the unauthorised recording of meetings

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

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

## **16 CONFLICTS OF INTEREST**

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

## **17 DECISIONS OF THE COUNCIL**

### Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act**

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

### Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommitting resolutions to correct an error

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

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

## **18 TIME LIMITS ON COUNCIL MEETINGS**

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



## **19 AFTER THE MEETING**

### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

## **20 COUNCIL COMMITTEES**

### Application of this Part

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

### Council committees whose members are all councillors

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

### Functions of committees

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

### Notice of committee meetings

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

### Attendance at committee meetings

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

Non-members entitled to attend committee meetings

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

Chairperson and deputy chairperson of council committees

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

Procedure in committee meetings

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

#### Closure of committee meetings to the public

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

#### Disorder in committee meetings

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

#### Minutes of council committee meetings

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

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

## **21 IRREGULARITIES**

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

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

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 DEFINITIONS

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



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

End

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	<b>13/07/2015</b>	<b>1507/010</b>
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