



BUSINESS PAPER

Policy and General
Committee Meeting

Council Chambers
23 March 2022

5.30pm

BROKEN HILL

CITY COUNCIL

AUSTRALIA'S FIRST
HERITAGE LISTED CITY

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the Policy and General Standing Committee of the Broken Hill City Council will be held in the Council Chambers on **Wednesday, March 23, 2022** commencing at **5:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting 1a) Requests from Councillors to attend via audio-visual link
2	Apologies
3	Leave of Absence Applications
4	Prayer
5	Acknowledgement of Country
6	Disclosure of Interest
7	Minutes for Confirmation
8	Reports
9	Confidential Matters

LIVESTREAMING AND RECORDING OF STANDING COMMITTEE MEETINGS

Please note: This Committee Meeting will be livestreamed via YouTube and recorded and published online via Council's website. To those present at the meeting today, by attending this public meeting you are consenting to your image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause the livestream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Participants are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

JAY NANKIVELL
GENERAL MANAGER

MINUTES FOR CONFIRMATION

Nil.

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 59/22 - DATED MARCH 02, 2022 - OFFICE OF LOCAL GOVERNMENT CONSULTATION - COUNCILLOR MISCONDUCT FRAMEWORK (D22/10469) 5
2. BROKEN HILL CITY COUNCIL REPORT NO. 60/22 - DATED MARCH 09, 2022 - REVIEW OF CODE OF CONDUCT POLICY (D22/12138) 34
3. BROKEN HILL CITY COUNCIL REPORT NO. 61/22 - DATED MARCH 15, 2022 - REVIEW OF SOCIAL MEDIA POLICY AND MEDIA RELATIONS POLICY (D22/13107) 190
4. BROKEN HILL CITY COUNCIL REPORT NO. 62/22 - DATED MARCH 11, 2022 - APPOINTMENT OF DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES AND WORKING GROUPS (D22/12836) 204
5. BROKEN HILL CITY COUNCIL REPORT NO. 63/22 - DATED FEBRUARY 10, 2022 - COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE (NSW BRANCH) 2022 (D22/7194) 211
6. BROKEN HILL CITY COUNCIL REPORT NO. 65/22 - DATED MARCH 04, 2022 - 2021-2022 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2021, INCLUSIVE OF OPERATIONAL PLAN 2021/2022 OUTCOMES (D22/11364) 216
7. BROKEN HILL CITY COUNCIL REPORT NO. 66/22 - DATED MARCH 07, 2022 - 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2021 (D22/11601) 248
8. BROKEN HILL CITY COUNCIL REPORT NO. 67/22 - DATED MARCH 01, 2022 - SECTION 355 ADVISORY AND ASSET COMMITTEE MANUALS AND CONSTITUTIONS (D22/10225) 285
9. BROKEN HILL CITY COUNCIL REPORT NO. 68/22 - DATED MARCH 07, 2022 - INVESTMENT REPORT FOR FEBRUARY 2022 (D22/11647) 480

POLICY AND GENERAL COMMITTEE

March 2, 2022

ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 59/22**

SUBJECT: **OFFICE OF LOCAL GOVERNMENT CONSULTATION -**
COUNCILLOR MISCONDUCT FRAMEWORK **D22/10469**

Recommendation

1. That Broken Hill City Council Report No. 59/22 dated March 2, 2022, be received.
2. That the March 2022 'Policy and General' Committee notes Council's authorised delegation of authority (Minute No. 46741) and formulates Council's submission to the Office of Local Government regarding the Councillor Misconduct Framework; and that such submission be forwarded to the Office of Local Government by 28 March 2022 (prior to the March Council Meeting).

Executive Summary:

The Office of Local Government has initiated an independent review of the framework for dealing with Councillor misconduct in New South Wales Local Government.

The Office of Local Government consultation paper and review terms of reference were presented to the 23 February 2022 Council Meeting and Council resolved:

ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 32/22 - DATED FEBRUARY 08, 2022 -
OFFICE OF LOCAL GOVERNMENT CONSULTATION - COUNCILLOR MISCONDUCT
FRAMEWORK **D22/6850**

RESOLUTION

Minute No. 46741

Councillor R Algate moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 32/22 dated February 8, 2022, be received.
2. That, given that the closing date for submissions is prior to the March Council Meeting and a Council resolution is not required to accompany Council's submission, Council delegates authority to the March 2022 'Policy and General' Committee to formulate Council's submission and that such submission be forwarded to the Office of Local Government by 28 March 2022.

CARRIED UNANIMOUSLY

It should also be noted that in addition to this, Councillors are also able to provide individual submissions directly to the Office of Local Government if they wish.

Report:

The Minister for Local Government has initiated an independent review of the framework for dealing with Councillor misconduct in New South Wales Local Government.

The Office of Local Government have issued a consultation paper and review terms of reference to facilitate an understanding of the current administrative framework under which complaints about Councillor misconduct are managed with the aim of identifying areas of improvement.

The Office of Local Government will accept submissions from anyone including, voters, ratepayers, Councils, individual Councillors, Council staff, conduct reviewers, professional and employee representative organisations, local government industry stakeholder groups and key NSW Government agencies and stakeholders.

Submissions should identify any legislative, systemic, procedural or resourcing issues impacting adversely on the effectiveness of the current framework for dealing with Councillor misconduct that need to be addressed by this review. Areas for improvement should be identified, together with suggestions for the practical application of those improvements.

Information on how to make submissions is included in the consultation paper and submissions should be made by **28 March 2022**. Submissions do not require a Council resolution to accompany them.

Councillors can make individual submissions to the Office of Local Government if they wish.

Attached to this report is the Office of Local Government Circular No. 21-38, the Consultation Paper and the Review Terms of Reference.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

NSW Local Government Act 1993
 NSW Local Government (General) Regulation 2021
 OLG Model Code of Conduct for NSW Councils
 Council's adopted Code of Conduct Policy

Financial Implications:

Nil.

Attachments

1. OLG Circular - Consultation on Review of the Councillor Misconduct Framework
[↓](#)
2. OLG Consultation Paper - Councillor Conduct Accountability in NSW Local Government
[↓](#)
3. OLG Terms of Reference - Review of Councillor Misconduct Framework
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



Office of
Local Government

Circular to Councils

Circular Details	21-38 / 25 November 2021 / A798066
Previous Circular	N/A
Who should read this	Councillors / General Managers / All council staff /conduct reviewers
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Response to OLG

Consultation on review of the councillor misconduct framework

What's new or changing

- The Minister for Local Government, the Hon. Shelley Hancock MP, has initiated an independent review of the framework for dealing with councillor misconduct in New South Wales.
- Mr Gary Kellar PSM has been appointed to carry out the review. Mr Kellar was a member of the expert panel which conducted a review of the local government misconduct framework in Queensland in 2017 and was chief executive officer of Logan City Council for 26 years.
- A consultation paper has been issued to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements. The consultation paper is available [here](#).

What this will mean for your council

- Anyone, including councils, individual councillors and council staff, can make written submissions in response to the consultation paper.
- Councils' complaints coordinators should also advise conduct reviewers of the review and the opportunity to make written submissions in response to the consultation paper.
- Information on how to make submissions is contained in the consultation paper.
- Submissions should be made before **28 March 2022**.

Key points

- The review is examining the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying possible areas for improvement. The review will include an examination of similar frameworks used in other jurisdictions for any lessons they may offer for improving the New South Wales framework.
- The review's terms of reference are available [here](#).

Where to go for further information

- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.

Brett Whitworth

Group Deputy Secretary, Planning Delivery and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Councillor Conduct Accountability in NSW Local Government

Consultation paper
November 2021



Contents

1. Introduction	4
2. Guidelines for submissions	5
4. Objectives and expectations	8
5. Complaint processes	10
6. Investigation timeframes	13
7. Outcomes	14
8. Costs	18
9. Insights from other jurisdictions	19
10. Conclusion	22
Attachment 1	23

1. Introduction

About the review

The Minister for Local Government, the Hon. Shelley Hancock MP, has commissioned an independent review of the processes and procedures for dealing with allegations of councillor misconduct.

The review will examine the current administrative framework under which complaints about councillor misconduct are managed, with the aim of identifying possible areas for improvement. The review will include an examination of similar frameworks used in other jurisdictions for any lessons they may offer for improving the New South Wales framework.

This consultation paper has been prepared to facilitate an understanding of the current framework and to invite submissions identifying areas for improvement, together with suggestions for the practical application of those improvements.

All stakeholders are invited to respond to this consultation paper, including voters, ratepayers and citizens served by councillors, councils and joint organisations, individual councillors and council staff, conduct reviewers, professional and employee representative organisations, local government industry stakeholder groups and key NSW Government agencies and other related stakeholders.

The review will be undertaken by an independent consultant experienced in local government, who will author the final report canvassing options for improvement and making recommendations accordingly. Administrative support for the reviewer will be provided through the Office of Local Government (OLG) for coordination purposes. The findings and recommendations of the final report however will be those of the independent reviewer.

Who may make submissions?

Anyone is welcome to offer comment through formal written submissions. These will be collated, and their views considered in identifying options for improvement. The views of all stakeholder groups will be given equal weight and evaluated in terms of the most

advantageous approach to achieving the best outcomes associated with fulfilling the principles for local government enshrined in the *Local Government Act 1993* (the Act).

Anyone making submissions for consideration by the review should use the Guidelines referred to in Section 2 below to formulate their contributions in the most effective way.

Closing date for submissions

Submissions should be made before
28 March 2022.

It is recognised that the timing of this review coincides with the forthcoming council elections and the caretaker period preceding the elections, as well as the Christmas/New Year period when many councils are in recess. Accordingly, a long lead time is provided for the making of submissions.

Terminology

References to councils in this paper are to be taken as a reference to general purpose councils, county councils and joint organisations.

The term “misconduct” carries a specific technical meaning under the Act and includes among other things:

- a breach by a councillor of the Act or regulations,
- a failure by a councillor to comply with their council's code of conduct,
- an act of disorder by a councillor at a meeting and
- any act or omission intended by a councillor to prevent the proper or effective functioning of the council or a committee of the council.

The phrase “councillor misconduct” used in this paper carries this broader meaning and includes breaches by councillors of a council's code of conduct.

2. Guidelines for submissions

In order to assist stakeholders in formulating submissions that will be informative to the review and that can be compiled in a way that facilitates communication and integration into the review analysis, guidelines have been prepared and are incorporated as Attachment 1 to this consultation paper.

The guidelines generally provide advice on the form and structure of submissions to create a focus on the best way of providing information and experiences from stakeholders, to enable their valuable contribution to the review.

3. Overview

This section of the consultation paper provides information and general commentary about the current framework for dealing with complaints about councillor misconduct and identifies various issues that may assist stakeholders to consider and reflect on those aspects of the framework that could be improved. While not exhaustive, the following information is intended to provide a broad overview for the purposes of consultation.

How is councillor conduct regulated?

Australians are rightly proud of their democracy and embrace the representation they receive through their elected councils in local decision-making. Local communities rightly expect that their elected representatives on councils will observe standards of good governance and demonstrate appropriate standards of conduct as elected officials.

The legislation prescribing the framework for managing complaints about councillor misconduct has been formulated in response to a community expectation that elected representatives should observe appropriate standards of conduct and that there are appropriate mechanisms in place for enforcing compliance with those standards.

In addition to being accountable to their communities through the electoral process, councils are also subject to regulation and oversight by the NSW Government.

It does this in part through the prescription of standards of conduct that all council officials (including councillors) are required to observe through the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) prescribed under the Act and the *Local Government (General) Regulation 2021* (the Regulation). All councils, (including county councils and joint organisations), are required to adopt a code of conduct based on the Model Code of Conduct.

Uniquely in Australia, the NSW Model Code of Conduct applies to all classes of council officials including councillors, staff and delegates of councils.

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

The Model Code of Conduct and Model Procedures can be found [here](#).

The Model Code of Conduct and Model Procedures are supplemented by provisions in the Act that allow the “departmental chief executive” of OLG to investigate allegations of councillor misconduct and that confer disciplinary powers on the departmental chief executive and the New South Wales Civil and Administrative Tribunal (NCAT) with respect to councillor misconduct. These provisions are referred to below as the “misconduct provisions” of the Act.

Overview of the framework

The current framework for dealing with complaints about councillor misconduct is multi-layered with complaints escalated based on the seriousness of the alleged conduct and the severity of the disciplinary action attached to it. There is a strong focus on the informal resolution of less serious matters.

Complaints alleging breaches of a council’s code of conduct by a councillor are required initially to be dealt with locally by the council concerned in accordance with the Model Procedures.

Code of conduct complaints about councillors must be made in writing to the general manager of a council at first instance. The general manager (or a person authorised to exercise the general manager’s complaints management functions in relation to code of conduct matters) has a discretion to decline code of conduct complaints about councillors at the outset or to informally resolve them. The Model Procedures set out grounds on which complaints may be declined at the outset.

If a complaint is not declined or informally resolved at the outset, it is referred to an independent expert conduct reviewer who will deal with the matter at arms’ length of the council. The conduct reviewer will undertake a preliminary assessment to determine how the matter should be dealt with.

Conduct reviewers may decline or informally resolve complaints at the preliminary assessment stage by means such as explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology, or an undertaking not to repeat the offending behaviour.

Only more serious matters may be formally investigated by conduct reviewers. Investigations must follow strict rules that are designed to ensure that matters are dealt with fairly, confidentially and with rigour.

Where, following a formal investigation, a conduct reviewer determines that a councillor has breached the code of conduct, the conduct reviewer may recommend that the council formally censures the councillor for the breach and, where the breach is serious, that the matter is referred to OLG for further disciplinary action under the misconduct provisions of the Act.

Where the council censures a councillor for a breach of the code of conduct, the council must specify in its resolution the grounds on which the councillor is being censured. It does this by disclosing in the resolution the conduct reviewer’s findings and determination. This information is recorded in the minutes of the meeting, thereby ensuring the councillor is publicly accountable to their electors for their conduct.

As noted above, serious breaches of the code of conduct may also be referred to OLG for further disciplinary action. Some matters are automatically deemed to be serious and are referred to OLG for consideration instead of being dealt with by councils. These include allegations of:

- pecuniary interest breaches
- failure to disclose conflicts of interest arising from the receipt of political donations, and
- breaches of the “integrity” provisions of councils’ codes of conduct (ie misuse of the code of conduct, reprisal action, disclosure of information about code of conduct matters and failure to comply with a council resolution).

The departmental chief executive of OLG can take disciplinary action or refer more serious matters to the NCAT. Disciplinary action can include suspension from office or suspension of the payment of fees for up to three months by the departmental chief executive, or for up to six months by the NCAT.

The NCAT can also disqualify a councillor from holding office in any council for up to five years. Councillors who have been suspended by either the departmental chief executive or the NCAT on three or more occasions are automatically disqualified for five years.

In the case of pecuniary interest breaches, the departmental chief executive can also apply to the Supreme Court for an order requiring a councillor to pay to the council any financial benefit they received from a pecuniary interest breach.

Code of conduct statistics

Each year, councils are required to report on the numbers of code of conduct complaints made about councillors and the general manager, how they were dealt with and how much it cost the council to deal with them. This is to ensure that councillors are individually and collectively accountable to their communities for their conduct and performance.

OLG also collects data from councils on code of conduct complaints received about councillors and the general manager each year. To date it has not been possible to separate the data based on whether a complaint was about a councillor or the council's general manager. Consequently, for the purposes of this Consultation Paper the statistics shown reflect the combined data only and any analysis needs to take this into consideration.

In the 2019/20 reporting period (from 1 September 2019 to 31 August 2020), the total number of code of conduct complaints received by councils about councillors or the general manager was 400.

Councils received on average 2.9 code of conduct complaints about councillors or their general manager during the 2019/20 reporting

period. Out of 128 general purpose and 9 county councils, 59 councils received no code of conduct complaints during that period and 25 received only 1 code of conduct complaint.

As noted above, most code of conduct complaints about councillors or the general manager are declined or resolved informally at the outset by the general manager (or the mayor in the case of complaints about the general manager) or by a conduct reviewer at the preliminary assessment stage following referral.

Of the total number of complaints finalised in the 2019/20 reporting period (411), 94 complaints (22.8%) were declined or resolved by the general manager at the outset. 139 (33.8%) complaints were declined or resolved following a preliminary assessment by a conduct reviewer.

178 (43.3%) complaints finalised in the 2019/20 reporting period were the subject of a formal investigation. Of the complaints formally investigated, 47 (26.4%) resulted in a determination that the councillor had breached the code of conduct and resulted in disciplinary action by the council such as censure. Of these, 2 complaints were referred to OLG for further disciplinary action under the misconduct provisions of the Act. In 71 cases, the conduct reviewer determined there had been no breach. 60 cases were still under investigation at the time of reporting.

There has been an increase in the number of code of conduct complaints made about councillors and general managers over time. For example, in the 2013/14 reporting period (from 1 September 2013 to 31 August 2014), 322 code of conduct complaints were received by councils about councillors or the general manager.

Data collected by OLG indicates that the proportion of complaints being declined or resolved by the general manager prior to referral to a conduct reviewer has decreased over time. The proportion of complaints declined or resolved by conduct reviewers at the preliminary assessment stage has remained constant. The proportion of complaints progressing to formal investigation has increased.

4. Objectives and expectations

Purpose of the Model Code of Conduct

Section 8A of the Act sets out principles for local government. These principles relate to three broad areas of:

- exercising functions generally,
- decision-making and
- community participation.

These principles articulate the following terms and values:

- strong and effective representation, leadership, planning and decision-making
- work with others to secure appropriate services for local community needs
- act fairly, ethically and without bias in the interests of the local community
- provide a consultative and supportive working environment for staff
- recognise diverse local community needs and interests
- consider social justice principles
- be transparent and be accountable for decisions and omissions.

The Model Code of Conduct sets out standards of conduct that councillors are required to observe that reflect these principles and values. Under the Model Code of Conduct, council officials are expected to:

- conduct themselves in a manner that will not bring the council into disrepute
- act lawfully, honestly and exercise due care
- treat others with respect and not bully, harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

Defining expectations

The purpose of the Model Code of Conduct is to prescribe minimum ethical and behavioural standards that all council officials are required to comply with and to ensure that councils and council officials exercise their functions and make decisions ethically and appropriately and in a way that promotes community confidence in the council and its decisions.

As with any organisation, councils can experience interpersonal conflict. This is accentuated by the fact that they operate in a political environment.

The code of conduct and the misconduct framework are not designed to prevent or resolve interpersonal or political conflict which is often a natural feature of democratic processes and political discourse. Nor is it designed or intended to prevent or restrict normal and respectful debate or constrain free speech.

Adoption of the Model Code of Conduct by councils

All councils are required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Act and the Regulation. In doing so, councils have the flexibility to strengthen the ethical and behavioural standards prescribed under the Model Code of Conduct should they choose to do so. For example, where the Model Code of Conduct allows the acceptance of gifts with a value of up to \$100, many councils have chosen to ban the acceptance of all gifts.

In adopting a code of conduct, councils must not weaken the ethical and behavioural standards prescribed under the Model Code of Conduct. A provision of a council's code of conduct that is weaker than an equivalent provision of the Model Code of Conduct is invalid, and the stronger standard prescribed in the Model Code of Conduct automatically overrides it.

As noted above, the Model Code of Conduct automatically applies to all councillors, council staff and others who exercise council functions under delegation from the council. However, in adopting a code of conduct, councils may also

extend its application to other persons such as volunteers, advisory committee members and contractors. It is also open to councils to adopt separate codes of conduct for councillors, staff and other types of council officials, provided the adopted codes are consistent with the Model Code of Conduct.

Councillor training

Councils are required under the Regulation to deliver induction training for newly elected mayors and councillors and refresher training for returning mayors and councillors within 6 months of each ordinary council election. Councils are also required to provide ongoing professional development to mayors and councillors over the balance of the council term.

OLG has issued *Councillor Induction and Professional Development Guidelines* to inform the delivery of councillor induction training and professional development. The Guidelines are available [here](#). A key focus of the

training recommended in the Guidelines is on ethical conduct, appropriate behaviours and compliance with the council's code of conduct.

To assist councils to induct councillors into their roles and responsibilities, OLG has also delivered "Hit the Ground" running workshops after each local government elections. One of the workshop modules relates to compliance with the code of conduct.

Councils are required to report on councillors' participation in induction training and professional development in their annual reports.

OLG's Guidelines also recommend that councils hold pre-election information sessions to ensure that candidates understand their role and responsibilities if they are elected, including their obligations under the council's code of conduct. OLG has issued a Candidate Guide and an online training tool for candidates to assist councils to deliver candidate training.

Considerations:

Should there be separate codes of conduct prescribed for councillors, staff and other classes of council official?

Are the standards of conduct currently prescribed in the Model Code of Conduct appropriate? Do they need to be strengthened or softened?

Is the level of prescription in the Model Code of Conduct appropriate? Should it be more, or less prescriptive?

Does there need to be any changes to the types of conduct currently regulated under the Model Code of Conduct?

Are the current training requirements for mayors and councillors adequate? Do these requirements need to be strengthened?

5. Complaint processes

Making complaints

Under the Model Procedures, all code of conduct complaints, including complaints about councillors, staff and delegates of the council are to be made to the general manager at first instance. Complaints about the general manager are to be made to the mayor.

Concerns have been raised about whether the Model Procedures may place general managers in the invidious position of having to receive and deal with code of conduct complaints about their employers, namely the councillors.

It should be noted that under the Model Procedures, general managers are not required to have any involvement in the management of code of conduct complaints about councillors after their receipt if they choose not to. However, some general managers have observed that by simply not electing to decline a complaint and allowing it to be referred to a conduct reviewer, (even though no positive decision is required for

this to occur under the Model Procedures), they may still be exposed to criticism or reprisal by aggrieved councillors and their supporters.

General managers are permitted under the Model Procedures to delegate their functions in receiving, declining, and resolving code of conduct complaints about councillors to another member of staff or persons outside of the council if they wish.

It is also open to councils to establish shared complaints management arrangements that allow code of conduct complaints about councillors to be managed externally. There is currently only one such arrangement in place, the shared internal ombudsman service established by the City of Parramatta, Cumberland and Inner West Councils. Some councils have set up their own internal ombudsman functions and have delegated the general managers' complaints management functions to the internal ombudsman.

Considerations:

Should code of conduct complaints about councillors continue to be dealt with locally by councils in the first instance? If not, how should they be dealt with?

Should code of conduct complaints about councillors continue to be received by the general manager of a council? If not, who should receive code of conduct complaints about councillors?

Should mayors have a more active role in the management of code of conduct complaints about councillors?

Should there continue to be a discretion to decline or resolve complaints about councillors before they are referred to a conduct reviewer?

Are the procedures for dismissing frivolous and vexatious complaints adequate and effective? How might they be improved?

Preliminary assessment of complaints by conduct reviewers

Code of conduct complaints about councillors that are not declined or resolved at the outset by the general manager must be referred via the council's complaints coordinator to an independent conduct reviewer selected from a panel of conduct reviewers established by the council.

The complaints coordinator is a member of staff (who must not be the general manager) who is responsible for coordinating the management of code of conduct complaints, providing administrative support to conduct reviewers and acting as a point of liaison between the conduct reviewer and the council.

All councils are required to appoint a panel of conduct reviewers to manage code of conduct complaints about councillors. Many councils operate regional panels that are shared by all councils within the region.

To qualify for appointment to a panel, conduct reviewers are required to satisfy independence requirements and to possess specialist skills. The independence requirements and qualifications conduct reviewers need to satisfy to be appointed to a council's panel are prescribed under the Model Procedures.

The Model Procedures also establish guidelines for how conduct reviewers are to approach the exercise of their functions including managing conflicts of interests or bias and maintaining independence.

After complaints are referred to them, conduct reviewers are required to make a preliminary assessment of how the complaint is to be managed against criteria set out in the Model Procedures. Conduct reviewers have the following options for managing complaints about councillors. They may:

- decline to take any action in relation to the complaint (eg because it lacks merit), or
- resolve the complaint using a range of possible strategies including explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology,

or an undertaking not to repeat the offending behaviour, or

- refer the matter back to the general manager for resolution by explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology, or an undertaking not to repeat the offending behaviour, or
- refer the matter to an external agency such as OLG or ICAC, or
- formally investigate the matter.

The Model Procedures place an emphasis on the informal resolution of complaints. Only serious complaints (as defined by the Model Procedures) may be formally investigated. The Model Procedures set out criteria for determining whether a complaint is sufficiently serious to warrant formal investigation. Conduct reviewers are also required to justify their decision to formally investigate matters in their final reports after investigations are concluded.

As noted above, of the total number of complaints finalised in the 2019/20 reporting period, 33.8% complaints were declined or resolved following a preliminary assessment by a conduct reviewer. This is in addition to the 22.8% of complaints declined or resolved by the general manager prior to referral to a conduct reviewer.

Formal investigations

As noted above, conduct reviewers may only formally investigate code of conduct complaints about councillors where they are satisfied the complaint is serious. Conduct reviewers must be satisfied as to the following before they can make a decision to formally investigate a complaint:

- that the complaint is a "code of conduct complaint" as defined under the Model Procedures, and
- that the alleged conduct, if substantiated, would be sufficiently serious to warrant the formal censure of a councillor, and
- that the matter is one that could not or should not be resolved by alternative means.

The Model Procedures set out benchmarks for seriousness that conduct reviewers must consider in making an assessment of whether a complaint is sufficiently serious to warrant formal investigation. In determining whether a matter is sufficiently serious to warrant formal censure, conduct reviewers must consider the following:

- the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
- the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- any previous proven breaches by the councillor whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

As noted above, of the total number of complaints finalised in the 2019/20 reporting period, 43.3% complaints were the subject of a formal investigation.

In undertaking formal investigations, conduct reviewers are required to follow strict rules to ensure that procedural fairness is complied with. The Model Procedures prescribe detailed requirements in this respect.

At the start of the investigation, the person being investigated (the respondent) is notified of the allegations against them and they are invited to respond by written submission. Conduct reviewers are also required to give respondents an opportunity to make submissions in person to the conduct reviewer.

Conduct reviewers are required to undertake all necessary enquiries when investigating matters.

Before completing their investigation, the conduct reviewer is required to provide a draft of their investigation report to the respondent, invite them to make a submission, and to consider their submissions.

The investigator's final report must:

- make findings of fact in relation to the matter investigated, and,
- make a determination that the conduct investigated either, constitutes a breach of the code of conduct, or does not constitute a breach of the code of conduct, and
- provide reasons for that determination.

The Model Procedures provide a detailed list of the minimum standards for the content of conduct reviewers' final investigation reports.

Oversight by OLG

OLG exercises an oversight role to ensure code of conduct complaints are managed by councils in accordance with the Model Procedures.

OLG may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under the Model Procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

OLG will also review any complaints made either directly to it or through the general manager in relation to conduct reviewers.

Considerations:

Does the current system for referring code of conduct complaints about councillors to independent conduct reviewers work effectively? If not, how can it be improved?

Should there continue to be an emphasis on the informal resolution of code of conduct complaints about councillors? How can those processes be improved?

Are the current procedures governing the formal investigation of code of conduct complaints about councillors effective in ensuring investigations and their outcomes are robust and fair? If not, how can they be improved?

Are OLG's oversight powers adequate and effectively implemented? What improvements might be considered?

6. Investigation timeframes

An issue for both councils and OLG is the time taken to deal with allegations of councillor misconduct and to take disciplinary action.

The management of complaints by councils

The Model Procedures require councils' complaints coordinators to refer code of conduct complaints about councillors that are not declined or resolved at the outset by the general manager to a conduct reviewer within 21 days of their receipt by the general manager.

Conduct reviewers are required to complete their preliminary assessments of complaints about councillors within 28 days. However, there are no time limits imposed on conduct reviewers' formal investigations of complaints.

No data is held on the average time taken by conduct reviewers to complete formal investigations.

Investigations by OLG

Councillor misconduct matters referred by councils to OLG are dealt with in accordance with its *Framework for Managing Councillor Misconduct Allegations*. The framework is available [here](#).

The time taken by OLG to complete misconduct investigations, often includes the review and adoption of findings of investigations completed by conduct reviewers. A key concern is that disciplinary action loses its efficacy as a deterrent if it is taken long after the conduct in question occurred.

There are three factors that contribute to the time taken between the occurrence of councillor misconduct and disciplinary action taken in relation to it by OLG or the NCAT.

First, where a matter is first dealt with at the local level by a council and subsequently referred to OLG, there is the time that elapses between the complaint being made and the completion of the conduct reviewer's investigation and a decision being made by the council to refer the matter to OLG based on the conduct reviewer's recommendation.

Second, there are the timeframes taken by OLG to complete investigations of councillor misconduct.

Third, where a matter is referred to the NCAT or where disciplinary action by the departmental chief executive of OLG is appealed to the NCAT, the ultimate decision in a matter becomes even more remote in time.

Data collected on misconduct matters finalised by OLG between April 2020 and September 2021 indicates that on average, it takes OLG 59 weeks to complete misconduct investigations where disciplinary action is taken by the departmental chief executive. Where a misconduct matter is referred to the NCAT, the average time taken by the Tribunal to hand down its decision is 49 weeks (based on data collected over the last 5 years).

Considerations:

How can the time taken to deal with allegations of councillor misconduct be reduced?

How can the efficiency of the processes for dealing with code of conduct breaches by councillors under the Model Procedures be improved?

How can the efficiency of referrals of councillor misconduct to OLG for investigation and disciplinary action be improved?

Are there opportunities for councillor misconduct to be dealt with summarily? If so, how can this be done in a way that ensures due process and that is procedurally fair?

7. Outcomes

Penalties available to councils for councillor misconduct

Where, following an investigation, a conduct reviewer determines there has been a breach of the council's code of conduct, their report is submitted to the council for disciplinary action and possible referral to OLG for further disciplinary action.

Councils are not obliged to adopt the conduct reviewer's recommendation. Where they do not do so, the council is required to provide its reasons for not adopting the recommendation in its publicly available resolution and to notify OLG of the decision. If OLG considers that disciplinary action is warranted, OLG can take disciplinary action for the breach instead of the council.

As a result of Supreme Court's decision in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment*, the only penalty now available to councils for misconduct by councillors is to censure them by resolution under section 440G of the Act. During the 2019/20 reporting period, 18 code of conduct matters resulted in a recommendation that the councillor be censured.

The content of censure resolutions has been strengthened to ensure they operate more effectively as a deterrent by publicly naming councillors who have breached the council's code of conduct. When censuring a councillor, councils are now required to disclose in the resolution, the conduct reviewer's findings and determination and any other information the council considers may be relevant or appropriate.

Where councils consider that a more serious penalty is warranted, in addition to censure, they may resolve to refer a matter to OLG for further disciplinary action under the misconduct

provisions of the Act where this has been recommended by the conduct reviewer who investigated the breach. Conduct reviewers are required to consult with OLG before recommending that a matter is referred to OLG to ensure that it is suitable for referral. During the 2019/20 reporting period, two code of conduct matters resulted in the councillor being censured and the matter being referred to OLG for further disciplinary action.

Under the current Model Procedures, councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Conduct reviewers can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating.

Many councils believe that censure is an insufficient deterrent against councillor misconduct.

An objection in the past to expanding or strengthening the disciplinary powers available to councils in relation to councillors who have breached the council's code of conduct has been that these powers could be misused against minority councillors or could be used in a partisan manner. A key difference now is that the Model Procedures ensure that the only circumstances in which a council could exercise any expanded or stronger disciplinary powers, are where an independent conduct reviewer has first determined the councillor has breached the council's code of conduct and recommended disciplinary action following a formal investigation in which procedural fairness has been afforded.

Rights of review against penalties imposed by councils

As noted above, councils are subject to oversight by OLG in the management of code of conduct complaints.

The Model Procedures allow anyone to seek a review by OLG of the way code of conduct matters have been dealt with. In reviewing code of conduct matters, as a matter of practice OLG does not seek to substitute its views for the views of a conduct reviewer on the merits of a matter, and will only intervene in the consideration of a matter where the Model Procedures have not been correctly followed or the conduct reviewer has not correctly applied the standards prescribed under the council's code of conduct to the facts found by them.

The Model Procedures also confer on councillors who have been censured by councils the right to seek a review of the council's decision by OLG. Under the Model Procedures, a respondent councillor who has been censured by a council for a breach of the council's code of conduct may, within 28 days of the sanction being imposed, seek a review by OLG of the conduct reviewer's determination and recommendation. A review may be sought on the following grounds:

- that the conduct reviewer has failed to comply with a requirement under the Model Procedures, or
- that the conduct reviewer has misinterpreted or misapplied the standards of conduct prescribed under the council's code of conduct, or
- that in imposing its sanction, the council has failed to comply with a requirement under the Model Procedures.

Where a respondent councillor requests a review, OLG may direct the council to defer any action to implement a sanction while the review is undertaken. Where the conduct reviewer or council has been found to have erred, OLG may direct the council to reconsider its decision.

If councils were to be permitted to impose more severe penalties on councillors that carried more serious consequences, consideration may need to be given to what rights of appeal should be available for these more onerous penalties.

Penalties available to the departmental chief executive of OLG for councillor misconduct

As noted above, where a breach is serious, in addition to censure, the council may refer the matter to OLG for additional disciplinary action. Conduct reviewers are required to consult with OLG before recommending to a council that a matter is referred to OLG, to ensure that it is suitable for referral. OLG can also initiate disciplinary action on its own motion without a referral by a council.

The departmental chief executive may take the following disciplinary action in relation to councillor misconduct:

- counsel the councillor
- reprimand the councillor
- direct the councillor to cease engaging in the misconduct
- direct the councillor to apologise for the misconduct in a specified manner
- direct the councillor to undertake training
- direct the councillor to participate in mediation
- suspend the councillor from civic office for a period not exceeding 3 months
- suspend the councillor's right to be paid any fee or other remuneration for up to 3 months (without suspending the councillor from civic office for that period).

In determining which disciplinary action, if any, to take against a councillor who has engaged in misconduct, the departmental chief executive may take into account any previous incidents of misconduct by the councillor, any disciplinary action previously taken against the councillor and any other relevant matters.

In the last five years, the departmental chief executive has taken the following types of disciplinary action against councillors under the misconduct provisions of the Act:

Disciplinary action	Number of times imposed
Counselling	1
Reprimand	6
Order to cease engaging in misconduct	7
Order to apologise	3
Suspension of fees	8
Suspension from civic office	4

Rights of appeal against disciplinary action by the departmental chief executive

Where the departmental chief executive of OLG takes disciplinary action against a councillor under the misconduct provisions of the Act, the councillor may, within 28 days, appeal the decision to the NCAT. The NCAT may stay any decision made by the departmental chief executive until such time as the NCAT determines the appeal.

On hearing the appeal, the NCAT may confirm the decision, amend the decision, or set aside the decision and substitute a new decision.

In the past five years, disciplinary action taken by the departmental chief executive has been the subject of appeal to the NCAT on 3 occasions. On one of these occasions, the NCAT has amended the departmental chief executive's decision and on one occasion it has set the decision aside.

Penalties available to the NCAT for councillor misconduct

Under the misconduct provisions of the Act, if a breach is particularly serious, OLG may refer councillor misconduct to the NCAT for disciplinary action following investigation. The NCAT can take the following disciplinary action in relation to councillor misconduct:

- counsel the councillor
- reprimand the councillor
- suspend the councillor from civic office for a period not exceeding 6 months
- suspend the councillor's right to be paid any fee or other remuneration for up to 6 months (without suspending the councillor from civic office for that period)
- disqualify the councillor from holding civic office for a period not exceeding 5 years.

One challenge in seeking the imposition of the stronger penalties currently available for councillor misconduct under the Act is that currently they can only be imposed by NCAT. This usually requires a lengthy hearing with no guarantee of success. Recent experience indicates that NCAT also tends not to impose stronger penalties.

In the last five years, the departmental chief executive has referred 9 matters to the NCAT for disciplinary action against councillors under the misconduct provisions of the Act. All these referrals resulted in disciplinary action being taken by the NCAT against the councillor concerned (two matters are currently before the NCAT).

Where the NCAT has taken disciplinary action against councillors during this five-year period, it has taken the following types of disciplinary action against councillors:

Disciplinary action	Number of times imposed
Reprimand	4
Suspension of fees	1
Suspension from civic office	1
Disqualification from civic office	1

Decisions by the NCAT are subject to appeal to the Supreme Court or the Land and Environment Court depending on the grounds on which the appeal is being sought.

In the past five years, one decision by the NCAT to take disciplinary action against a councillor has been overturned on appeal (*Cornish v Secretary, Department of Planning, Industry and Environment*).

Other types of penalties for councillor misconduct

Under the misconduct provisions of the Act, if a councillor has been suspended on three or more occasions by OLG or the NCAT for breaches of a council's code of conduct, they are automatically disqualified from holding office in any council for 5 years and their office automatically becomes vacant. Only one councillor has been disqualified from holding civic office on these grounds.

In the case of councillors who have financially benefitted from a breach of their pecuniary interest obligations, OLG also can apply to the Supreme Court for an order forcing the councillor to surrender the financial benefit to the council. This power has never been exercised.

Considerations:

Should the full range of disciplinary powers previously available to councils under the Model Procedures before the Cornish decision be restored by legislation?

If councils were once again able to require councillors to apologise for breaches of the code of conduct or to give undertakings not to repeat their conduct, how should apologies and undertakings be enforced?

Should the disciplinary powers available to councils for breaches by councillors of the code of conduct be strengthened? If so, what additional disciplinary powers should be given to councils?

If councils were given stronger disciplinary powers, should the right of appeal in relation to the exercise of those powers be to OLG or to another agency or tribunal?

Are the disciplinary powers currently available to the departmental chief executive of OLG and the NCAT for councillor misconduct sufficient? If not, what additional disciplinary powers should be made available to them?

8. Costs

Councils' costs

Councils are required to publicly report on the cost of dealing with code of conduct complaints about their councillors and general manager annually. This is intended to identify a "price signal" for misconduct and to make councillors accountable to their communities for their conduct and the costs of dealing with that conduct.

In the 2019/20 reporting period, the average cost incurred by councils in dealing with a single code of conduct complaint about a councillor was \$7,126.68.

OLG's costs

Currently, OLG's complaint handling, intervention, general investigations and councillor misconduct functions are undertaken by a team that comprises of a manager and six senior investigators. The team is also supported by a lawyer embedded in the team. These resources are also called upon to undertake interventions, investigations and public inquiries arising from council maladministration.

There is no separate data that would indicate the annual costs incurred by OLG in dealing with councillor misconduct matters.

The Act allows OLG to recover the reasonable expenses incurred in the investigation of councillor misconduct from councils. This option has not been exercised to date.

Considerations:

Who should carry the cost of dealing with complaints about councillor misconduct?

Should councils be accountable to their communities for the cost of dealing with complaints about councillor misconduct?

Should OLG be able to recover the cost of misconduct investigations from councils?

Should councils and/or OLG be able to recover the cost of dealing with complaints about councillor misconduct from councillors who have been found to have engaged in misconduct? If so, what mechanism should be used to recover these costs?

9. Insights from other jurisdictions

This section reports trends in the way other states and the Northern Territory handle issues of councillor conduct. The coverage is far from comprehensive but includes examples of how other systems work that may point to possible changes in New South Wales.

Clarifying the nature of 'misconduct'

There is a trend away from defining all breaches of the Local Government Act or codes of conduct as 'misconduct'. 'Lower-level' breaches are now commonly defined as 'behavioural' or 'inappropriate conduct', to be handled largely by councils themselves (with expert assistance if necessary).

- South Australia does not use the term 'misconduct' at all. The Act is written in terms of 'behaviour' and 'integrity' – the latter term covering serious cases of fraud, misuse of position/information, conflicts of interests, bullying/harassment etc that are handled by the Ombudsman and SACAT.
- Queensland uses the terms 'unsuitable' and 'inappropriate' conduct.
- Western Australia refers to 'behavioural' breaches and breaches of 'rules of conduct'.

Using the Local Government Act

Several states have expanded or strengthened conduct provisions in the Act itself, with less reliance on codes, regulations and policies, to give greater weight to issues of behaviour, integrity and good governance.

- Nearly all jurisdictions spell out more serious offences (as well as associated procedures and penalties) in the Act.
- South Australia has abandoned its code of conduct and sets out all the relevant principles and processes in the Act.

Robust supporting principles

Assessing the nature and gravity of 'misconduct', and enforcing required standards, depends on clear and consistent statements of objectives, principles and responsibilities that flow through the Act, codes of conduct and meeting practices, as well as related policies for handling complaints.

- 'Ethical and legal behaviour' is one of Queensland's five overarching Local Government Principles that underpin the Act.
- South Australia recently made extensive changes to its Act, including 'to act with integrity' as the primary role of a councillor.

Application of codes of conduct

No other state or the Northern Territory includes general managers and staff in the same code or standards of conduct as councillors.

- South Australia and Victoria are the only states without a mandatory or detailed model code of conduct.
- Victoria prescribes 'Standards of Conduct' that each council must incorporate into its own code of conduct for councillors.
- Western Australia's code extends to committee members and nominated candidates.

Links to training programs

Required standards and reasonable expectations for good conduct are being translated into 'universal' training/professional development programs.

- Western Australia and South Australia have amended their Acts to strengthen mandatory training, including in relation to conduct and integrity; failure to complete training may lead to a fine (WA) or suspension (SA).

'In-house' management of meeting behaviour and councillor-to-councillor disputes

Several jurisdictions have introduced formal procedures to avoid escalating unacceptable behaviour at meetings and personal disputes between councillors to external bodies. This may include significant additional responsibilities for mayors.

- In Queensland the chair of a meeting, acting on his/her own authority, may reprimand a councillor, order a councillor to leave a meeting and stay away from the meeting place, and have a councillor removed from the meeting place; failure to comply may become a higher-level offence.
- Victoria has a system of 'internal arbitration' to deal with councillor-to-councillor disputes, using state-approved arbiters.

Independent panels to handle 'mid-range' breaches

Most jurisdictions use standing or ad hoc panels for conduct matters that cannot be handled by councils themselves but fall short of warranting very heavy penalties.

- South Australia and Western Australia have 'standards' panels; Queensland has a 'conduct tribunal'; in the Northern Territory, Tasmania and Victoria 'conduct' or 'complaints' panels are convened as required, drawn from a list of pre-approved members.
- In South Australia serious 'integrity' matters are investigated by the Ombudsman; while in Victoria they are handled by the independent Local Government Inspectorate; and in Queensland by the Independent Assessor.
- State departments/offices of local government agencies in Queensland, South Australia and Victoria have at most a minimal role; elsewhere they provide administrative support to panels and handle serious offences that require referral to state tribunals.

Streamlining investigations and hearings

At the 'mid-range' level it is common for Local Government Acts to seek maximum informality in proceedings and swift resolution of allegations. The scope for parties to seek reviews and lodge appeals may be restricted.

- Most states and the Northern Territory enable panels to determine their own procedures, subject to generic principles – right to be heard, natural justice and procedural fairness.
- Tasmania limits appeals against panel decisions to denial of natural justice.

'Lower-level' disciplinary measures

All states have a similar range of 'basic' sanctions (censure, apology, training/counselling, short periods of suspension etc) for offences below those handled by state tribunals or courts, but some have more severe options.

- Additional measures may include reimbursement of the council's costs, temporary loss of allowances, exclusion from meetings, suspension/exclusion from positions held other than being a councillor (eg mayor/deputy, committee chair, council's representative).
- Queensland's tribunal may require payment of a 'fine' to the council.
- Tasmania and Victoria provide for longer periods of suspension (up to 3/12 months).
- Victoria's review panels may order 'remedial action' (eg. training/counselling) regardless of whether or not misconduct has been proven.

Significant roles for local government associations

In some jurisdictions processes for handling conduct complaints reveal a high level of cooperation or even a formal partnership between the state agency and the local government association.

- The Northern Territory association is a 'prescribed corporation' under the Act and may convene complaints panels on behalf of councils
- In South Australia, the new Behavioural Standards Panel is funded by the association under an agreement with the Minister; costs may be recovered from member councils
- In Western Australia, the association delivers approved training programs under the Act and provides guidelines and templates to help councils meet statutory requirements.

Requirements for lodging complaints

The number of unwarranted complaints may be contained by shortening the timeframe within which they may be lodged and requiring more detailed information by means of standard form.

- Several states have standard forms for lodging complaints and require detailed information (including a statutory declaration in some cases).
- In Tasmania, complaints must be lodged within 3 months, detail efforts made to resolve the issue, and involve a lodgement fee (about \$80, refunded if complaint upheld).
- In Queensland, repeated frivolous complaints and vexatious, reckless, mischievous or malicious complaints may attract a fine.

Role of the council chief executive

Several jurisdictions limit the potential difficulties council chief executives face if they are required – or perceived – to play a significant role in handling complaints against the mayors and councillors who employ them.

- Queensland has removed CEOs from the initial phases of handling conduct complaints; all complaints (except corrupt conduct) are 'triaged' by the Office of the Independent Assessor.
- Western Australia requires councils to have a designated complaints officer – not necessarily the CEO.
- Victoria excludes CEOs from the position of Councillor Conduct (complaints) Officer.

Considerations:

Are there any elements of interstate frameworks for dealing with complaints about councillor misconduct that could be adapted to improve the NSW framework?

10. Conclusion

The review seeks input from stakeholders to identify any legislative, systemic, procedural or resourcing issues impacting adversely on the effectiveness of the current framework for dealing with councillor misconduct that need to be addressed by this review.

The consideration bullet points provided throughout the Consultation Paper are intended only as prompts to generate discussion on key issues. In making submissions, please feel free to address any other relevant issues that have not been specifically highlighted in the Consultation Paper.

Submissions, comments and suggestions are welcomed to inform further discussion, debate and deliberation on the key areas such as:

- Fairness and equity
 - access of complainants
 - substantiation of allegations
 - natural justice for councillors
 - independence of investigations and disciplinary processes
 - objective determination
 - appeal and review
- Effective procedures
 - opportunities for early resolution
 - constructive rather than adversarial approaches
 - results focused processes
 - uncomplicated procedural steps
 - timely progression
 - cost effective procedures
- Integrity of outcomes
 - increased respect for and compliance with appropriate standards of conduct
 - confidence in the framework to encourage positive conduct and to deter misconduct
 - community confidence in outcomes

Attachment 1

How to make a submission

Submissions may be made in writing by **28 March 2022** to the following addresses.

Post: Locked Bag 3015 NOWRA NSW 2541

Email: olg@olg.nsw.gov.au

Submissions should be labelled 'Councillor Conduct Accountability Review'.

To ensure submissions offer maximum value in assisting this review to identify the issues it needs to consider and address and to identify possible opportunities for improvement, they should be made based on the following guidelines:

- Submissions should be framed to offer constructive responses to the considerations identified in the dialogue boxes at conclusion of each section of the Consultation Paper. These are designed to prompt consideration of the key issues that need to be considered and addressed by the review.
- Submissions should focus on making positive suggestions for improvement rather than seeking to remedy past errors or failures. However, examples that illustrate any deficiencies in the current framework may assist the review in identifying opportunities for improvement.
- The review is not a vehicle to re-prosecute individual cases or as an appeal mechanism for past decisions. Submissions seeking to do this will not be considered.
- In identifying opportunities for improvement, please provide clear and relevant examples that identify deficiencies in the current framework in delivering the desired outcomes. Suggested options for improvement should be practical and readily capable of implementation.
- There is no word limit on submissions. However, the inclusion of copious attachments and appendices to illustrate the points made in a submission is discouraged and will only detract from the attention that can be given to the submission.

While every effort will be made to preserve any confidential information provided in submissions, submissions or extracts from submissions may be incorporated into the review report and may otherwise be made publicly available at the discretion of OLG in consultation with the independent reviewer. If submissions are made public, contact details will be redacted. The name of the person making a submission may be released unless that person has requested to remain anonymous.

Any submissions received are also subject to the *Government Information (Public Access) Act 2009*.

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at olg@olg.nsw.gov.au.



Terms of reference

Independent review of the effectiveness of the
framework for dealing with councillor misconduct in
NSW



Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

The Minister for Local Government, the Hon. Shelley Hancock, has requested the Office of Local Government to commission and independent review of the framework for dealing with councillor misconduct in NSW.

In serving their local communities, council officials, including councillors are expected to uphold the highest standards of behaviour. Councillors are expected to:

- conduct themselves in a manner that will not bring the council into disrepute
- act lawfully, honestly and exercise due care
- treat others with respect and not harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

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

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

The community needs to have confidence in the processes for dealing with misconduct

The Minister for Local Government has initiated this review to ensure the community and councils have confidence in the misconduct framework, specifically, the process for making complaints, the investigation process, the timeliness of disciplinary action, and the efficacy of the disciplinary action and penalties available.

Terms of reference

1. Review the effectiveness of the framework for dealing with councillor misconduct with particular reference to:
 - a. The standards of conduct set out in the Model Code of Conduct and the way these are applied;
 - b. the process for making complaints under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
 - c. The tools and process for conducting an investigation into alleged misconduct

Terms of reference

Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW



- d. the efficacy of the disciplinary actions and penalties available to councils, the departmental chief executive and the NSW Civil and Administrative Tribunal as a deterrent to councillor misconduct;
 - e. the timeliness of disciplinary action in response to councillor misconduct.
2. Make recommendations about policy, legislative and operational changes to improve the system for dealing with councillor misconduct.

Methodology

- Receive public submissions
- Review similar processes in other jurisdictions
- Consult with key NSW government agencies
- Liaison with stakeholder groups and councils.

Secretariat

Secretariat support is provided by the Office of Local Government

Contact

Email: olg@olg.nsw.gov.au

Phone: (02) 4428 4100

Web: www.olg.nsw.gov.au

POLICY AND GENERAL COMMITTEE

March 9, 2022

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 60/22SUBJECT: REVIEW OF CODE OF CONDUCT POLICY D22/12138**Recommendation**

1. That Broken Hill City Council Report No. 60/22 dated March 9, 2022, be received.
2. That Council determines whether to make amendments to the Code of Conduct Policy as outlined in this report.
3. That, should Council determine that amendments be made to the Code of Conduct Policy, the draft revised policy be placed on public exhibition for submission to be received for a period of 28 days; and Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft revised Code of Conduct Policy.
4. That, should Council determine that amendments are not required to be made to the Code of Conduct Policy, Council adopts the Code of Conduct Policy as a policy of Council.

Executive Summary:

As per Section 440 of the Local Government Act 1993, Council must, within 12 months after each ordinary election, review its adopted Code of Conduct Policy and make such adjustments as it considers appropriate and as are consistent with this section of the Act.

As per Council's resolution at the 12 January 2022 Ordinary Council Meeting (Minute No. 46690) a Councillor Workshop was held on Monday 7 March 2022 for Councillors to review Council's existing Code of Conduct Policy.

Council's current policy is attached to this report along with the Office of Local Government's Model Code of Conduct for NSW Councils 2020 and the Office of Local Government's Model Procedure for Administering the Model Code of Conduct 2020.

This report outlines the Councillor review of Council's Code of Conduct Policy.

Report:

NSW Council's are required to review and adopt their Code of Conduct Policies (based on the Office of Local Government's (OLG) Model Code of Conduct 2020 (Model Code)) within 12 months after each Ordinary Election.

The Model Code of Conduct is prescribed under *section 440 of the Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

Under Section 440 of the Act, each Council in NSW is required to adopt a Code of Conduct based on the Model Code as prescribed under the Regulation. Councils may enhance or

strengthen the standards prescribed under the Model Code in their adopted Codes of Conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code with additional provisions in their adopted Codes of Conduct.

However, Councils cannot weaken the standards prescribed in the Model Code in their adopted Codes of Conduct. Provisions contained in a Council's adopted Code of Conduct that are less onerous than those prescribed under the Model Code will be invalid and the equivalent provisions of the Model Code will override them through the operation of section 440 of the *Local Government Act 1993*.

The OLG Model Code of Conduct 2020 sets the minimum standards of conduct for Council Officials. It is prescribed by Regulation to assist Council Officials to:

- Understand and comply with standards of conduct that are expected of them.
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence.
- Act in a way that enhances public confidence in Local Government.

Councillors, Administrators, Council staff, delegates of Council, volunteers, contractors and members of committees of Council and any other person that a Council's adopted Code of Conduct applies to, must comply with the provisions of Council's Code of Conduct and any breaches are to be dealt with in accordance with the Office of Local Government Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. Councils must also adopt procedures for the administration of their Codes of Conduct which incorporate the provisions of the Model Procedures.

In order to comply with Section 440 of the Act, Council considered the Code of Conduct Policy at the 12 January 2022 Ordinary Council Meeting and resolved (Minute No. 46690) to hold a Councillor Workshop to review Council's Policy; at the Workshop discussions were held around one possible amendment as follows:

Remove 8.21-8.21(h):

- 8.21 *you must not use social media to post comments, photos, sound recordings or other information that:*
- a. *compromises your capacity to perform your official duties in an unbiased manner.*
 - b. *has the potential to have a negative impact on your working relationships within the council or with external parties.*
 - c. *is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council.*
 - d. *has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive.*
 - e. *divulges confidential council information.*
 - f. *breaches the privacy of other council officials or those that deal with council.*
 - g. *contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or*
 - h. *could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.*

Councillors present at the workshop discussed the removal of clauses 8.21 - 8.21(h) as provisions relating to the handling and use of Council information is included in other parts of the Model Code of Conduct and also the subject of Council's Social Media Policy and Media Relations Policy and are therefore superfluous to Council's Code of Conduct Policy.

This report is presented to Council to consider adoption of the Code of Conduct Policy.

Community Engagement:

Should Council resolve to make amendments to Council's Code of Conduct Policy, the draft amended policy will be placed on public exhibition for submissions to be received for a period of 28 days.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Section 440 of the Local Government Act 1993
Local Government (General) Regulation 2021

Financial Implications:

Nil.

Attachments

1. Council's adopted Code of Conduct Policy
[↓](#)
2. OLG Model Code of Conduct for NSW Councils
[↓](#)
3. OLG Procedures for the Administration of the Model Code of Conduct for NSW Councils
[↓](#)

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

CODE OF CONDUCT POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 – D16/2220		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	3
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27 April 2016	Adopted	45242	
27 March 2019	Adopted	46028	
26 August 2020	Adopted	46328	

1. INTRODUCTION

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

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

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

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

2. POLICY OBJECTIVE

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

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

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

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

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

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

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

3. GENERAL CONDUCT OBLIGATIONS

General Conduct

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

Fairness and Equity

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

Harassment and Discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
 - a. a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b. the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a. aggressive, threatening or intimidating conduct
 - b. belittling or humiliating comments
 - c. spreading malicious rumours
 - d. teasing, practical jokes or 'initiation ceremonies'
 - e. exclusion from work-related events
 - f. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g. displaying offensive material
 - h. pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

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

Work Health and Safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a. take reasonable care for your own health and safety
 - b. take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c. comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d. cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e. report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land Use Planning, Development Assessment and other Regulatory Functions

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

Binding Caucus Votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in Relation to Meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a. leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b. submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c. deliberately seek to impede the consideration of business at a meeting.

4. PECUNIARY INTERESTS**What is a Pecuniary Interest?**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a. your interest, or
 - b. the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - c. a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

- 4.4 For the purposes of clause 4.3:
- a. Your "relative" is any of the following:
 - i. your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii. your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii. the spouse or de facto partner of a person referred to in paragraphs i) and ii).
 - b. "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3 b) or c):
- a. if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - b. just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - c. just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What Interests Do Not Have To Be Disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a. your interest as an elector
 - b. your interest as a ratepayer or person liable to pay a charge
 - c. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - d. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - e. an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - f. if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - g. an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - h. an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

- i. an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i. the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii. security for damage to footpaths or roads
 - iii. any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j. an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - k. an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA
 - l. an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - m. an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n. an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - o. an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What Disclosures Must Be Made by a Designated Person?

- 4.8 Designated persons include:
- a. the general manager
 - b. other senior staff of the council for the purposes of section 332 of the LGA
 - c. a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d. a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- a. must prepare and submit written returns of interests in accordance with clauses 4.21, and

- b. must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What Disclosures must be made by Council staff other than Designated Persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What Disclosures must be made by Council Advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What Disclosures must be made by a Council Committee Member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What Disclosures must be made by a Councillor?

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

Disclosure of Interests in Written Returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- becoming a councillor or designated person, and
 - 30 June of each year, and
 - the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- they made and lodged a return under that clause in the preceding 3 months, or
 - they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of Pecuniary Interests at Meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- 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 any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

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

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

5. NON-PECUNIARY CONFLICTS OF INTEREST

What is a Non-Pecuniary Conflict of Interest?

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

Managing Non-Pecuniary Conflicts of Interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

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

Political Donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a. made by a major political donor in the previous four years, and
- b. the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:

- a. a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b. "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a. the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

- b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

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

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

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

Other Business or Employment

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

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

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

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

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a. conflict with their official duties
- b. involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c. require them to work while on council duty
- d. discredit or disadvantage the council
- e. pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal Dealings with Council

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

6. PERSONAL BENEFIT

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

Gifts and Benefits

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

How are Offers of Gifts and Benefits to be dealt with?

- 6.5 You must not:
- a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind
 - c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and Benefits of Token Value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a. invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b. gifts of alcohol that do not exceed a value of \$50
 - c. ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d. prizes or awards that do not exceed \$50 in value.

Gifts and Benefits of More Than Token Value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting

codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-Like Gifts"

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

Improper and Undue Influence

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

7. RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and Administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager

- d. contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of Staff

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

Inappropriate Interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f. councillors and administrators being overbearing or threatening to council staff
 - g. council staff being overbearing or threatening to councillors or administrators

- h. councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i. councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j. council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k. council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l. councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

8. ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and Administrator Access to Information

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

Councillors and Administrators to Properly Examine and Consider Information

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

Refusal of Access to Information

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

Use of Certain Council Information

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

Use and Security of Confidential Information

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

Personal information

- 8.12 When dealing with personal information you must comply with:
- the *Privacy and Personal Information Protection Act 1998*
 - the *Health Records and Information Privacy Act 2002*
 - the Information Protection Principles and Health Privacy Principles

- d. the council's privacy management plan
- e. the Privacy Code of Practice for Local Government

Use of Council Resources

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

Internet Access and Use of Social Media

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post comments, photos, sound recordings or other information that:
- a. compromises your capacity to perform your official duties in an unbiased manner
 - b. has the potential to have a negative impact on your working relationships within the council or with external parties

- c. is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
- d. has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
- e. divulges confidential council information
- f. breaches the privacy of other council officials or those that deal with council
- g. contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
- h. could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Council Record Keeping

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor Access to Council Buildings

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

9. MAINTAINING THE INTEGRITY OF THIS CODE**Complaints Made For an Improper Purpose**

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

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

Detrimental Action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

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

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints Alleging a Breach of This Part

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

10. DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative wholly advisory	a voting representative of the board of a joint organisation
committee	a council committee that the council has not delegated any functions to

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

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

Code of Conduct Policy

Page 28 of 39

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns**Real Property**

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

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:

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

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

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

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

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

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
 - a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or

Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

Code of Conduct Policy

Page 32 of 39

- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- 30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

- 31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

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

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

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

Important information

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

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

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

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

Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

Code of Conduct Policy

Page 34 of 39

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

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

as at [return date]

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

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

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

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

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

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

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

C. Gifts

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

D. Contributions to travel

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

Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

Code of Conduct Policy

Page 35 of 39

				which travel was undertaken
E. Interests and positions in corporations				
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)	
F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)				
G. Positions in trade unions and professional or business associations				
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June		Description of position		
H. Debts				
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June				
I. Dispositions of property				
1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time				
2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property				
J. Discretionary disclosures				

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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

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

Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

Code of Conduct Policy

Page 38 of 39

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

Councillor's signature

Date

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

Model Code of Conduct

for Local Councils
in NSW

2020



MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if
these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020

Produced by the Department of Planning, Industry and Environment

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	General Conduct Obligations	10
Part 4:	Pecuniary Interests	14
Part 5:	Non-Pecuniary Conflicts of Interest	22
Part 6:	Personal Benefit	28
Part 7:	Relationships Between Council Officials	32
Part 8:	Access to Information and Council Resources	36
Part 9:	Maintaining the Integrity of this Code	42
Schedule 1:	Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21	46
Schedule 2:	Form of Written Return of Interests Submitted Under Clause 4.21	54
Schedule 3:	Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37	58

Part 1: Introduction

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

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

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

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

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

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

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

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

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

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

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

Part 2: Definitions

Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation

Model Code of Conduct for Local Councils in NSW

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



Part 3:

General Conduct Obligations

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments

Model Code of Conduct for Local Councils in NSW

- c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

Work health and safety

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

- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

Part 4:

Pecuniary Interests

Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

Model Code of Conduct for Local Councils in NSW

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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

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

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

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

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

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

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

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.

Pecuniary Interests

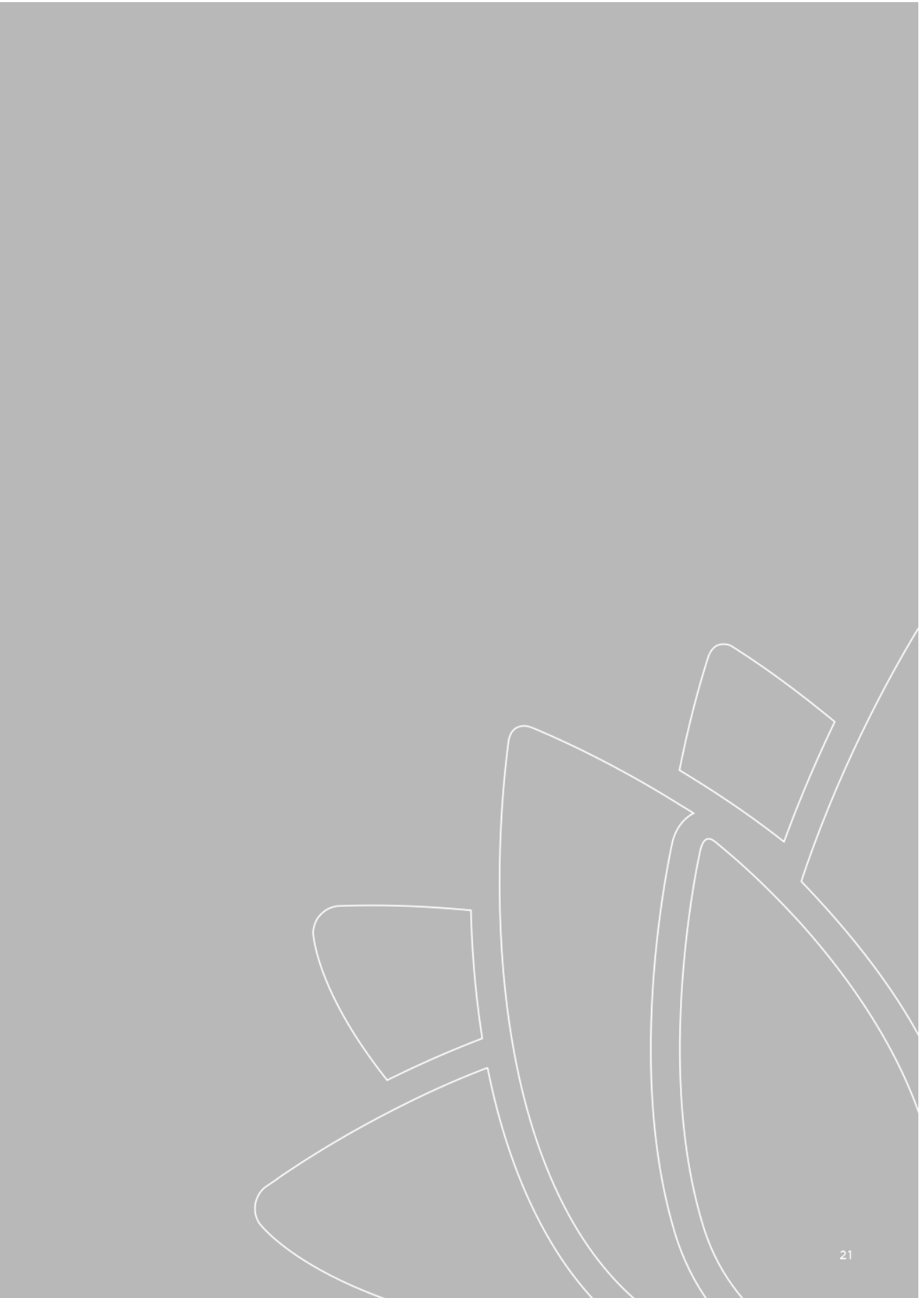
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

Model Code of Conduct for Local Councils in NSW

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



Part 5:

Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

Model Code of Conduct for Local Councils in NSW

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

Non-Pecuniary Conflicts of Interest

- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

Model Code of Conduct for Local Councils in NSW

- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted

Non-Pecuniary Conflicts of Interest

- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

Part 6:

Personal Benefit

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.

Model Code of Conduct for Local Councils in NSW

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
- b) gifts of alcohol that do not exceed a value of \$100
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

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

“Cash-like gifts”

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

Improper and undue influence

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

Part 7: Relationships Between Council Officials

Obligations of councillors and administrators

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

- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

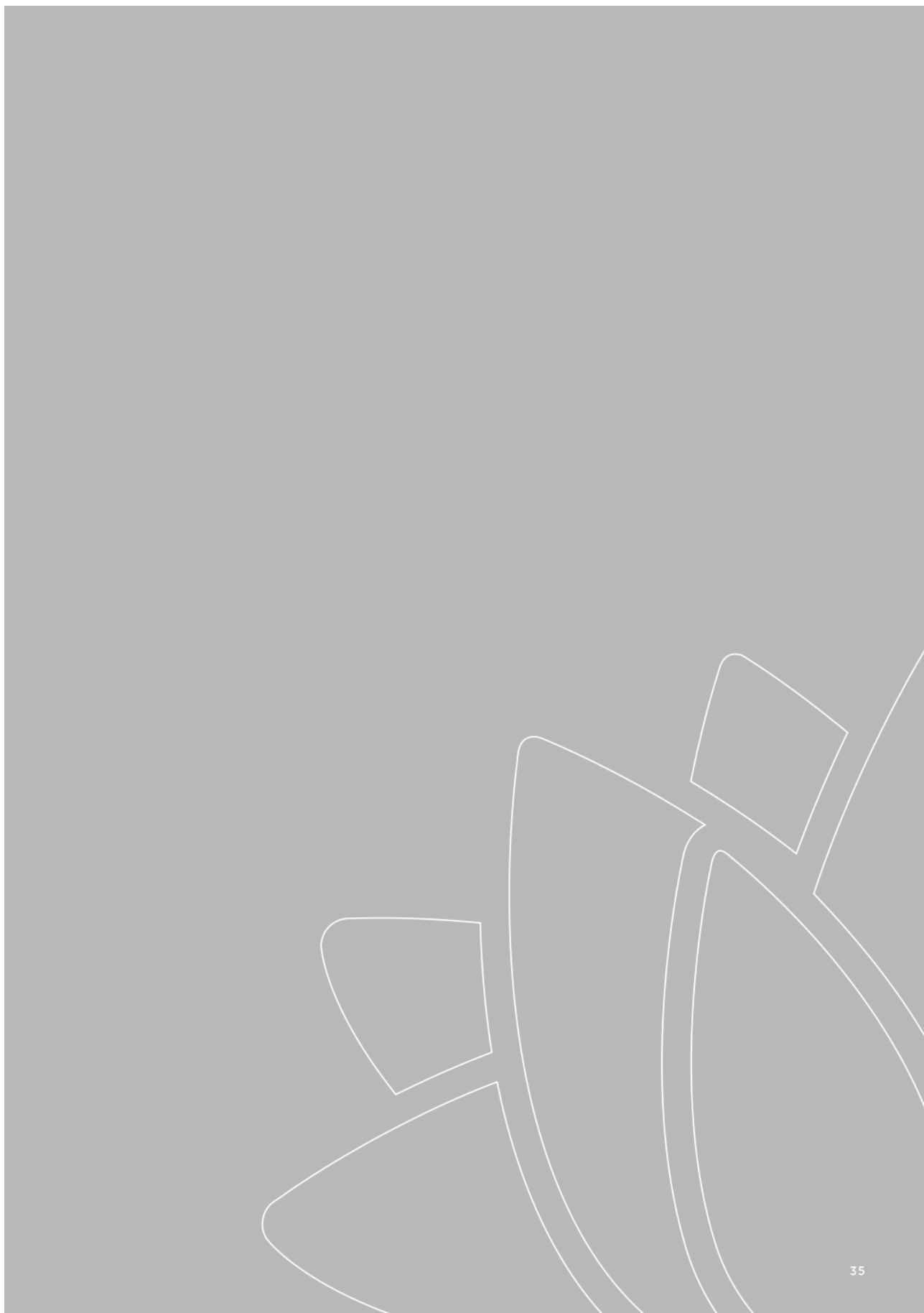
Obligations of staff

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

Inappropriate interactions

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

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



Part 8:

Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used

- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

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

Use of council resources

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

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

- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

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

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

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



Part 9: Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

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

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

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

Schedule 1:

Disclosures of Interest and Other Matters in Written Returns Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

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

address means:

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

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

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

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property

- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

Model Code of Conduct for Local Councils in NSW

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:*
A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:*
A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:*
For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

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

Model Code of Conduct for Local Councils in NSW

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

Interests and positions in corporations

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

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

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

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

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

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

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

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

Sources of income

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

Debts

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

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

Discretionary disclosures

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

Schedule 2:

Form of Written Return of Interests Submitted Under Clause 4.21

‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information

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

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

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

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

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

Model Code of Conduct for Local Councils in NSW

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

as at *[return date]*

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

[councillor's or designated person's signature]

[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

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

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

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

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

C. Gifts

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

Schedule 2

D. Contributions to travel

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

E. Interests and positions in corporations

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

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**G. Positions in trade unions and professional or business associations**

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

H. Debts

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

I. Dispositions of property

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

J. Discretionary disclosures

Schedule 3:

Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

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

Important information

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

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

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

you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

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

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

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

Model Code of Conduct for Local Councils in NSW**Special disclosure of pecuniary interests by** *[full name of councillor]*in the matter of *[insert name of environmental planning instrument]*which is to be considered at a meeting of the
[name of council or council committee (as the case requires)]

to be held on the day of 20 .

Pecuniary interest**Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)**

Relationship of identified land to councillor

[Tick or cross one box.]☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise).☐ An associated person of the councillor has an interest in the land.☐ An associated company or body of the councillor has an interest in the land.**Matter giving rise to pecuniary interest¹**Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)²*[Tick or cross one box]*☐ The identified land.☐ Land that adjoins or is adjacent to or is in proximity to the identified land.

Current zone/planning control

[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

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

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

Proposed change of zone/planning control

[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person

[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]

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

Councillor's signature

Date

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



Procedures for the
Administration of

The Model Code of Conduct

for Local Councils in NSW

2020



**PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF
CONDUCT FOR LOCAL COUNCILS IN NSW**

2020

ACCESS TO SERVICES

The Office of Local Government is located at:

Street Address: Levels 1 & 2, 5 O'Keefe Avenue, NOWRA NSW 2541

Postal Address: Locked Bag 3015, Nowra, NSW 2541

Phone: 02 4428 4100

Fax: 02 4428 4199

TTY: 02 4428 4209

Email: olg@olg.nsw.gov.au

Website: www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday

9.00am to 5.00pm

(Special arrangements may be made if
these hours are unsuitable)

All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© Department of Planning, Industry and Environment 2020

Produced by the Department of Planning, Industry and Environment

Contents

Part 1:	Introduction	4
Part 2:	Definitions	6
Part 3:	Administrative Framework	10
Part 4:	How May Code of Conduct Complaints be Made?	14
Part 5:	How are Code of Conduct Complaints to be Managed?	18
Part 6:	Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers	26
Part 7:	Investigations of Code of Conduct Complaints About Councillors or the General Manager	32
Part 8:	Oversight and Rights of Review	40
Part 9:	Procedural Irregularities	44
Part 10:	Practice Directions	46
Part 11:	Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager	48
Part 12:	Confidentiality	50

Part 1: Introduction

Introduction

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

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

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

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

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

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

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

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

Part 2: Definitions

Definitions

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

Part 3:

Administrative Framework

The establishment of a panel of conduct reviewers

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

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
 - liaise with and provide administrative support to a conduct reviewer
 - liaise with the Office, and
 - arrange the annual reporting of code of conduct complaints statistics.

Part 4:

How May Code of Conduct Complaints be Made?

How May Code Of Conduct Complaints be Made?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

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

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

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

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

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

Part 5:

How are Code of Conduct Complaints to be Managed?

How are Code of Conduct Complaints to be Managed?**Delegation by general managers and mayors of their functions under this Part**

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

- d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
- e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

Consideration of complaints by general managers and mayors

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or

- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law

How are Code of Conduct Complaints to be Managed?

- d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

How are Code of Conduct Complaints to be Managed?

- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

Referral of code of conduct complaints to external agencies

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

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:

- a) the complainant consents in writing to the disclosure, or
- b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
- c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

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

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

How are Code of Conduct Complaints to be Managed?

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

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

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

Part 6:

Preliminary Assessment of Code of Conduct Complaints About Councillors or the General Manager by Conduct Reviewers

**Preliminary Assessment of Code of Conduct Complaints About
Councillors or the General Manager by Conduct Reviewers****Referral of code of
conduct complaints
about councillors or
the general manager to
conduct reviewers**

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

**Preliminary Assessment of Code of Conduct Complaints About
Councillors or the General Manager by Conduct Reviewers**

- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

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

Complaints assessment criteria

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

Preliminary Assessment of Code of Conduct Complaints About
Councillors or the General Manager by Conduct Reviewers

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

Part 7:

Investigations of Code of Conduct Complaints About Councillors or the General Manager

Investigations of Code of Conduct Complaints About Councillors or the General Manager**What matters may a conduct reviewer investigate?**

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.

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

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- a) advise them of the matter the investigator is investigating, and
- b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
- c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

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

Written and oral submissions

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

How are investigations to be conducted?

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

Investigations of Code of Conduct Complaints About Councillors or the General Manager**Referral or resolution of a matter after the commencement of an investigation**

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

7.36 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.52 Prior to imposing a sanction, the council may by resolution:

- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
- b) seek an opinion from the Office in relation to the report.

7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

Investigations of Code of Conduct Complaints About Councillors or the General Manager

- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

Part 8:

Oversight and Rights of Review

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
 - a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW

- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Office's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

Part 9: Procedural Irregularities

Procedural Irregularities

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

Part 10: Practice Directions

Practice Directions

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

Part 11:

Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

Reporting Statistics on Code of Conduct Complaints About Councillors and the General Manager

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

Part 12: Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



POLICY AND GENERAL COMMITTEE

March 15, 2022

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 61/22

SUBJECT: REVIEW OF SOCIAL MEDIA POLICY AND MEDIA RELATIONS
POLICY D22/13107

Recommendation

1. That Broken Hill City Council Report No. 61/22 dated March 15, 2022, be received.
2. That Council determines whether to make amendments to the Social Media Policy and the Media Relations Policy as outlined in this report.
3. That, should Council determine that amendments be made to the Social Media Policy and the Media Relations Policy, the policies be placed on public exhibition for submission to be received for a period of 28 days.
4. That Council receives a further report at the conclusion of the exhibition period, detailing submissions and any recommended changes arising, with a view to adopting the draft revised Code of Meeting Practice Policy.
5. That, should no amendments be determined to be made to the Social Media Policy and Media Relations Policy, the policies be adopted as policies of Council.

Executive Summary:

As per Section 440 of the Local Government Act 1993, Council must, within 12 months after each ordinary election, review its adopted Code of Conduct Policy and make such adjustments as it considers appropriate and as are consistent with this section of the Act and the Office of Local Government's Model Code of Conduct for NSW Councils. Sections of the Model Code of Conduct relate to the use media relations and the use of social media.

As per Council's resolution at the 12 January 2022 Ordinary Council Meeting (Minute No. 46690) a Councillor Workshop was held on Monday 7 March 2022 to review Council's existing Social Media Policy and Media Relations Policy.

This report outlines the Councillor review of the Social Media Policy and Media Relations Policy.

Report:

NSW Councils are required to review and adopt their Code of Conduct Policies (based on the Office of Local Government's (OLG) Model Code of Conduct 2020 (Model Code)) within 12 months after each Ordinary Election.

The Model Code of Conduct is prescribed under *section 440 of the Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

Under Section 440 of the Act, each Council in NSW is required to adopt a Code of Conduct based on the Model Code as prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code in their adopted Codes of Conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code with additional provisions in their adopted Codes of Conduct.

However, Councils cannot weaken the standards prescribed in the Model Code in their adopted Codes of Conduct. Provisions contained in a Council's adopted Code of Conduct that are less onerous than those prescribed under the Model Code will be invalid and the equivalent provisions of the Model Code will override them through the operation of section 440 of the *Local Government Act 1993*.

At the Councillor Workshop held on 7 March 2022 the majority of Councillors present noted that several points in the Social Media Policy and the Media Relations Policy appeared to be superfluous as they are already covered by Council's Code of Conduct Policy.

Upon review of the policies, discussions were held around possible amendments as follows:

Social Media Policy

Change 4.4 to read:

4.4 Council representatives must not use personal accounts in a manner that is likely to breach Council's Code of Conduct.

Remove 4.5:

4.5 Council Representatives must not use their personal accounts to allude to or disclose information about Council, upcoming projects or events, or any other information that is not already in the public domain.

Media Relations Policy

Remove 4.2.2:

4.2.2 Whenever Councillors speak with the media they must make it clear they are expressing their own personal opinion, and not speaking on behalf of Council as a whole.

Remove 4.2.5:

4.2.5 Councillors must not provide the media with comment or information that; contests or undermines established Council policy; brings Council into disrepute; denigrates Council, fellow Councillors, or Council employees.

Minor change to 4.2.6 to read:

4.2.6 Replace the word "encouraged" with "welcome".

The current versions of the Social Media Policy and Media Relations Policy are attached to this report for information.

Community Engagement:

Should Council resolve to make amendments to the Social Media Policy and the Media Relations Policy, the policies will be placed on public exhibition for submissions to be received for a period of 28 days.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Section 440 of the Local Government Act 1993
Local Government (General) Regulation 2021

Financial Implications:

Nil.

Attachments

1. [↓](#) Social Media Policy
2. [↓](#) Media Relations Policy

DARRIN MANUEL
MANAGER COMMUNICATIONS AND MARKETING

JAY NANKIVELL
GENERAL MANAGER



SOCIAL MEDIA POLICY

QUALITY CONTROL		
TRIM REFERENCES	D17/9747	
RESPONSIBLE POSITION	Communications & Community Engagement Coordinator	
APPROVED BY	Council Resolution	
REVIEW DATE	February 2018	REVISION NUMBER 1
EFFECTIVE DATE	ACTION	MINUTE NUMBER
28 February 2018	Public Exhibition	45745
26 April 2018	Adopted	45800

1. INTRODUCTION

Australians are among the most prolific users of social media in the world, and expectations are growing on councils to engage, work openly, be more accountable and move quicker on issues. Social media represents opportunities to achieve real value by engaging residents, listening more and harnessing local energy.

Social media can:

- Increase residents' access to Council
- Increase Council's access to residents and improve the accessibility of Council communication
- Allow Council to be more active in its relationship with residents, partners and other stakeholders
- Increase the level of trust in Council
- Reach targeted audiences on specific issues, events and programs
- Provide effective, fast communication channels during crises
- Provide insights into how council is perceived

2. POLICY OBJECTIVE

To provide a policy position in respect to the expectations of Council's representatives when engaging in social media, in both an official and personal capacity.

3. POLICY SCOPE

This Policy applies to Councillors, Council officers, volunteers, consultants and contractors.

4. POLICY STATEMENT

4.1 Authorised Users using social media must:

- Only disclose publicly available information, or information intended to be made publicly available at the time of disclosure.
- Publish copyright or trademark material only with permission from the copyright/trademark holder.
- Ensure that information posted on accounts they oversee is not illegal, libellous, discriminatory, defamatory, abusive or obscene.
- Maintain compliance with the Model Code of Conduct, and all other relevant Council policies when publishing content.
- Ensure parental consent has been obtained before posting an image of a minor, except where the minor's identity cannot be determined by a viewer.
- Use the content flowchart (attached) to determine if the content should be posted.
- Respond to genuine enquires within the timeframe outlined in the Customer Service Strategy where possible.
- Only engage in public conversation where relevant and appropriate.
- Not release CCTV footage on Council's social media without authorisation from the General Manager.
- Not communicate on behalf of the Mayor or Councillors without authorisation from the General Manager.

4.2 The Communications and Community Engagement Coordinator and the Digital Officer will monitor content posted on official social media channels to ensure adherence to the social media policy and associated documents.

4.3 Authorised Users will moderate user content. Any content that the Authorised User believes breaches this policy or associated documents is to be reported to the Digital Officer or the Communications and Community Engagement Officer. Offending content will be documented before being removed.

4.4 Council representatives must not use personal accounts in a manner that is likely to bring Council or its representatives into disrepute.

4.5 Council Representatives must not use their personal accounts to allude to or disclose information about Council, upcoming projects or events, or any other information that is not already in the public domain.

4.6 Council may utilise live streaming at Council meetings and events. During meetings, a disclaimer will be published in the business papers informing attendees they are consenting to their image, voice and comments being recorded and published. The Mayor and/or General Manager have the authority to pause or terminate the stream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Attendees will also be advised that they may be subject to legal action if they engage in unlawful behaviour or commentary. Signage will be posted at events to inform the public if live streaming is in process.

4.7 Non-compliance with the Social Media Policy by employees will be managed in line with Council's Disciplinary Policy. Non-compliance by all other Council Representatives will be managed through the relevant Code of Conduct disciplinary systems.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Communications and Community Engagement Coordinator
- Digital Officer
- Authorised Users

5.2. Communication

This Policy will be communicated to staff in accordance with Council's Policy, Procedure and Process Framework. Following approval by the General Manager, the Policy will be made available on Council's intranet.

5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- BHCC Model Code of Conduct
- BHCC Disciplinary Policy
- BHCC Email, Internet and Computer Systems Usage Policy
- BHCC Media Relations Policy
- BHCC Social Media Guidelines
- BHCC Customer Service Strategy

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be annually from the effective date, but is not limited to earlier review subject to changes in legislation and/or organisational directives. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Communications and Community Engagement Coordinator is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Anti-Discrimination Act 1977*
- *Archives Act 1983*
- *Children and Young Persons (Care and Protection) Act 199*
- *Copyright Act 1968*
- *Copyright Amendment Act 2006*
- *Copyright Amendment (Disability Access and Other Measures) Act 2017*
- *Defamation Act 2005*
- *Local Government Act 1993*
- *Privacy Act 1988*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Social Media Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

"Authorised User" is a staff member authorised by the General Manager or the Communications and Community Engagement Coordinator to manage, maintain, publish to and operate a Council social media channel.

"BHCC" is the acronym for Broken Hill City Council

"CCTV" is Closed Circuit Television

"Content" is any information, opinion, text, video, audio, image, link, or document published to social media

"Council Representative" is any employee, elected member, volunteer, consultant or contractor

"Minor" is a person under the age of 18 years

"Moderate" is the process of assessing content (normally user generated) against predetermined standards and removing content which does not meet those standards.

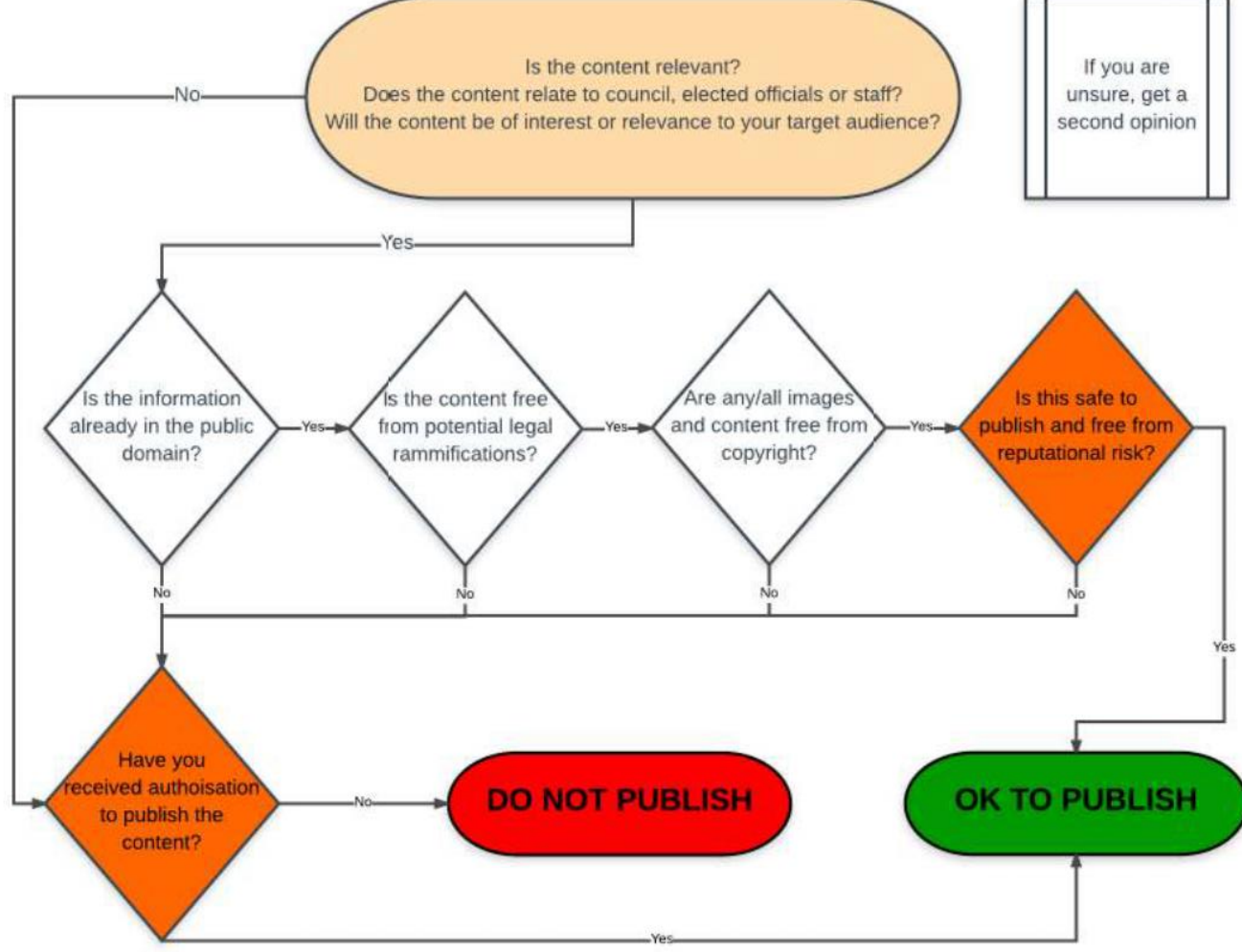
"Platform" is a specific Social Media network, website, application or service (for example Facebook, Twitter, Instagram, etc).

"Post", "Publish", "Comment" are all terms meaning to make information, opinion or content available for others to view on a social media platform.

"Public Domain" means available to the public.

"Social Media" is the term for websites and applications that enable users to create and share content or to participate in social networking.

"User" is any content consumer or creator other than the account owner, operator, publisher or author.





MEDIA RELATIONS POLICY

QUALITY CONTROL		
TRIM REFERENCES	12/114	
RESPONSIBLE POSITION	General Manager	
APPROVED BY	Council resolution	
REVIEW DATE	March 2021	REVISION NUMBER 4
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29/11/2000	Adopted	38961
26/11/2003	Adopted	40205
28/03/2012	Adopted	43236
29/03/2017	Public Display	45503
31/05/2017	Adopted	45544

1. INTRODUCTION

This Policy provides a framework for Councillors and staff to use to promote coverage of Council affairs that is consistent, fair, accurate and reliable.

2. POLICY OBJECTIVE

The Media Relations Policy has the following objectives:

- To ensure consistency by Councillors and staff in dealing with the media.
- To promote open exchange of information between Council and the media.
- To limit the publication of inaccurate information which could cause conflict or embarrassment for employees and Councillors.
- To limit the possibility of miscommunication and reputation risk.
- To promote positive media relationships.
- To clearly indicate Council's authorised spokespersons.
- To ensure appropriate authorisation and responsibility for information provided.

3. POLICY SCOPE

This Policy applies to Councillors, Council officers, volunteers, consultants, and contractors.

4. POLICY STATEMENT

The following guidelines should be observed at all times when interacting with media:

4.1 Staff and Media

- All media enquiries should be directed to the Communications and Community Engagement Coordinator.
- Council staff must not speak to the media about matters related to Council unless authorised by the General Manager to do so.
- Council employees may not provide any comment or information to the media with the intention of contesting or undermining Council policy or casting Council, Councillors or Council staff in a negative light.
- Council employees may speak to the media or write Letters to the Editor as private individuals providing they do not comment on Council business or policy, and do not identify themselves as Council employees.
- From time to time it may be necessary for a Letter to the Editor to be written as an official Council communication to inform the community about a particular matter. Such letters must be issued through the Communications and Community Engagement Coordinator, subject to the approval of the Mayor and/or General Manager.
- In the event of an industrial dispute (or an incident likely to lead to an industrial dispute), statements on behalf of Council employees should be issued via the relevant union.
- When appropriate, a member of Council staff may be nominated by the General Manager to act as the sole spokesperson on a specific issue, event or initiative within their operational portfolio, to ensure consistency of message.
- Council staff should treat all media outlets equally and avoid giving one outlet preferential treatment. Media releases should be distributed to all media outlets at the same time.
- Council staff should never provide information "off the record" during media interviews. Anything said to a media representative can be used in a news story.
- Contractors, volunteers or service providers employed by Council must refer all media enquiries relating to Council to the Communications and Community Engagement Coordinator.

4.2 Councillors and Media

- Councillors have been elected to represent the community and are free to speak to the media.
- Whenever Councillors speak with the media they must make it clear they are expressing their own personal opinion, and not speaking on behalf of Council as a whole.

- Councillors may speak on behalf of Council only when delegated by the Mayor. In such an instance they must completely support Council's position on the issue at hand.
- Councillors may speak with media on behalf of Committees on which they are Chair or Acting Chair on matters that directly relate to their Committee.
- Councillors must not provide the media with comment or information that; contests or undermines established Council policy; brings Council into disrepute; denigrates Council, fellow Councillors, or Council employees.
- Councillors are encouraged to contact the Communications and Community Engagement Coordinator or General Manager before speaking to media to ensure they can provide the most up to date information from Council on the matter at hand.

4.3 Media Releases

- Staff may prepare draft media releases, but they must be forwarded to the Communications and Community Engagement Coordinator for editing, formatting and distribution to ensure consistency in communication with media.
- Media releases should never be issued without the Communications and Community Engagement Coordinator's knowledge, and the prior approval of the General Manager, the Mayor, or a delegated authority.
- A media release should never be issued quoting a Councillor or member of staff without that person's permission.
- Staff with specialist knowledge may be quoted in media releases with the permission of the relevant delegated authority.
- Media releases must be approved by the General Manager or the delegated authority before posting on the Council website or social media.

4.4 Media Alerts

Any Councillor or staff member who is aware of a Council matter that may be of interest to the media should immediately contact the General Manager's Office.

4.5 Complaints about the Media

Staff complaints about incorrect or unfair media content regarding Council matters should be forwarded to the Communications and Community Engagement Coordinator. Official complaints about media, or requests for a correction can only be made with the authorisation of the General Manager.

4.6 Emergency Communication

Council recognises that ill-considered and uninformed comments can cause dire consequences and have legal implications in the event of an emergency, disaster, crisis or other sensitive issue.

In the event of an emergency in the Council area involving serious injury to and/or death of residents, the Mayor/Councillors or Council employees, or involving significant damage to Council assets or private property, or involving significant law enforcement activity on Council property, the following procedures will apply:

- The General Manager's Office must be notified immediately of details of the incident or activity.

- Details of the incident or activity must not be discussed with any media representatives unless approved in advance by the General Manager.
- Requests by the media to film, photograph or interview Council employees or Council assets involved in the emergency situation must be referred to the General Manager's Office.

4.7 Crisis Management

In communications planning, a crisis is regarded as an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, terrorist act, accident, epidemic or war like action) which creates an emergency that requires a significant and coordinated response.

A crisis is defined as a situation that:

(a) endangers, or threatens to endanger, the safety or health of persons or animals in the Local Government Area and;

(b) destroys or damages, or threatens to destroy or damage, any property in the Local Government Area.

If the District Emergency Management Committee enacts the District DISPLAN, requests must be referred to the General Manager's Office. The General Manager will be guided by the advice of the District and Local Emergency Operations Controllers.

4.8 Non-compliance with this Policy

Failure to comply with this policy may be dealt with in accordance with Council's Code of Conduct.

5. IMPLEMENTATION

5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

Authorised Officer	Roles and Responsibilities
Mayor	Council's official spokesperson on all strategic and policy matters. Authorised signatory for Letters to the Editor on policy issues.
Deputy Mayor	To act as the Mayor's delegated spokesperson if the Mayor is unavailable.
General Manager	Council's official spokesperson on all policy, operations, strategic, and administrative issues. Authorised signatory for Letters to the Editor on these issues.
Councillors	Provide the media with comment, identifying that it is provided as their own personal opinion, and not the official position of Council.
Department Managers	May make statements on behalf of Council as a designated spokesperson if authorised by the General Manager.

Communications and Community Engagement Coordinator	Responsible for coordinating responses, and providing information and press releases to the media.
General Staff	No media role unless authorised by the General Manager to act as a designated spokesperson.

- The Mayor and the General Manager are Council's official spokespersons on all matters.
- The General Manager may nominate other staff to act as spokespersons for the Council.
- The Mayor may delegate another Councillor to speak on a particular matter.
- The Communications and Community Engagement Coordinator is responsible for co-ordinating media liaison and issuing press releases, and is delegated to respond to media enquiries on behalf of Council.
- No staff member, other than those authorised by the General Manager, are to handle an enquiry from the media without prior approval.
- Information given to the media of a controversial, legal, or ethical nature requires the approval of the General Manager and/or the Mayor.
- All staff, Councillors, volunteers and contractors must abide by Council's Code Of Conduct when speaking with the media.

5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website, and also directly supplied to local media outlets.

6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

The Communication and Community Engagement Coordinator is responsible for the review of this policy.

7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- 2015 Model Code of Conduct for Councils in NSW

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Media Relations Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.

8. DEFINITIONS

"DISPLAN" – The Broken Hill City Council Local Disaster Plan

POLICY AND GENERAL COMMITTEE

March 11, 2022

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 62/22

SUBJECT: APPOINTMENT OF DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES AND WORKING GROUPS D22/12836

Recommendation

1. That Broken Hill City Council Report No. 62/22 dated March 11, 2022, be received.
2. That Council appoints its Councillor representatives to the remaining vacant positions on Section 355 Committees and various other Committees and Working Groups for the current period ending at the September 2022 Ordinary Council Meeting to ensure their effective and efficient operation. The vacancies being:
 - a) Broken Hill Heritage Committee – 2 vacant positions
 - b) Asset Naming Committee – 2 vacant positions
 - c) Volunteer Working Group – 1 vacant position.

Executive Summary:

Council needs to determine its representation on the Section 355 Committees of Council and also its delegates to various other organisations and committees. These machinery matters are usually considered by Council annually at the September Council Meeting and are also considered at the Ordinary Meeting following each Local Government Election.

A report was presented to the newly elected Council at its first meeting held on 12 January 2022 and Council resolved to defer consideration of the matter until the February Council Meeting in order for Councillors to provide their preferences to Council.

The schedule has been updated in accordance with Minute No. 46689 to include the new Standing Committees, and their membership (and to remove the previous Key Direction Working Groups) and to include membership of the Audit, Risk and Improvement Committee.

Council appointed its delegates to Committees at the February Council Meeting, but a few vacancies still remain and this report is provided to Council in order to obtain full representation on all Committees and Working Groups which will ensure that they can operate effectively and efficiently.

Report:

The *Local Government Act 1993, Section 355* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or

- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

Council currently has 10 Section 355 committees, as follows:

- Alma Oval Community Committee
- Broken Hill Community Strategic Plan Round Table Committee
- Broken Hill Heritage Committee
- Broken Hill Regional Art Gallery Advisory Committee
- BIU Band Hall Community Committee
- Friends of the Flora and Fauna of the Barrier Ranges Community Committee
- Memorial Oval Community Committee
- Norm Fox Sportsground Community Committee
- Picton Sportsground Community Committee
- Riddiford Arboretum Community Committee

The Constitutions of the above Committees detail its membership. All of Council's Section 355 Committees include Councillor representation in their membership.

Attachment 1 to this report shows the current list of S355 Committees and other Committees and internal/external Working Groups and shows the current delegates to these Committees and Working Groups which were resolved at the February 2022 Council Meeting. The list also includes the number of Councillor delegates required for each Committee and Working Group and the vacancies that remain.

Vacancies remain on the following:

Section 355 Committees

- Broken Hill Heritage Committee – 2 vacant positions

Other Committees/Working Groups

- Asset Naming Committee – 2 vacant positions
- Volunteer Working Group – 1 vacant position

The report is provided to Council in order to obtain full representation on all Committees and Working Groups which will ensure their effective and efficient operation.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993 (Section 355)

Financial Implications:

Council's current Operational Plan includes provision for travel and related expenses for Council delegates to represent Council outside of Broken Hill.

Attachments

1. [↓](#) Schedule of Council Delegates to S355 Committees and other Committees

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



COUNCIL DELEGATES TO SECTION 355 COMMITTEES AND OTHER COMMITTEES

FEBRUARY 2022 TO SEPTEMBER 2022

STANDING COMMITTEES	
Works Mayor 4 x Councillors	Mayor Kennedy Councillor Boland (Chairperson) Councillor Algate Councillor Chandler Councillor Page
Health and Building Mayor 5 x Councillors	Mayor Kennedy Deputy Mayor Hickey (Chairperson) Councillor Chandler Councillor Jewitt Councillor Gallagher Councillor Turley
Policy and General Mayor 5 x Councillors	Mayor Kennedy Councillor Algate (Chairperson) Councillor Boland Councillor Browne Councillor Jewitt Deputy Mayor Hickey
COUNCIL S355 COMMITTEES	
Committee Name	Delegates
Community Strategic Plan Round Table Mayor + 3 Chairpersons of Standing Committees	Mayor Kennedy Councillor Boland Deputy Mayor Hickey Councillor Algate
Alma Oval Community Committee At least 1 x Councillor	Councillor Boland
Broken Hill Heritage Committee 5 x Councillors	Councillor Browne Councillor Turley Councillor Boland 2 vacant positions
Broken Hill Regional Art Gallery Advisory Committee 2 x Councillors	Councillor Turley Councillor Boland

BIU Band Hall Community Committee At least 1 x Councillor	Councillor Algate
Friends of the Flora and Fauna of the Barrier Ranges Community Committee At least 1 x Councillor	Councillor Browne
Memorial Oval Community Committee At least 1 x Councillor	Councillor Jewitt Councillor Gallagher
Norm Fox Sportsground Community Committee At least 1 x Councillor	Councillor Algate Councillor Turley
Picton Sportsground Community Committee At least 1 x Councillor	Councillor Gallagher
Riddiford Arboretum Community Committee At least 1 x Councillor	Councillor Browne
OTHER COMMITTEES	
Committee Name	Delegates Required
Association of Mining Related Councils 1 x Councillor	Deputy Mayor Hickey
Australia Day Advisory Group 4 x Councillors	Councillor Browne Councillor Gallagher Councillor Boland Councillor Jewitt
Australian Floodplains Association Mayor + alternate	Mayor Kennedy Councillor Browne (alternate)
Australian Mining Cities and Centres Alliance Mayor + Deputy Mayor(alternate)	Mayor Kennedy Deputy Mayor Hickey (alternate)
Audit, Risk & Improvement Committee Mayor +Deputy Mayor + 2 x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Algate Councillor Boland
Asset Naming Committee 5 x Councillors	Councillor Algate Councillor Jewitt Councillor Turley 2 x vacant positions
Broken Hill Lead Reference Group 1 x Councillor	Councillor Browne
Broken Hill Liquor Accord 1 x Councillor	Councillor Gallagher
Broken Hill Traffic Committee 1 x Councillor (observer only)	Councillor Browne (observer)
Broken Hill ClubGRANTS Committee 2 x Councillors	Councillor Gallagher Councillor Page

Community Assistance Grants Panel Mayor + 2 Councillors	Mayor Kennedy Councillor Gallagher Councillor Boland
Companion Animals Management Working Group 3 x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Gallagher
Country Mayor's Association Mayor + Deputy Mayor (alternate)	Mayor Kennedy Deputy Mayor Hickey (alternate)
Disability Inclusion Action Plan Working Group 2 x Councillors	Councillor Jewitt Councillor Chandler
EP O'Neill Memorial Precinct Project Steering Group Mayor, Deputy Mayor plus 1 x Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Jewitt
Far West Joint Organisation Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Gateway Signage Advisory Committee Mayor, Deputy Mayor plus at least 1 Councillor	Mayor Kennedy Deputy Mayor Hickey Councillor Page
General Manager's Performance Review Committee Mayor, Deputy Mayor and 3x Councillors	Mayor Kennedy Deputy Mayor Hickey Councillor Boland Councillor Chandler Councillor Gallagher
Library and Cultural Precinct Project Steering Group Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Menindee Lakes Stakeholder Group 1 x Councillor	Councillor Browne
Murray Darling Association 2 x Councillors	Councillor Algate Councillor Browne
Project Steering Group for the Project Consultative Group Mayor and Deputy Mayor	Mayor Kennedy Deputy Mayor Hickey
Reconciliation Action Plan (RAP) Working Group 3 x Councillors	Councillor Browne Councillor Boland Councillor Turley
Tidy Towns Working Group 2 x Councillors	Councillor Gallagher Councillor Browne
Western Division Councils 2 x Councillors	Deputy Mayor Hickey Councillor Gallagher
Western NSW Mining and Resource Development Taskforce Mayor	Mayor Kennedy

Volunteer Working Group 4 x Councillors	Councillor Browne Councillor Jewitt Councillor Chandler 1 x vacant position
---	--

QUALITY CONTROL TABLE		
Minute No.	Date	Resolution
46689	12/01/2022	<ul style="list-style-type: none"> • Introduction of 3 Standing Committees and Councillor Delegates • Councillor Delegates on the Audit, Risk & Improvement Committee
46738	23/02/2022	Appointment of Delegates to Committees
46753	23/02/2022	Establishment of a Project Steering Group – Project Consultative Group
46754	23/02/2022	Establishment of a Gateway Signage Advisory Committee

POLICY AND GENERAL COMMITTEE

February 10, 2022

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 63/22

SUBJECT: COUNCILLOR ATTENDANCE AT THE AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE (NSW BRANCH) 2022 D22/7194

Recommendation

1. That Broken Hill City Council Report No. 63/22 dated February 10, 2022, be received.
2. That Council considers Councillor representation to the 2022 NSW Branch Annual Conference of the Australian Local Government Women's Association to be held in Fairfield on 7-9 July 2022.
3. That interested Councillors provide completed travel forms to the Executive Assistant by the close of business on Monday 18 April 2022.

Executive Summary:

The 2022 Australian Local Government Women's Association (NSW) Annual Conference will be held in Fairfield on 7-9 July 2022. The Conference theme for 2022 is "What's Your Superpower?".

This report is presented to Council to consider Councillor delegates to the 2022 Australian Local Government Women's Association (NSW) Annual Conference.

Report:

Conference attendance will promote Council's strong support of Women in Local Government, by way of networking with other NSW Council elected members, General Managers and staff; and participating in the Conference workshops and keynote speakers program. Online attendance at the Conference is also being offered.

The Australian Local Government Women's Association NSW is the state's peak representative body supporting women who are in any way involved in local government. The group aims to promote gender equality within councils for both elected representatives and staff, and encourages women to embrace challenges and be the best version of themselves.

The theme for the 2022 Conference is "What's Your Superpower" and the event will encourage and inspire women in Local Government to empower themselves and each other in all aspects of their lives.

The three day Conference will include a line-up of guest speakers, and provides an opportunity for delegates to exchange ideas, network, debate and engage in cross-council collaboration on issues affecting women in Local Government.

Guest speakers at the Conference include Ellen Fanning, Jana Pittman, Deb Wallace, Dr Neryl East, Kiersten Fishburn, Dr Louise Mahler and Amanda Rose.

Attached to this report is the conference program and registration information.

Attendance at the Conference is also being offered as an online option (see pricing below).

Community Engagement:

Not applicable.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.1	Provide learning and networking opportunities for elected members

Relevant Legislation:

Not applicable.

Financial Implications:

The following costs are provided:

Online Conference Registration per person (full conference)	\$308.00
Early Bird Registration per person (prior to 30 April)	\$1,025.00
Full Conference Registration per person	\$1,333.00
Return Airfares BH-Sydney per person (price dependent on availability)	\$880.00
Limit for accommodation per person per night (Capital Cities)	\$300.00/night

Councillors will also be reimbursed for any out-of-pocket travel expenses as per Council's adopted Councillor Support Policy.

Attachments

1. [↓](#) ALGWA Conference Information
2. [↓](#) ALGWA Conference Program
3. [↓](#) ALGWA Conference Registration

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



Welcome

Fairfield City Council is proud to host this year's Australian Local Government Women's Association (ALGWA) NSW Conference from 7 to 9 July 2022 at the newly refurbished Fairfield Showground Pavilion and the Holiday Inn at Warwick Farm.

[ALGWA](#) is the peak body for women in local government. It is a voluntary-run organisation, that supports both employees and elected representatives.

The 2022 ALGWA NSW Annual Conference is designed to provide training and support for councillors and staff, whether they are new to local government or have been around for a long time. It is an opportunity to learn and grow from speakers and from each other.

We have put together an inspirational mix of speakers who you will be familiar with from the media, as well as some lesser-known local identities whose stories are just as inspirational.



ALGWA CONFERENCE DRAFT PROGRAM

Thursday 7 July 2022 – Fairfield Showground

5.00 – 6.00pm	Registration
6.00 – 8.00pm	Mayoral Welcome Reception

Friday 8 July 2022 – Holiday Inn

8.00 - 8.45am	Registrations
9.00am	Welcome – Ellen Fanning
9.35am	Speaker – Louise Mahler
10.35am	Morning Tea
11.10am	Speaker – Kiersten Fishburn
12.10pm	Sponsor Speaker
12.35pm	Lunch
1.50pm	Speaker – Amanda Rose
2.50pm	Afternoon Tea
3.15pm	ALGWA Discussion Panel
4.10pm	Sponsor Speaker
4.25pm	Close
6.00pm	Activity

Saturday 9 July 2022 – Holiday Inn

7.00am	Morning Activity
9.00am	Welcome
9.10am	Speaker – Deb Wallace
10.10am	Sponsor Speaker
10.25am	Speaker – Neryl East
11.25am	Morning Tea
12.00pm	Activity
12.15pm	Discover Fairfield
12.35pm	Lunch
1.45pm	Speaker – Jana Pittman
2.45pm	Hotspots
3.45pm	ALGWA Close
6.00pm	Gala Dinner

Program and speakers are subject to change



AUSTRALIAN LOCAL
GOVERNMENT WOMEN'S
ASSOCIATION
NEW SOUTH WALES BRANCH



Registration

To register please purchase tickets using the link below.

Early bird registration (ALGWA Member) (includes Mayoral Welcome Reception & Gala Dinner)	\$ 1,025.00
Early bird registration (Non-Member) (includes Mayoral Welcome Reception & Gala Dinner)	\$ 1,210.00
Full Registration (ALGWA Member) (includes Mayoral Welcome Reception & Gala Dinner)	\$ 1,333.00
Full Registration (Non-Member) (includes Mayoral Welcome Reception & Gala Dinner)	\$ 1,538.00
1 day registration (ALGWA Member)	\$ 615.00
1 day registration (Non-Member)	\$ 697.00
Online ticket: Full conference	\$ 308.00
Online ticket: 1 day	\$ 103.00
Mayoral Welcome Reception	\$ 80.00
Gala Dinner	\$150.00
Mayoral Welcome Reception & Gala Dinner	\$210.00
Ticketing prices are inclusive of GST	

POLICY AND GENERAL COMMITTEE

March 4, 2022

ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 65/22**

SUBJECT: 2021-2022 DELIVERY PROGRAM KEY PERFORMANCE INDICATORS PROGRESS REPORT FOR PERIOD ENDING 31 DECEMBER 2021, INCLUSIVE OF OPERATIONAL PLAN 2021/2022 OUTCOMES D22/11364

Recommendation

1. That Broken Hill City Council Report No. 65/22 dated March 4, 2022, be received.
2. That Council receive the 2021-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2021, inclusive of Operational Plan 2021/2022 outcomes.
3. That the 2021-2022 Delivery Program Key Performance Indicators Progress Report for period ending 31 December 2021, inclusive of Operational Plan 2021/2022 outcomes be placed on Council's website.

Executive Summary:

The Office of Local Government, NSW Department of Premier and Cabinet established the Integrated Planning and Reporting Guidelines for all New South Wales Councils. One of the components within the framework is a four-year Delivery Program.

Section 404 of the *Local Government Act 1993* requires that *'The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months'*.

Report:

This report relates to the Council's progress on the Delivery Program 2021-2022, inclusive of Operational Plan 2021/2022 outcomes, for the reporting period to 31 December 2021.

This reporting period provides an indication of progress against set targets, particularly those measures and tasks assigned to be achieved within the 2021/2022 financial year.

Year 2021 actions were significantly impacted by COVID-19 service interruptions which affected delivery of items within the Operational Plan.

A total of 108 performance action targets are set in the 2021-2022 Delivery Program, inclusive of the 2021/2022 Operational Plan. A snapshot of Council's **Delivery Program 2021-2022** progress report indicates 93 Actions reported as "On Track"; 15 Actions reported as "Off Track".

The one-year Operational Plan for 2021/2022 is at the halfway mark as at 31 December 2021 and the 93 Actions "On Track" shows 86% percent of the Operational Plan actions are progressing on track, with a further six months remaining to progress and complete actions.

A legend table (taken from the Progress report) to explain the performance descriptors is shown on the next page of this report.

2021-2022 DELIVERY PROGRAM, INCLUSIVE OF 2021/2022 OPERATIONAL PLAN SNAPSHOT – 1 JULY 2021 – 31 DECEMBER 2021

OVERVIEW

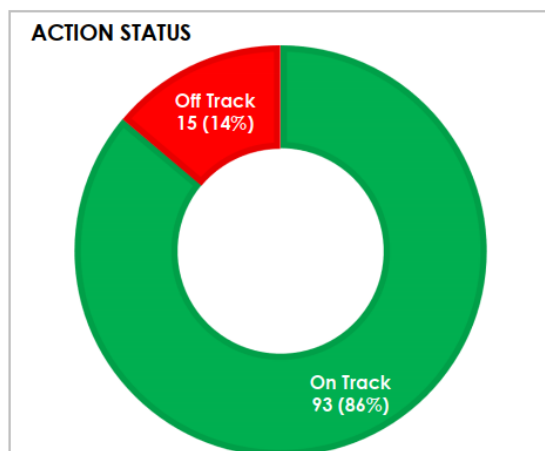
ACTION SUMMARY

By Performance

93 On Track

15 Off Track

ACTION STATUS



ACTION PROGRESS AGAINST TARGETS

108 Actions reported on

93 At least 90% of action target achieved

15 Less than 70% of action target achieved

0 No target set

Community Engagement:

The Delivery Program inclusive of the Operational Plan was placed on exhibition for a period of 28 days to allow for public comment on 28 April 2021.

The 2021-2022 Delivery Program progress report for the period ending 31 December 2021 is the subject of an open report in the March 2022 Ordinary Council meeting agenda and will also be placed on Council's website.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate within its legal framework

Relevant Legislation:

Local Government Act 1993, Sect 404 - Delivery program

404 Delivery program

(5) The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.

Financial Implications:

Measures and actions identified in the Delivery Program are adopted in accordance with Council's Long Term Financial Plan and annual budgets.

Attachments

- 2021-2022 Delivery Program inclusive of 2021-2022 Operational Plan Key Performance Indicator Progress Report ending 31 December 2021

RAZIJA NU'MAN
CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL
GENERAL MANAGER

2021-2022 DELIVERY PROGRAM INCLUSIVE OF 2021/2022 OPERATIONAL PLAN - KPI PROGRESS REPORT ENDING 31 DECEMBER 2021

Broken Hill City Council

OVERVIEW

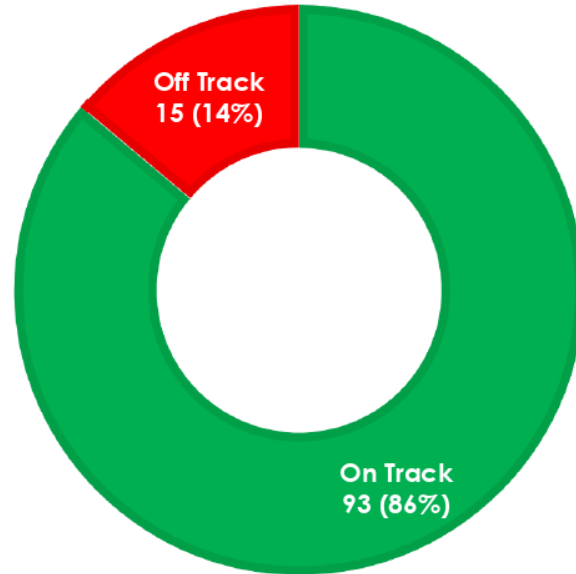
ACTION SUMMARY

By Performance

93 On Track

15 Off Track

ACTION STATUS



ACTION PROGRESS AGAINST TARGETS

108 Actions reported on

93 At least 90% of action target achieved

15 Less than 70% of action target achieved

0 No target set

ACTION PLANS



GREEN

At least 90% of action target achieved



AMBER

Between 70% and 90% of action target achieved



RED

Less than 70% of action target achieved

—


No target set

1 Our Community

1.1 People in our Community are in safe hands


1.1.1 Implement infrastructure and services for the effective management and control of companion animals

Action Title: 1.1.1.1 Continue to provide a comprehensive companion animal management service in accordance with objectives in the Companion Animal Management Plan

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Town Planner	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: A Companion Animals Management Working Group was created, inclusive of Councillors, Industry stakeholders, Council Staff and Community Representation. Council has engaged a Contract Ranger to carry out animal control (and other relevant Ranger and compliance) duties. Two new Rangers will commence with Council in 2022 to provide companion animal management services to the community. These two new positions will undertake training and learn on the job from the experienced Contract Ranger.						


1.1.2 Prioritise actions within the Smart City Framework that support safer communities within our Parks and Open Spaces

Action Title: 1.1.2.1 Continue the implementation of Smart City Projects in accordance with the Smart City Framework

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Smart Banner and Street Lighting project commenced in Argent Street, smart wind and solar lighting installed at Queen Elizabeth Park. All projects have been connected to Council's IOT platform.						

1.1.3 Provide suitable land within the Cemetery reserve and develop for future expansion

Action Title: 1.1.3.1 Implement expansion of Cemetery Grounds






Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	 RED
Action Progress Comments: Scope of works and Project plan are currently being developed to identify suitable land.						

1.2 Our Community works together

1.2.1 Advocate for and recognise volunteerism


Action Title: 1.2.1.1 Review Volunteer Strategy

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

Community Development Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: An initial review of the Volunteer Strategy has been submitted to Chief of Corporate and Community Officer for comment.						
Action Title: 1.2.1.2 Conduct a function recognising the contribution of volunteers						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Volunteers Function is in progress. Award nominations have closed. Event was postponed from October 2021 due to state-wide lockdown. A new date is yet to be confirmed.						
1.2.2 Develop and implement a Customer Contact and Call Centre						
Action Title: 1.2.2.1 Undertake Customer Relations Satisfaction Survey						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	80%	50.00%	 GREEN
Action Progress Comments: The 2020/2021 review of the Customer Service Framework included the addition of an online version of the Customer Feedback Form. Processes are currently being implemented to schedule the introduction of Customer Relations Satisfaction Surveys utilising the feedback form and surveying customers who have recently had dealings with Council.						
Action Title: 1.2.2.2 Undertake Customer Service Telephone Evaluations for business improvement						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	45%	50.00%	 GREEN
Action Progress Comments: A Customer Service Telephone Evaluation Template was developed in conjunction with the Customer Service Framework review undertaken during 2021. The template is a tool to assess call quality and ensure standard telephone protocols are followed. It can also be used to measure, evaluate and benchmark the quality of Council calls and help assess if Council's agents understand the customer concerns and offer the most appropriate solution. The Customer Service Telephone Evaluation Template will enable a system of continuous improvement in customer service and offers the ability to provide observations and feedback on how agents can improve the quality of calls. Evaluations to commence first quarter of 2022 and quarterly ongoing.						
Action Title: 1.2.2.3 Investigate a customer centric online Community Portal for lodging of service requests/complains, rates, account enquiries and payments						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: An online Community Portal project team are currently working with system provider Civica to build an online Community Portal. The project has a comprehensive timeline and is scheduled to be delivered by late April 2022. The online Community Portal will predominately allow for online payments and lodging of customer requests.


Action Title: 1.2.2.4 Undertake Community Satisfaction Survey

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Deferred	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Planning for Community Satisfaction Survey undertaken during 2021, with survey now moved to 22/23 budget operational year.


1.2.3 Support the Reconciliation Movement

Action Title: 1.2.3.1 Conduct quarterly meetings of the Reconciliation Action Plan working group and ensure continued membership of the working group by First Nation's people

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Community Development Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN


Action Progress Comments: Meetings of the Reconciliation Action Plan working group were undertaken in the first and second quarters of the 2021/22 financial year.

Action Title: 1.2.3.2 Engage with local Indigenous Community as to seeking endorsement of Murkutu Cultural Engagement Database





Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED

Action Progress Comments: Consulted with State Library NSW Indigenous Engagement Branch as to Murkutu support and assistance in setting up the database once local community engages with project. A PowerPoint presentation of the Murkutu Database was presented to the Reconciliation Action Plan Committee in 2021. Emailed request to meet and discuss this project was sent to Administration Officer and Chair of the Board of the Broken Hill Local Aboriginal Land Council and Aboriginal Working Group. The CEO position is still vacant and awaiting appointment before approaching. Awaiting response from other groups contacted. The impact of COVID-19 restrictions is causing a delay in progress to date.

Action Title: 1.2.3.3 Identify and promote Aboriginal and Torres Strait Islander content within the Broken Hill City Library Archive

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED

Action Progress Comments: Archive Collection Manager appointed mid November 2021. Archive Collection Manager is responsible for an audit of the Archive collection. This entails identifying, checking cultural protocol relating to items, with the end result being community consultation once report identifies items.

Action Title: 1.2.3.4 Identify archival programs and opportunities to record the vast history of Aboriginal people of the area						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Successful grant application - Museums and Galleries New South Wales (MGNSW) grant GO Digital to provide training of Indigenous community members to record oral histories. Presented grant submission overview to Reconciliation Action Plan Working Group to obtain support of this project. Emailed Broken Hill Local Aboriginal Land Council and Aboriginal Working Party to arrange time to discuss and awaiting a response for this. Discussed project with Elder, Maureen O'Donnell. Follow-up up email sent to MGNSW informing of support from Elder, Maureen O'Donnell and interest in continuing this project. The program was due to be run on the 12/13 January 2022 by Daniel Browning from ABC Radio. However, with presenters due to arrive from Sydney being of concern due to COVID-19, the Go Digital workshop for January was cancelled. Proposed workshop date is the 11/12 May 2022.						
Action Title: 1.2.3.5 Investigate the possibility of incorporating archival material from Australia Institute of Aboriginal and Torres Strait Islander Studies (ATATIS) into Archive						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Australia Institute of Aboriginal and Torres Strait Islander Studies (ATATIS) was contacted by email, to begin conversation regarding incorporating archival material into Archive. AIATIS responded positively with email requesting a meeting with community to discuss. This was discussed at the Reconciliation Action Plan Committee positively. COVID-19 and Christmas has delayed any engagement with community regarding this project. This will be followed up as COVID-19 impact reduces within the community. Appointment with Aboriginal Working Party and Wilyakali community to be arranged, to progress further engagement and action to implement.						
1.2.4 Engage with key community sectors via Community Round Table						
Action Title: 1.2.4.1 Further implement methodologies to ensure community representatives understand the functions and reporting associated with S355 for the Community Strategic Plan Round Table Committee						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Methodologies will be reviewed and implemented when the new Council is formally appointed in January 2022.						
Action Title: 1.2.4.2 Collaborate with community representatives within the Community Strategic Plan Round Table Committee to ensure active participation and communication						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: A workshop will be held with members of the Community Round Table to ensure they understand their role. This will be implemented when the new Council is formally appointed in January 2022.

Action Title: 1.2.4.3 Undertake Community Strategic Plan Partners Orientation Program to engage stakeholders and promote active partnership and participation						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Community Development Officer	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	<div> <div></div> <div></div> <div></div> </div> RED

Action Progress Comments: An orientation program will begin after the draft Your Broken Hill 2040 Community Strategic Plan is approved for limited consultation prior to presentation at the Council meeting in April 2022.

1.3 Our history, culture and diversity is embraced and celebrated

1.3.1 Advocate for funding and investment for Community Development Projects in City growth and development

Action Title: 1.3.1.1 Work with third parties to seek funding						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div> <div></div> <div></div> <div></div> </div> GREEN

Action Progress Comments: Supported community groups seeking Stronger Country Communities Funding. Collaborated with local tourism business for Regional Tourism Funding - announcement pending. Collaborated with Business Far West to secure funding for Small Business Month - Council and Business Far West both successful in securing funding to host workshops and events in March.

1.3.2 Develop the Broken Hill Cultural Precinct, Library and Archive

Action Title: 1.3.2.1 Continue to pursue funding sources and opportunities to construct the Cultural Precinct						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	<div> <div></div> <div></div> <div></div> </div> GREEN


Action Progress Comments: Both Federal and State Government funding achieved. Variations are currently underway to align with Council's change in project scope.

Action Title: 1.3.2.2 Begin construction of new Cultural Precinct, Library and Archive						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div> <div></div> <div></div> <div></div> </div> GREEN

Action Progress Comments: Variations for funding have been submitted and a redesign process is currently underway.


1.3.3 Promote City's listing as Australia's First Heritage City

Action Title: 1.3.3.1 Advocate for recognition and financial support for the continuity of Broken Hill Heritage and its importance to the nation

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN


Action Progress Comments: Advocating for tri-partisan management of the national heritage listing is a key focus in the Advocacy Strategy, which is the document referred to by Governments when assessing applications for grant funding. Grant funding applications for infrastructure projects also refer to the National Heritage listing.

Action Title: 1.3.3.2 Raise awareness of heritage related issues and management

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Town Planner	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: This is an ongoing action by Council. As part of Council's Heritage Advisory Service, the Heritage Advisor undertakes media interviews, in particular local radio interviews during her visits to Broken Hill. The radio interviews highlight different heritage issues and provides advice to the public on heritage management.


Action Title: 1.3.3.3 Develop a strategy to build Broken Hill Heritage Festival as a signature event

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Awaiting first meeting of Heritage Committee with new Councillor representatives to ascertain long term direction of the Festival. Heritage Festival program planning commenced for 2022 Festival.

1.3.4 To facilitate lifelong learning via access to books, learning resources and other information






Action Title: 1.3.4.1 Update policies in relation to Library and Archive Services

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED

Action Progress Comments: New Archive Collection Manager commenced in November 2021 and identifying Archive policies to update is scheduled for 2022. Library build and relocation, as well as employment and training of 5 new staff has hampered progress in this area.

1.3.5 To preserve and share the City's archive, art and mineral asset collections through digitisation

Action Title: 1.3.5.1 Seek funding for digitisation of City's archival assets

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Investigating opportunities as they arise, with the impact of uncertainty as to Archive and Library relocation to temporary facility hampering applying for opportunities that arise. COVID-19 and staffing have been a factor in delaying progress of this action.						
Action Title: 1.3.5.2 Digitisation of City's archival assets						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 RED
Action Progress Comments: The appointment of the Archive Collections Manager (who will oversee the formal implementation of this project) was achieved in mid-November 2021. Digitisation was suspended for long periods in 2020 and 2021 due to project only being volunteer run and impacted severely by COVID-19 lockdowns and restrictions. Digitisation will recommence in January 2022, with the Collections Project Manager and one volunteer in the Archive working one day per week. The Collections Project Manager will train the volunteer to upload digitised images to EMU database. Additional scanners will be utilised with volunteer training under the direction of the Archive Collections Manager. Two new scanners were purchased in 2021 to increase digitisation capacity. The third scanner (returned from repairs) was installed in the Archive in October 2021. Once Archives Collections Manager and COVID-19 has settled, volunteer recruitment and training will proceed.						
Action Title: 1.3.5.3 Finalise policies for the Museum						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gallery and Museum Manager	In Progress	01-Jul-2021	30-Jun-2022	51%	50.00%	 GREEN
Action Progress Comments: Policies are awaiting review after errors were identified in the original drafts. This finalisation has been delayed due to COVID-19 travel restrictions and awaiting review from the Museum Advisor and other relevant stakeholders						
Action Title: 1.3.5.4 Finalise digitisation and archiving of mineral assets at the Museum						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gallery and Museum Manager	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN
Action Progress Comments: The digitisation project has been finalised and acquitted.						
Action Title: 1.3.5.5 Seek funding for method for making art and mineral collections publicly accessible online						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gallery and Museum Manager	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN

Action Progress Comments: The digitisation project has been finalised and acquitted. The online catalogue search platform is now live and publicly accessible. The website coding and data migration was completed by The Interaction Consortium and staff are training on the hosting platform to make updates regularly.

1.3.6 Develop interstate and regional partners to maximise tourism opportunities

Action Title: 1.3.6.1 Support the development of the Silver to Sea Trail project						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Now that Stage 1 funding has been secured and a number of projects underway, a group of regional stakeholders has been assembled to discuss potential projects for the stage 2 development and possible funding options. Stage 2 covers the trail section from Peterborough to Broken Hill, including Silverton. The inaugural meeting was held on the 27/09/2021 and a follow-up meeting on 13/12/2021. The next meeting is scheduled for early 2022.						

Action Title: 1.3.6.2 Develop working tourism relationships with regional tourism associations and village committees						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: A number of key relationships have been developing over many years (Silverton Village Committee, Wilcannia Tourism), some have recently been re-engaged via the March 2021 Corner Country familiarisation (Milparinka and Tibooburra Village Committee) and the March 2021 Central Darling Shire familiarisation (White Cliffs and Menindee Tourism Associations). All these organisations are now included in weekly emails from the Visitor Information Centre providing local and regional relevant information for the tourism industry. The next step is to establish regular meetings between these groups.						

1.3.7 Develop a City-wide Cultural Plan

Action Title: 1.3.7.1 Review, prioritise, seek funding or budget for action items within Culture Plan						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Corporate and Community Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Culture Plan was accepted by Council on 21 September 2021. Staff will now have an overarching strategy to guide culturally related actions with some items submitted for consideration to 21/22 budget processes. However, due to COVID-19 impact on available Council budget for projects, funding will be limited.						


1.4 Our built environment supports our quality of life

1.4.1 Develop City Strategic Plan


Action Title: 1.4.1.1 Investigate option for a multi lot subdivision at the Broken Hill Airport to promote non aeronautical and aeronautical development						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %


General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
-----------------	-------------	-------------	-------------	-----	--------	--


Action Progress Comments: Funding secured for Airport Business Case and Masterplan Review. Development of Business case will occur during quarter 3 and 4 of 2021/22.

Action Title: 1.4.1.2 Advocate to secure funding for heavy vehicle bypass road						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Advocacy for heavy vehicle bypass road has been included in Council Advocacy Strategy. Advocating for a heavy vehicle bypass road is a focus in the Advocacy Strategy, which is the document referred to by Governments when assessing applications for grant funding.						

1.4.2 Maintain the serviceability of Council's assets at an appropriate condition level


Action Title: 1.4.2.1 Develop Asset Management Plan - Roads and Footpaths						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	In Progress	01-Jul-2021	30-Jun-2022	20%	50.00%	 RED
Action Progress Comments: Work has commenced in the development of a Condition Assessment and Maintenance Manual. This document forms the foundation of the annual maintenance tasks to undertaken on all road, footpath and appurtenance assets covered by the proposed asset management plan. Work on the development of the asset management plan is to commence in April 2022						

Action Title: 1.4.2.2 Develop Asset Management Plan - Parks and Open Spaces						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Annual ongoing maintenance tasks have been completed allowing the development of maintenance cost for inclusion in the Asset Management Plan (AMP). The majority of works in the development the AMP have been completed. Work will now commence early in March 2022 on the financial aspects of the plan. The AMP is undergoing and internal review March 2022						

Action Title: 1.4.2.3 Develop Asset Management Plan - Buildings						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN


Action Progress Comments: Condition assessment and maintenance manual has been completed, allowing scheduled maintenance plan to be developed. Development of the Council's Asset Management system will allow the capture and analysis of asset condition and proactive maintenance costs for inclusion in the proposed Asset Management Plan. Information is being collated for the Asset Management Plan. The next phase is the drafting of the plan, this stage will commence in February 2022. Internal review to be undertaken in late March 2022. Financial input to commence April 2022

Action Title: 1.4.2.4 Develop Asset Management Plan - Fleet

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	In Progress	01-Jul-2021	30-Jun-2022	5%	50.00%	 RED


Action Progress Comments: Work is scheduled to commence in the April 2022 quarter. This Task will be transferred to the new Plant Fleet coordinator

Action Title: 1.4.2.5 Continue implementation actions within Active Transport Plan (including Footpaths, Bicycle paths, Signage, Pedestrian Access etc)

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN


Action Progress Comments: Shared footpath construction works have continued across the City with works starting in Brooks Street, from Willyama High school to O'Neill Street and in Blende Street, from Kaolin Street to Bromide Street.

Action Title: 1.4.2.6 Finalise 2021-2026 upgrade/replacement capital works plan for Active Transport Plan

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Priority schedule for shared path construction/replacement has been identified and capital works plan is currently being completed.






Action Title: 1.4.2.7 Develop annual capital works plan for Active Transport Plan

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN

Action Progress Comments: Cost estimate and Project Brief for 2022/23 Annual Capital Works plan have been completed and submitted to Executive Leadership Team and Council for approval.

1.4.3 Develop Council assets to promote outdoor recreation, exercise and mobility for families

Action Title: 1.4.3.1 Refurbishing of the E.P. O'Neill Memorial Park Precinct





Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	
Action Progress Comments: Council resolved at its meeting 4 November 2021 to award the Tender for Design Services to Barnsons, minute number 46667. Barnsons attended site on 8 December 2021 and met with Council representatives to determine requirements prior to drafting a design.						
Action Title: 1.4.3.2 Develop and reactivate Queen Elizabeth Park						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	
Action Progress Comments: The refurbishment of Queen Elizabeth Park is complete. The site was handed back to Council on Tuesday 21 December 2021. The Park is open for community use, with a formal reopening to be planned for early 2022.						
Action Title: 1.4.3.3 Construct a new skate park in Sturt Park						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Site establishment to commence on 10 January 2022 by Convic. The construction time frame is expected to be approximately 7-8 weeks.						
1.5 Our health and wellbeing ensures that we live life to the full						
1.5.1 Support our residents to lead healthy, active and independent lives						
Action Title: 1.5.1.1 Secure grant funding opportunities and partner with local entities to increase activities that allow for better health and wellbeing						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Community Development Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: The Heywire ABC FRRR grant was secured in November 2021 for a youth program to be executed by the Cultural facilities staff based at the Art Gallery in consultation with Broken Hill's High Schools and young people.						
Action Title: 1.5.1.2 Review Council Welcome Kit for new residents						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Community Development Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: Council's welcome kit reviewed and initial recommendations made.

2 Our Economy

2.1 Our economy is strong and diversified and attracts people to work, live and invest


2.1.1 Council's Workforce Management Plan reflects the needs of the organisation

Action Title: 2.1.1.1 Learning and Development plans are completed for all employees including succession and career options						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Annual Performance reviews have commenced for 2020/21, with whole of organisation training and development requirements being identified for FY2021/22. Online platforms are continuing to maintain and record mandatory staff compliance training and to assist with future training needs analysis for workforce strategic plan development.						
Action Title: 2.1.1.2 Review Workforce Management Plan 2020-2024 in line with Local Government election process						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Workforce Management Plan review has been completed, with analysis on current industry trends, workplace demographics and succession planning data compiled. The Workforce Management Plan will continue to be progressed in conjunction with the draft Delivery Program being finalised.						
Action Title: 2.1.1.3 Continue to improve Recruitment Service Delivery and employee experiences						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Service review model from 2020/21 is currently in operation with internal stakeholder and employee consultation continuing regarding best practice process into the future.						
2.1.2 Develop the Airport as a commercial precinct						
Action Title: 2.1.2.1 Advocate for Airport upgrades in line with Advocacy Strategy and Airport Business Case						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: Council is negotiating with the NSW Government for funding to support the new business case to develop commercial and industrial precinct and improved infrastructure.


2.1.3 Advocate for affordable housing

Action Title: 2.1.3.1 Develop an Affordable Housing Strategy and identify available land

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Housing Strategy under development, with expected completion October 2022.						


2.1.4 Advocate Broken Hill and Far West as a centre for renewable energy

Action Title: 2.1.4.1 Implement Renewable Energy Action Plan


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: The Renewable Energy Action Plan is currently being implemented with Stage 1 near completion. The updated consumption data analysis, site selection, complete site suitability analysis and the lodgement of the CISA and EE have been completed. The Broken Hill City Council Solar Powerplant Business Modelling – interim report has been received and reviewed and will be presented to Council for endorsement in March 2022.						

2.1.5 Increase digital communication network through projects outlined in Smart Communities Framework

Action Title: 2.1.5.1 Increase city coverage of City Smart Devices (smart bins, lighting, WIFI, irrigation systems and parking)

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Smart devices are now being integrated into all capital project works to ensure that Broken Hill City Council continues to increase the City's coverage of these systems. Smart lighting and irrigation systems have been installed as part of the Queen Elizabeth Park Redevelopment. Council is currently obtaining quotations for the upgrade of six parks and sporting field sites within the City to upgrade to a Wi-Fi enable irrigation system.						

Action Title: 2.1.5.2 Provide open data to community via IoT (Internet of Things) platform

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Information & Communications Tec	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: IoT platform continues to provide community with data on topics of parking utilisation at the Airport and environmental sensing at Sturt Park and Patton Park.						

2.1.6 Expand available industrial land

Action Title: 2.1.6.1 Advocate for early determination for land that has a Local Aboriginal Claim which is zoned as industrial land						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Ongoing conversations with Federal and State Government.						

Action Title: 2.1.6.2 Collaborate with State Government to expand the industrial area in accordance with objectives in the Local Strategic Planning Statement						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Discussions and advocacy ongoing.						

Action Title: 2.1.6.3 Investigate land for use to expand available industrial land options						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Discussions and advocacy ongoing.						


2.1.7 Advocate for incentives and initiatives that support business and industry to expand

Action Title: 2.1.7.1 Collaborate with business, industry and government to attract investment						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Bi-monthly business meetings being coordinated. Regular meetings with NSW Regional Development, mining industry, Foundation Broken Hill and other stakeholders.						

Action Title: 2.1.7.2 Review and implement Business and Industry Support Strategy						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN


Action Progress Comments: The Business Industry Support Strategy was adopted in November 2021.

Action Title: 2.1.7.3 Collaborate with film industry and government to ensure Broken Hill and region is a destination of choice for film makers

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: This is ongoing. Film Approvals are provided within KPI - five days. The following occurred during July to December: 2 x TV series filmed, Ongoing support provided for Warner Brothers Mad Max, Ongoing support provided for second movie proposal and TV mini-series, Support provided for TV morning program, Contacts on industry and government pages updated and Council film page updated.


Action Title: 2.1.7.4 Advocate for incentives and initiatives that support Broken Hill and region as a film location

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	60%	50.00%	

Action Progress Comments: Ongoing liaison with film industry - including major feature film for 2022.

2.1.8 Work closely with the Far South West Joint Organisation for successful regional outcomes


Action Title: 2.1.8.1 Support the initiatives that are endorsed by the Far South West Joint Organisation

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: Collaboratively working with the development of a Regional Destination Marketing Plan and Regional Transport Strategy. Council is also providing administrative and Executive Officer support to the Far South West Joint Organisation.

2.1.9 Promote a strategic approach to improve transport services

Action Title: 2.1.9.1 Advocate for improved air and rail services through active lobbying and participation in government inquiries


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	

Action Progress Comments: Ongoing advocacy for the upgrade to the airport, including discussions for services from Qantas and advocacy for an additional weekly rail service from Sydney.

2.2 We are a destination of choice and provide a real experience that encourages increased visitation

2.2.1 Heritage Festival continues to grow and become nationally recognised

Action Title: 2.2.1.1 Facilitate an annual Heritage Festival

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Event Plan has been approved by Heritage Committee and is currently being actioned in order to deliver the event 14 - 17 April 2022.

2.2.2 Develop the Visitor Experience

Action Title: 2.2.2.1 Develop improved visitor experiences on Tourism website and app

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Council's internal tourism strategy team is currently working with Pace Advertising to scope a new version of the current tourism website, www.destinationbrokenhill.com.au. Launch will be in early 2022. This will include a new navigation and new functionality including events calendar, tourism business listings sourced via the Australian Tourism Data Warehouse and much more, yet to be finalised.


Action Title: 2.2.2.2 Collaborate with industry and government to expand destination marketing campaign

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: The It's Out There campaign is complete. Results reported to Council in 2021. Ongoing communication occurring with industry at business meetings. Feature in Australian Traveller and 101 Unique stays (magazine and website). Current application with DNSW for collaborative marketing campaign.

2.2.3 Develop the Civic Centre Business to be a self-sufficient profit-making enterprise

Action Title: 2.2.3.1 Develop Marketing Plan for Civic Centre

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED

Action Progress Comments: Planning for marketing plan discussions to occur February 2022 undertaken. Discussions to include input from attendance at industry trade show February 2022 to gauge market sector interest.

Action Title: 2.2.3.2 Implement Business Plan for Civic Centre						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	In Progress	01-Jul-2021	30-Jun-2022	70%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Civic Centre Business Plan developed and being reviewed due to creation of Growth and Investment unit.						

2.3 A supported and skilled workforce provides strength and opportunity


2.3.1 Collaborate with education and training providers to deliver training and education locally

Action Title: 2.3.1.1 Continue funding for school-based apprenticeships and traineeships through government funding						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Funding opportunities are now open and Council has successfully secured eight school-based trainee grants, with recruitment commencing in December 2021. Council has employed five trainees and one apprentice under the current government incentives.						


Action Title: 2.3.1.2 Continue to encourage a career path at Council and local employment for Aboriginal and Torres Strait Islander community members						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Council has continued to build relationships with key community stakeholders to promote opportunities available and continue to provide work experience and work placements for those who are interested.						

2.3.2 The Library supports formal and informal learning

Action Title: 2.3.2.1 Provision of technology and resources to support health and wellbeing						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	60%	50.00%	<div><div></div><div></div><div></div></div> GREEN
Action Progress Comments: Resources are provided to the community through the Library service. These resources include physical books, digital resources such as ebooks, emagazines, etc as well as online databases. The Library website provides access to the Central West Zone online BorrowBox "Mindful and Well-being" collection, which is supported by the Books on Prescription grant from the Library Council of NSW. The Broken Hill City Library is a member of the Central West Library Zone Consortia. This consortia provides access to a range of Health and Wellbeing resources in eResources through the 24/7 Digital Library collection. The Library offers free public access computers available to members of the community, providing access to online databases that include health and wellbeing sites. Two staff have completed Digital Health training through the Australian Library and Information Association. This training provided staff the skills to educate the public in using MYGOV health records and other online medical information.						

Action Title: 2.3.2.2 Obtain certification/accreditation as an eSmart Library						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	20%	50.00%	 RED
Action Progress Comments: Investigating requirements for eSmart Library accreditation. Documentation research undertaken; committee formed to progress accreditation process. First committee meeting date held in December 2021, next meeting to be held in February 2022.						

2.3.3 Foster partnerships with tertiary institutions to bring scarce skills to the City

Action Title: 2.3.3.1 Explore partnership opportunities for Library services						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Investigating opportunities as they arise. COVID-19 has made this difficult. The Library is currently partnering with various organisations such as: - Australian Library and Information Association with their "Online Story-time project." This project has been funded for a second year providing support for offering story-time online to our members and assisting with areas in copyright, publisher permissions, technical assistance. - New South Wales Public Library Association linking author talks and presentations to the community via virtual links - Australian Institute of Aboriginal and Torres Strait Islander Studies dialogue is open to discuss access to material for local community. Meeting to be arranged once COVID-19 allows to engage with local community. - New South Wales Public Library Association "Author Reads". Participating in online author talks and sharing with members online with NSW public libraries. - Far West Legal Aid - linking in with online talks presented by Far West Legal Service and providing link to members.						

Action Title: 2.3.3.2 Explore grant and partnership opportunities for Archives						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Investigating grant and partnership opportunities as they arise. - Go Digital Grant from the State Library NSW successful. Aim to hold two workshops. One for training and skill development of a minimum of 4 community members and recording four oral histories, second workshop open to whole Broken Hill community for technical skills training. Daniel Browning from ABC Radio will be leading these sessions in January 2022. - Consulted with State Library NSW Indigenous Engagement Branch as to Murkutu support and assistance in setting up once Local community engages with project. A PowerPoint presentation of the Murkutu Database was presented to the Reconciliation Action Plan Committee (RAP) in 2021. Emailed request to meet and discuss this project was sent to Administration Officer and Chair of the Board of the Broken Hill Local Aboriginal Land Council and Aboriginal Working Group. The CEO position is still vacant and awaiting appointment before approaching. Awaiting response from other groups and COVID-19 impact has delayed progress to date.						

Action Title: 2.3.3.3 Explore grant and partnership opportunities for Gallery and Museum						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %


Gallery and Museum Manager	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN
Action Progress Comments: The Gallery has applied to Australia Council for the Arts Funding, to boost funds in the exhibition program and top-up budget affected by COVID-19. Awaiting the outcome of this application. The GeoCentre applied for Regional Arts Australia Funding to complete a mural project in the garden/cottage precinct. Awaiting the outcome of this project. Currently both institutions are in ideation phase to apply for CHART funding through Australian Museums and Galleries Association for minor projects. The Gallery applied to the Restart Investment to Sustain and Expand Fund with a major outdoor sculpture proposal in partnership with Urban Art Projects (Australia). The Gallery applied for minor exhibition fixings to be installed over heritage walls through the small - medium projects Creative Capital Fund - awaiting the outcome of this application.						

3 Our Environment

3.1 Our environmental footprint is minimised


3.1.1 Review Waste Management Strategy and implement actions to reduce environmental footprint

Action Title: 3.1.1.1 Investigate potential for increased recycling options at the Waste Management Facility

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: A submission was prepared for the Remanufacture NSW – Regional and Remote Recycling Modernisation Fund, for the purchase of 8 tyre cages and 3 years freight logistic support. If successful, this will enable 100% of the tyres deposited at the Waste Management Facility to be reprocessed, equating to approximately 270 tonnes of tyres per year. Additionally, a contract is being developed for the processing of green waste at the facility expected to commence early 2022.





Action Title: 3.1.1.2 Develop guidelines and partnerships to encourage local businesses to implement waste reduction measures


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	 RED

Action Progress Comments: Guidelines and partnerships to encourage local businesses to become more sustainable will continue to be developed in 2022. Broken Hill City Council partnered with Huskee Cups to assist local cafes to reduce coffee cup waste. A total of 16 cafes were approached prior to the local 2021 COVID-19 Lockdown. This project will recommence early 2022.


Action Title: 3.1.1.3 Identify non-operational areas of the Waste Management Facility for rehabilitation activities

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------


Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Non-operational areas are being identified through site observations, with operational staff and review of annual Waste Management Facility surveys. During 2021, the Waste Management Facility was able to secure additional cover material and apply final cover to some of the identified areas.						
Action Title: 3.1.1.4 Investigate potential for a major material recycling facility in Broken Hill						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: A proposal for initial design engagement to undertake a detailed review of the waste stream inputs, required offtake product mix and quality criteria, system layout and plant performance in view of proposing a detailed system has been sought and received. Additional quotes will be sought early 2022.						
Action Title: 3.1.1.5 Implement Waste and Resource Recovery Strategy 2020-2023						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED
Action Progress Comments: The Waste and Resource Recovery Strategy 2022 - 2025 is currently being written in partnership with Sustainability Advantage. A draft Waste Action Plan was distributed in 2021 to key stakeholders within the organisation. The Action Plan and the Waste and Resource Recovery Strategy is expected to be finalised in the next quarter with implementation of the strategy to commence at the beginning of the 2022 financial year.						
3.1.2 Implement outcomes outlined in Sustainability Strategy						
Action Title: 3.1.2.1 Implement hybrid cars into Council light fleet as part of fleet replacement						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	15%	50.00%	 RED
Action Progress Comments: Registration was made with the Department of Planning, Industry and Environment for the government's Electric Vehicle (EV) fleet incentive round. Funding available to provide assistance for fleet replacement does not include hybrids and Council will need to investigate the introduction of EVs as part of the fleet replacement. Discussions have commenced with the newly appointed Plant Fleet Coordinator on the introduction of EVs into Council's light, fleet in line with the replacement schedule.						
Action Title: 3.1.2.2 Investigate potential activities that may be supported through the Emissions Reduction Fund						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %

Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: The Emissions Reduction Fund provides incentives to adopt new practices and technologies that will reduce emissions. The Renewable Energy Action Plan (REAP) provides a pathway for Council to achieve 100% renewable energy status to its facilities by 2023 and is therefore an eligible activity under the scheme. Potentially, one Australian carbon credit unit (ACCUs) is earned for each tonne of carbon dioxide equivalent (tCO2-e) stored or avoided by the project. ACCUs can be sold to generate income, either to the government through a carbon abatement contract, or in the secondary market. However, it is a requirement of the EMF that projects do not receive funding, rebates or other financial incentives from other government programs, so eligibility will be determined once funding sources have been identified.						


Action Title: 3.1.2.3 Investigate installation of electric car chargers in public places

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: The NRMA, in partnership with Transport NSW, have recently installed an Electric Vehicle (EV) charging station at the Kintore Headframe Recreation Vehicle Carpark, which will be commissioned in February 2022. Additional potential sites will be investigated in 2022. Potential funding will be available through the Department of Planning, Industry and Environment for the government's EV fleet incentive round, which Council has registered for.						

Action Title: 3.1.2.4 Develop guidelines for including energy efficiency in the planning for all new Council buildings or Council building upgrades


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Waste & Sustainability Manager	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	 RED
Action Progress Comments: Consultation has commenced with the Planning and Assets Units to ensure a holistic approach is adopted in the development of these guidelines. The guidelines will be developed to ensure objectives meet the NSW Energy Efficiency Action Plan. The adaption of the Renewable Energy Action Plan will support the efficiency of energy for all new Council buildings and Council building upgrades, by ensuring 100% renewable energy is used along with the installation of smart metering.						

Action Title: 3.1.2.5 Review and implement maintenance program to ensure water infrastructure is maintained to optimum efficiency

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN
Action Progress Comments: Maintenance programs have been reviewed and implemented for all irrigated grounds. Scheduled works based on the maintenance programs will be implemented into and generated from Council's maintenance software "I am Omni".						

3.2 Natural flora and fauna environments are enhanced and protected

3.2.1 Develop the Crown Land Management Plan and review the Living Desert Management Plan as required

Action Title: 3.2.1.1 Adopt Plans of Management for all Crown Reserves under Council Management						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Land Use Planner	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Draft Plans of Management for Reserves categorised as Parks, Natural Areas, Sportsgrounds, and General Community Use were present to Council in 2021 and are with Crown Lands for approval. The final remaining Plans for Cemetery and Area of Cultural Significance are near final draft stage and the remaining site-specific Plans are with SLR Consulting for drafting. It is noted that in 2021 Crown Lands changed the legislation and there is now no legislated due date for adoption of Plans of Management.						


Action Title: 3.2.1.2 Adopt updated Plan of Management for Living Desert Reserve						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Land Use Planner	In Progress	01-Jul-2021	30-Jun-2022	25%	50.00%	 RED
Action Progress Comments: The existing Living Desert Plan of Management is with SLR Consulting to review and amend. It is noted that Crown Lands changed the legislation in 2021, removing any due date for adoption of Plans of Management. Resources provided by the OLG to develop Plans of Management have been used to prioritise drafting of Plans for Reserves that do not have existing Plans of Management in place, with the amended Plan of Management for the Living Desert to be finalised following the drafting of the remaining Plans of Management.						

3.2.2 Review and implement outcomes identified in the Noxious Weeds Program

Action Title: 3.2.2.1 Implement the Western Land Services Weeds Management program						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Memorandum of Understanding between Council and Local Land Services (LLS) is in place. LLS inspects and reports noxious weeds locations to the Council to control and eradicate as part of its annual plan. Annual works programs have been developed with the engagement of contractors to undertake the works in the April quarter 2022. Currently Western Local Land Services are undertaking noxious weed inspections which when completed will be included into Council's annual program. Request for Quotation (RF) will go out to the market in late March 2022 to undertake the annual weed eradication program						


3.3 Proactive, innovative and responsible planning supports the community, the environment and beautification of the City

3.3.1 Investigate and cost spin-off strategies from the Cultural Framework for greening the City

Action Title: 3.3.1.1 Continue trial installation of mature trees in priority areas of the City						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Assets Planner-Parks & Open Spaces	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Council's Parks and Open Spaces team has trialled 100L tree species in various areas of the Central Business District (CBD). Council's Assets Team is looking to trial field grown tree species up to 500L within our Primary parklands including Sturt Park and Patton Park. Deciduous tree species have been trialled and Council's workforce is monitoring growth rate, pests and diseases, temperature and adapting to new soil.

Action Title: 3.3.1.2 Continue programming to replace dead trees within the City

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Assets Planner-Parks & Open Spaces	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN


Action Progress Comments: Council has planted between 120-150 trees throughout the City. New data collection software will allow a controlled approach to remove and replace dead trees.

4 Our Leadership

4.1 Openness and transparency in decision making


4.1.1 Support the organisation to operate within its legal framework

Action Title: 4.1.1.1 Implement Governance Framework, adopting best practice principles for governance arrangements and culture

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	70%	50.00%	 GREEN

Action Progress Comments: The Governance Lighthouse Review has established a sound platform and a gap analysis tool to assist in the development of a Governance Framework. The content structure of the Framework developed, with the document content being collaborated with key stakeholders to progress finalisation for implementation.


Action Title: 4.1.1.2 Action Title: 4.1.1.2 Work with NSW Electoral Commission to carry out Local Government Election

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Corporate and Community Officer	In Progress	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN

Action Progress Comments: The Minister for Local Government postponed the Local Government elections from the second Saturday in September 2021, to Saturday, 4 December 2021. The NSW Electoral Commission held the local Council elections on Saturday, 4 December 2021.

Action Title: 4.1.1.81 Develop an election method and Election Plan Manual

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------


Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	70%	50.00%	 GREEN
Action Progress Comments: An election method spreadsheet with corresponding timelines has been developed and two internal stakeholder meetings have been held, with a further meeting held in the first quarter of 2021. A structure for the Election Plan Manual has been recorded and the development of the manual is in progress in conjunction with real time tasks. NSW council elections were postponed on two occasions due to the COVID-19 pandemic and the manual is now expected to be completed in the first half of 2022. Council staff will use the information gathered during this time to review and continuously improve its election planning processes.						

Action Title: 4.1.1.82 Review Section 355 Community Committee manuals and constitutions in accordance with new term


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Regular internal stakeholder review meeting participation. Templates reviewed and completed include Meeting Agenda and Minutes, Annual Reports, End of Term Reports. Online Open Forms currently under development include: S355 Nomination Form, Facility Hazard Inspection Checklist, Injury/Incident and S355 Facility Booking. Flowcharts have been drafted for Capital Works Request, Works Requests, Procurement. Constitutions currently under review and S355 Manual review progressing. Corporate, Asset and Risk review completed, with Finance review underway. Induction program and document materials under development for collation.						

4.1.2 Develop, implement and embed a structured and holistic approach to the management of risk at all levels of the organisation and all business activities of Council





Action Title: 4.1.2.1 Initiate Stage 2 of the Enterprise Risk Management Plan


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Stage 2 of the Enterprise Risk Management Plan has commenced with upskilling and training held for senior managers and Councillors in Enterprise Risk Management fundamentals and use of Council's risk management framework.						

Action Title: 4.1.2.2 Carry out full review and testing of Council's Business Continuity Plan


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Council's Business Continuity Plan is under continuous review and updating during current COVID-19 pandemic to ensure Council's operations are maintained.						


4.1.3 Ensure a robust Safety Management System (SMS) is in place which supports our workforce to operate in a safe and sustainable way

Action Title: 4.1.3.1 Control effectiveness is reported						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Regular testing and auditing of some high risk works control effectiveness has commenced with findings reported to senior management in conjunction with any incident investigations completed.						
Action Title: 4.1.3.2 Annual review of Council's Injury Management Plan to support "recover at work" principles and manage high risk work						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Council has completed a preliminary self audit of its Safety Management Systems in conjunction with Council's workers compensation insurer. Findings reported to senior management.						
Action Title: 4.1.3.3 Implement an accredited Chain of Responsibility Policy Framework and Procedure						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	
Action Progress Comments: Chain of Responsibility Policy and Procedure in place, development and implementation of fully accredited framework is currently in progress.						
4.2 Our leaders make smart decisions						
4.2.1 Provide learning and networking opportunities for elected members						
Action Title: 4.2.1.1 Develop and deliver a Councillor induction and training program						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Officer	In Progress	01-Jul-2021	30-Jun-2022	80%	50.00%	
Action Progress Comments: An induction and training program is currently being developed in preparation of the formal appointment of the new Council in January 2022.						
Action Title: 4.2.1.2 Councillors have accessed and implemented individual learning plans						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %

Executive Officer	In Progress	01-Jul-2021	30-Jun-2022	60%	50.00%	 GREEN
Action Progress Comments: Individual learning plans are in the process of being developed and will be available to Councillors when the new Council is formally appointed in January 2022.						

4.2.2 Continue to look for efficiencies in the organisation and ensure financial sustainability

Action Title: 4.2.2.1 Continue to implement service reviews as per the Service Review Framework						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Business Systems Analyst	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Event Management Service Review Commenced 9/11/2021.						

Action Title: 4.2.2.2 Reduce the annual operational deficit in line with the Long Term Financial Plan						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Simon Richard Brown - 1005.2 - 1005.2 - Acting Chief Financial Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: 2021/22 Budget prepared in accordance with the Long Term Financial Plan and expectation to return to surplus in 2023. Business Improvement and efficiency are continually researched and made to ensure this target is achieved, as per the Quarterly Budget Review Statements.						


4.2.3 Ensure Council has robust Information Communications Technology Platform

Action Title: 4.2.3.1 Continue to implement the agreed Information and Communication Technology Strategy/Roadmap						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Information & Communications Tec	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: COVID-19 lock-down impacted the delivery of projects, with many projects deferred to prevent business interruption during the working from home period (August-September 2021). Projects underway include mobile device management and organisation-wide security improvements.						


4.3 We unite to succeed in Australia's first heritage listed city

4.3.1 Develop a strategy to protect Broken Hill Heritage Assets

Action Title: 4.3.1.1 Implement the recommendations from the National Heritage Values Planning Framework and the Broken Hill Heritage Study

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Town Planner	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN
Action Progress Comments: The Broken Hill National Heritage Values Study Report was prepared for Broken Hill City Council and the Department of Environment by Paul Davies Architects and Heritage Consultant. The Study Report was endorsed by Council at its Ordinary Meeting held 28 April 2021. The report explores Broken Hill's National Heritage values and produced information and protocols to assist government, council and owners in how the National values apply. The Broken Hill Heritage Review Study was prepared for Broken Hill City Council by Paul Davies Architects and Heritage Consultant and was completed in November 2021. The Heritage Review Study was undertaken in conjunction with and arising from the outcomes of the Broken Hill National Heritage Values Study. The National Values Study was undertaken to explore the National heritage listing over Broken Hill and how National heritage values could be managed in the future. The intent of the two studies was that an exploration of the complex issues related to the national listing would inform a review of the current heritage listings (heritage items and heritage conservation areas) using National heritage values as the basis for new assessments. The heritage review study will be referred to Councils Heritage Committee in 2022, and it provides detail and recommendations should Council amend the LEP in the future.						


Action Title: 4.3.1.2 Advocate for tri-partisan government approach to management of the National Heritage assets


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager Growth & Investment	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: This has been included in Advocacy Strategy. Completion of National Heritage Values framework to inform strategic direction.						

4.4 Our community is engaged and informed

4.4.1 Facilitate engagement activities to determine the community's long term vision

Action Title: 4.4.1.1 Continue stakeholder and community engagement to review and update the Community Strategic Plan

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Stakeholder and community engagement to date have enabled the drafting of the Community Strategic Plan in preparation for presentation to Executive Leadership Team and Council in February 2022 for endorsement and placement on 28-day public exhibition. Further stakeholder and community engagement will be undertaken by CSP project team and newly elected Council during public exhibition period.						

Action Title: 4.4.1.2 Continue development of Community Strategic Plan to ensure finalisation within 9 months of election to meet compliance requirements						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	85%	50.00%	 GREEN
<p>Action Progress Comments: Engagement workshop sessions were held in March 2020 for stakeholders from Council staff and Councillors, Industry, Open Community, Volunteers, Arts and History, Social/Aged/Disability, First Responders, Health and Human Services, Economic Development, Justice, Aboriginal Community, Early Childhood, Environment - Built and Natural, Sporting Groups, Education, Health and Well-being, Leadership groups. Detailed notes were taken at all the stakeholder engagement sessions led with the assistance of two members of the Blackadder firm who also provided general assistance toward the drafted model. An online survey conducted for a 6-week period during August to September 2020, targeted those who attended the engagement sessions in March 2020. A series of questions were asked to extend the ideas gathered from the engagement sessions, to incorporate further inclusions or changes influenced by the COVID-19 pandemic. The online survey closed on 30 September 2020. Community engagement pop up sessions were conducted on 27 and 28 October 2020 at the temporary Argent Street Arboretum, a further session was undertaken on 16 December 2021 at Westside Plaza, with an additional session held in January 2021 both to add data to the development into the CSP and to gauge any impact of COVID as an influencer of any change of attitudes toward directions. A youth survey was distributed on 20 December 2020 and closed on 20 February 2021 to similarly gauge any impacts on this particular age group. Due to the COVID-19 pandemic, the Office of Local Government advised Council elections would be held in September 2021. Consequently, the following timeline was confirmed to ensure finalisation met the organisation's needs and compliance requirements: Online Survey August - September 2020, Community Engagement Activities September - November 2020 and February 2021. An internal staff team reviewed all data collated over all consultation types, identifying theme areas and community defined strategic directions. The CSP Project Team finalised strategies and are in process of developing a draft Community Strategic Plan for a 'did we get it right' stage with partners and the community, for presentation to the newly elected Council. This Action will continue in 2022.</p>						

POLICY AND GENERAL COMMITTEE

March 7, 2022

ITEM 7**BROKEN HILL CITY COUNCIL REPORT NO. 66/22**

SUBJECT: 2017-2021 DISABILITY INCLUSION ACTION PLAN KEY
PERFORMANCE INDICATORS PROGRESS REPORT FOR
PERIOD ENDING 31 DECEMBER 2021 D22/11601

Recommendation

1. That Broken Hill City Council Report No. 66/22 dated March 7, 2022, be received.
2. That Council note the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2021.
3. That the 2017-2021 Disability Inclusion Action Plan – Key Performance Indicators Progress Report for the reporting period ending 31 December 2021 be placed on Council's website.

Executive Summary:

The NSW *Disability Inclusion Act 2014* aims to achieve the goal of ensuring people with disability achieve full inclusion in community life. Under the Act, the NSW Government required all councils to implement a Disability Inclusion Action Plan (DIAP) by July 2017. Council's DIAP was developed according to the legislative requirements described in the Act and adopted on 28 June 2017.

The Disability Inclusion Action Plan Monitoring Group provides a forum for relevant stakeholders and representatives to monitor the progress of Council's DIAP to achieve the requirements of the NSW *Disability Inclusion Act 2014*.

Report:

This report relates to progress of Actions within the plan, for the period ending 31 December 2021.

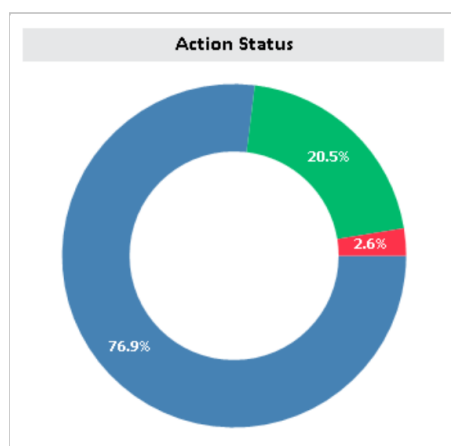
A total of 78 performance action targets are set within Council's 2017-2021 DIAP. The report provides an indication of performance against targets set for the last 12 months and includes those actions already achieved in previous years.

A snapshot of the Action KPIs for the final year of the plan indicates 60 Actions (76.9%) have been "Completed", 16 Actions (20.5%) are "On Track", and 2 Actions (2.6%) are "Off Track" with less than 70% of the target achieved. The report shows a total of 18 actions (23.1%) to be completed, with a further six months remaining to progress and complete these actions.

A legend table to explain the performance descriptors can be found on the next page of this report.

DISABILITY INCLUSION ACTION PLAN SNAPSHOT – 1 JULY 2017 – 31 DECEMBER 2021**OVERVIEW****ACTION SUMMARY**

By Performance

16 On Track**2** Off Track**0** Monitor**60** COMPLETED**Action Progress Against Targets**

78 Actions reported on
 60 Actions completed
 16 At least 90% of action target achieved
 02 Less than 70% of action target achieved

Community Engagement:

The 2017-2021 Disability Inclusion Action Plan was placed on exhibition, for a period of 28 days to allow for public comment, on 26 April 2017.

The Disability Inclusion Action Plan progress report for the period ending 31 December 2021, will be placed on Council's website.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate within its legal framework

Relevant Legislation:

Disability Inclusion Act (NSW) 2014

Disability Discrimination Act (Commonwealth) 1992

Local Government Act 1993

Integrated Planning and Reporting Framework

Financial Implications:

The DIAP is included in the Integrated Planning and Reporting Framework, with actions identified in the Delivery Program, in accordance with Council's Long Term Financial Plan, annual Operational Plan and annual budget processes.

Attachments

1. 2017-2021 Disability Inclusion Action Plan - Key Performance Indicators Progress Report ending 31.12.2021



RAZIJA NU'MAN

CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL

GENERAL MANAGER



2017-2021 DISABILITY INCLUSION ACTION PLAN - KPI PROGRESS REPORT ENDING 31 DECEMBER 2021

Broken Hill City Council

OVERVIEW

ACTION SUMMARY

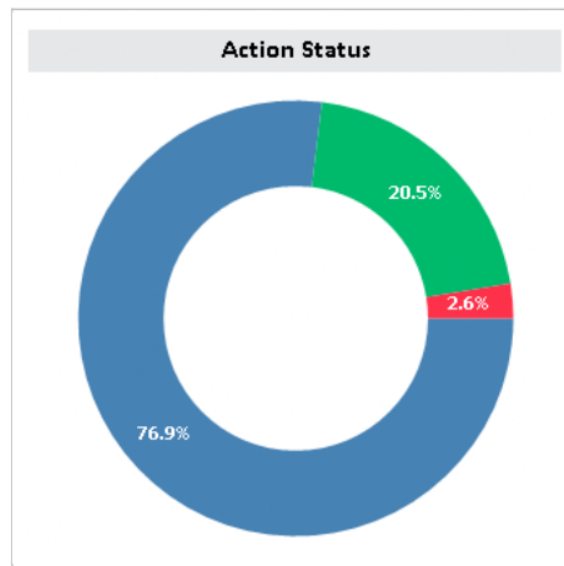
By Performance

16 On Track

2 Off Track

0 Monitor

60 COMPLETED



Action Progress Against Targets

78	Actions reported on
60	Actions completed
16	At least 90% of action target achieved
02	Less than 70% of action target achieved

ACTION TARGET LEGEND



At least 90% of action target achieved



Between 70% and 90% of action target achieved



Less than 70% of action target achieved



No target set



* Dates have been revised from the Original dates

Business Plan – DIAP 2017-2021

1 Attitudes and Behaviours

1.1 Support positive attitudes towards inclusion amongst our Council staff

1.1.1 All Council staff have an awareness of what inclusion means

Action Title: 4.1.1.3 DIAP A1.1.01 - Develop in-house training materials on inclusion of people with disability						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Awareness training materials for inclusion in induction and/or refresher courses under development. This will be included in Council's review of its Corporate Orientation and Onboarding induction process. New Corporate Induction is being trialled online for all council staff, with Corporate Orientation and Employee Onboarding processes being drafted to align with new online staff induction requirements.						
Action Title: 4.1.1.4 DIAP A1.1.02 - Deliver induction sessions that encompass the topic of inclusion of people with disability						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Inclusion awareness training to be incorporated into review of induction processes. This will be included in Council's review of its Corporate Orientation and Onboarding induction process. New Corporate Induction is being trialled online for all council staff, with Corporate Orientation and Employee Onboarding processes being drafted to align with new online staff induction requirements. Council has requested specific module to be created for disability inclusivity within council's online training portal.						
Action Title: 4.1.1.5 DIAP A1.1.03 - Develop and implement an annual training program that promotes inclusivity						

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Annual Training program development underway and will be included in Council's review of its Learning and Development Framework process. CAMMS Talent system audit review commenced in August 2020 for employee learning and development programs to be entered for Annual Performance reviews for 2020/21. CAMMS Talent audit was completed with annual reviews to be conducted through CAMMS Talent online for FY 2020/21. Employee training on CAMMS Talent commenced in May/June 2021 with all staff attending sessions. New Corporate Online Annual Compliance training is now incorporated into mandatory annual training requirements for all staff commencing FY 2020/21 for employee annual performance reviews.						
Action Title: 4.1.1.6 DIAP A1.1.04 - Incorporate disability awareness and person centred communication in the Customer Service Framework						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Documentation within the Customer Service Framework includes sections on Inclusion and Accessibility and incorporates awareness and effective communication with customers who may have disability.						
1.2 Train Council staff to respectfully, confidently and effectively communicate with people with disability						
1.2.1 Council staff are confident and skilled in communicating with people who have disability						
Action Title: 4.1.1.10 DIAP A1.2.04 - Provide Council staff from Library, Events, GeoCentre and Art Gallery with opportunities to gain awareness of the needs of children with autism (and the needs of their parents, caregivers and siblings)						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %

Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Staff attended planned lecture from Tony Attwood on 22 February 2018. Further autism awareness training activities will be scheduled as made available. Further online training and resources have been accessed by relevant staff within these areas as required.						
Action Title: 4.1.1.11 DIAP A1.2.05 - Provide GeoCentre, Library, events and Art Gallery staff with skills (via training or partnership with parents and/or experienced professionals) to create Social Stories that will assist children with autism, or children who experience anxiety, to be involved in groups or formal program activities						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Staff attended planned lecture from Professor Tony Attwood (Clinical Psychologist) on 22 February 2018. A social story using photos and simple text to show children what to expect and how to interact in unfamiliar social settings has been developed for the Library. Development skills for staff to create Social Stories relating to programs and events to be undertaken with invitations to be extended as opportunities identified.						
Action Title: 4.1.1.12 DIAP A1.2.06 - Expand awareness and/or training programs for Council staff across the organisation to ensure all services can be delivered in an inclusive manner						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: All training programs are being assessed for inclusivity factors. Online learning training platform has commenced for all annual compliance staff training which meet this requirement.						
Action Title: 4.1.1.7 DIAP A1.2.01 - Provide key Council staff in Corporate Services, Human Resources and Planning, Development & Compliance training in creating alternative document formats in Word, PDF, PowerPoint (as a minimum)						

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: All new and revised existing documentation is being reviewed by Corporate Services to ensure that compliance for alternative formats is made available under disability inclusion requirements. Training in creating alternative document formats to be further investigated. Staff individual development plans are currently being completed for 2021 and will be reviewed in staff annual performance reviews for FY 2020/21. Current accessible documents have been assessed through council's communications and digital marketing department to meet inclusivity standards.						
Action Title: 4.1.1.8 DIAP A1.2.02 - Provide Information Services, Digital Officer and other staff who may be required to update web pages with training in web content and design compatible with Web Content Accessibility Guidelines (WCAG) 2.0						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Website Content Accessibility Guidelines awareness and compliance forms a standard part of Social Media, Open Forms, and Open Cities training provided to content creators. Open Forms training has been delivered to 22 staff over 8 sessions to 31 December 2018.						
Action Title: 4.1.1.9 DIAP A1.2.03 - Support the Assets and Infrastructure team to enhance disability confidence and communication skills in order to effectively engage people with disability in the Pedestrian Access Mobility Plan (PAMP) and the Traffic Committee						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Support provided to Assets and Infrastructure team to enhance disability confidence and communication skills and liaising with community in responding to CRMs, is included in weekly team meetings. Process embedded into ongoing consultation and communication plans.

1.3 Contribute positive media stories about what Council is doing to build inclusion with people with disability


1.3.1 The community is aware of the activities Council is undertaking to progressively build greater inclusion of people with disability

Action Title: 4.1.1.13 DIAP A1.3.01 - Provide regular media stories (including on social media) on the progress of the implementation of the DIAP

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Disability Inclusion Action Plan has been referenced in all relevant releases and statements.

Action Title: 4.1.1.14 DIAP A1.3.02 - Source and provide stories to media on the experiences and/or opinions of people with disability with regards to the effectiveness of Council's strategies to build inclusion

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN

Action Progress Comments: Disability Inclusion Action Plan referenced in relevant releases and statements.

1.4 Contribute to creating positive attitudes towards inclusion in Broken Hill community

1.4.1 The community has a greater awareness of disability inclusion and the benefits of inclusion to the broader community

Action Title: 4.1.1.15 DIAP A1.4.01 - Support disability awareness campaigns by displaying promotional posters in Council buildings and facilities (e.g. Autism Awareness, Mental Health Month, International Day of People with Disability and National Relay Service)

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Council has supported the NDIS information and preplanning hubs, National Reconciliation Week, Positive Partnerships Autism Awareness, Inclusive Tourism Online Learning (internal promotion), Stress Down Day and International Day of People with a Disability community event.						
Action Title: 4.1.1.16 DIAP A1.4.02 - Extend an invitation to YMCA staff, to join the autism awareness session and/or training provided to Library, Events, GeoCentre and Art Gallery staff						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: 80% targeted attendance at education/training sessions by YMCA staff - Invitation sent to education/training sessions to YMCA. Evaluation by Council and YMCA staff attending autism awareness training indicates an increase in confidence in meeting the needs of children with autism and their families.						
Action Title: 4.1.1.17 DIAP A1.4.03 - Extend an invitation to YMCA staff, to join the professional development opportunities relating to creating Social Stories for children with autism or who experience anxiety						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: No training opportunities identified for creating Social Stories. Invitation to be extended as opportunities identified.						
Action Title: 4.1.1.18 DIAP - A1.4.04 - Library, GeoCentre and/or Art Gallery host programs and/or events that include disability as being part of the human experience and/or reflected in cultural artefacts						

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: The Library, Gallery and Museum make regular adjustments to programs for people with disability to attend.</p> <p>The Gallery has resumed programming (February 2021) and is now running a regular after school art program (arts/COOL), along with school workshops and Tour groups.</p> <p>The Gallery remains accessible with participation open to everyone for these programs. . The Gallery has continued to offer and endorse an inclusive environment where participants feel comfortable to visit and attend. Adjustments are made for participants with a disability and these adjustments are successfully reflected in our current programs where children and adults with disability are currently enrolled.</p> <p>Enrich workshops have resumed (March 2021), where groups of medical students from the University of Sydney: School of Rural Health visit the Gallery. These workshops aim to broaden the understanding and use of visual arts and creative practices as an important and relevant communication tool to prepare and relate to a practitioner/client environment.</p> <p>The Geo Centre has continued to offer and endorse an inclusive environment where participants feel comfortable to visit and attend. Adjustments are made when and where required for people to attend who may have a disability.</p> <p>Library early literacy programming commenced in January 2021. Library programming remains accessible with participation open to everyone for these programs. The Library makes regular adjustments to programs to ensure inclusion and all program delivery, whether online or in house, have built in flexibility to adjust to differing abilities, ages and needs.</p>						

2 Liveable Communities

2.1 Progressively improve the accessibility of footpaths in Broken Hill LGA in consultation with people with mobility and vision related disabilities

2.1.1 People with disability are consulted about the priority maintenance and upgrade of footpaths, kerbs, crossings and ramps in Broken Hill

Action Title: 4.1.1.19 DIAP A2.1.01 - Write Terms of Reference for a PAMP Reference Group that includes purpose, duration, frequency, representation across Broken Hill and representational of various mobility types and parents/guardians of school aged children


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: PAMP Reference Group Terms of Reference have been drafted however, due to the lack of response from the public to participate in the PAMP Reference Group, the group will not progress. The community was provided the opportunity to participate in the development of the PAMP through consultation sessions/workshops on the 5 December 2018 and further consultation on 15 August 2019 completed this process.						
Action Title: 4.1.1.20 DIAP A2.1.02 - Advertise for PAMP Reference Group members, and use contacts from industry and Government services to assist to fill all required representation positions						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The PAMP Reference Group will not proceed due to lack of response following advertising. All future PAMP development activity will be reported to Council.						
Action Title: 4.1.1.21 DIAP A2.1.03 - Conduct meetings (using Accessible Meeting Guidelines) and report on PAMP progress and asking the PAMP Reference Group to provide feedback on the priorities listed in the PAMP						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The PAMP has been incorporated into an Active Transport Plan as directed by the RMS. The Active Transport Plan will include a forward works program of footpath maintenance and upgrade works.						
Action Title: 4.1.1.22 DIAP A2.1.04 - Review the PAMP priorities and assessments based on input from the PAMP Reference Group						

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: Council received funding from Roads and Maritime Services (RMS) to develop a city-wide Pedestrian Access and Mobility Plan (PAMP) commencing in 2018/2019. The PAMP has been upgraded to an Active Transport Plan (ATP) which also incorporates a bike plan. The project incorporates community consultation and development of a reference group however, advertising for participation for this group resulted in a lack of response. The reference group has been removed from the project and will now be communicated through Council. An invitation was extended to the community for public consultation sessions, with representation from disability organisations attending. Grant funding of \$977,101 in Phase -1 and Phase -2, has been secured from Infrastructure, Transport, Regional Development and Communication under the Local Roads and Community Infrastructure Program, for footpath upgrades in accordance with Council's Active Transport Plan (ATP). Tender for the work was awarded to a panel of contractors in December 2020 and works commenced in March 2021. Shared footpath upgrades have been completed in the following footpath links: O'Farrell Street from Morgan Street to Williams Street, Patton Street from Bonanza Street to Queen Street, Galena Street from Williams Street to Talc Street, Blende Street from Sulphide Street to Chloride Street. The first phase of work commenced in March 2021 and was completed by 30 June 2021. The second phase of work is to be completed by December 2021 in accordance with the grant funding agreement.</p>						
<p>Action Title: 4.1.1.23 DIAP A2.1.05 - Inform the public of the consultation with the PAMP Reference Group and the priority list for maintenance or upgrade of PAMP related infrastructure</p>						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: PAMP review as part of the Active Transport Plan completed. Council actively prepared media releases for key stages of the project where relevant. During the community consultation phase, Council promoted the completion of the community survey on social media. The General Manager undertook a radio interview explaining the project on the ABC Radio. Consultations completed.</p>						

2.2 Plan to progressively improve the accessibility of public toilets (including way finding)


2.2.1 People with disability are directly consulted about the priorities for enhancement of Council public toilets

Action Title: 4.1.1.24 DIAP A2.2.01 - Write a Consultation Plan for a community consultation on Council public toilet maintenance and upgrade, and way finding priorities including:
purpose and aim of the consultation; promotional plan to engage a broad range of relevant stakeholders (particularly mobility and vision related disability); draft consultation questions

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Accessible public amenities fall partially under the umbrella of the Active Transport Plan as access to toilets is part of a pedestrian network and is underway. The provision of accessible toilets is a separate project which requires the development of a works program to be supported by the community. The Communications team to work with Infrastructure on a consultation plan to discuss the upgrade of public facilities for disability access. Audit is complete. Consultation to be carried out in 2021/2022.


Action Title: 4.1.1.25 DIAP A2.2.02 - Advertise community consultation on accessible Council public toilets (maintenance and upgrade and way finding priorities), using industry and government contacts to assist to reach target audience

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN

Action Progress Comments: Public toilet upgrade was carried out in Patton Park 2019/2020, the design of the toilets was consulted on with the community and designed to comply with accessibility standards, codes and legislation, with Council installing a state-of-the-art accessible amenities block. For future replacements/upgrades of public amenities, the Infrastructure team is to develop a replacement schedule and type of toilet facility for public comment. It is aimed to have a replacement plan completed during 2021 and community consultation and advertising for consultation to be conducted in 2022.


2.2.3 Current and accurate information on the location of Council accessible toilets is available to residents and visitors

Action Title: 4.1.1.26 DIAP A2.2.03 - Conduct community consultation on accessible Council public toilets (maintenance and upgrade and way finding priorities) using Accessible Meetings Guidelines

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	53%	50.00%	 GREEN

Action Progress Comments: Public toilet upgrade was carried out in Patton Park 2019/2020, the design of the toilets was consulted on with the community and designed to comply with accessibility standards, codes and legislation, with Council installing a state-of-the-art accessible amenities block. For future replacements/upgrades of public amenities, the Infrastructure team is to develop a replacement schedule and type of toilet facility for public comment. It is aimed to have a replacement plan completed during 2021 and community consultation to be conducted in 2022 using Accessible Meeting Guidelines.


Action Title: 4.1.1.27 DIAP A2.2.04 - Review the PAMP priorities and assessments on accessible Council public toilet (including way finding) needs based on the community consultation results and other relevant data

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN

Action Progress Comments: 75% audit completed on public toilets. Upon 100% completion and review, the program will be used to inform future capital works.


Action Title: 4.1.1.28 DIAP A2.2.05 - Progressively maintain or upgrade accessible Council public toilets (including way finding) based on the priorities identified following community consultation and other data

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	
Action Progress Comments: 75% audit completed on public toilets. Upon 100% completion and review, the program will be used to inform future capital works.						

2.2.4 Suitable sites for the potential installation of adult change tables identified in consultation with people with disability and included as an addendum to the PAMP

Action Title: 4.1.1.29 DIAP A2.2.06 - Compile a PDF for each accessible Council public toilet describing the access features (including availability of adult change tables), and providing a picture of each toilet (to enable families of people with profound disability to decide on suitability of access for their needs)

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	71%	50.00%	

Action Progress Comments: The National Public Toilet Map www.toiletmap.gov.au assists people with disabilities to know what toilets are actually accessible and where they are located. The online database includes all features of the Public Toilet and has the ability to include information such as the size of the toilet room, photos and other vital information. Research undertaken by the Corporate Services team indicated that the National Public Toilet Map was the preferred database by councils and other businesses. A link to the National Public Toilet Register has been included on Council's website under 'Facilities'. The National Public Toilet Register is updated regularly. Further investigations and considerations required for the development of accessibility features PDF at each amenity.

Action Title: 4.1.1.30 DIAP A2.2.07 - Review map of accessible Council public toilets based on the information collected in A2.2.06

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Public toilets are reviewed and linked to National Public Toilets Map Register.

Action Title: 4.1.1.31 DIAP - A2.2.08 - Review the National Public Toilet Map including descriptions of access features described as important by the community consultation results

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Strategic Asset Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Public toilets are reviewed and linked to National Public Toilets Map Register.

Action Title: 4.1.1.32 DIAP A2.2.09 - Identify suitable sites for the potential installation of adult change tables identified in consultation with people with disability and included as an addendum to the PAMP

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Council has been proactive in the installation of adult change tables at key locations such as at the Broken Hill Regional Aquatic Centre and the Patton Park amenities block.

2.3 Increase accessibility and inclusion of events held in Broken Hill and of Council meetings

2.3.1 Council staff are supported to increase or promote access and inclusion of events and meetings

Action Title: 4.1.1.33 DIAP A2.3.01 - Council staff responsible for events are provided with professional development (and/or training) opportunities to enhance their knowledge and skills relating to organising accessible events

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-


Action Progress Comments: Council departments share templates and resources internally on an ongoing basis.

Action Title: 4.1.1.34 DIAP A2.3.02 - Source existing Accessible and Inclusive Event Guidelines for use within Council						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Accessible and Inclusive Guidelines are accessed as required from industry bodies and government agencies.						
2.3.2 People with disability have greater access to events hosted in Broken Hill LGA						
Action Title: 4.1.1.35 DIAP A2.3.03 - Progressively incorporate Council's Access and Inclusion Plans into all civic events						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: All Civic events include disability access in the planning template.						
Action Title: 4.1.1.36 DIAP A2.3.04 - Progressively develop Council's Accessible Event templates, guidelines, policies and/or procedures specific to the context of Broken Hill events						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Accessible event planning incorporated into Council's Event Guide.						
Action Title: 4.1.1.37 DIAP A2.3.05 - Make Council's Accessible Event Guidelines (including promotional information about drop off points and parking etc) available to event organisers booking Council owned sites						

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Events Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Broken Hill Event Guide complete and available for event planners via Council's website.						
2.3.3 Access by people with disability attending meeting held at Council is specifically addressed and catered for						
Action Title: 4.1.1.38 DIAP A2.3.06 - Develop a Council Accessible Meetings checklist template to assist staff to cater for meeting participants who may have a disability						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: An Accessible Meeting Checklist has been researched and developed for communication and implementation in 2021.						
Action Title: 4.1.1.39 DIAP A2.3.07 - Develop a process to ensure meeting requests or invitations consider the accessibility requirements of attendees						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: An Accessible Meeting Process has been researched and developed for communication and implementation in 2021 and includes the Accessible Meeting Checklist.						

2.4 Progressively increase accessibility and inclusion of places of recreation, learning and leisure

2.4.1 People of all ages with disability have greater access to Library service, Art Gallery and GeoCentre

Action Title: 4.1.1.40 DIAP A2.4.01 - Compile a PDF for Council buildings describing the access features of the building and the activities hosted in them							
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %	
Aaron Martin Troy - 1242.3 - 1242.3 - Asset Planner Buildings	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%		 GREEN
Action Progress Comments: All Councils facilities have been inspected and recorded, the relevant site information has been converted to PDF format and is to be installed in a prominent area within all sites.							

Action Title: 4.1.1.41 DIAP A2.4.02 - Document the accessibility features of the Library, Art Gallery, Tourist and Travellers Centre and GeoCentre buildings and publish these in relevant locations (website, social media, intranet, tourism collateral and onsite)							
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %	
Chief Corporate and Community Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-	
Action Progress Comments: The Art Gallery and GeoCentre introduced building access information in advertising and marketing information during July 2017 to June 2018. The Art Gallery has its own dedicated website with a page regarding access including building accessibility and all other appropriate information - https://www.bhartgallery.com.au/Visit/Access The GeoCentre continues to include accessibility information in marketing material and will work towards including this on the website as well. The Broken Hill City Library promotes sensory friendly afternoons for the community and has uploaded information regarding accessibility on the Library website - https://www.brokenhill.nsw.gov.au/Facilities/Library/Library-services/Library-accessibility . The Broken Hill Visitor Information Centre displays accessibility information for the Tourist and Travellers Centre via the Australian Tourism Data Warehouse and the Broken Hill City Council website. Signage for ramps and disability parking is displayed at the facility.							


Action Title: 4.1.1.47 DIAP A2.4.08 - Art Gallery and/or GeoCentre workshops and/or activities provide adjustments enabling people with disability to attend							
--	--	--	--	--	--	--	--


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Gallery and Museum Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The Art Gallery hosted workshops for Maari Ma Health group clients. The Gallery and Museum make regular adjustments to programs for people with disability to attend. Workshops at the Gallery and Museum recommenced in February 2021 for the first time since COVID-19, with adjustments made to workshops for people with disability to attend.						

2.4.2 Parents of children with disability access the Library

Action Title: 4.1.1.42 DIAP A2.4.03 - Design Library activities and/or events that provide adjustments enabling people with disability to attend

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: The Library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status.</p> <p>Library early literacy programming commenced in January 2021. Library programming remains accessible with participation open to everyone for these programs. The Library makes regular adjustments to programs to ensure inclusion and all program delivery, whether online or in house, have built in flexibility to adjust to differing abilities, ages and needs.</p> <p>Accessible public computers are available at the Library for use by the community. The Library website provides access to the Central West Zone online BorrowBox "Mindful and Well-being" collection which is supported by the Books on Prescription grant from the Library Council of NSW.</p> <p>For those members unable to visit the Library offers two outreach programs:</p> <p>Home Library Service which delivers Library items directly to the door of members who are frail, ill, disabled or unable to visit the library due to medical reasons including carers.</p> <p>Outback Letterbox Library Service which delivers Library items directly to the door of members who are isolated and residing in remote areas of the Far West of NSW, Unincorporated area and Central Darling Shire.</p>						

Action Title: 4.1.1.43 DIAP A2.4.04 - Work in partnership with families and/or service providers of children with autism to create suitable Library activities and/or events and programs (particularly in school holidays)						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	83%	50.00%	
<p>Action Progress Comments: The Library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender, ability or socio-economic status. Library programming remains accessible with participation open to everyone for these programs. The Library makes regular adjustments to programs to ensure inclusion and all program delivery, whether online or in house, have built in flexibility to adjust to differing abilities, ages and needs. The Library has developed a Library Social Story which uses photos and simple text to show children on the autism spectrum what to expect and how to interact in unfamiliar social settings. The Social Story is available in hard copy. Programs are planned to commence in February 2022 and consultation with organisations after COVID impacts and restriction will recommence. Discussion with community member as to starting Teenage autism social group in 2022 is in initial stage. COVID-19 and staffing issues have impacted upon implementation of events and programs especially those with autism. Passive support is provided via: Accessible public computers are available at the Library for use by the community. The Library website provides access to the Central West Zone online BorrowBox "Mindful and Well-being" collection which is supported by the Books on Prescription grant from the Library Council of NSW.</p>						
Action Title: 4.1.1.44 DIAP A2.4.05 - Develop a Social Story about going to the Library (or story time within the Library) to enable children with autism and children who experience anxiety to be more comfortable attending these places and events						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: A social story using photos and simple text to show children what to expect and how to interact in unfamiliar social settings has been developed for the Library. Caryn Ferguson Allied Health Assistant, Aspect Therapy has had input into the final publication. The Social Story will be available in hard copy and also available on the Library Web page by the end of August 2021 due to staffing issues affecting completion as predicted in June 2021.</p>						

Action Title: 4.1.1.45 DIAP A2.4.06 - Support ATSI persons with disability to attend culturally safe and appropriate activities and/or events						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
<p>Action Progress Comments: The Library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status. Library staff have completed the Aboriginal and Torres Strait Islander Cultural Competence Course through the Centre for Cultural Competence Australia and funded by the State Library NSW, the majority of Library staff have completed this course.</p> <p>Library early literacy programming commenced in January 2021. Library programming remains accessible with participation open to everyone for these programs. The Library makes regular adjustments to programs to ensure inclusion and all program delivery, whether online or in house, have built in flexibility to adjust to differing abilities, cultures, ages and needs.</p> <p>Accessible public computers are available at the Library for use by the community. The Library website provides access to the Central West Zone online BorrowBox "Mindful and Well-being" collection which is supported by the Books on Prescription grant from the Library Council of NSW.</p> <p>For those members unable to visit the Library offers two outreach programs:</p> <p>Home Library Service which delivers Library items directly to the door of members who are frail, ill, disabled or unable to visit the library due to medical reasons including carers.</p> <p>Outback Letterbox Library Service which delivers Library items directly to the door of members who are isolated and residing in remote areas of the Far West of NSW, Unincorporated area and Central Darling Shire.</p>						
Action Title: 4.1.1.46 DIAP A2.4.07 - Host activities and/or events in the Library designed to support parents and care givers of children who have a disability						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Library Coordinator	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
<p>Action Progress Comments: The Library is a space that is free, inclusive, diverse and available for all members of the community regardless of culture, religion, race, gender or socio-economic status. Library programming remains accessible with participation</p>						

open to everyone for these programs. The Library makes regular adjustments to programs to ensure inclusion and all program delivery, whether online or in house, have built in flexibility to adjust to differing abilities, ages and needs. COVID-19 and staffing issues have impacted upon implementation of events and programs especially for those with disability. Passive support is provided via:
Accessible public computers - available at the Library for use by the community. The Library website provides access to the Central West Zone online BorrowBox "Mindful and Well-being" collection which is supported by the Books on Prescription grant from the Library Council of NSW.
December 2021 a series of Programs in the Park planned was held for parents and children and proved to be popular. Programming is planning to resume February 2022 dependent upon COVID restrictions.


2.4.3 Families have improved information about the access features of playgrounds (including fencing)

Action Title: 4.1.1.48 DIAP A2.4.09 - Design a template to capture information about the accessibility features of Council parks, sporting and playgrounds (including fencing) in a standard format

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Council's Corporate Services staff collaborated with Council's Asset Planner Open Spaces to develop a template to capture the information about the accessibility features of Council's parks, sports fields and playgrounds. The template is now complete and has been provided to the Asset Planner Open Spaces for data input and upload to Council's website.

Action Title: 4.1.1.49 DIAP A2.4.10 - Document the accessibility features of Council parks, sporting and playgrounds (including fencing) and post these on all relevant websites

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Assets Planner-Parks & Open Spaces	Completed	01-Jul-2021	30-Jun-2022	100%	50.00%	 GREEN

Action Progress Comments: Broken Hill City Council has installed 6 x new picnic table settings within Sturt Park. New pathways will now be developed to connect the table to existing walkways. Planning and purchasing has been complete to install a fully accessible water bubbler and BBQ within Apex Park.

2.4.4 Tourists and visitors with disability have greater access to information on accessibility features of accommodation, and places and activities of interest in and around Broken Hill

Action Title: 4.1.1.50 DIAP A2.4.11 - Review the template for accessible accommodation and encourage the use of photos to show the accessible bathroom features and any other accessibility features

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-


Action Progress Comments: The current accommodation guide template produced by the Visitor Information Centre (VIC) was reviewed and highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom. More detailed information on accessibility features including photos will require a larger accessibility audit of local tourism product.

Action Title: 4.1.1.51 DIAP A2.4.12 - Review the accessible accommodation guide annually, progressively incorporating enhanced information on accessible accommodation

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: The current accommodation guide that is produced by the Visitor Information Centre highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom. This is reviewed annually at the beginning of the year. Visitor Information Centre staff also encourage the local tourism industry to keep their free listing on the Australian Tourism Data Warehouse up to date, which prompts operators to enter detailed information on their accessibility features. The information in this database can be accessed via all government tourism websites including visitnsw.com.au.

Action Title: 4.1.1.52 DIAP A2.4.13 - Create a dedicated section on the Tourism website, annually reviewed, that holds enhanced information about accessible accommodation and activities

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	

Action Progress Comments: Council's internal tourism strategy team is currently working with Pace Advertising to scope a new version of the current tourism website, www.destinationbrokenhill.com.au. Launch will be in early 2022. This will include a new navigation and new functionality as well as enhanced information about accessible attractions and accommodation providers.

2.5 Improve access to Council Administrative Centre and Civic Centre, and Visitor Information Centre, including better way finding

2.5.1 Council Administrative Centre, Civic Centre and Visitor Information Centre have improved access features

Action Title: 4.1.1.53 DIAP A2.5.01 - Ensure the Council Administrative Centre refurbishment considers provision for: a lift; a lower information desk for people using wheelchairs; availability of hearing loop; and a meeting room enabling sound privacy

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Asset Planner Buildings	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Design has been completed as part of refurbishment associated with new library temporary relocation. Inclusion of the installation of a Hearing Loop, dedicated room enabling sound privacy and the redesign of the information desk for wheelchair access has been undertaken as part of the design for the Temporary Library to be located on the lower floor of the Admin Building. These inclusions will be in place for the life of the Temporary Library project. Installation of a permanent disability toilet on the lower floor has also been included as part of the redesign of the lower floor.

Action Title: 4.1.1.54 DIAP A2.5.02 - Ensure the Civic Centre refurbishment considers provision for: a lift; accessible toilet; hearing loop and theatre area suitable for people who use wheelchairs


Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Civic Centre access features completed including a lift; accessible toilet; hearing loop and theatre area suitable for people who use wheelchairs.						

Action Title: 4.1.1.55 DIAP A2.5.03 - Ensure the Visitor Information Centre is accessible to visitors who use wheelchairs

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Asset Planner Buildings	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Further investigations required for a wheelchair height counter and installation of directional signage to direct people in wheelchairs to the auto-doors. To be added into 2022/23 financial year.						

2.5.2 Way finding in and around Council Administrative Centre, Civic Centre and Visitor Information Centre is inclusive of people with vision and/or hearing impairment, blindness and/or deafness

Action Title: 4.1.1.56 DIAP A2.5.04 - Install appropriate way finding, suitable for guests who may be vision or hearing impaired; blind and/or deaf, in Council Administrative Centre, Civic Centre and Visitor Information Centre

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	 RED
Action Progress Comments: Wayfinding concepts have been considered and form parts of the development of the new proposed Cultural Hub.						

2.6 Encourage, support and promote accessible businesses and tourism in Broken Hill

2.6.1 Businesses and tourist attractions in Broken Hill have greater awareness of the economic benefits of developing accessible and ageing friendly places and activities

Action Title: 4.1.1.57 DIAP A2.6.01 - Support the promotion of the economic benefits of accessible and ageing friendly businesses and activities via information updates to businesses

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Business Forums successfully run for the Broken Hill Mundi Mundi Bash as a precursor for enabling further industry sessions to promote the benefits of ageing friendly businesses and accessibility in general. Council have also supported a number of activities promoting accessibility and is forefront in the newly developed Business Development Policy. Further consultation and promotion has been impacted by COVID-19. The Our Economy Key Direction Working Group have progressed this action by being a part of business breakfasts presentations initiated by BEC Business Advice. Media releases have previously been made detailing the economic benefits local business could have by becoming disability and ageing friendly.

Action Title: 4.1.1.58 DIAP A2.6.02 - Promote the economic benefits of accessible and ageing friendly businesses and activities in a variety of media

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Specific media releases have referenced the financial benefits of operating disability friendly businesses.

Action Title: 4.1.1.59 DIAP A2.6.03 - Encourage and support the organisers of Business Awards to include an Accessible and Inclusive Business Award in their award categories

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Due to COVID-19, the local business awards were deferred for 2021 however, Council was an active supporter and participant in the lead up.						

Action Title: 4.1.1.60 DIAP A2.6.04 - Promote the accessibility features of tourism properties						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The current accommodation guide that is produced by the Visitor Information Centre (VIC) highlights properties that are wheelchair accessible and have a wheelchair accessible bathroom. The guide is made available to visitors and also posted and emailed as part of VIC information packs. This guide is reviewed annually at the beginning of the year. VIC staff also encourage local tourism industry to keep their free listing on the Australian Tourism Data Warehouse up to date, which prompts operators to enter detailed information on their accessibility features. The information in this database can be accessed via all government tourism websites including visitnsw.com.au.						

3 Systems and Processes

3.1 Update the Customer Service Framework to provide guidance to staff on how to make information more accessible

3.1.1 Written information produced by Council is easier to read both in form and content

Action Title: 4.1.1.61 DIAP A3.1.01 - Develop guidelines and/or checklists for staff to author web accessible documents						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Guide developed and distributed to web content authors.						

3.1.2 People with disabilities can request information in alternative formats and are presented with options to better meet their communication needs

Action Title: 4.1.1.62 DIAP A3.1.02 - Develop guidelines or procedure(s) to produce documentation in alternative formats including providing options that enable timely and cost effective communication to occur

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: An Accessible Format Request Process has been developed. The purpose of this process is to ensure Council maintains and continues to improve document accessibility in line with the Disability Inclusion Action Plan. An OpenForm has been developed to allow requests for alternate formats of all available Council documents and where practicable, Council will endeavour to provide requested documentation formats.

3.2 Progressively improve accessibility of Council websites

3.2.1 People with disability have greater access to information via Council websites


Action Title: 4.1.1.63 DIAP A3.2.01 - Undertake an audit of Council's websites and intranet against WCAG2.0 standards

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Information & Communications Tec	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Website accessibility audit of brokenhill.nsw.gov.au complete.

Action Title: 4.1.1.64 DIAP A3.2.02 - Ensure contact details for the National Relay Service and how to access or request alternative format documents is provided on the contact and accessibility pages on Council's website

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Completed and available at https://www.brokenhill.nsw.gov.au/Website-accessibility						
Action Title: 4.1.1.65 DIAP A3.2.03 - Develop a business case with estimates of costs for updating vs replacing the Council website to WCAG 2.0 AA standard						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Business case complete and new website deployed. Website conforms to Web Content Accessibility Guidelines 2.1 "AA" standards.						
Action Title: 4.1.1.66 DIAP A3.2.04 - Create an Accessibility page on Council's website describing the accessibility features of the site						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Communications	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Completed and available at https://www.brokenhill.nsw.gov.au/Website-accessibility						
Action Title: 4.1.1.67 DIAP A3.2.05 - Create an Accessibility page on the Tourism and Council's websites describing the accessibility features for getting around Broken Hill.						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Visitor Services Coordinator	In Progress	01-Jul-2021	30-Jun-2022	10%	50.00%	

Action Progress Comments: More detailed information on accessibility features around Broken Hill require a larger accessibility audit of local tourism product. Further discussions are required for budget considerations to a) run a local workshop with Visitor Information Centre (VIC) staff and local businesses to educate on the importance of Accessible Tourism and what accessibility features are important and how to log them and b) to have a VIC staff member visit businesses to audit their existing features and take photos. Now that a trainee position has been approved for the VIC this project will be able to be resourced for 2022.

3.3 Progressively incorporate accessibility and inclusion considerations in procurement decisions and contracts

3.3.1 Council contracts increasingly specify delivery of accessible and inclusive goods, programs and services by third parties or contractors

Action Title: 4.1.1.68 DIAP A3.3.01 - Source or develop guidelines for incorporating accessibility and inclusion considerations in procurement contracts

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-


Action Progress Comments: Procurement Framework and Policy implemented and currently in use since approval at August 2020 Council meeting.


3.4 Review the Community Engagement Strategy (Round Table or equivalent body) to improve representation of people with disability, their families and supporters

3.4.1 People with disabilities increasingly give feedback to Council and are able to give formal and informal input on the development and progress of Council plans

Action Title: 4.1.1.69 DIAP A3.4.01 - Develop surveys (including easy read surveys) to distribute at the International Day of People with Disabilities events, and provided to all National Disability Insurance Agency (NDIA) registered service providers operating in Broken Hill, asking key questions about the satisfaction with Community Strategic Plan (CSP) progress

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

Community Development Officer	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The action was scheduled for 2019/2020 for commencement. However, with the presence of COVID-19 identified internationally in December 2019 and the Australian responses made between January 2020 and March 2020, the action has been significantly impacted and consequently delayed. International Day of People with Disabilities events were not conducted in the community in 2020. The easy read survey was completed and distributed in June 2021. The survey was offered as a hard copy and as an OpenForm and distributed to NDIS providers and sector partners and available to the wider community. Survey results have been collated for inclusion into the engagement material collected to inform the Your Broken Hill 2040 Community Strategic Plan.						
Action Title: 4.1.1.70 DIAP A3.4.02 - Recruit and/or invite people with disabilities to the Round Table or equivalent body and enable their active participation by way of Accessible Meeting Guidelines						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	In Progress	01-Jul-2021	30-Jun-2022	75%	50.00%	 GREEN
Action Progress Comments: Website has been updated to include easy access for people with a disability. All relevant documentation on the Community Round Table, including agendas and minutes, are uploaded to the website. Representation of people with disability on the Round Table or equivalent body to be further investigated with the inclusion of a member from the Disability Inclusion Action Plan Monitoring Group as a member of the Community Round Table.						
3.5 Review reference groups, or advisory bodies relating to PAMP; Traffic Safety; Flood Evacuation Plans and Council Building refurbishment plans, to ensure adequate representation of the issues of people						
3.5.1 People with disability are represented on reference groups and/or advisory bodies relating to the PAMP; Traffic Safety; Flood/Emergency Evacuation Plans and Council Building refurbishment plans						
Action Title: 4.1.1.71 DIAP A3.5.01 - Discuss with LEMC how the LEMP has accommodated for the needs of people with a disability for various emergency scenarios and advocate for consultation with people with disability						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %

Chief Assets & Projects Officer	In Progress	01-Jul-2021	30-Jun-2022	50%	50.00%	 GREEN
Action Progress Comments: Accommodating for the needs of people with disability for various emergency scenarios will be part of consequence management plan that will be developed specific to each emergency type and will be developed by lead agency nominated for that particular emergency. For example COVID-19 response during 2019/2020, NSW Health was the lead agency and it developed all necessary communication plans which included reaching out to people with disability.						

Action Title: 4.1.1.72 DIAP A3.5.02 - Ensure consultation with people with disability to provide input on the suggested access features for the Council Administrative Centre and Civic Centre

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
General Manager	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: The Civic Centre refurbishment was designed according to accessibility requirements and standards. Draft concept design plans for the Administrative Centre were drafted considering accessibility requirements and standards. Any future asset refits to be designed in accordance with accessibility requirements and standards, inclusive of community consultation.						

3.6 Ensure Council's emergency evacuation procedures specifically consider the needs of people with disability

3.6.1 Council's emergency evacuation procedures address the specific needs of people with disability

Action Title: 4.1.1.73 DIAP A3.6.01 - Review emergency evacuation procedures for all Council buildings to address the needs of people with disability

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Risk Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Review of emergency evacuation procedures completed, fire warden training completed, independently reviewed evacuation drills completed for all Council sites and documentation updated accordingly.						

3.7 Progressively review the procedures supporting access to all Council services and processes (such as making a complaint etc) to ensure improved access

3.7.1 Council services can be accessed more independently by people with disability

Action Title: 4.1.1.74 DIAP A3.7.01 - Review the policy and procedures for handling complaints to ensure better access for people with disability

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Complaints Management Policy adopted 30 August 2017; minute number 45610. Complaints Management Procedure and Workflow developed with communication and implementation scheduled for 2021. Policy and procedure considers disability inclusion with plain English documentation and an accommodation of a variety of methods to register a complaint and easy to follow workflow chart.

Action Title: 4.1.1.75 DIAP A3.7.02 - Review the procedures for handling customer service requests to ensure better access for people with disability

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Corporate Services Coordinator	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: The review of procedures for handling customer requests is incorporated in Council's Customer Service Framework. The review of the Customer Service Framework was undertaken in 2019/2020 and is reviewed every two years. Better access for those with a disability is included and considered within the procedures in this Framework.

4 Employment

4.1 Review Council recruitment and employment processes to ensure they provide fair and barrier free opportunity to candidates who have a disability

4.1.1 Council has access to resources supporting best practice with regards to recruiting people with disability

Action Title: 4.1.1.76 DIAP A4.1.01 - Join the Australian Network on Disability to access resources that will support Council to become a more inclusive employer

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Budget to purchase Membership of the Australian Network on Disability approved for 2017/2018 and ongoing.

Action Title: 4.1.1.77 DIAP A4.1.02 - Access and implement the free resources from the Australian Network on Disability, specifically:

- Sharing and monitoring disability information in the workplace; and
- Employers' Guide to Partnering with Disability Employment Services

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-

Action Progress Comments: Sourced free resources from Australian Network on Disability and all current policies and procedures being reviewed for implementation of best practice amendments as required.

Action Title: 4.1.1.78 DIAP A4.1.03 - Purchase the Australian Network on Disability resource "Manager's Guide: Disability in the Workplace" and update Council's policies in line with best practice examples provided

Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
--------------------	--------	------------	----------	------------	--------	-------------

Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Council has purchased of "Manager's Guide: Disability in the Workplace" and all current policies and procedures being reviewed for implementation of best practice amendments as required.						
4.1.2 Council has recruitment and employment policies that reflect best practice with regards to encouraging and supporting the employment of people with disability						
Action Title: 4.1.1.79 DIAP A4.1.04 - Ensure employment processes and budget is developed to assess and/or implement appropriate and reasonable adjustment						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Executive Manager People and Culture	Completed	01-Jul-2021	30-Jun-2022	100%	-	-
Action Progress Comments: Recruitment Framework has been finalised and implemented operationally and addressed Council's ability to implement reasonable adjustment for all applicants during the employment process.						
Action Title: 4.1.1.80 DIAP A4.1.05 - Review and update the Information Technology Strategy to ensure that Council's commitment to inclusion is considered including reasonable adjustment and use of assisted technology						
Responsible Person	Status	Start Date	End Date	% Complete	Target	On Target %
Manager Information & Communications Tec	In Progress	01-Jul-2021	30-Jun-2022	50%	-	-
Action Progress Comments: Device Standard Development and Standardisation Plan has been reviewed to allow for a default mobile device (laptop or detachable tablet) and desk mounting options for monitors to support height and flexible placement. Directed usage of dictation features of Microsoft Office 365 have enabled document creation without the need for typing.						

POLICY AND GENERAL COMMITTEE

March 1, 2022

ITEM 8

BROKEN HILL CITY COUNCIL REPORT NO. 67/22

SUBJECT: SECTION 355 ADVISORY AND ASSET COMMITTEE MANUALS
AND CONSTITUTIONS D22/10225

recommendation

1. That Broken Hill City Council Report No. 67/22 dated March 1, 2022, be received.
2. That Council adopt the Section 355 Asset Committee Manual
3. That Council adopt the Section 355 Advisory Committee Manual
4. That Council adopt the Section 355 Constitutions for all ten active Section 355 Committees
5. That Council invite applications for Committee membership of the inactive E.T.Lamb Memorial Oval Community Committee to consider reestablishment in accordance with the s355 Asset Manual and draft Constitution of the E.T.Lamb Memorial Oval Community Community.
6. That the s355 E.T.Lamb Memorial Oval Community Committee be re-established subject to meeting committee management requirements as outlined in the Committee Constitution and a Councillor representative also nominated.
7. That should insufficient applications be received for committee management of the E.T.Lamb Memorial Oval Community Committee, then its care, maintenance and management remain under the control of Council operations.
8. That the draft Constitution of the E.T. Lamb Memorial Oval Community Committee be adopted for use, in the event that a management committee can be formed.
9. That all previous Frameworks and Constitutions become obsolete and removed from Council's website
10. That all adopted s355 Manuals and Constitutions be uploaded to Council's website.
11. That Council invite applications for Committee membership in accordance with all adopted Constitutions.
12. That Council write and thank all existing Committee members for their care and oversight during a very disrupted period of tenure as a result of COVID and election delays.

Executive Summary:

In accordance with Section 355 of the *Local Government Act 1993* Council has previously established Committees to assist Council with the operation, management and maintenance of its parks, ovals and reserves, maximising community use of the facilities (Section 355 Asset Committees) and also established Committees to provide advice on specific areas of interest to Council (Section 355 Advisory Committees).

There are currently 10 active Section 355 committees which include seven Asset Committees and three Advisory Committees:

Asset Committees:

1. Alma Oval Community Committee
2. BIU Band Hall Community Committee
3. Friends of the Flora and Fauna of the Barrier Ranges Community Committee
4. Memorial Oval Community Committee
5. Norm Fox Sporting Complex Community Committee
6. Picton Sportsground Community Committee
7. Riddiford Arboretum Community Committee

Advisory Committees:

1. Broken Hill Heritage Advisory Committee
2. Broken Hill City Art Gallery Advisory Committee
3. Community Strategic Plan Round Table Committee

The Report advises Council of the disbanding of the E.T.Lamb Memorial Oval Community Committee as resolved by Council at its Meeting held 25 March 2020 (Minute No 46219) due to a decline in membership and inactivity of the remaining Committee to effectively be able to manage the asset.

Council's adopted Asset and Advisory Committee Frameworks and Constitutions form the governance structure by which Committees operate. Membership on each committee forms part of the Constitution and includes the number of community representatives, stakeholder representatives (if any), Councillor Representatives and Council staff representatives required for each Committee to function effectively.

Report:

An audit of Council's Section 355 Committees was conducted in May 2021 as part of the Schedule of Audits endorsed by the Audit, Risk and Improvement Committee, thereby assisting in the normal four yearly review of Council's Section 355 Committees, manuals, constitutions, procedures and templates (Audit Committee recommendations attached).

Council appointed Councillor representation to all committees at its meeting held 23 February 2022.

Council will commence advertising for community membership for all Committees following resolution of Council at its Ordinary Meeting on 30 March 2022.

To ensure that the committee members can fulfil their obligations to Council, Council must provide committees with a structure, framework and constitutions in order to fulfil those obligations.

The Asset and Advisory Manuals, Constitutions, procedures and templates have undergone a detailed review with all relevant staff across impacted units to ensure that information contained within and provided to new Committee members is relevant, current and easily understandable.

The Manuals detail information on governance structures, committee establishment, membership, how the committees are to operate, meeting procedures, reporting requirements, risk management, finance and insurance information where relevant, and information relevant to Council's requirements for the management, maintenance and hiring of Asset/Facility where relevant.

Templates have been reviewed with some templates converted into an Openform format. These Openforms will be placed onto Council's website to ensure consistency across all Council's Section 355 Committees.

All Constitutions have been reviewed and updated to provide consistency across all Section 355 Committees, but to also allow individual committee delegations to be clearly identified. Constitutions provide the committees with a compulsory set of rules in undertaking their functions on behalf of Council, details surrounding their membership including the role of the executive, standard administrative processes and procedures and their accountability to Council. Constitutions also helpfully contain a table detailing a list of Council responsibilities and those to be undertaken by Committees.

It is recommended that Council adopt the reviewed Section 355 Asset Committee Manual, the Section 355 Advisory Committee Manual and the Constitutions for each of the 10 Committees as attached. This will also make any previous Committee Frameworks and Constitutions obsolete and they will be removed from Council's website.

Once the documents have been adopted, they will be provided to all Committees at Induction Training expected to be held in April.

E.T.Lamb Memorial Oval Community Committee

Council is reminded of the disbanding of the E.T.Lamb Memorial Oval Community Committee as resolved by Council at its Meeting held 25 March 2020 (Minute No 46219) due to a decline in membership and inactivity of the remaining Committee to effectively be able to manage the asset

Council resolved at that meeting:

4. That major groups of the E.T.Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the s355 Community Committee to re-established in accordance with s355 Asset Manual and s355 E.T.Lamb Memorial Oval Community Committee Constitution.

Council's future vision for the Committee as stated in the report was,

Given the background of the current situation, it is recommended that the E.T.Lamb Memorial Oval Community Committee be disbanded and formally brought back into Council's operational control for care and maintenance, until such time as full committee membership can be put in place in accordance with Council's adopted s355 Asset Committee Manual and Constitution of the E.T.Lamb Memorial Oval Community Committee.

In accordance with the resolution of the Council in 2020, invitation to seek potential community membership for management of the E.T.Lamb Memorial Oval Community Committee is recommended.

Strategic Direction:

Key Direction:	4. Our Leadership
Objective:	4.3 We Unite to Succeed
Function:	Leadership & Governance
DP Action:	4.3.1.2 Support Council's section 355 Committees in undertaking their duties with Council

Relevant Legislation:

Section 355 *Local Government Act (Committees) 1993*

Section 377 *Local Government Act (Delegations) 1993*

The Model Code of Conduct for Local Council's in NSW (the Model Code of Conduct)

Financial Implications:

Volunteers perform a vital community service in assisting Council with the operation, management and maintenance of its parks, ovals and reserves and maximises community use of the facilities. Local volunteers have considerable extra knowledge through relationships built with users over time as well as an intimate knowledge of the site they manage.

Without such care and attention and involvement by community groups in their local facilities, assets would need to return to direct oversight by Council.

Advisory groups, as expected, advise on specific areas of interest to Council and comprise volunteers with special skills, interests and expertise related to the group to which they have nominated. They form an essential element in community representation in the provision of advice to Council in the latter's decision making.

Attachments

1. [↓](#) S355 Internal Audit - Agreed Management Actions
2. [↓](#) Draft Section 355 Advisory Committee Manual
3. [↓](#) Draft Section 355 Assett Committee Manual
4. [↓](#) Draft Constitution of the Alma Oval
5. [↓](#) Draft Constitution of the BIU Band Hall
6. [↓](#) Draft Constitution of the Broken Hill Heritage
7. [↓](#) Draft Constitution of the Broken Hill City Art Gallery
8. [↓](#) Draft Constitution of the Community Strategic Plan Round Table
9. [↓](#) Draft Constitution of the Friends of the Flora and Fauna of the Barrier Ranges
10. [↓](#) Draft Constitution of the Memorial Oval
- [↓](#)
11. [↓](#) Draft Constitution of the Norm Fox Sporting Complex
- [↓](#)
12. [↓](#) Draft Constitution of the Picton Sportground
- [↓](#)
13. [↓](#) Draft Constitution of the Riddiford Arboretum
- [↓](#)
14. [↓](#) S355 ET Lamb Memorial Oval Community Committee Council Report and Minute - Council Meeting 25/03/2020
15. [↓](#) Draft Constitution of E.T. Lamb Memorial Oval Community Committee
- [↓](#)

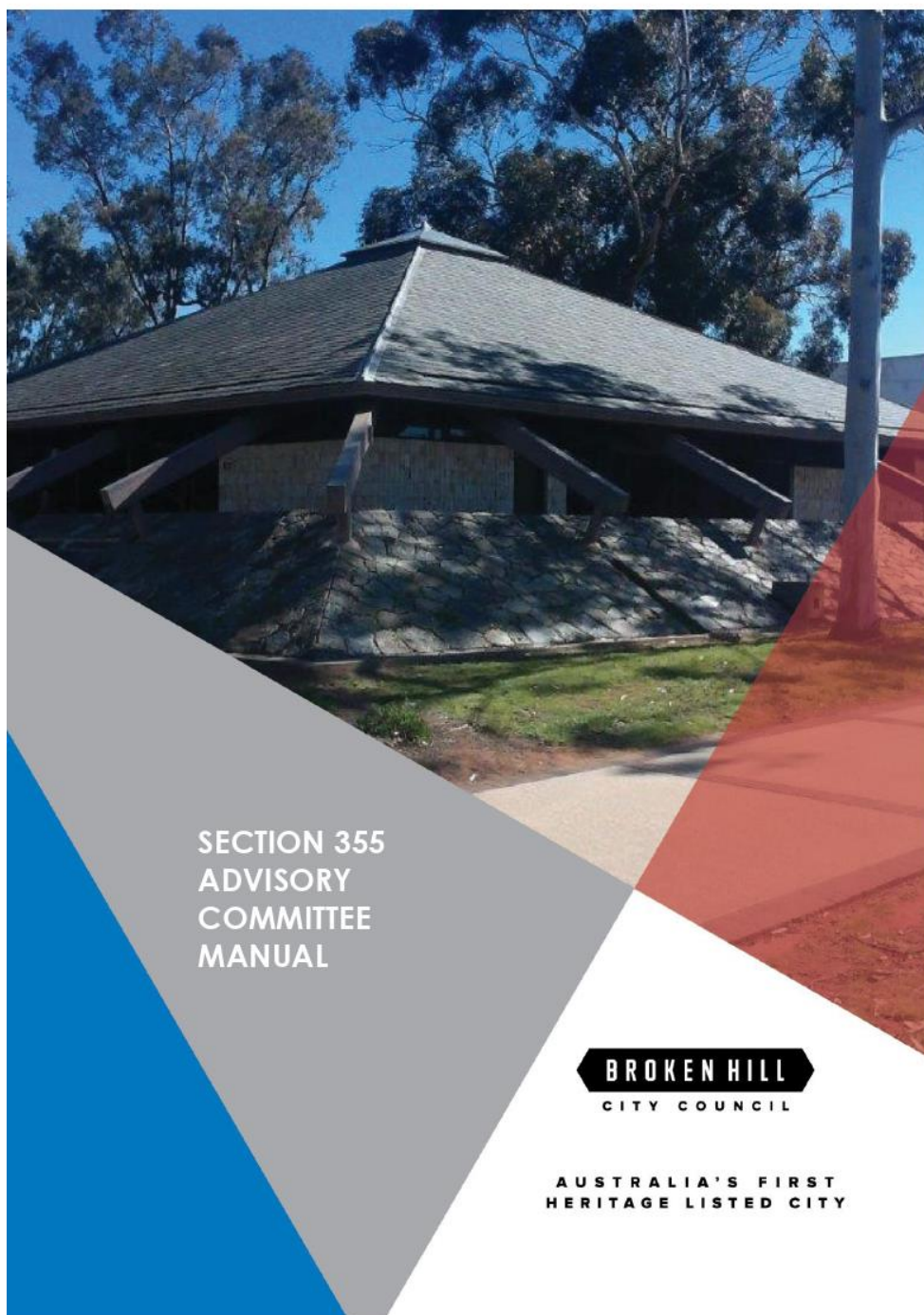
RAZIJA NU'MAN

CHIEF CORPORATE AND COMMUNITY OFFICER

JAY NANKIVELL

GENERAL MANAGER

Agreed Management Actions from the Internal Audit on Council's Management of Community Facilities and Section 355 Committees – May 2021	
Note: Progress on the below actions are monitored through the Audit and Risk Improvement Committee	
Recommendation 1.	Review the current "Facility Hazard Inspection Checklist" and "Facility Booking Forms" to capture information on events/functions/activities being held on Council's property by third parties where the Council is not directly involved in the management.
Recommendation 2.	Reinforce with all the active s355 Committees of the requirement to perform periodic facility safety inspections and on submission of booking information with Council in a periodic manner. Further, management will develop a process to ensure that copies of the conducted "Facility Hazard Inspection Checklist" and "Facility Booking Forms" is received by the risk management team of the Council.
Recommendation 3.	Reinforce with s355 committees of the requirement to report incidents that occur in relation to s355 Committee's activities and/or activities that are held at sites controlled by them. Council will confirm that all incidents should be notified to the risk management team of the Council.
Recommendation 4.	Deliver (with input from risk management team) mandatory awareness sessions for s355 committee members on the importance of the periodic facility safety inspections and the nature of hires they can undertake, which are covered by the Councils public liability insurance coverage.
Recommendation 5.	Accelerate the development and implementation of asset management plans and maintenance programs for the Council, and the development plans for the s355 Committee facilities.
Recommendation 6.	Set up a process where the s355 Committees could formally channel their maintenance and repairs works to the Council, either via "I AM OMNI" software or manually submitting a form. Once developed, the Council will communicate these processes to all active s355 Committees and reinforce the importance of channelling maintenance and repair works to the Council in a formal manner.
Recommendation 7	Develop a roster for Council staff, to conduct periodic inspection of s355 Committee facilities
Recommendation 8.	Reinforce to all active s355 Committees the requirements for financial reporting, using the templates set out in the manual. It will also confirm the timeline for reporting for all committees is the end of the financial year i.e., 30 June.
Recommendation 9.	Reconfirm the centralised process for setting fees and charges for the s355 Committees without decentralising the function to s355 Committees
Recommendation 10.	Develop a robust process to provide induction training to the s355 Committee members. This should include provisions for mandatory induction training to all the new members who join a s355 Committee and those who are still yet to complete.





QUALITY Control		
KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.3 We Unite to Succeed	
FUNCTION	Leadership & Governance	
STRATEGY	4.3.1.2 Support Council's section 355 Committees in undertaking their duties with Council	
FILE REFERENCE No	16/94	TRIM No D13/14050
RESPONSIBLE OFFICER	Corporate Responsibility Officer	
REVIEW DATE	June 2018	
DATE	ACTION	MINUTE No
D13/14050 Section 355 Advisory Committee Framework		
October 2012	Document Developed	N/A
23 January 2013	Adopted	44210
8 July 2013	Amended Section 6.5	N/A
D13/23463 Section 355 Advisory Committee Standard Constitution		
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	
7 September 2015	Broken Hill Sister City Committee disbanded and removed from constitution	45089
22 February 2017	Broken Hill Regional Art Gallery constitution amended to include 3 additional community members	45473
D13/14050 and D13/23463 combined to D13/14050		
March	Documents combined and revised	N/A
29 March 2017	Adopted	45508



NOTES	Copies of the all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au
ASSOCIATED LEGISLATION	Section 355 Local Government Act 1993 (Committees) Section 377 Local Government Act 1993 (Delegations) Section 441-443 Local Government Act 1993 (Pecuniary Interest) Disability Inclusion Act 2014 Legislation can be found www.legislation.nsw.gov.au
ASSOCIATED COUNCIL POLICIES	Acquisition and Loan of Objects Relating to Cultural Heritage Asset Management Broken Hill Regional Art Gallery Collection Management Policy Broken Hill Regional Art Gallery – Acquisitions Broken Hill Regional Art Gallery – Appraisals Broken Hill Regional Art Gallery – Donations and Gifts Broken Hill Regional Art Gallery – Loan of Art Works to Council Broken Hill Regional Art Gallery – Loans of Works to External Locations Broken Hill Regional Art Gallery Reporting Procedures Code of Conduct Policy Code of Meeting Practice Community Assistance Grant Policy Disposal of Assets Policy Drug and & Alcohol Free Workplace Policy Equal Employment Opportunity Policy Procurement Framework and Policy Public Art Policy Records Management Policy Risk Management Policy Volunteers Policy Working in Hot Conditions, Skin Cancer and Employee Clothing Workplace Smoking Policy Workplace Health and Safety Policy
ASSOCIATED DOCUMENTS	Draft Community Strategic Plan 204033 Long Term Financial Plan 2017-2026 Draft Delivery Program 2022-20262014-2017 Schedule of Fees and Charges 2021-20222016-2017 Council Committee Charter Committee Constitution Section 355 Asset Committee Template Guide

TABLE OF CONTENTS

TABLE OF CONTENTS.....	4
1. INTRODUCTION	5
2. WHAT IS A COMMITTEE?.....	8
3. COMMITTEE MEMBERSHIP	10
4. COMMITTEE STRUCTURE	13
5. COUNCIL STRUCTURE	16
6. COUNCIL AND COMMITTEE RESPONSIBILITIES.....	19
7. FINANCE INFORMATION.....	20
8. LEGAL INFORMATION.....	21
9. CORPORATE INFORMATION AND SOCIAL MEDIA.....	24
10. RISK MANAGEMENT.....	27
11. INSURANCE.....	29
12. MEETING PROCEDURES	31
13. REPORT REQUIREMENTS	36
14. DEFINITIONS	37
15. HOW DO I CONTACT COUNCIL	39

INTRODUCTION

1. INTRODUCTION

1.1 What is the Section 355 Advisory Committee Framework?

The Section 355 Advisory Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines ~~by which~~ a committee must abide ~~by~~.

The Section 355 Advisory Committee Framework includes:

- Section 355 Advisory Committee Manual
- Committee Constitution
- Section 355 Committee Template Guide

1.2 The Section 355 Advisory Committee Manual

The Section 355 Advisory Committee Manual outlines:

- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and committee member's roles in this partnership.

Upon Council's formal approval of a Section 355 Committee and approval of committee memberships, all committee members are required to adopt and adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended by ~~written order of the General Manager~~ Council resolution.

1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.


Constitutions will be reviewed by Council following each Local Government General Election ~~(4 yearly)~~, by Council resolution, at the request of the Committee or at the discretion of the General Manager.

1.4 The Section 355 Advisory Committee Template Guide

The Section 355 Committee Template Guide provides an overview of templates to use for:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Finance Report
- Term Report
- Works Request
- ~~Asset Facility Hazard~~ Inspections Checklist

The Section 355 Advisory Committee Template Guide applies to both Advisory Committees and Asset Committees.



1.5 **Scope**

This manual applies to all Section 355 Advisory Committees. Council's Section 355 Asset Committees are not covered by this manual.

1.6 Legislative Requirements

There are a number of legislative requirements ~~that to which~~ s355 Committees of Council must adhere ~~to~~.

- Section 355 *Local Government Act* (Committees)
- Section 377 *Local Government Act* (Delegations)
- Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting www.legislation.nsw.gov.au

1.7 Council Policies

All committee members must adhere to Council adopted policies including:

- Acquisition and Loan of Objects Relating to Cultural Heritage
- Asset Management
- ~~Broken Hill Regional Art Gallery – Acquisitions~~
- ~~Broken Hill Regional Art Gallery – Appraisals~~
- ~~Broken Hill Regional Art Gallery – Donations and Gifts~~
- ~~Broken Hill Regional Art Gallery – Loan of Art Works to Council~~
- ~~Broken Hill Regional Art Gallery – Loans of Works to External Locations~~
- Broken Hill Regional Art Gallery Reporting Procedures
- Code of Conduct [Policy](#)
- Code of Meeting Practice
- Community Assistance Grant Policy
- Disposal of Assets Policy
- Drug ~~and~~ Alcohol Free Workplace [Policy](#)
- Equal Employment Opportunity [Policy](#)
- Procurement [Framework](#) Policy
- Public Art Policy
- Records Management Policy
- [Enterprise](#) Risk Management [Framework and](#) Policy
- [Volunteers](#) [Policy](#)
- Working in Hot Conditions, Skin Cancer and Employee Clothing
- Workplace Smoking [Policy](#)
- Workplace Health and Safety Policy

Council policies are available on Council's website www.brokenhill.nsw.gov.au

1.8 Code of Conduct

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

1.9 Community Strategic Plan

This Framework has been developed to support the achievement of:

- Key Direction 1: Our Community
- Key Direction 2: Our Economy
- Key Direction 3: Our Environment
- Key Direction 4: Our Leadership

The Community Strategic Plan is available on Council's website www.brokenhill.nsw.gov.au

WHAT IS A COMMITTEE?

2. WHAT IS A COMMITTEE?

2.1 What is a Section 355 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993*, to assist Council with the operation and maintenance of various Council facilities and services.

Under the *Local Government Act 1993* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Advisory Committee.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council.

2.2 Why Does Council Have Section 355 Advisory Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committees are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

The purpose of each Advisory Committee is to advise Council on the views, needs and interests of particular communities in the Broken Hill Local Government Area (LGA). Committee Members drawn from the community have experience or expertise in the areas defined by their Committee of interest and commit themselves to Advisory Committee responsibilities.

2.3 How are Section 355 Advisory Committees Established?

Committees are established under Section 355 of the Act, with delegations from Council under the provision of Section 377 of the Act.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of the Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council.

2.4 What happens once a Committee is established?

Council will write to the Councillor Representatives appointed to each Committee advising them of the new members and their contact details.

Councillors will be encouraged to call the initial meeting of the Committee, at which the Executive will be appointed. Following initial appointment, Council will arrange induction training.

2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

Failure to adhere to and comply with the Section 355 Advisory Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

2.6 Committee Disbanding

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee; or
- That it no longer requires a Committee for the purpose for which it was established.

In the event of membership reducing to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- if a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (i.e. minimum of 4 members); or
- if a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

COMMITTEE MEMBERSHIP

3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

3.1 When are committees appointed?

Committees are appointed every 4 years, within 6 months of a Local Government General Election.

3.2 Term of Membership

The term of a Committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> upcoming elections upcoming declaration of vacant positions provision of nomination form for interested existing members to renominate for a position 	August
Local Government Election	September
Advertise for community representation on the Committee 6 weeks after the Local Government Election	October
Positions are declared vacant 6 weeks after the Local Government Elections	October
All councillor representatives must be formally appointed by Council	October
Letter to committee secretaries advising of: <ul style="list-style-type: none"> Councillor representatives 	October
All community representatives must be formally appointed by Council	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> New committee members and their contact details 	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> Induction training 	March – April*
Induction training for all committee members	March – April*

* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.

3.3 Membership

The Committee membership should generally reflect community members with an interest in the committee area, demonstrated experience and expertise in the specific tasks assigned to each committee.

The Committee shall generally consist of:

- A number of community representatives as detailed in the committee constitution.
- Councilor representatives appointed by Council annually in September

The Community Strategic Plan Round Table Committee has its own membership criteria and nominations will be sought from specific community groups to ensure a mix of appropriate subject matter experts who can provide adequate reporting and representation of the community. These groups include:

- The Mayor, Broken Hill City Council (Chair)
- The General Manager, Broken Hill City Council
- ~~Key Direction Portfolio Councillors~~
- A representative of the Local Area Command
- A representative of the Far West Regional Health Service
- A representative of the Department of Education
- A representative of the Department of Family and Community Services
- A representative of the Local Aboriginal Community Working Party
- A representative of the Regional Development Australia – Far West
- A representative of the Chamber of Commerce
- A representative of the Foundation Broken Hill
- Four (4) Community Representatives, with previous governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan.

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

3.4 Membership Criteria

To hold office, be responsible for the advisory service management of a Council facility or service, and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community, and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; and
- ~~Experience (professional, amateur, volunteer) working in either: venue management, event management, conference organising, music promotion, theatre production, design, marketing, or related technical areas such as accounting, managing people or business, community services or groups or fundraising;~~
- Relevant experience
- Demonstrated expertise in heritage, arts, event planning, and/or governance experience; and
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.

Council must also appoint new members before they are able to vote and take part in meetings of the Committee.

3.5 Membership Fees

Members of Committees are volunteers and therefore do not receive payment for services.

Fees are not to be charged for Membership of the Committee.

3.6 Member Vacation of Office

A person shall cease to be a member of a Committee if the:

- member becomes bankrupt;
- member resigns from office by notification in writing to the Committee and Council;
- member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- if the member fails to comply with Council's Code of Conduct;
- member holds any office of profit under the Committee;
- member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;
- member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);
- while serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- member becomes a mentally incapacitated person; or
- upon the death of a member.

Resignations, or a Committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

3.7 Procedure for Resigning from the Committee

Where a member of a Committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

3.8 Committee Member Rights

All committee members have the right:

- To work in a healthy and safe environment;
- To be adequately covered by insurance.
- To be provided with sufficient training to undertake their role.

COMMITTEE STRUCTURE

4. COMMITTEE STRUCTURE

4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12 month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary
- Treasurer

A maximum of two relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of twelve (12) months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

4.2 Committee roles and responsibilities

The Executive do not have greater decision making powers than other Committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each Committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.


The Community Strategic Plan Round Table Committee will always appoint the Broken Hill City Council Mayor as the Chairperson as per its Constitution.

4.2.1 Chairperson

The Chairperson (or Deputy Chairperson) is responsible for:

- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;
- Acting on behalf of the Committee in an emergency or urgent situation;
- Assisting in direction, forward planning and vision for the committee; and
- Further specific meeting related tasks as outlined in Section 15.14.1 "Roles of the Executive - Chairperson".

4.2.2 Deputy Chairperson



The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available and those responsibilities outlined in 4.2.1 Chairperson.

4.2.3 Secretary

The Secretary is responsible for:

- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 15.14.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds;

4.2.4 Treasurer

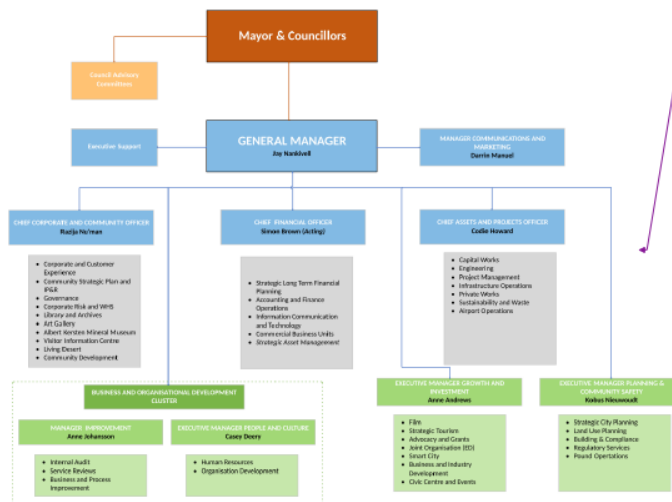
The Treasurer is responsible for:

- Handling the movement of money within the Committee;
- Recording income and expenditure; and
- Assisting with preparation and finalisation of financial reports when required.

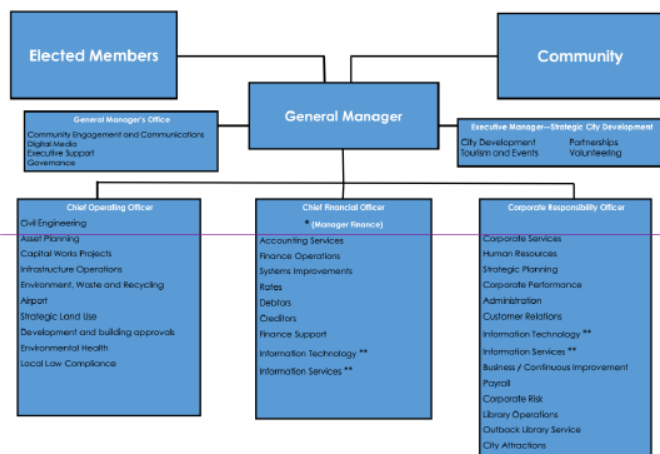
COUNCIL STRUCTURE

5. COUNCIL STRUCTURE

Formatted: Normal



5.



5.1 Council Staff Roles and Responsibilities

5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of the Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of decisions of the Council;
- To manage the Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of the Council as are delegated by the Council to the General Manager

5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee of at the discretion of the General Manager. The ex-officio member may change at any time.

5.1.3 Council Public Officer

The Public Officer:

- may deal with requests from the public concerning Council's affairs;
- has the responsibility of assisting people to gain access to public documents of Council;
- may receive submissions made to Council;
- may accept service of documents on behalf of Council;
- may represent Council in any legal or other proceedings;
- has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and

- is subject to the direction of the General Manager.

5.1.4 Council Contact Officer

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
 - o Technical advice to the Committees
 - o Maintenance for Assets in conjunction with Committee
 - o Purchasing supplies for Committees

COUNCIL AND COMMITTEE RESPONSIBILITIES

6. COUNCIL AND COMMITTEE RESPONSIBILITIES

6.1 Council Responsibilities

6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.

6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

6.2 Advisory Committee Responsibilities

Committees are responsible for the advising Council on the strategic direction and objectives related to the committee ~~in which they are members, they are responsible for.~~

FINANCE INFORMATION

7. FINANCE INFORMATION

7.1 Financial Arrangements

Council has determined that the financial operations in respect of all of its Committees will be managed consistently and all Committees are responsible for substantiating where its money is spent or sourced. This must be done through tabling of minutes at meetings and reporting to Council via minutes and in Annual Financial Statements.

Council does not provide an annual financial operating subsidy to any Advisory Committee.

Committees are encouraged to recommend to Council events celebrating the heritage, arts and community sectors, subject to Council's approval.

LEGAL INFORMATION

8. LEGAL INFORMATION

8.1 Legal Issues

It is important for Committees to be aware that they are acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the Committee to act on Council's behalf and Council can withdraw this delegation if deemed to be necessary.

8.2 Legal Action

The Committee is unable to enter into legal action.

8.3 Committee Record Keeping

The Australian Standard on Records Management (AS 4390-1996, Part 1, Clause 4.2.1) defines a record as Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, e.g. fuel, water, fire, vermin.
- Records should be stored in a secure location, e.g. locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised officer of the Council, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of the Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the Privacy and Personal Information Protection Act 1998 to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, e.g. minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council.

The Committees need to be aware of the importance of minutes, because of their legal status and their liability for subpoena in court cases.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the

meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

At the end of the term of the Committee, all records must be provided to Council.

8.4 Intellectual Property

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

8.5 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of Committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

8.6 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc. and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and

- State their involvement and that they believe they should resign from the committee because of this conflict.

8.7 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. Sale of goods or privileged knowledge;
- Political benefit e.g. Gaining or losing electoral support; or
- Personal benefit e.g. Career advancement or increased standing in the community.
- Committee Members are required to adhere to Councils Code of Conduct.

8.8 Disputes

a) External

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

b) Internal

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee they will be referred to Council for resolution. Council's decision is final.

CORPORATE INFORMATION AND SOCIAL MEDIA

9. CORPORATE INFORMATION AND SOCIAL MEDIA

9.1 Correspondence

Correspondence from the Committee is effectively correspondence from the Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

9.2 Letterhead

Committees are to design and implement their own letterhead and logo for all correspondence.

The letterhead design must be approved by Council and indicate that the function is a Committee of Broken Hill City Council. The Council logo must be included in the design.

The Council logo and rules around logo use will be provided to all committees.

9.3 Purpose of Correspondence

Usage of correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the committee and specifically limited to:

- provision and seeking of information
- extension of invitation
- expressions of thank you
- seeking of sponsorship (after approval of General Manager)
- general correspondence not committing the Council or making public comment.

9.4 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's filing system within 1 day of the letter being sent.

9.5 Signatures

The signing of correspondence being limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or a chairperson of the Committee duly authorised by Council.

9.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.


9.7 Sub Committees

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

Members of Sub Committees must be registered as volunteers and duly noted in Committee meeting minutes and will be covered in accordance with this policy.

9.8 Use of Council logo

Committees may use Council logo (subject to conditions).

- 
- Use of Council logo **MUST** be approved prior to use.
 - Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use.

- Use of the logo will be outlined in Council's proposed Corporate Style Guide, which is currently being developed to ensure that Council's corporate identity is used correctly. The logo is Council's signature.

Council's logo was refreshed in 2016 and the Kangaroo Logo and Council Crest should no longer be used.

9.9 Events

Council encourage Advisory Committees to hold events showcasing the heritage, arts and community sectors their Committee represents.

All events must be submitted to Council for review and approval prior to any event planning being finalised, advertising and community notification.

9.10 Marketing and Promotion

Marketing and promotion of the facility is necessary to maintain a level of awareness amongst the community for many reasons:

- To keep the facility top of mind for residents. This reminds people of its availability as a venue and will assist in encouraging locals to get involved in some way towards using the facility or volunteering in some capacity.
- Helps engender a sense of community ownership and pride in the venue.
- To encourage the facility's use with the aim of increasing revenue to maintain and improve the hall's features.
- To promote the hall facility as a Council asset delivering benefits to the local community as a critical focal point.

9.11 Social Media

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Asset Committee members.

RISK MANAGEMENT

10. RISK MANAGEMENT

10.1 General

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage. Council and Committees, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

A Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Copies of the Risk Management Framework can be made available by contacting Council.

10.2 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Committee must contact Council to advise.

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal e.g. "chairs must be stacked in sets of no higher than (specify number) and placed against the wall".

10.3 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Infrastructure Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

10.4 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

10.5 Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented.

The Committee will be responsible for inspection of the facilities under their control. Inspections may be either formal or informal.

10.5.1 Formal Inspections

Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once every 6 months using the Facility Hazard Inspection Checklist. A copy can be forwarded to Council for action if required.

10.5.2 Informal Inspections

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with according to the Request for Work to be Scheduled form.

10.5.3 Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

INSURANCE

11. INSURANCE

11.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability;
- Workers Compensation;
- Property;
- Professional Indemnity;
- Casual Hirers; and
- Personal Accident

11.2 Notification

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Committees may receive advice regarding claims via writing, telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify the Contact Officer. If Council is not notified of claims which they could reasonably have known about indemnity may be denied by the insurer.

11.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Service Operator.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.
- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council's Public Liability and Personal Accident insurance.

11.4 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

11.5 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees including volunteers of Council. If contractors are engaged they must provide a copy of a current workers compensation policy.

11.6 Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture.

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

Other equipment belonging to sports clubs, playgroups etc. is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

11.7 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

11.8 Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sight and keep a copy with the booking documentation.

11.9 Personal Accident Insurance

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council.

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

MEETING PROCEDURES

12. MEETING PROCEDURES

12.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the asset or facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a cafe, park, etc. Meetings should not be held on private property.

12.2 Types of Meetings

Typically there are three types of meetings that a Committee may hold.

12.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, current issues, community needs, awards, events and ceremonies.

12.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12 month period and to develop proposals for development and maintenance of the facility for the coming 12 month period.

Appointment of all office bearers for the coming 12 month period will also take place at this meeting.

12.2.3 Extraordinary Meeting

An Extraordinary Meeting of the Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting, requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least 2 days' notice.

12.3 Frequency of Meetings

12.3.1 Ordinary Meetings

There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

12.3.2 Annual General Meeting

This meeting should be held once per year.

12.3.3 Extraordinary Meeting

This meeting should be held as required.

12.4 Agenda

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes".

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

12.5 Correspondence

12.5.1 Inwards Correspondence

A list of significant correspondence received (Inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings.

12.5.2 Outwards Correspondence

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

12.6 A Quorum

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

12.7 Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

12.8 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways:

- Vote verbally
 - The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- Vote by show of hands

- o The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b) above). e.g. for the vote to be carried, you will need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

12.9 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils. A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees:

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

12.10 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc. and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

12.11 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit e.g. Sale of goods or privileged knowledge;
- Political benefit e.g. Gaining or losing electoral support; or
- Personal benefit e.g. Career advancement or increased standing in the community.

Committee Members are required to adhere to Councils Code of Conduct.

12.12 Minutes

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 15.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc. by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

12.13 Committee Records

Records of Committees, e.g. minutes of meeting, reports, invoices, receipts etc. should be provided to Council as soon as possible.

See further information regarding records in section 8.4

12.14 Roles of the Executive with Meetings

12.14.1 Chairperson

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines e.g. A quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.

- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.
- Close the meeting.

12.14.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.
- Provide a copy of the minutes and all inwards and outwards correspondence to Council.

12.14.3 Treasurer

Before/During the meeting:

- Provide a financial situation update

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee	Immediately

REPORT REQUIREMENTS

13. REPORT REQUIREMENTS

13.1 Annual Report

Committees are to provide Council with an annual report with inclusive financial statements by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings
- A breakdown of attendance at meeting by each member
- Activities/Projects/Achievements
- Ongoing Issues
- Completed Maintenance

13.2 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3rd) week in August.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Term Report	By the 3rd week in August – quadrennial

DEFINITIONS

14. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of the Council – the Mayor;
- for a meeting of a Committee of the Council – a member of the committee whose appointment has been approved by Council

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Advisory Committee Manual.

"Personal Information" shall mean "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion" as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA)* 1998

"Record" means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity

"User group" shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer term basis.

"Volunteer" means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

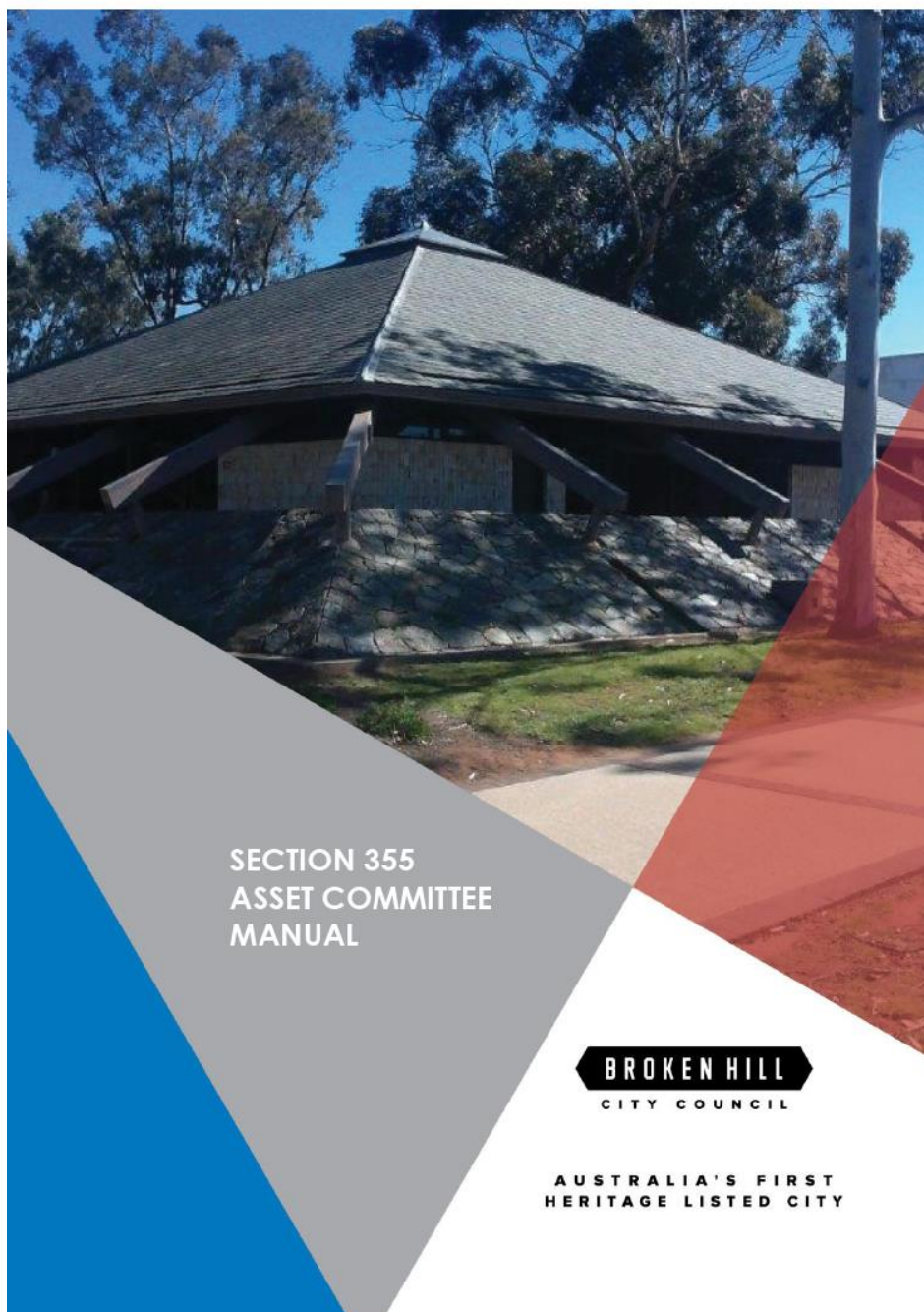
"WHS Policy" means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.

HOW DO I CONTACT COUNCIL?

15. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	council@brokenhill.nsw.gov.au
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	8:30am to 5pm – Monday to Friday Cashier closes at 4pm







QUALITY Control

KEY DIRECTION	4 Our Leadership	
OBJECTIVE	4.3 We Unite to Succeed	
FUNCTION	Leadership & Governance	
STRATEGY	4.3.1.2 Support Council's section 355 Committees in undertaking their duties with Council	
FILE REFERENCE No	16/94	TRIM No D12/8812
RESPONSIBLE OFFICER	Corporate Responsibility Officer	
REVIEW DATE	June 2018	
DATE	ACTION	MINUTE No
October 2012	Document Developed	N/A
23 January 2013	Adopted	44210
8 July 2013	Amended Section 6.5	N/A
March 2017	Document Revised	N/A
29 March 2017	Adopted	45508
NOTES	Copies of the all plans and policies mentioned in this document are available by visiting Council's website www.brokenhill.nsw.gov.au	
ASSOCIATED LEGISLATION	Section 355 Local Government Act 1993 (Committees) Section 377 Local Government Act 1993 (Delegations) Section 441-443 Local Government Act 1993 (Pecuniary Interest) Disability Inclusion Act 2014 Legislation can be found www.legislation.nsw.gov.au	
ASSOCIATED COUNCIL POLICIES	<p>Asset Management Policy Compliance & Enforcement Code of Conduct Drug & Alcohol Free Workplace Equal Employment Opportunity Enterprise Risk Management Policy Procurement Policy Smoke Free Playgrounds and Sporting Reserves Workplace Smoking</p> <ul style="list-style-type: none"> • Asset Management Policy • Compliance & Enforcement Policy • Code of Conduct Policy • Community Assistance Grant Policy • Drug and Alcohol Free Workplace Policy • Equal Employment Opportunity Policy • Procurement Framework and Policy • Records Management Policy • Enterprise Risk Management Policy • Enterprise Risk Management Framework • Smoke Free Playgrounds and Sporting Reserves 	

Sec

ual

Page 2 of 59

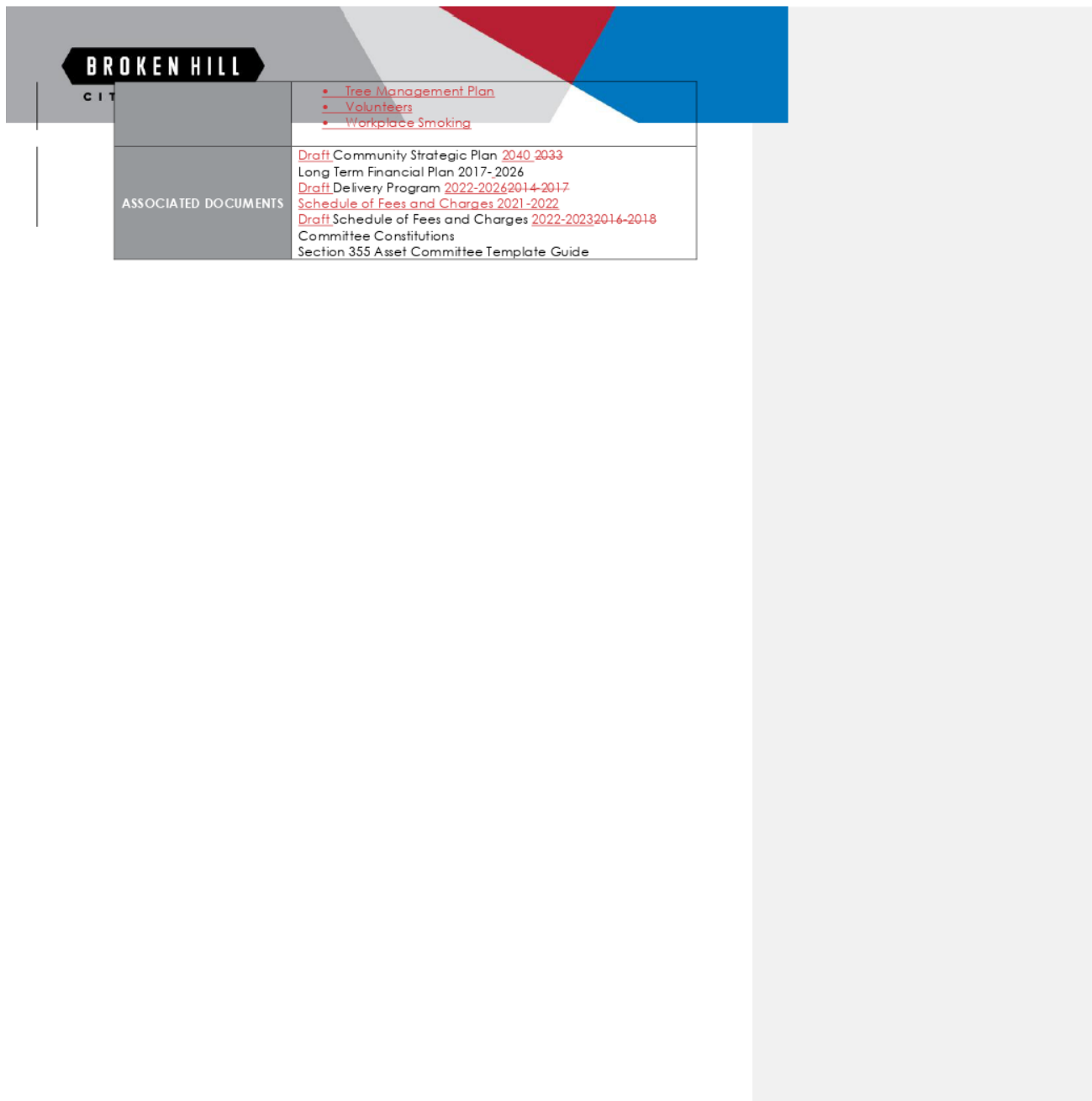


Table of Contents

1.	INTRODUCTION	5
2.	WHAT IS A COMMITTEE?.....	7
3.	COMMITTEE MEMBERSHIP	10
4.	COMMITTEE STRUCTURE	13
5.	COUNCIL STRUCTURE	16
6.	COUNCIL AND COMMITTEE RESPONSIBILITIES.....	18
7.	MANAGEMENT OF THE ASSET	22
8.	MAINTENANCE OF THE ASSET	24
9.	HIRING OF THE ASSET	28
10.	FINANCE INFORMATION.....	32
11.	LEGAL INFORMATION.....	39
12.	CORPORATE INFORMATION AND SOCIAL MEDIA.....	43
13.	RISK MANAGEMENT.....	45
14.	INSURANCE.....	47
15.	MEETING PROCEDURES	50
16.	REPORT REQUIREMENTS	54
17.	DEFINITIONS	55
18.	HOW DO I CONTACT COUNCIL	57

INTRODUCTION

1. INTRODUCTION

1.1 What is the Section 355 Asset Committee Framework?

The Section 355 Asset Committee Framework is a comprehensive suite of documents that together provides the rules and guidelines ~~by which a~~ committee must abide ~~by~~.

The Section 355 Asset Committee Framework includes:

- Section 355 Asset Committee Manual
- Committee Constitution
- Section 355 Asset Committee Template Guide

1.2 The Section 355 Asset Committee Manual

The Section 355 Asset Committee Manual outlines:

- Management and maintenance responsibilities;
- Clear and concise guidelines to assist committees to adequately carry out their duties on behalf of Council;
- Functions and operations of community facilities and programs; and
- Clarifies Council's and Committee Member's roles in this partnership.

Upon Council's formal approval of a Section 355 Committee and approval of committee memberships, all committee members are required to adopt and adhere to the conditions set out in the Framework.

The provisions of the Framework after its initial adoption by Council may only be varied or amended ~~by written order of the General Manager~~ by Council resolution.

1.3 The Committee Constitutions

Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.

Constitutions will be reviewed by Council following each Local Government General Election ~~(4 yearly)~~, by Council resolution, at the request of the Committee or at the discretion of the General Manager.

1.4 The Section 355 Asset Committee Template Guide

The Section 355 Committee Template Guide provides an overview of templates to use for:

- Nomination Form
- Ordinary and Extraordinary Meeting Agenda
- Annual General Meeting Agenda
- Ordinary and Extraordinary Meeting Minutes
- Annual General Meeting Minutes
- Annual Report
- Finance Report
- Term Report
- Works Request
- Asset Inspections Checklist

The Section 355 Advisory Committee Template Guide applies to both Advisory Committees and Asset Committees.

1.5 Scope

This Framework applies to all Section 355 Asset Committees.

1.6 Legislative Requirements

There are a number of legislative requirements ~~that to which~~ s355 Committees of Council must adhere ~~to~~.

Section 355 *Local Government Act* (Committees)

Section 377 *Local Government Act* (Delegations)

Section 441-443 *Local Government Act* (Pecuniary Interest)

Related Legislation can be viewed by visiting www.legislation.nsw.gov.au

1.7 Council Policies

All committee members must adhere to Council adopted policies including:

- Asset Management [Policy](#)
- Compliance & Enforcement Policy
- Code of Conduct [Policy](#)
- Community Assistance Grant Policy
- Drug ~~and~~ Alcohol Free Workplace Policy
- Equal Employment Opportunity [Policy](#)
- Procurement [Framework and](#) Policy
- Records Management Policy
- ~~Enterprise~~ Risk Management Policy
- [Enterprise Risk Management Framework](#)
- Smoke Free Playgrounds and Sporting Reserves
- Tree Management [Plan](#)~~Policy~~
- Volunteers
- ~~Working in Hot Conditions, Skin Cancer and Employee Clothing~~
- Workplace Smoking
- ~~Workplace Health and Safety Policy~~

Council policies are available on Council's website www.brokenhill.nsw.gov.au

1.8 Code of Conduct

All committee members must abide by Council's Code of Conduct.

A copy of Council's Code of Conduct will be provided to all committee members at the commencement of their term of office. On the occasion that Council reviews and amends this document, revised copies will be provided to all committee members.

1.9 Community Strategic Plan

This Framework has been developed to support the achievement of:

Key Direction 1: Our Community

Key Direction 4: Our Leadership

The Community Strategic Plan is available on Council's website www.brokenhill.nsw.gov.au

WHAT IS A COMMITTEE?

2. WHAT IS A COMMITTEE?

2.1 What is a Section 355 Committee?

A Section 355 Committee is a committee established under Section 355 of the *Local Government Act 1993*, to assist Council with the operation and maintenance of various Council facilities and services.

Under the *Local Government Act 1993* Council is able to delegate some of its functions to a Committee of Council. Council uses this delegation and appoints community members to manage its facilities or functions through a Section 355 Asset Committee.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council.

2.2 Why Does Council Have Section 355 Asset Committees?

Committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a two-fold benefit by giving protection to the Committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions.

As the Committee are acting on behalf of Council, it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Hiring a facility is central to the purpose of the Committee. Making the facility readily accessible to the community, whilst at the same time, raising funds for its maintenance and future improvements are some of the main objectives of the Committee.

2.3 How are Section 355 Asset Committees Established?

Committees are established under Section 355 of the Act, with delegations from Council under the provision of Section 377 of the Act.

Requests for new committees must be presented to Council with a Business Plan for consideration.

Committees are established by resolution of Council. The formation of Committees is entirely at the discretion of the Council.

All Councillor Representatives must be formally appointed by Council.

All Community Representatives must be formally appointed by Council

2.4 What happens once a Committee is established?

Council will write to the Councillor Representatives appointed to each Committee advising them of the new members and their contact details.

Councillors will be encouraged to call the initial meeting of the Committee, at which the Executive will be appointed. Following initial appointment, Council will arrange induction training.



2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements.

Failure to adhere to and comply with the Section 355 Asset Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

2.6 Committee Disbanding

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee; or
- That it no longer requires a Committee for the purpose for which it was established.

In the event membership reduces to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- If a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (ie minimum of 4 members); or
- If a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

COMMITTEE MEMBERSHIP

3. COMMITTEE MEMBERSHIP

Council aims to appoint Committees which are representative of the local community or interest group of the particular service/facility.

3.1 When are committees appointed?

Committees are appointed every 4 years, within 6 months of a Local Government General Election.

3.2 Term of Membership

The term of a committee is the same term as the elected Council.

Members must nominate for re-election following each Local Government General Election if they wish to remain on the committee.

A calendar of events is shown below:

ACTION	TIMEFRAME
Letter to committee secretaries advising of: <ul style="list-style-type: none"> upcoming elections upcoming declaration of vacant positions provision of nomination form for interested existing members to renominate for a position 	August
Local Government Election	September
Advertise for community representation on the Committee six 6 weeks after the Local Government Election	October
Positions are declared vacant six 6 weeks after the Local Government Elections	October
All councillor representatives must be formally appointed by Council	October
Letter to committee secretaries advising of: <ul style="list-style-type: none"> Councillor representatives 	October
All community representatives must be formally appointed by Council	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> New committee members and their contact details 	October – March*
Letter to committee secretaries advising of: <ul style="list-style-type: none"> Induction training 	March – April*
Induction training for all committee members	March – April*

* If insufficient nominations are received, Council will advertise again for nominations. If sufficient nominations are received, actions may be completed earlier.

3.3 Membership

The Committee membership should generally reflect the community organisations which utilise the function/facility, and must be open to representatives of user groups and interested community members. Equal representation of each user group is recommended.

The Committee shall generally consist of:

- One (1) member of each organisation which is granted use of any portion of the facilities on a license, annual, seasonal or longer term basis.
- A number of community representatives as detailed in the committee constitution.
- Councillor representatives appointed by Council annually in September

3.4 Membership Criteria

To hold office, be responsible for the management of a Council facility, and be entitled to vote and take part in meetings, all applicants will be assessed against a set of criteria and appointed by Council.

The criteria is:

- Be aged 18 years or over; and
- Have established ties to the Broken Hill community, and
- Be a resident of the local government area (LGA); or if not a resident, be able to demonstrate an interest in the objectives of the committee and ability to attend committee meetings to the satisfaction of Council; and
- ~~Relevant Experience (professional, amateur, volunteer) working in either: venue management, event management, conference organising, music promotion, theatre production, design, marketing, or related technical areas such as accounting, managing people or business, community services or groups or fundraising, horticulture, sports; and~~
- A commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential.

Council must also appoint new members before they are able to vote and take part in meetings of the Committee.

3.5 Membership Fees

Members of Committees are volunteers and therefore do not receive payment for services.

Fees are not to be charged for Membership of the Committee.

~~Payment to a Committee Member is not permitted except for out of pocket expenses. Payment to a Committee Member is not permitted under any circumstances except for reimbursement of out of pocket expenses on presentation of detailed receipts.~~ This will only occur for the Booking Officer relating to telephone and postage reimbursement. Any other requests for payment to Committee members must be referred to Council for approval.

3.6 Member Vacation of Office

A person shall cease to be a member of a Committee if the:

- Member becomes bankrupt;
- Member resigns from office by notification in writing to the Committee and Council;
- Member is absent for three (3) consecutive meetings without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- If the member fails to comply with Council's Code of Conduct;
- Member holds any office of profit ~~or income~~ under the Committee;
- Member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Act;

- Member while holding that office is convicted of an offence referred to part 4 of the *Crimes Act 1900* (offences relating to property);
- while serving a sentence (whether or not by way of periodic detention) for a felony or other offence, except a sentence imposed for a failure to pay a fine;
- member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
- member becomes a mentally incapacitated person; or
- upon the death of a member.

Resignations, or a Committee member ceasing to hold office because of any one of the above circumstances, will be reported to Council for information and any action if required.

3.7 Procedure for Resigning from the Committee

Where a member of a Committee resigns a written resignation will be presented to the Committee and forwarded to the General Manager.

Upon receipt of a resignation from a committee member, Council will call for nominations for the committee vacancy in the community and any nominations received will be presented at the next available Council meeting for appointment.

3.8 Committee Member Rights

All committee members have the right:

- To work in a healthy and safe environment;
- To be adequately covered by insurance;
- To be provided with sufficient training to undertake their role.

COMMITTEE STRUCTURE

4. COMMITTEE STRUCTURE

4.1 How is a committee structured?

Committees consist of office bearers (also known as the Executive) and other Committee members. The Committee elects their own office bearers at its first meeting of the committee term and thereafter at each Annual General Meeting.

Office bearers are elected for a 12 month period. Particulars of all appointments must be notified in writing to Council as soon as possible after appointment is made, including committee position, name, address, contact details and the user group represented (if any).

The Committee Executive will consist of:

- Chairperson
- Deputy Chairperson
- Secretary
- Treasurer

The Committee may, from its own members, elect a Grounds/Building Committee, groundsman or caretaker to handle the allocation and/or maintenance of grounds or other sub-committees necessary to handle a specific function or report on a specific issue. Note: Committees must not have paid members, therefore groundsman or caretaker roles are strictly volunteer base.

A maximum of two relatives of any one family can be office bearers on the same Committee at the same time.

Each member of the Executive shall hold the position on the Executive for a period of twelve (12) months from the date of the appointment at the Annual General Meeting or on the expiration of the Constitution, whichever occurs first.

4.2 Committee roles and responsibilities

The Executive do not have greater decision making powers than other Committee members, other than the Chairperson who has a casting vote in the event of a tied vote.

Whilst the Executive usually have defined roles, each Committee member plays an important part in the functioning of the Committee. Office bearers must have access to a computer, have basic computer skills and be able to use email as a major form of communication.

Where a Councillor is a member of the Committee and that Councillor indicates that he or she wishes to be Chair of the Committee, that Councillor shall be the Chair of the Committee. Where no Councillor expresses a desire to be Chair of the Committee any other member of the Committee willing to accept appointment as Chair of the Committee, any such person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

4.2.1 Chairperson

The Chairperson (or Deputy Chairperson) is responsible for:


- Chairing meetings of the Committee;
- Acting as the official representative of the Committee;

Section 355 Asset Committee Manual

Page 13 of 59

TIPS FOR A WELL FUNCTIONING COMMITTEE

- Schedule meetings to suit all
- Share a big picture/ vision for the venue
- Develop the venue and extend its use
- Share the load - don't let one or two people burn out
- Seek out new activities, new ways to engage with the community
- Brand and visibility are important – get out there
- Common goals, structured meetings, good minutes, regular meeting attendance
- Keep on top of reports

- 
- Acting on behalf of the Committee in an emergency or urgent situation;
 - Assisting in direction, forward planning and vision for the committee; and

- Further specific meeting related tasks as outlined in Section 15.14.1 "Roles of the Executive - Chairperson".

4.2.2 Deputy Chairperson

The Deputy Chairperson is to undertake the role of the Chairperson if the Chairperson is not available and those responsibilities outlined in 4.2.1 Chairperson.

4.2.3 Secretary

The Secretary is responsible for:

- Correspondence to and from the Committee;
- Notifying all members of meetings;
- Issuing the Agenda with any instructions from the Chairperson;
- Taking and distributing meeting minutes;
- Forwarding minutes and reports to Council;
- Ensuring there is a flow of information to and from the Committee;
- Ensuring that official files and records are kept and maintained;
- Assisting the Chairperson with finalisation of Annual and Term Reports;
- Further specific meeting related tasks as outlined in Section 15.14.2 "Roles of the Executive - Secretary";
- Liaise with all booking applicants;
- Arrange all booking forms and ensure they are completed as required; and
- Arrange payment of all bookings, including any refunds of booking bonds;

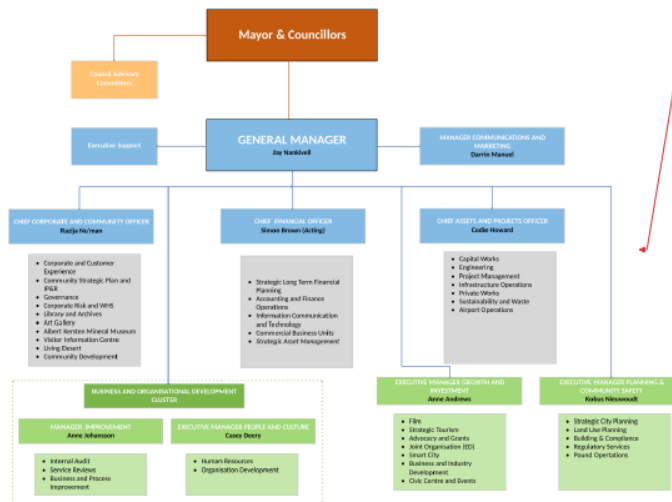
4.2.4 Treasurer

The Treasurer is responsible for:

- Handling the movement of money within the Committee;
- Recording income and expenditure; and
- Assisting with preparation and finalisation of financial reports when required.

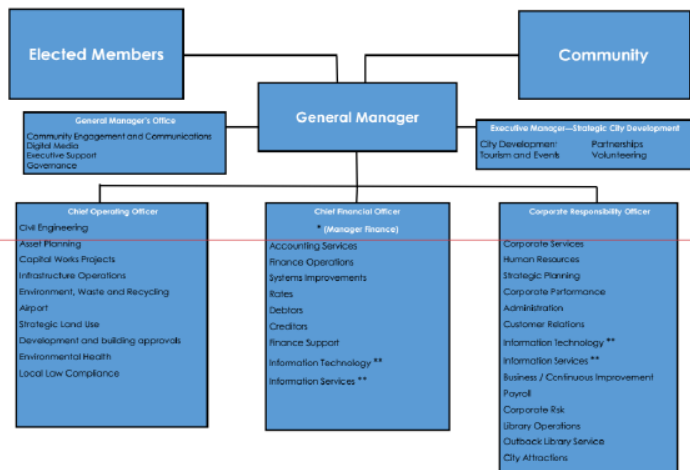
COUNCIL STRUCTURE

5. COUNCIL STRUCTURE



Formatted: Normal

5.



5.1 Council Staff Roles and Responsibilities

5.1.1 General Manager

The General Manager is responsible for:

- The efficient and effective operation of the Council's organisation;
- The oversight of all functions and Committees of Council;
- Ensuring the implementation, without undue delay, of decisions of the Council;
- To manage the Council on a day-to-day basis and to direct staff; and
- To exercise such of the functions of the Council as are delegated by the Council to the General Manager

5.1.2 Ex-officio Members

The General Manager may appoint at least one Council Officer (Committee specific Council Officer) to serve as ex-officio (non-voting) members of each committee to provide advice to the Executive, where requested by the Committee or at the discretion of the General Manager. The ex-officio member may change at any time.

5.1.3 Council Public Officer

The Public Officer:

- May deal with requests from the public concerning Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of Council;
- May receive submissions made to Council;
- May accept service of documents on behalf of Council;
- May represent Council in any legal or other proceedings
- Has such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act; and
- Is subject to the direction of the General Manager.

5.1.4 Council Contact Officer

Council will assign all Committees a Council Officer to act as a Contact Officer, who will be responsible for:

- Developing, implementing and maintaining the Committee Framework;
- Advertising for nominations to the Committees;
- Providing overall direction and advice to the management of Committees;
- Organising and providing induction to Committees;
- Organising ongoing training and development to Committees;
- Developing tools and templates to assist the operations of Committees; and
- Act as a single point of contact at Council to liaise internally with other relevant staff regarding:
 - Technical advice to the Committees
 - Maintenance for Assets in conjunction with Committee
 - Purchasing supplies for Committees

COUNCIL AND COMMITTEE RESPONSIBILITIES

6. COUNCIL AND COMMITTEE RESPONSIBILITIES

6.1 Council Responsibilities

- Funding *Major Improvement*
 - Funding and erection of all major improvement works in accordance with Council's adopted Plan of Management for Open Spaces, Asset Management Plans and availability of funds.
- Insurance:
 - The Council shall fully insure all buildings and all fixtures, fittings, and contents (other than those of hirers).
- Insurance of Committee *Members*:
 - The Council shall insure the Committee.
- Fees and Charges:
 - The Council shall consult with the Committee regarding any proposed variation of hire, membership fees or other charges proposed for the ensuing year (commencing 1 July) by 31 January in each year. Fees and charges will be endorsed by Council as part of the Operational Plan and take effect 1 July each year.
- Improvement Recommendations:
 - The Council shall consider with its annual budget process all improvements suggested by the Committee. These improvement recommendations must be submitted to the General Manager no later than 31 January each year.
- Training of Committees:
 - Initial training outlining committee structure and requirements, member roles, member and Council responsibilities, and Code of Conduct will be arranged and conducted by Council, at the commencement of the four year term of office
 - Other relevant training will be offered where appropriate.

Management of the facility is delegated to the Committee by Council as specified in the Committee Constitution. Whilst the Committee has control over the facility, Council may exercise overriding authority and may revoke the powers of the Committee.

6.1.1 Induction Training

Council will provide all Committee members, as volunteers, an induction program, provided locally at no cost to the member.

Induction training will provide an overview of committees, member requirements and responsibilities, Council responsibilities, Code of Conduct, Risk and Insurance, Workplace Health and Safety, and any other information or topics Council deems relevant.


6.1.2 Ongoing Training

Ongoing training will be provided to all committee members as it is made available, whether provided by Council or a third party.

6.2 Asset Committee Responsibilities

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- Care includes:

- 
- o Duty of care to ensure the health, safety and welfare of persons using the facility or participating in a function of the Committee.
 - o Maintaining the facility and protecting the physical assets from damage, misuse and deterioration.

- o The Committee will ensure that the facility is kept secure at all times.
 - o Advising Council of any potential insurance risk that may arise in regard to buildings and users.
 - o Ensuring sufficient and equitable access of the facility by the community.
 - o Ensure that all users of the facility execute the hirer agreement and indemnity prior to any use of the facility.
 - Control includes:
 - o Holding regular meetings with a copy of recorded minutes submitted to Council within 14 days of each meeting, for endorsement.
 - o Submitting an annual report of activities to Council by the third (3rd) week in August each year.
 - o Recommending hire fee structures and charges for determination by Council.
 - o Administering and overseeing the use of the facility by other groups.
 - o Clearly defining the role of officer bearers and committee members.
 - o Submitting an estimate of income and expenditure for the period, that is, estimated revenue from fees and charges and suggested program of works or events for each financial year.
 - o Submitting a current list of all contents of Council buildings/facilities directly in the control of the Committee (not user groups) for inclusion in Council's Insurance Policy, by 31 January each year.
 - o Maintaining an email account or nominated postal address Post-Office-Box and email account to which all correspondence will be forwarded; or advising Council of a street address for the forwarding of all correspondence.
 - o Submitting a current list of all Committee members including the address and phone number to Council immediately following any change to Committee membership details.
 - o Submitting the names of office bearers to Council following the first meeting for the term and after the Annual General Meeting.
 - Operation includes:
 - o Ensuring that all written material provided to potential hirers or used to promote the facility or program acknowledges the Council, including display of the Council's logo.
 - o Ensuring that the standard hire forms including Terms and Conditions are used.
 - o Being aware of, and involved in, appropriate community activities, which are compatible with the goals of the facility.
 - o Developing and updating long term plans.
 - o Recommending policies and procedures, which contribute, to the effective management of the facility.
 - o Being accountable to the community and the Council for the Committees actions and initiatives in respect of the facility.
- The Committee may not make decisions concerning the following:
- The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
 - Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control);
 - Borrowing any monies;
 - The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended);
 - The acceptance of tenders which are required to be called by Council, ie in excess of Council's discretionary tender threshold (currently \$1,500,000 GST inclusive);
 - Formation of submissions to government policies or implementation of policies without the prior written consent of Council;

- The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting;
- The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work);
- As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council;
- Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available; and
- Vote on monies for expenditure on the works, services or operations of Council.

The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by Council resolution and written notice provided to the Committee, ~~signed by the General Manager or his/her representative.~~

MANAGEMENT OF THE ASSET

7. MANAGEMENT OF THE ASSET

7.1 Development Plan for Facility

The Committee will prepare a Development Plan for the facility that covers future improvements for the facility.

The Development Plan proposals will be prioritised by the Committee and referred to Council for endorsement.

Upon gaining endorsement from Council, the prioritised list will be considered in conjunction with Council's Annual Budgets.

7.2 Variation of Development Plans

Committees must not vary the overall development plan for the facility without Council's prior written approval.

7.3 Plans of Management

Council are currently developing Asset Management Plans for both Buildings and Open Spaces. The Asset Management Plans are expected to be presented to Council for adoption in 2017 and once adopted will be provided to all committees.

All activities conducted within the facility must conform to these plans adopted by Council.

7.4 Allocation of Playing Fields

The following procedure will be followed for the allocation of playing fields:

- For regular hirers/users application must be submitted each year at least two months prior to the commencement of the season nominating the dates and times of use of the playing fields.
- Where playing fields are not being fully utilised, an advertisement will be placed in the local press three months in advance calling for applications for the use of the playing fields for the coming season.
- The closing date for all applications is one month prior to commencement of the season.
- Applications will be received by the Committee.
- Allocations of the playing fields will be made according to the applications received with regular seasonal hirers given priority. No allocations will be made to clubs which fail to submit an application form. All applicants will be advised of allocations and payment of the appropriate charges notified by the Committee to Council will be invoiced by Council within 30 days.
- Hire rights may be suspended if payment is not received and a penalty prescribed in Council's adopted fees and charges applied for the period of payment unless prior arrangements for payment are made with the Committee.
- Priority will be given to local sporting clubs which have the majority of its members residing in Broken Hill LGA.
- New clubs applying for fields must provide details of membership, club history, financial status and proposed use of the fields. Any special requirements must be requested on the application form and paid for in full prior to the use of allocated sporting field.
- Where electricity is used the hirer is required to pay its proportion of the usage.

- The Committee must be notified of any changes to the club's application within twenty one (21) days from the date of notification of field allocations. Clubs will be liable for payment for all fields allocated to them until the Committee is notified of the changes.
- Use of the grounds is prohibited outside the times and days nominated by the club and approved by the Committee. The Committee retains the rights to hire fields outside times and days nominated by the clubs. The Committee must be notified as soon as possible of any special events including registrations, presentations, knockouts, State Competitions and Gala days etc.
- Where an application is rejected by the Committee, the hirer shall be notified in writing with an explanation for the rejection.
- Wherever possible only one (1) club will be allocated to each field on a seasonal basis. Where usage patterns on a particular field are low, the Committee may allocate two (2) or more clubs to that field with each club being considered as a hirer under the terms of these Conditions of Hire. Where regular hiring of a field exists, additional hire will follow only after consultation with preferred hirer. Sub-rental by sporting bodies which have been allocated the use of a particular sporting field is prohibited.

7.5 Contribution/Ownership

Sporting or Community groups contributing items for the permanent embellishment of the facility will be informed by the Committee that such a contribution will become the property of Council and will not be for that group's exclusive use.

Any items provided and funds raised by Committees are the property of Council, however, Council will ensure where possible these items and funds will be put into the development of the relevant facility.

MAINTENANCE OF THE ASSET

8. MAINTENANCE OF THE ASSET

8.1 General

The Committee has responsibility for the overall cleanliness and maintenance of the facilities under their control.

The Committee is to provide Council with details of maintenance work completed in each financial year, including the information in their Annual Reports.

If Committees have improvement works conducted by contractors, a report on the nature of work, and outcome of the works are to be included in the next available meeting minutes.

Every contract **in excess of \$1,000** must have the prior approval of Council prior to any commitment being made by the Committee and the appropriate funds voted by Council.

8.2 Annual Maintenance Advice

The Council is required to ensure effective use of funds available for all its service and works throughout the community.

In setting priorities, Council identifies needs, which are then funded in an annual budget developed in February each year, adopted in June and implemented in the ensuing financial year (ie July 1 – June 30).

Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Needs to carry out licensing or statutory requirements; and
- Periodic maintenance.

The Committee can make a written request to Council's **Infrastructure Assets Team** to undertake upgrades or improvements. Such requests are to be forwarded to Council in **January/November** each year for consideration in the budget process. Approved projects may commence in July of that year.

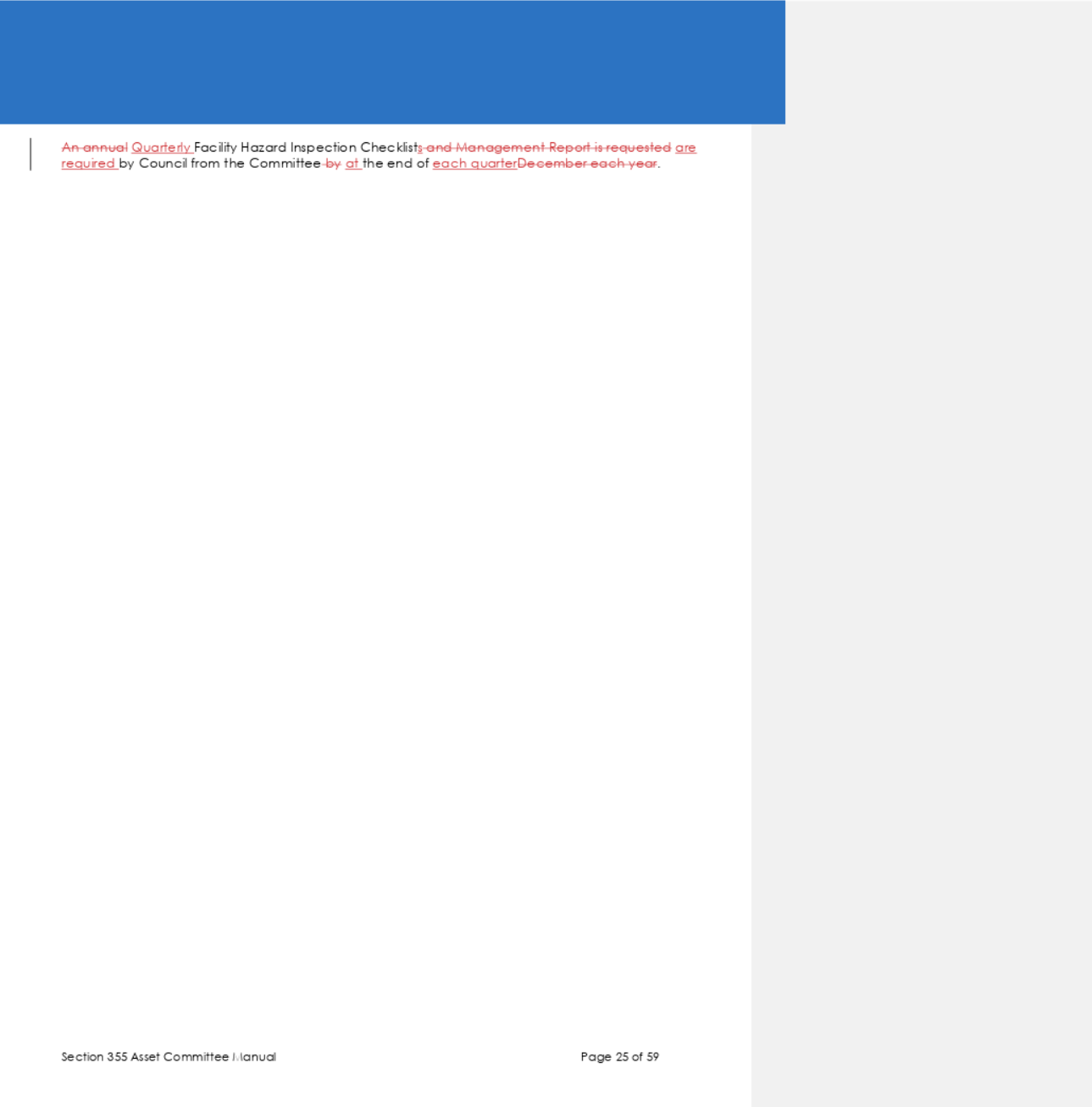
8.3 Repairs and Minor Maintenance

Each Committee has the responsibility for ensuring that the facility under its control is maintained in a state of reasonable repair and does not present hazards to its users. This may entail regular maintenance (eg cleaning, replacement of consumables (eg paper towelling) mowing and watering and periodic maintenance (eg repairing/replacement of worn or broken items).

The NSW Department of Fair Trading defines the class of minor maintenance/cleaning refers to the non-structural maintenance (including minor repairs) or cleaning of existing works/structures/buildings.

Council staff will inspect the facilities from time to time but the Committee is expected to keep Council informed on any substantial repair or upgrading work required on the facility under their control.

Repair work not able to be repaired by the Committee's own finances (or under the Committee's delegation of \$1,000) must be referred to Council and will only be delivered depending on the availability of funds and the urgency of the works. Works considered necessary or desirable but beyond the means or over the delegation of the Committee should be referred to Council in writing so that early consideration might be given to their inclusion in a Works Program or the Annual Budget.



~~An annual Quarterly Facility Hazard Inspection Checklist and Management Report is requested are~~
~~required~~ by Council from the Committee ~~by~~ at the end of ~~each quarter~~ December each year.

The Committee must ensure that suppliers of goods and services, including cleaning and minor maintenance works, are carried out by professional contractors who, as a minimum, must:

- Provide a copy of the public liability insurance and workers compensation Policy (if not a sole trader) (\$20 million cover) to the Committee;
- Show compliance with WH&S standards and regulations.
- Comply with the Building Code of Australia and relevant Australian Standards.
- Have an ABN - if a contractor does not hold an ABN, for example a Sole Trader, an Australian Taxation Office form "Statement by a Supplier" is to be completed and held with Council.

Note that different maintenance tasks may require professional licences/accreditation such as working at heights, operating machinery (including chainsaw), working in confined spaces, etc. If you are unsure, please check with Council with regards to Work, Health and Safety requirements.

Tasks which possibly do not require professional licensing or accreditation include:

- cleaning
- mowing
- gardening

WORKS	EXAMPLE	RESPONSIBILITY
Minor Repairs/Improvements	<p>May include:</p> <ul style="list-style-type: none"> • Weeding • Painting • Maintenance to minor fittings such as lights, handles • Cleaning • Carpet cleaning • Window cleaning • Graffiti removal • Air conditioning/heating maintenance/services • Internal painting (under 2.4m high) • Plumbing maintenance (only by licenced plumbers) • Electrical maintenance (only by licenced electricians) • Telephone charges • Hygiene Services • Electricity charges • Gas charges • Installation of new internal fittings, such as cupboards • Excess water charges • Provision and maintenance of furniture and equipment • Insurance premiums adjusted per facility • Music copyright licences (APRA and PPCA) • Testing and tagging electrical equipment 	Asset Committee

Major Repairs/Improvements	<p>May include:</p> <ul style="list-style-type: none"> Major repairs to roof, walls and floor including any structural repairs Building extensions and major alterations Pest control Health and Safety requirements; Accessibility and Inclusion; Compliance matters; Asset Protection (Asset management plan eg re-roofing, external painting, structural inspections etc); Regular fire equipment inspection 	Council
Cleaning	<p>Committees are to seek quotations every two years for services. This process needs to be undertaken in an open and transparent manner. Three quotations must be sought. The Committee then assesses the quotations and by resolution agree to recommend a contractor to Council.</p>	<p>Asset Committee – source quotations</p> <p>Council – approve contractor</p>
Security	<p>Committees are to seek quotations every two years for security services. This process needs to be undertaken in an open and transparent manner. Three quotations must be sought. The Committee then assesses the quotations and by resolution agree to recommend a contractor to Council.</p> <p><u>Council to contract Security Contractor where required.</u></p>	<p>Asset Committee – source quotations</p> <p>Council – approve contractor</p>

HIRING OF THE ASSET

9. HIRING OF THE ASSET

9.1 General

Some of the main objectives of the Committee are to ensure the facility is readily accessible to the community whilst at the same time raising funds for its maintenance and future improvements.

9.2 Inclusion

Asset Committees are acting on behalf of Council, and it is important to uphold the principles of equity, accessibility and inclusivity, providing for the whole community.

Consideration of disability and inclusion is now managed by new legislation, the *Disability Inclusion Act 2014*. The Act requires all government departments and certain public authorities, including councils in NSW, to have a Disability Inclusion Action Plan.

The Plan will focus on four key areas:

- Attitudes and behaviours
- Liveable communities
- Employment, and
- Systems and processes

There is a greater emphasis on consultation at all stages of planning, implementation, monitoring and direction on how to conduct inclusive consultation. There is new public monitoring and reporting requirements through Local Government Annual Reports. Council ~~are currently developing has~~ a Disability Inclusion Action Plan, ~~which will be adopted and implemented by 1 July 2017.~~

For Section 355 Management Committees, this means that inclusion needs to be considered in all areas of planning and operation of the hall or facility. Critical areas that this needs to be considered include access to the hall and facilities (including toilets and kitchen), making written and web materials available to sight and hearing impaired people and supporting access to sporting and recreation opportunities.

9.3 Conditions of Hire

It is essential that hirers sign a Hire Agreement which shows that they abide by the Terms and Conditions of Hire set out by the Committee, and in accordance with Council policies.

9.4 Bookings

The Committee will be responsible for all bookings and hiring of the facility. This ensures that the facility is accessible to the community and citizens do not need to travel distances to a central authority to gain access to the facility.

Each Committee will have a designated Secretary who is responsible for the bookings of the facility. It is anticipated that the person's name and telephone number is well publicised for the benefit of the community.

To make a booking, a person or group contacts the Secretary and books the facility for a particular day and time.

The Secretary will advise the hirer of the fees, bonds and deposits required, provide the applicant with the [S355 Community Committee Venue and Booking Application Form](#) ~~Council Facility Booking Form~~ including Terms and Conditions and enter the relevant information into the Booking Diary.

The Secretary is to advise potential hirers that fees and charges are subject to change each financial year. Fees charged are to be those applicable for the time the function actually takes place and not when the venue is booked (eg If a booking is made in March for an event in August – if the fees increase in July the new increased fee is to be charged). ~~To secure the booking, a deposit will be paid to Council. The balance of the hire cost is to be paid 14 days prior to the function.~~

Formal advice of the booking is to be provided to Council in the next applicable meeting minutes.

For each booking the following information must be recorded:

- Date when preliminary booking was taken.
- Name, address and telephone number of the hirer.
- Type of function.
- Times of hire.
- Hire charge and damage deposit (if any).
- Insurance policy details (Copy of certificate of Currency should also be provided).
- Date advice of the booking given to Council to invoice bond fees and charges, etc.
- Caretaker's comments on the condition of the facility and equipment after the function.

Funds raised from hiring the facilities assist in the provision of maintenance and meet operating costs as well as provide for improvements to the facility.

In hiring out these facilities, compliance is required with all applicable legislation including the following:

- *Environmental Planning and Assessment Act 1979*;
- *Local Government Act 1993*;
- *Liquor Act and Regulations 2007* and Regulations;
- *Protection of Environment Act 1997*;
- *Work Health and safety Act 2011* and Regulations;
- *Workplace Health and Safety Act 2011*;
- *Insurance Act 1984*; duty of disclosure
- *Anti-Discrimination Act 1977*;
- *Disabilities Discrimination Act 1992*;
- *Privacy and Personal Information Protection Act 1998*; and
- Any other laws and regulations governing the conduct of the Committee are also to be complied with.

9.5 Fees and Charges

The schedule of fees and charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council.

FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL

9.6 Bond/Damage Deposit

As a safeguard against possible damage, the Committee can hold a bond for the facility or equipment, or to cover the need for additional cleaning, where appropriate.

Hirers should be advised that this will be refunded if conditions of hire are adhered to.

Abnormal costs associated with the hire of the facility will be deducted from the bond including GST. This may include extra removal of garbage, extra cleaning etc.

9.7 First Aid Kit

Council is a Person Conducting a Business or Undertaking (PCBU) and as such has a duty to provide First Aid equipment, facilities and trained personnel. The level of provision should be determined after considering relevant matters listed below:

- The nature of the work being carried out at the workplace (eg committee meetings, any committee functions);
- The nature of the hazards at the workplace (eg are these kitchen related, heavy lifting related or trip hazards);
- The size and location of the workplace (eg you might include sun screen in your first aid kit);
- The number and composition of the workers and other persons at the workplace (eg older people, young children);
- Committees will be responsible for keeping the First Aid Kit stocked and doing regular checks on the Kit.

9.8 Use of Liquor

Committees are responsible for advising hirers of conditions relating to the use of alcohol.

These prohibit:

- the consumption of intoxicating liquor by persons under the age of 18;
- bringing bulk alcohol or kegs into a community facility; or
- selling alcohol on the premises without a Functions Licence.

Persons serving alcohol must have Responsible Service of Alcohol Certificate.

Hirers wishing to sell alcohol can find further information on the Liquor and Gaming NSW website <https://www.liquorandgaming.justice.nsw.gov.au>

Council requires copies of all licences to be provided to Council prior to any event taking place.

Note: Council does not allow exemptions for any organisation to take alcohol into Council's facility.

9.9 Wet Weather

If sports grounds or their preparation have been adversely affected by the weather to the extent that use would be detrimental, the Council shall have the power to suspend occupation of the ground by notifying the user and if possible, the Secretary or Booking Officer of the Committee, prior to 10am of the day scheduled for use.

A decision concerning the use of the playing fields for the first day of weekend competition will be made prior to 4pm on the day prior to the weekend, notifying the user and, if possible, the Secretary or Booking Officer of the Committee. For other days on the weekend, the Committee will have the power to determine if the fields are playable.

The Committee has the authority to close a ground due to wet weather but does not have the authority to reopen the grounds that have been closed by the Council except in accordance with the above paragraph.

Any club using a closed field may be liable for the full cost of repairs to the field surface.

9.10 Hire by Schools

Schools ~~will be charged as per Council's Fees and Charges are generally not charged a hire fee for the usage of a playing field.~~

Schools must apply to the Committee for permission to use the field.

Teachers are to ensure that the grounds are left clean and tidy after use. Schools may incur a charge to clean up a sporting field and surrounds if left in an untidy state.

Schools are to ensure that they provide a copy of their Public Liability Insurance Cover of \$20 million noting Broken Hill City Council for their respective rights and interest (FTRR&I) prior to using the sporting facilities. This can be provided annually for ongoing bookings. Council requires a copy to be provided by the Committee.

Individual clubs cannot accept bookings from schools

Any misuse of sporting fields by schools is to be reported to Council and appropriate action will be taken by Council.

FINANCE INFORMATION

10. FINANCE INFORMATION

10.1 Financial Arrangements

Committees appointed under Section 355 of the Act are subject to the same standards of accountability as Council, and it is therefore important that Committees manage their operations and the community facilities and assets they care for well, appropriately. All assets held by the Committee belong to Council. The Committee is responsible for the care, control maintenance, repair, beautification, improvement and management in accordance with the delegations received from Council.

Council has determined that the financial operations in respect of all of its Committees will be managed consistently and all Committees are responsible for substantiating where its money has been spent or sourced. This must be done through tabling of minutes at meetings and reporting to Council via minutes and in Annual Financial Statements.

Council provides the following Committees with an annual financial operating subsidy:

- Alma Oval
- BIU-Band-Hall
- ET-Lamb-Memorial-Oval
- Memorial Oval
- Norm Fox Sporting Complex
- Pictou Sportsground

In addition the following applies to all Committees:

- Committees will operate their own bank accounts.
- Bank Accounts will be operative by cheques, signed by at least two members of the committee.
- As the Committee will operate within Section 355 of the Act, not only is Council required to provide for the audit function, but should also include the income and expenditure of the centre within the framework of Council's annual estimates, quarterly financial statements and annual Statements of Accounts which are required by the Department of Local Government. That is, in addition to the end of financial year statements, the Committee must provide Council with estimates of income and expenditure for the forthcoming year.
- The requirements of the Act, make it necessary that committees appointed by Council comply with certain accounting standards. Accounts are to be kept by each Committee in the form prescribed by Council and according to certain legal requirements.
- Council must approve the purchase of any assets (purchase exceeding \$1,000) and this would normally be done by including the proposed asset purchase in the Committee's annual budget to be presented to Council for consideration or written request to the Contact Officer.
- Committees may arrange approved asset purchases through Council's Infrastructure Department.
- Committees are not required to submit audited financial statements to Council.
- Committees do not prepare GST compliance statements.
- Section 377 of the Act, precludes any committee delegated powers by Council from being able to make a charge, fix a fee, vote money for expenditure on works, services or operations, accept tenders, adopt a financial statement or grant financial assistance.

10.2 Purchasing

~~The Committee is able to take advantage of Council's purchasing power.~~ Committees must adhere to Council's Procurement Policy.

It is essential that any purchase of items is related to the use of Council's facility or function.

10.3 Contracting

Prior approval should be obtained from Council's contact officer for contracts in excess of \$21,000. Should Committees need to engage the services of a contractor (eg a plumber or cleaner) at standard commercial rates, the Purchasing Framework and Policy should be followed (ie between \$2501 and \$2,000 two documented telephone quotes) and authorisation may be obtained by applying the following steps:

- Check documentation to ensure registered and licenced (Gold Licence, expiry date, name on licence);
- View the contractor's Workers Compensation and Public Liability Insurance (\$20 million cover). Council's insurance does not cover the contractor; and
- Obtain two (2) work related referee reports on the contractor's past performance.
- No work to commence without Council approval by way of official Council order.

10.4 – Petty Cash

~~For minor work/repairs/materials costing less than \$100; a member of the Executive may obtain petty cash from the Customer Relations Desk at Council's Administrative Centre and produce the official purchase receipt immediately after purchase.~~

10.510.4 Fees and Charges

The Schedule of Fees and Charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.

Only Council has the power under the Act to set fees and charges. Committees are to review their fees annually and make recommendations to the Contact Officer by 31 January for assessment and inclusion in Council's annual review of fees and charges.

Committee will be contacted by Council each year prior to the adoption of the Budget with regard to the fees applicable for the coming financial year. The time line for reviewing Fees and Charges and notifying Council is generally as follows:

ACTION	TIMEFRAME
Committee is contacted to review fees and charges for the coming financial year	November
Committee recommendations are due to Council	January
Fees and Charges are considered by Council's Finance Team	February
Recommended Fees and Charges are considered by Council at a Council meeting	April
Fees and Charges are publicly exhibited for 28 days	May
Final Fees and Charges are adopted by Council, ready for start of the new financial year	June

Figures submitted should show the GST (Goods and Services Tax) inclusive amount. Once Council has adopted the fees and charges, a list will be supplied to each Committee. Adopted fees and charges are effective from 1 July each financial year.

The Committee is not able to provide subsidies or waive hire fees. All requests concerning fee reduction must be referred to Council.

FEES AND CHARGES MAY NOT BE VARIED WITHOUT THE PRIOR WRITTEN APPROVAL OF COUNCIL

10.410.5 Donations

Committees are not permitted to make donations.

Committees can accept donations, which are to go to the care, maintenance and improvements of the facility.

10.710.6 Income and Expenditure recording

Income and expenditure needs to be recorded in an excel spreadsheet or suitable accounting software. This record is sometimes called the Journal or Ledger. The Income and Expenditure Record is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

Update the records on a regular basis so it does not become a big job. Bank fees, interest, etc should be recorded in the month they appear on the bank statement. This will ensure the reconciling of the records to the bank statement at the end of each month.

10.810.7 Expenditure/ Payments documentation

A Tax Invoice is required to make a payment to a supplier for goods or services. A Tax Invoice shows the supplier's ABN and whether GST is charged or not. These should be kept in payment order and noted with the internet banking receipt number (or cheque number) and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

Payments to suppliers should be made by electronic funds transfer where possible (internet banking).

10.910.8 Income/ Receipts documentation

Hirers and users of the facility should be encouraged to pay by direct deposit into the Committee's bank account.

A receipt must be issued for every payment received and monies should be banked regularly. Internet receipts are acceptable, or if you receive a cheque as payment, a manual receipt will be needed. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

10.1010.9 Monthly bank account reconciliations

The Treasurer should reconcile the committee's bank account at the end of every month and submit to Council:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

~~To reconcile, check off the amounts received and payments made in the income and expenditure record against the bank statement figures. From this, you can compile a list of outstanding income/payments. If the bank statement and records don't agree, find the discrepancy.~~

A Bank Reconciliation Instructions and Form is available to assist completing bank reconciliation. It is a good idea to provide an up-to-date financial report to each Committee meeting held.

10.1110.10 Quarterly GST Reporting to Council and providing Council with Annual Financial Statements

The treasurer will need to undertake a quarterly reconciliation and submit to Council:

- A profit and loss statement
- A balance sheet
- Completed Business Activity Statement (BAS) GST Calculation Template for BAS
- At the end of the financial year, ~~a profit and loss and An Annual Financial Report and~~ balance sheet for the entire financial year will need to be submitted

10.1210.11 Keeping records

Committees are required to keep complete and accurate records. The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks they have undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking). Avoid paying cash.
- Bank receipts promptly into the bank account.
- Record details in the electronic income and expenditure record. Keep the record updated regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- ~~Keep a record of wages (Council approved payments to members, if applicable).~~
- Retain supporting documentation or evidence of payments.

The Income Tax Assessment Act requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

10.1310.12 Manual account records

All of the section above (section 10) applies, and below is information about how to keep accounts manually. Please note that manual records, books and forms in hard copy, are being phased out.

To keep accurate accounts records, Committees need to maintain the following books and forms:

- Cheque Book
- Expenditure documentation
- Receipt Books
- Cash Book
- Bank Deposit Book
- Reporting of financials to each meeting
- Monthly bank account reconciliations and providing necessary paperwork to Council for reimbursements
- Quarterly GST Reporting and Annual Reporting to Council

10.13.110.12.1 Cheque Book

The cheque book should normally be held by the treasurer and must only be drawn upon with the joint signatures of two of the executive. Payments on behalf of the Committee made by cheque will be crossed and marked "Not Negotiable".

Payments will have some form of supporting documentation.

Payments will be authorised by the Committee.

Payments must be entered in the Cash Book under the appropriate cost heading.

10.13.210.12.2 Expenditure/Payments Documentation

A Tax Invoice is required to make a payment to a supplier for goods or services. These should be kept in payment order and noted with the cheque number and date of payment for easy reference and to prevent double payment.

Where a Tax Invoice is not supplied a "Statement by a supplier" (on an approved ATO Form) must be supplied with the account for payment. Note the 'Statement by supplier' will only be required once per year for each supplier that does not have an ABN.

10.13.310.12.3 Receipts/Income Documentation

Receipt books must bear the Committee's name (a stamp will do), have a fixed duplicate copy and be numbered. A receipt book can be supplied by Council. A receipt must be issued for every payment received and monies should be banked regularly. The receipt of cash is an area where strict control is required. The safest method is to have only a limited number of approved people who have the responsibility for receiving funds, issuing receipts and banking monies.

Keep a record of receipt books detailing the number and location (ie in use or not). Record receipt number in the Committee's Cash Book under the appropriate income heading and on the Deposit form retained by you. Never give change for a cheque payment.

Avoid altering amounts on receipts. If it is necessary to alter a receipt, cross through the incorrect entry and insert the correct amount. Always initial alterations. It is more acceptable to cancel a receipt and retain both the original and duplicate in the book than to alter a receipt.

Amounts must show whether it is "GST inclusive" or not.

10.13.410.12.4 Cash Book

This book is sometimes called the Journal or Ledger. The Cash Book is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

A twelve (12) or eighteen (18) column cash book gives most Committees enough room for details or an electronic accounting may be used. It is essential to have receipts and payment on separate pages or in some cases, separate section of the cash book. Across the page the columns are headed to allow the date, receipt or cheque number, cost or income allocation and totals. Have appropriate and sufficient cost or income headings for frequent transactions, try not to have too many items under sundries or miscellaneous - it makes things difficult when preparing end of year figures.

Update the Cash Book on a regular basis so it does not become a big job. The totals down the page should always equal the totals across the page - do this each time you rule off a page. Check that the totals carried forward onto the next page are correct.

Bank fees, interest, etc wherever possible should be written in the Cash Book in the month they were raised or when bank statements are received. This assists with reconciling the cash book to the Bank statements.

Show payments made either by cheque or direct credit, during the month in the cash book whether they have been presented or not. Show income received during the month whether banked or not.

For Committees banking through Council a monthly report will be provided to the Committee that is required to be reconciled in accordance with Section 5.3.

~~10.13.5~~10.12.5 Bank Deposit Book

If not banking through Council, the bank you have nominated supplies this book and it is where the income is recorded for deposit into the Committee's account.

~~10.13.4~~10.12.6 Monthly Bank Account Reconciliations

Check off the amounts received and cheques written out in the cash book against the bank statement figures. From this, you can compile a list of outstanding deposits or unrepresented cheques and it also verifies that an incorrect figure does not appear in either records. Tick or cross entries only once - there is no need for multiple marks against each entry. Simply compare the cash book entry against the bank statement and if they agree, mark each once only. If the bank reconciliation does not agree, find the discrepancy. It will be either a mistake in the Cash Book or on the statement.

The Treasurer should submit to Council at the end of every month:

- A copy of income/receipts taken for the month
- A Request for Reimbursement of expenses for the month

~~10.13.7~~10.12.7 Keeping the Books

Committees are required to keep complete and accurate records. The following guidelines and procedures have been prepared to give members of Committees a greater understanding of the tasks that need to be undertaken.

Steps required to keep complete and accurate records:

- Open and maintain a bank account in the Committee's name.
- Make as many payments as you can electronically (internet banking), or pay by cheque. Avoid paying cash.
- Bank receipts promptly into the bank account.
- Write up the cash book regularly - at least monthly.
- Reconcile the bank account regularly - monthly or each time a bank statement is received and at the end of the financial year.
- ~~Keep a record of wages (Council approved payments to members, if applicable).~~
- Retain supporting documentation or evidence of payments.

~~10.13.8~~10.12.8 Writing up the Cash Book

Cash books are available in various sizes from stationers and office supplies such as Newsagents.

Cash Payments:

- Enter appropriate headings in the book, ensuring the first column is "Bank" and the last one "Sundries".
- Enter cheques in cheque number order.
- Ensure every cheque is recorded in the book.
- Record cancelled cheques, but at no value.

~~10.13.9~~10.12.9 Cash Receipts

- The same procedures as for cash payments.
- Amounts received must be receipted.

~~10.13.10~~10.12.10 Reconciliation

Bank reconciliations need to be performed regularly because:

- They keep track of cheques that are outstanding and possibly lost;
- They ensure that a complete record is kept of transactions;
- They enable your accountant to prepare a balance sheet and accounts for your Committee, ~~and can therefore save you considerable money in professional fees;~~
- Take the monthly bank statement and write items such as bank fees, direct debits, etc into the cash book;
- Total up the columns; ensure they add the same across as well as down;
- Tick off items appearing in the cash book against the bank statements, noting those that are outstanding.

Finally, to complete reconciliation:

- Take - total Cash Book balance (brought forward from previous financial year);
- Plus - Income received to date in current financial year;
- Less - payments to date in the current financial year;
- This should equal - the balance on the bank statement; - (less unrepresented cheques) - (plus unbanked deposits).

~~10.13.11~~10.12.11 Retention of Records

The *Income Tax Assessment Act* requires records to be retained for seven years. It is important to retain invoices and other supporting documentation.

The financial reporting may be done electronically. A copy of the accounting must be backed up and available to the Council Committee upon request.

Note: Records of Committee, minutes of meetings, reports, invoices, receipts and the like should be provided to Council as soon as possible to ensure accurate record management.

LEGAL INFORMATION

11. LEGAL INFORMATION

11.1 Legal Issues

It is important for Committees to be aware that they are in fact acting on Council's behalf. Legally, the Committee is "Council" and any action which the Committee undertakes is Council's responsibility.

Committees sometimes believe they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council delegates its authority to the committee to act on Council's behalf and Council can withdraw this delegation if deemed to be necessary.

11.2 Legal Action

The Committee is unable to enter into legal action.

11.3 Committee Record Keeping


The Australian Standard on Records Management (AS 4390-1996, Part 1, Clause 4.2.1) defines a record as recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

- No incoming or outgoing correspondence may be destroyed, with the exception of advertising material, newsletters, and magazines.
- Records should be stored in an area away from potential hazards, eg fuel, water, fire, vermin.
- Records should be stored in a secure location, eg locked cupboard or room.
- Release of original or photocopied records to any person, other than a current Committee member or an authorised officer of the Council, is prohibited.
- Access to records by persons other than current Committee members or an authorised officer of the Council is prohibited.
- Request for access to records, for persons other than those stated above, must be made through Council's Public Officer.
- The Committee acknowledges it has a responsibility under the *Privacy and Personal Information Protection Act 1998* to protect the personal information and privacy of individuals in general. The Committee will not provide to any person other than a committee member any personal information unless it has been specifically collected for the purposes for which it is being requested. This includes contact details for a member of the Committee unless that member has agreed those details can be provided to members of the public.

Records of Committees, eg minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible to ensure accurate record management.

Committees may keep electronic and paper copies of records for the duration of their term, but these should be secondary copies as the originals must be provided to Council's records management team via email council@brokenhill.nsw.gov.au.

The Committees need to be aware of the importance of minutes, because of their legal status and their liability for subpoena in court cases.



The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

At the end of the term of the Committee, all records must be provided to Council.

11.4 Intellectual Property

The Committee acknowledges and agrees:

- It is important for Council to develop, maintain, protect and manage the organisation's intellectual property including copyrights, trademarks, registered designs, patents and databases.
- The Committee, as a delegate of Council, has a duty to observe and help protect Council's intellectual property by not copying or supplying such property without the express permission of Council.
- Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.
- The Committee refer to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation's document.

11.5 Pecuniary Interest

Chapter 14 of the Act includes a new and separate framework for the handling of alleged breaches of the pecuniary interest provision of the Act.

The Act is about openness, accountability and transparency in decision making by Councils.

A Pecuniary Interest is one of financial benefit.

It is the responsibility of members of committees (who are not Councillors or designated persons):

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Committee meeting in which the member has a pecuniary interest.

A pecuniary interest does not exist where the interest is so remote or insignificant that it could reasonably be regarded as likely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

11.6 Declaration of Interests

To protect individual members as well as the whole organisation, all committee members should declare their interests in advance. If a potential conflict arises, it should be declared as soon as possible. Where some financial, political or personal benefit is potentially involved, committee members should do one of the following:

- State their involvement in another organisation or business etc and the committee should be aware of this;
- State their involvement and ask that they not take part in discussion or decisions about the issues where there could be conflict; and leave the meeting room while such issues are being considered;
- State their other involvements and ask that the group determine whether they stay involved, or how they can participate without compromise; and
- State their involvement and that they believe they should resign from the committee because of this conflict.

11.7 Conflict of Interest

A conflict of interest can arise when a member of the Committee has other involvements or interests which make it difficult for them to always remain impartial when involved in discussions and decision makings. These can include:

- Business or professional activities;
- Employment or accountability to other people or organisations;
- Membership of other community organisations or service providers; or
- Ownership of property or other assets.

The conflict may lead to:

- Financial benefit eg Sale of goods or privileged knowledge;
- Political benefit eg Gaining or losing electoral support; or
- Personal benefit eg Career advancement or increased standing in the community.
- Committee Members are required to adhere to Council's Code of Conduct.

11.8 Disputes

a) External

Where individual citizens or groups of citizens of the LGA disagree with a resolution of the Committee or actions of the Committee, these bodies have the right to refer their grievances in writing to the Committee for reconsideration.

Where the Committee refuses to alter its decision or actions, the individual resident or group of citizens from within the LGA may present their grievance to Council in writing, for reconsideration.

Where such notice in writing is referred to Council, Council will request a report on the issue from the Committee. Upon receipt of the report the matter will be referred to Council for resolution.

Upon Council adopting a resolution, the details of Council's deliberations will be advised to the Committee and the resident or group of citizens who referred the matter to Council.

b) Internal

All disputes between members of the Committee are to be resolved within the Committee where possible.

Where a dispute occurs within a Committee the resolution of the majority of the Committee as a whole will determine the outcome, where this is not possible the Chairperson will have the casting vote.

There will be no right of appeal when the Committee has determined its resolution of a dispute; but where disputes are considered irreconcilable by the Committee they will be referred to Council for resolution. Council's decision is final.

CORPORATE INFORMATION AND SOCIAL MEDIA

12. CORPORATE INFORMATION AND SOCIAL MEDIA

12.1 Correspondence

Correspondence from the Committee is effectively correspondence from the Council, as the Committee acts on Council's behalf. Hence stringent conditions are required to ensure appropriate use of Council's name and logo.

12.2 Letterhead

Committees are to design and implement their own letterhead and logo for all correspondence.

The letterhead design must be approved by Council and indicate that the function is a Committee of Broken Hill City Council. The Council logo must be included in the design.

The Council logo and rules around logo use will be provided to all committees.

12.3 Purpose of Correspondence

Usage of correspondence using Council logo and name, is limited to the activities of each specific authorised functional area of the committee and specifically limited to:

- Provision and seeking of information
- Extension of invitation
- Expressions of thank you
- Seeking of sponsorship (after approval of General Manager)
- General correspondence not committing the Council or making public comment.

12.4 Filing

Copies of correspondence from the Committee under Council's letterhead must be placed in Council's filing system within 1 day of the letter being sent.

12.5 Signatures

The signing of correspondence being limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or a Chairperson of the Committee duly authorised by Council.

12.6 Clerical Support

It is not the normal practice of Council to provide clerical support to Committees. A Committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

In general terms, clerical support will only be offered if a Council employee is a member of the Committee and the assistance is an extension of the employee's duties.

If support is offered, the level of assistance will be subject to negotiation between the Committee and Council and strict duties established. Council supports the principle that a Committee should be self-reliant and provide its own office bearers.

12.7 Sub Committees

The Committee may appoint working groups to report back to the Committee. These "Sub Committees" can be made up of non-committee members, have no legal standing and must recommend back to the Committee for ratification.

Members of Sub Committees must be registered as volunteers and duly noted in Committee meeting minutes and will be covered in accordance with this policy.

12.8 Use of Council logo

Committees are encouraged to use Council logo (subject to conditions).

- Use of Council logo MUST be approved prior to use.
- Council's Contact Officer will provide all Committees with the appropriate file format, size and colour of the logo suitable for use.
- Use of the logo ~~is will be outlined in Council's proposed Corporate Style Guide, which is currently being developed to ensure that Council's corporate identity is used correctly. The logo is Council's signature.~~

Council's logo was refreshed in 2016 and the Kangaroo Logo and Council Crest should no longer be used.

12.9 Marketing and Promotion

Marketing and promotion of the facility is necessary to maintain a level of awareness amongst the community for many reasons:

- To keep the facility top of mind for residents. This reminds people of its availability as a venue and will assist in encouraging locals to get involved in some way towards using the facility or volunteering in some capacity.
- Helps engender a sense of community ownership and pride in the venue.
- To encourage the facility's use with the aim of increasing revenue to maintain and improve the hall's features.
- To promote the hall facility as a Council asset delivering benefits to the local community as a critical focal point.

12.10 Social Media

Council's Social Media Policy and Social Media Guidelines apply to Section 355 Asset Committee members.

MARKETING AND PROMOTION IDEAS

Some ideas for marketing and promotion from existing committee members are provided to stimulate discussion for your hall or venue:

- Develop a vision for the hall/venue - where would you like to be in five years time?
- How would you like to engage with your local community?
- What are the target groups for your venue to increase revenue to pay for hall upkeep?
- Have an easy to use website with online bookings and calendar.
- Advertise in local newsletters.
- Develop flyers for local noticeboards/to place in local businesses.
- Have community open days and allow hall users to showcase their activity.
- Provide a community function or event, such as a bush dance.
- Have regular themed social functions.
- Consider Facebook and other social media avenues.

Council would like to work with committees further on marketing and promoting venues, so please contact Council with your ideas, or for assistance.

13. RISK MANAGEMENT

13.1 General

Risk management is a method of taking preventative and precautionary measures to avoid injury, loss and damage, to either persons or property. As a Committee of Council, the Committee has a duty of care to ensure the health, safety and welfare of persons using the facility. This involves regular maintenance, to keep the facility and grounds safe, clean and tidy, as well as a system of inspection to detect faults and hazards at an early stage. Council and Committees, have a wide range of potential liability.

Liabilities can be based on statute and common law duties of care. To ensure compliance there must be appropriate policies, procedures and practices in place.

A Risk Management Framework has been developed to ensure the appropriate documentation is kept to evidence the due diligence process and ensure all responsible steps are being taken to identify the risk to the committee and users of the facility.

Copies of the Risk Management Framework can be made available by contacting Council.

13.2 COVID 19

COVID 19 pandemic which has effected Australia and the World since 2020 has resulted in the Australian and State Governments imposing and legislating a number of restrictions and requirements to manage the health and wellbeing of all citizens.

Council continues to comply with all NSW Government legislative requirements in management of its operations including 355 committees and other volunteer groups, accordingly from time to time Council will need to implement additional regulations and restrictions on access and operations of its facilities which will impact 355 committees and their volunteers.

Council will provide ongoing information and guidance on any regulations and restrictions that relate to the COVID 19 pandemic and operations of 355 Committees as they are required to e

13.2.13.3 Hazards

A hazard is a situation which could potentially cause injury to a person or damage to property. If a hazard requires urgent attention a warning should be placed near the hazard to alert users of the facility to the danger. The Committee must contact Council to advise.

Committees are urged to apply some common sense rules for hirers of facilities such as restacking of tables and chairs, cleaning spills from floors, rubbish removal eg "chairs must be stacked in sets of no higher than (specify number) and placed against the wall".

13.3.13.4 Fire Protection

All Council facilities should be supplied with fire and safety equipment and information on how to use it. If this is not available Council must be notified immediately. Equipment will be inspected twice (2) annually by a professional qualified contractor. This is organised by Council's Infrastructure Department. If the equipment is used irresponsibly by a hirer this should be deducted from the hirer's bond.

13.4.13.5 Emergency Exits (Buildings)

All exits must be identified by an illuminated exit sign and inspected by a qualified contractor. Emergency exit routes must be kept clear at all times. Exit doors should not be barred or locked at any time while the facilities are in use.

13.5.13.6 Inspections

Regular inspections are essential to identify potential risks, and to assist in the defence of claims brought against Council. Inspections must be thoroughly documented.

The Committee will be responsible for inspection of the facilities under their control. Inspections may be either formal or informal.

13.5.113.6.1 Formal Inspections

13.5.2 Inspection of the facilities under the Committee's control must occur and be documented using checklists at least once ~~every 6 months~~ quarterly using the Facility Hazard Inspection Checklist. A copy can be forwarded to Council for action if required. ~~Informal inspections~~

Informal inspections are incidental in the course of Committee business. Any defect or problem discovered must be dealt with according to the Request for Work to be Scheduled form.

13.5.313.6.2 Safety Inspections by Hirers

It is the responsibility of the user groups/hirers to ensure that any field or facility is safe for the use immediately before and during its use. This will include ensuring there are no holes likely to cause injury and any broken glass and other hazardous matter is removed.

Formatted: Normal

INSURANCE

INSURANCE

14. INSURANCE

14.1 General

Council is required to take out insurance policies to cover Council's liability as a consequence of Council's business activities. These policies include:

- Public Liability;
- Workers Compensation;
- Property;
- Professional Indemnity;
- Casual Hirers; and
- Personal Accident

14.2 Notification

Committees and hirer/user groups are instructed that any matter or incident which may give rise to a claim against Council must be reported to Council [using Council \\$355 Incident/Injury Form](#) as soon as practicable. This will ensure that investigations and remedial actions can be undertaken to protect Council's interests.

Council has a responsibility to notify its insurer as soon as a potential claim is known. Committees may receive advice regarding claims via writing, telephone call or by observation. Once the Committee becomes aware of potential claim they are to notify the Contact Officer. If Council is not notified of claims which they could reasonably have known about indemnity may be denied by the insurer.

14.3 Volunteer Labour

For projects involving volunteer labour, an estimate of numbers and details of the project must be forwarded to the Contact Officer as soon as possible to ensure the project is covered by and noted on the appropriate policy.

Voluntary labour can be utilised to assist/or complete the project; but volunteers must be approved and inducted by Council.

To ensure that projects are not unnecessarily jeopardised, the following procedure will apply:

- At commencement of the improvement project all works and materials to be defined along with the sources of financial, material and labour inputs.
- Council's financial involvement is to be clearly defined as well as all items to be paid for by Council. Any items to be paid for will be ordered by Council.
- The project is to be discussed at a joint meeting between Council officers and responsible members of the particular Committee.
- The discussions, source of funds and responsibilities for various parts of the project are to be confirmed by letter.
- The names of any volunteers must be forwarded to Council prior to any work being carried out.
- The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
- All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and



shall receive cover in accordance with Council's Public Liability and Personal
Accident insurance.

14.4 Public Liability Insurance

Public liability insurance provides cover for its legal liability to the public for Council's business activities.

If a third party suffers property damage or personal injury as a result of Council or Committee negligence they are covered under the public liability policy.

The Committee should note that the policy does not cover participants of events/and or groups/associations or incorporated bodies. By law, all incorporated bodies, sporting clubs must have their own public liability insurance as they are excluded from Council's policy.

14.5 Workers Compensation Insurance

Council's Workers Compensation Policy only covers Council employees including volunteers of Council. If contractors are engaged they must provide a copy of a current workers compensation policy.

14.6 Property Insurance

Council maintains property insurance on all its facilities. This includes contents insurance on equipment owned by Council or the Committee such as furniture.

Any new equipment purchased by the committee must be notified to Council for inclusion in Council's asset register.

Other equipment belonging to sports clubs, playgroups etc is not covered by Council's policy and such groups must be advised to affect their own cover for such items if stored at the facility.

14.7 Professional Indemnity Insurance

Professional indemnity insurance usually refers to claims where it is alleged that incorrect advice, certificates or incorrect practice has occurred. The Council may be liable for its conduct arising out of its representations or the conduct of its employees, consultants and committee members.

As discussed previously it is essential that all potential claims are reported as soon as practicable and all documentation is collected and investigations conducted as soon as possible.

14.8 Casual Hirer Insurance

Council has coverage for casual hirers of its facilities. A casual hirer is a user that hires the facility for a one off activity and excludes incorporated bodies, sporting clubs or associations of any kind. Such excluded groups must by law have their own insurance and the Committee as discussed previously, must sight and keep a copy with the booking documentation.

14.9 Personal Accident Insurance

Personal accident insurance covers bodily injury for committee members whilst engaged in an activity directly or indirectly connected with or on behalf of the Council, including whilst travelling directly to and from such activity.

Compensation will not be payable for those under the minimum age of 10 years and over the maximum age of 90 years.

MEETING PROCEDURES

15. MEETING PROCEDURES

15.1 Code of Meeting Practice

Meetings are to be conducted to a standard based on Council's adopted Code of Meeting Practice Policy. Specific standard requirements are detailed in this section and include:

- that a quorum be present;
- that appropriate notice is given;
- that business on the agenda is properly conducted; and
- that correspondence and minutes are recorded.

Committee members should work together to schedule meetings at a mutually convenient time for all. Ideally, meetings are held at the asset or facility, however if scheduling suitable meeting times becomes difficult due to bookings, they may be held in another public space, such as a cafe, park, etc. Meetings should not be held on private property.

15.2 Types of Meetings

Typically there are three types of meetings that a Committee may hold.

15.2.1 Ordinary Meetings

Ordinary Meetings of the Committee are required to address correspondence, hiring of the facilities, finance matters, risk management matters and maintenance of the facility.

15.2.2 Annual General Meeting

The Annual General Meeting of the Committee is required to report on the activities of the Committee for the previous 12 month period and to develop proposals for development and maintenance of the facility for the coming 12 month period.

Appointment of all office bearers for the coming 12 month period will also take place at this meeting.

15.2.3 Extraordinary Meeting

An Extraordinary Meeting of the Committee may be called to discuss urgent business and matters outside the scope of an ordinary meeting, requested by two members of the Committee.

An agenda will be prepared and circulated to all members of the Committee with at least 2 days' notice.

15.3 Frequency of Meetings

15.3.1 Ordinary Meetings

There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

15.3.2 Annual General Meeting

This meeting should be held once per year.

15.3.3 Extraordinary Meeting

This meeting should be held as required.

15.4 Agenda

The agenda is an organised list of headings of the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to the Committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the Chairperson calls for discussion on the agenda.

Each item of business to be discussed at the meeting needs to be included on the agenda.

Unfinished business and reports on actions taken since previous meetings are included in the agenda under 'Business arising from previous minutes'.

If items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

The agenda is required to be sent out to all Committee members and Councillor Representatives at least one (1) week prior to the meeting.

15.5 Correspondence

15.5.1 Inwards Correspondence

A list of significant correspondence received (Inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of new issues that may have arisen and to report on letters received in response to matters raised at previous meetings.

15.5.2 Outwards Correspondence

A list of significant correspondence sent out (Outwards) is provided to inform the members of the action taken on their behalf.

Correspondence is to be suitably filed together for future reference.

15.6 A Quorum

A quorum is the minimum number of members who must be in attendance to hold a meeting.

A quorum is reached when more than one half of the members are present.

If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the Chairperson; or those present can hold an informal meeting to discuss matters, however no decisions can be made where a quorum is not present. Any decisions/motions are to be taken to a subsequent meeting where a quorum is present for recommendations and/or clarification.

15.7 Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. It is best to allow adequate time for discussion on important issues and to ensure relevant information on the matter under discussion is available at the meeting.

15.8 Voting

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways:

- a) Vote verbally
 - o The chairperson asks people to say 'for' or 'against' and then decides which group is the largest.
- b) Vote by show of hands
 - o The chairperson asks people in favour of a decision to raise their hands, counts hands and announces the total, and repeats the same process for those against.

For motions/recommendations, the Committee needs to have an agreement concerning the way a vote will be conducted (either a) or b) above), eg for the vote to be carried, you will need a simple majority (more than half). If it is a tied vote the Chairperson has the casting vote and where this happens, this should be recorded in the Minutes.

15.9 Minutes

Minutes of the meeting must be recorded and a motion/recommendation put forward by the Committee members. The motion/recommendation after being voted on by the Committee should be recorded as "carried" or "lost" (see part 15.8 Voting).

This document is to be an accurate recording on what happened at the meeting.

The ~~draft~~ Minutes of each meeting must be sent to Council within 14 days after the meeting and confirmed at the Committee's next meeting.

On receipt of the Minutes by Council they will be reviewed and the Committee may be contacted if required. Council will not act on Minutes recommendation/motions alone, a request for information/action etc by Council must also be put in writing from the Committee via a Works Request Form.

The Committee is required to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases and be used for Access to Government Information release. Minutes of each meeting will be provided to the general public via Council's website in the interests of transparency and accountability.

The Chairperson is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members have said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.

The Chairperson and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no unauthorised alterations to those minutes. The Chairperson signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.

15.10 Committee Records

Records of Committees, eg minutes of meeting, reports, invoices, receipts etc should be provided to Council as soon as possible.

See further information regarding records in section 11.4.

15.11 Roles of the Executive with Meetings

15.11.1 Chairperson

Before a meeting:

- Prepare the agenda (in consultation with the Secretary) setting out the items of business to be considered.
- Ensure the meeting is properly convened in accordance with these guidelines eg A quorum is present.

During a meeting:

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep members at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.

- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Make sure that recommendations are relevant and understood by members. Ensure that the minute taker has recorded all recommendations that the Committee wishes to forward on to Council.
- Close the meeting.

15.11.2 Secretary

Before a meeting:

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute to all members.

During the meeting:

- Take the minutes.
- Record all recommendations that are to be forwarded to Council.

After the meeting:

- Type minutes and distribute to all members.
- Ensure that accurate minutes are kept.
- Complete any actions as decided at the meeting.
- Provide a copy of the minutes and all inwards and outwards correspondence to Council.

15.11.3 Treasurer

Before/During the meeting:

- Provide a financial situation update

DOCUMENT	SENT TO COMMITTEE MEMBERS / COUNCILLOR REPRESENTATIVES	SENT TO COUNCIL
Agenda – Ordinary Meeting	At least one (1) week prior to the meeting	No
Agenda – Annual General Meeting	At least one (1) week prior to the meeting	No
Agenda – Extraordinary Meeting	At least two (2) days' notice	No
Correspondence List	To be sent with Agenda	No
Minutes		Yes - within 14 days after the meeting date
Records	Keep for term of Committee	Immediately

REPORT REQUIREMENTS

16. REPORT REQUIREMENTS

16.1 Annual Report

Committees are to provide Council with an annual report with inclusive financial statements by third (3rd) week in August each year.

Annual Reports are to detail the following information:

- Number of meetings conducted and dates of meetings
- A breakdown of attendance at meeting by each member
- Activities/Projects/Achievements
- Ongoing Issues
- Completed Maintenance
- Financial Report (bank balance etc)

16.2 Finance Reports

Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.13

16.3 Quarterly GST Reporting

Quarterly GST Reporting is to include the following information:

- A profit and loss statement
- A balance sheet
- Completed Business Activity Statement (BAS)

16.4 Term Report

A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3rd) week in August.

Term Reports are to detail the following information:

- Overview of the responsibilities of the Committee
- Activities/Projects/Achievements/Highlights
- Ongoing Issues

REPORT	WHEN TO SEND TO COUNCIL
Annual Report	By the 3rd week in August - annually
Finance Report	By the 3rd week in August - annually
Quarterly GST Report	By the end of the 1st week following the end of the quarter
Term Report	By the 3rd week in August – quadrennial

DEFINITIONS

17. DEFINITIONS

In this Manual the following definitions will apply:

The “**Act**” shall mean the *Local Government Act 1993*.

“**Advisory Committee**” shall mean Committees that report through to the General Manager and are established to provide advice on the implementation of Strategy. These Committees are not responsible for the care, control or management of Council Assets.

“**Asset Committee**” shall mean Committees that report directly through to Council and are responsible for the management responsibilities, functions and operations of community facilities, such as buildings and ovals.

“**Chairperson**” shall mean:

- for a meeting of the Council – the Mayor;
- for a meeting of a Committee of the Council – a member of the committee whose appointment has been approved by Council

“**Committee**” shall mean the body of persons appointed by Council to the Section 355 Committee in accordance with this framework.

“**Constitution**” shall mean and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule.

“**Contact Officer**” shall mean Committee specific Council Contact Officer.

“**Council**” shall mean Broken Hill City Council.

“**Councillor**” shall mean a Councillor of the Broken Hill City Council.

“**Executive**” shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

“**Facility**” shall mean a Council owned building, oval or park.

“**Financial Year**” shall mean the period from 1 July year X to 30 June Year X + 1.

“**Framework**” shall mean the Section 355 Committee Framework that incorporates three components.

“**General Manager**” shall mean the person appointed or acting in the position of General Manager of Broken Hill City Council.

“**Intellectual Property**” means and includes the copyrights, trademarks, registered designs, patents and databases. In particular it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

“**LGA**” shall mean Local Government Area.

“**Manual**” shall mean this document, being the Section 355 Asset Committee Manual.

"Personal Information" shall mean "information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion" as per the definition included in Section 4 of the *Privacy and Personal Information Act (PIPPA)* 1998.

"Record" means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

"User group" shall mean organisations which are granted use of any portion of the facilities on a license, annual, seasonal or longer term basis.

"Volunteer" means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

"WHS Policy" means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.

HOW DO I CONTACT COUNCIL?

18. HOW DO I CONTACT COUNCIL

HOW?	CONTACT DETAILS
In Person	Council Administrative Centre 240 Blende Street Broken Hill NSW 2880
Post	Broken Hill City Council PO Box 448 Broken Hill NSW 2880
Phone	08 8080 3300
Fax	08 8088 3424
Email	council@brokenhill.nsw.gov.au
Emergency Contact (out of hours only)	0408 858 368
Opening Hours	8:30am to 5pm – Monday to Friday Cashier closes at 4pm

THIS PAGE WAS LEFT BLANK INTENTIONALLY



www.brokenhill.nsw.gov.au

DRAFT CONSTITUTION OF THE ALMA OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14773 – 12/45	
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July 2020	REVISION NUMBER 5
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29 November 2006	Adopted	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
14 December 2016	Membership number amended	45410
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1. The Alma Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Oval and its facilities in diary form and produce such a book for the inspection of Council upon request.



- 2.4. To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; so that Council's insurers are aware of the event activity.

- 2.6. To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Alma Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Alma Oval, situated at 105 Wilson Street.
- 4.2. The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Oval at a standard of appearance that is satisfactory to the community.

- 5.3. To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of ~~high-risk~~ ~~high-risk~~ power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (~~e.g.e.g.~~, gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- ~~6.5. The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~
- ~~6.6.6.5.~~ Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- ~~6.7.6.6.~~ The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- ~~6.8.6.7.~~ The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).

~~6.9.6.8.~~ As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.

~~6.10.6.9.~~ Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.

~~6.11.6.10.~~ Vote on monies for expenditure on the works, services or operations of Council.

~~6.12.6.11.~~ The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

~~6.13.6.12.~~ If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of	Repair and replacement

	defects Lubrication of hardware	
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility

ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces—watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance

Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1. The Committee shall consist of eleven (11) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor representative
- Allowance for one (1) representative per user group
- Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).

8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1. The principal spokesperson for the committee shall be the Chairperson.

10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

11.1. There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.

12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.1~~23~~ of the Section 355 Asset Committee Manual

12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A Profit and Loss Statement
- A Balance Sheet
- Completed Business Activity Statement (BAS)

12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

13.1. The Committee is required to keep all proper records.

13.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest)~~ the Model Code of Conduct for all Councils in NSW.

14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements

15.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

"**Council**" shall mean Broken Hill City Council.

"**Committee**" shall mean the Alma Oval Community Committee.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"**User Group**" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or ~~longer-term~~longer-term basis.

"**Oval**" shall mean the Alma Oval.

DRAFT CONSTITUTION OF THE B.I.U. BAND HALL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D16/11064 – 16/8	
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July 2020	REVISION NUMBER 7
EFFECTIVE DATE	ACTION	MINUTE NUMBER
27 June 1984	Adopted	29794
31 January 2007	Amended	42126
28 April 2010	Amended	42326
25 January 2012	Amended	43138
14 March 2016	Amended	N/A
30 March 2016	Adopted	45225
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1. The B.I.U. band Hall Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Hall; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Hall and its facilities in diary form and produce such a book for the inspection of Council upon request.



- 2.4. To provide access to the Hall and its facilities for use by citizens of and visitors to Broken Hill without distinction.

- 5.3. To provide a satisfactory service to users of the Hall and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Hall, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Hall and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g.e.g., gloves, safety glasses) required by Council are used; ~~and to ensure that safety procedures for use of the Sportsground are monitored.~~
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- ~~6.5. The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~
- ~~6.6.6.5.~~ Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- ~~6.7.6.6.~~ The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- ~~6.8.6.7.~~ The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).

6.9.6.8. As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.

6.10.6.9. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.

6.11.6.10. Vote on monies for expenditure on the works, services or operations of Council.

6.12.6.11. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

6.13.6.12. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply- and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects	Repair and replacement

	Lubrication of hardware	
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility

ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces—watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces—other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and

		maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1. The Committee shall consist of nine (9) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1. The principal spokesperson for the committee shall be the Chairperson.
- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

- 11.1. There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.1~~23~~ of the Section 355 Asset Committee Manual

12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A Profit and Loss Statement
- A Balance Sheet
- Completed Business Activity Statement (BAS)

12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

13.1. The Committee is required to keep all proper records.

13.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest); the Model Code of Conduct for all Councils in NSW.~~

14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements

15.2. ~~Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

16. DEFINITIONS

"**Council**" shall mean Broken Hill City Council.

"**Committee**" shall mean the B.I.U. Band Hall Community Committee.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"**Hall**" shall mean the B.I.U. Band Hall.

“**User Group**” shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

DRAFT CONSTITUTION OF THE BROKEN HILL HERITAGE COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D17/11038 – 15/87	
RESPONSIBLE POSITION	Corporate Responsibility Officer <u>Chief Corporate and Community Officer</u>	
APPROVED BY	Council	
REVIEW DATE	May 2021 <u>March 2022</u>	REVISION NUMBER 7
EFFECTIVE DATE	ACTION	MINUTE NUMBER
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	N/A
29 March 2017	Adopted	45508
27 September 2017	Amended Membership Numbers	45630
26 September 2018	Amended Membership Numbers	45908
30 June 2021	Amended Objectives, Role and Membership. Deleting references to Facility Management	46576

1. INTRODUCTION

- 1.1. The Broken Hill Heritage Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE NAME

- 2.1. The Committee shall be called the Broken Hill Heritage Committee

3. COMMITTEE ROLE

- 3.1. The Committee will assist Council to identify and promote Australia's First Heritage City through input to strategy and planning initiatives, community engagement, identification and promotion of heritage activities.
- 3.2. Where consistent with the Constitution the Committee can establish Working Group(s) for such purposes as monitoring the 'end of mining life' in the City, and/or the specific focus of heritage events and heritage management.
- 3.3. The postal address of the Committee will be c/- PO Box 448, Broken Hill NSW 2880.

4. COMMITTEE OBJECTIVES

- 4.1. The Committee is responsible for identifying opportunities and recommending to Council community activities that will grow the City's brand as Australia's First Heritage City and to encourage community participation in heritage activities.
- 4.2. The Committee will also provide advice and guidance on the development of strategies, and identification of challenges and opportunities, in relation to heritage, cultural planning and local identity including local history, and community involvement which encourages a sense of belonging within the City of Broken Hill.

5. COMMITTEE DELEGATION

- 5.1. Providing input to heritage planning together with initiating and assisting planning, programs and events which have the aim of supporting, protecting, promoting and celebrating Broken Hill as the First Heritage Listed City in Australia.

6. RESTRICTION OF DELEGATION

- 6.1. Any works undertaken will be with the knowledge and approval of Council's Corporate Risk Coordinator's Asset/Risk Management Officer.
- 6.2. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.3. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. STRUCTURE AND MEMBERSHIP

- 7.1. The Committee shall consist of twelve (12) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- 7.2. At least three (3) Councillor ~~r~~Representatives.
- 7.3. Six (6) community members with demonstrated experience in heritage, arts, culture and/or planning.
- 7.4. Two (2) Council staff members, being the Events Coordinator and ~~Manager City Development, Planning and Compliance~~ Executive Manager Planning and Community Safety as ex-officio (non-voting) members of the Committee, to provide technical support and advice.
- 7.5. One (1) Broken Hill Heritage Advisor (ex-officio (non-voting) member) ~~being~~ is a member of the Committee to resource our ~~community-based~~ community-based Heritage Committee to drive recognition of Broken Hill as Australia's First Heritage City.
- 7.6. The Council at the time of appointing the Committee will also confirm the Chairperson and Secretary.
- 7.7. Council reserves the right to amend the number of Committee members and category of representation.

8. TERM OF APPOINTMENT

8.1. The term of a committee is the same term as the elected Council.

9. PRINCIPAL SPOKESPERSON

9.1. The principal spokesperson for the committee shall be the Chairperson.

9.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

10. MEETINGS

10.1. There should be a minimum of four meetings held each year, or more frequently if so determined by the Committee.

11. REPORTING REQUIREMENTS

11.1. Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.

11.2. A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

12. RECORDS

12.1. The Committee is required to keep all proper records.

12.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

13. FRAMEWORK

13.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for all Councils in NSW. Section 441-443 Local Government Act 1993 (Pecuniary Interest).

13.2. The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

14. REVIEW

14.1. Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager annually in September following presentation of the Committees Annual Reports and Financial Statements.

~~14.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

15. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Broken Hill Heritage Committee.

~~"User Group" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.~~

DRAFT CONSTITUTION OF THE BROKEN HILL **CITY** **regional** ART GALLERY ADVISORY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D17/11039 – 11/9	
RESPONSIBLE POSITION	Director Corporate Chief of Community and Corporate Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July-2020	REVISION NUMBER 8
EFFECTIVE DATE	ACTION	MINUTE NUMBER
December 2013	Document Developed	N/A
18 December 2013	Adopted	44529
26 February 2014	Amendment to Schedule 1	44599
7 May 2014	Document Re-formatted	N/A
28 May 2015	Document Re-formatted and amended	N/A
22 February 2017	Constitution amended to include 3 additional Community Representatives	45473
29 March 2017	Adopted	45508
29 March 2017	Constitution amended to include 1 additional Community Representative	45509
6 June 2018	Constitution amended to reduce Community Representatives by 3	N/A
27 June 2018	Adopted	45847
26 September 2018	Councillor Representative reduced from 3 to 2	45921

1. INTRODUCTION

- 1.1 The Broken Hill **Regional City** Art Gallery Advisory Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act 1993*.

2. COMMITTEE NAME

- 2.1 The Committee shall be called the Broken Hill **Regional City** Art Gallery Advisory Committee.

3. COMMITTEE ASSET LOCATION AND ADDRESS

- 2.2 The Committee will not manage an asset, but in close consultation with Gallery Management, will advise Council in guiding programs and events for Broken Hill ~~Regional City~~ Art Gallery. The postal address of the Committee will be "to be ~~addressed~~ advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.

3. COMMITTEE OBJECTIVE

- 3.1 ~~U~~To undertake an advisory role ~~and~~ in consultation with Gallery Management:
- ~~To~~ provide a forum to enable Council and community projects and initiatives to be discussed
 - ~~To~~ provide an opportunity for community representatives to provide professional and credible advice for Council's consideration in relation to matters relevant to the artistic community.

4. COMMITTEE DELEGATION

- 4.1 To undertake an advisory role ~~and~~ in consultation with Gallery Management.
- 4.2 To make suggestions to Council for the improvement, presentation and general development of the Broken Hill Regional Art Gallery.
- 4.3 To recommend to the Council annual maintenance of conservation works and any special projects proposed by the Committee.
- ~~4.4 Undertake the role of the selection panel for the Pro Hart Outback Art Prize.~~
- ~~4.5 Undertake the role of seeking private sponsorship, raising philanthropic funds and fundraising towards the Gallery's acquisition and commission fund.~~
- ~~4.4 Undertake the role of seeking private sponsorship, raising philanthropic funds and fundraising toward the Gallery's restoration fund~~
- ~~4.5~~4.6To make recommendations to Council as outlined in the Public Art Policy.
- ~~4.6~~4.7To make recommendations to Council regarding acquisitions as outlined in the Acquisitions Policy and the Broken Hill ~~Regional City~~ Art Gallery – Donations and Gifts Policy.

5. RESTRICTION OF DELEGATION

- 5.1 Any works undertaken will be with the knowledge and approval of Council's ~~Asset/Risk Management Officer~~Corporate Risk Coordinator.
- 5.2 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/function under its management and control.
- 5.3 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

6. STRUCTURE AND MEMBERSHIP

6.1 The Committee shall consist of a maximum of nine (9) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least two (2) Councillor representatives;
- Seven (7) community members with demonstrated expertise in heritage, arts, culture and/or event planning
- ~~One Two (2) of whom~~ s(1) young person people under 26 years; and
- One (1) First Nation Person

Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

6.2 Council reserves the right to amend the number of Committee members and category of representation.

7. TERM OF APPOINTMENT

7.1 The term of a committee is the same term as the elected Council.

8. PRINCIPAL SPOKESPERSON

8.1 The principal spokesperson for the committee shall be the Chairperson.

8.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

9. MEETINGS

9.1 There should be a minimum of four meetings held each year, or more frequently if so determined by the Committee.

9.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

10. REPORTING REQUIREMENTS

10.1 Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.

10.2 A Term Report will be prepared by the outgoing Committee in a Local ~~G~~overnment Election year, on the achievements of the Committee over its ~~four-year~~four-year term and forwarded to Council by the third (3rd) week in August.

11. RECORDS

11.1 The Committee is required to keep all proper records.

11.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

12. FRAMEWORK

- 12.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and [Section 441-443 *Local Government Act 1993 \(Pecuniary Interest\)*, the *Model Code of Conduct for Local Councils in NSW*.](#)
- 12.2 The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

13. REVIEW

- 13.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted ~~annually in September following presentation of the Committees Annual Reports and Financial Statements, by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~
- 13.2 ~~Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

14. DEFINITIONS

"**Council**" shall mean Broken Hill City Council.

"**Committee**" shall mean the Broken Hill [City Art Gallery Heritage](#) Advisory Committee.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

DRAFT CONSTITUTION OF THE COMMUNITY STRATEGIC PLAN ROUND TABLE COMMITTEE

QUALITY CONTROL			
TRIM REFERENCES	D13/14451 – 13/145		
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Community and Corporate Officer		
APPROVED BY	Council		
REVIEW DATE	March 2022 July 2020	REVISION NUMBER	9
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
30 October 2013	Committee established as Section 355 Committee	44474	
18 December 2013	Adopted	44529	
26 February 2014	Amendment to Schedule 1	44599	
30 September 2015	Council's delegates	45071	
16 December 2015	Adopted	45150	
29 March 2017	Adopted	45508	
28 February 2018	Adopted	45759	
17 April 2019	Adopted	46059	

1. INTRODUCTION

- 1.1 The Community Strategic Plan Round Table Committee is a Section 355 Advisory Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE NAME

- 2.1 The Committee shall be called the Community Strategic Plan Round Table Committee.

3. COMMITTEE ASSET LOCATION AND ADDRESS

- 3.1 The Committee will not manage an asset, but will advise Council on strategic direction and objectives as detailed in the Community Strategic Plan.
- 3.2 The postal address of the Committee will be c/- 240 Blende Street, Broken Hill NSW 2880 or c/- PO Box 448, Broken Hill NSW 2880.

4. COMMITTEE OBJECTIVE

- 4.1 The Community Strategic Plan Round Table Committee ("Round Table") is an advisory Committee of Council responsible for ensuring a collaborative approach to monitoring and reviewing the implementation of the Broken Hill Community Strategic Plan.

5. COMMITTEE DELEGATION

- 5.1 Provide community leadership in the implementation of the Community Strategic Plan.
- 5.2 Engage with relevant organisations in the implementation of Objectives and Strategies contained within the Community Strategic Plan.
- 5.3 Provide six monthly progress reports on the Objectives and Strategies contained within the Community Strategic Plan to Council.
- 5.4 Celebrate community achievements as various strategies within the Community Strategic Plan are implemented.
- 5.5 Report on the achievements in implementing the Community Strategic Plan for Council's End of Term Report due to Council in the 3rd week of August.
- 5.6 Reporting on the implementation and effectiveness of the Community Strategic Plan in achieving its social, environmental, economic and civic leadership objectives must include environmental issues relevant to the objectives of Key Direction Our Environment in the State of the Environment Report due to Council in the 3rd week of August, the state of its environment.
- 5.7 Make recommendations on Council's Community Engagement Strategy for the Community Strategic Plan and review process for the Community Strategic Plan.

6. RESTRICTION OF DELEGATION

- 6.1 Any projects/programs will be undertaken with the prior knowledge and approval by the General Manager and Council.
- 6.2 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.3 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. STRUCTURE AND MEMBERSHIP

- 7.1 The Committee shall consist of 21 members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- The Mayor, Broken Hill City Council (Chairperson)
 - The General Manager, Broken Hill City Council
 - ~~Four (4) Key Direction Portfolio Chairs~~
 - Two (2) representatives of the Barrier Police District
 - A representative of the Far West Regional Health Service
 - A representative of the Department of Education
 - A representative of the Local Aboriginal Community Working Party
 - A representative of the Broken Hill Local Aboriginal Land Council
 - A representative of Aboriginal Affairs
 - A representative of the Regional Development Australia – Far West
 - A representative of the Foundation Broken Hill
 - A youth community representative (under the age of 26) of the Broken Hill Youth Council
 - A representative of the NSW Primary Health Network

- Four (4) Community Representatives, with previous governance experience and a demonstrated interest in issues associated with the implementation of the Community Strategic Plan.

7.2 Council reserves the right to amend the number of members and category of representation at any time via a resolution of Council.

7.3 Councillors, Senior Management and other organisations identified in the Community Strategic Plan, shall be invited to attend meetings of the Round Table but cannot participate by way of voting on matters before the Round Table.

8. TERM OF APPOINTMENT

8.1 The term of a committee is the same term as the elected Council.

9. PRINCIPAL SPOKESPERSON

9.1 The principal spokesperson for the Committee shall be the Chairperson.

9.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

10. MEETINGS

10.1 There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

10.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

11. REPORTING REQUIREMENTS

11.1 Six monthly progress reports will be provided by the Round Table to Council on progress against the Objectives and Strategies of the Community Strategic Plan. Report periods will cover 1 January – 30 June and 1 July – 31 December. Reports will be provided to Council within one (1) month of the end date of the report period.

11.2 Committees are to provide Council with an Annual Report inclusive of financial statements if applicable, by the third (3rd) week in August each year.

11.3 A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its ~~four-year~~ four-year term and forwarded to Council by the third (3rd) week in August. This will include:

11.3.1 Achievements in implementing the Community Strategic Plan will be reported in Council's ~~End-of-Term~~ State of City Report.

11.3.2 Environmental issues relevant to the objectives for the environment established in the Community Strategic Plan will be reported in Council's ~~State of the Environment Report~~ Annual Report and State of City Report.

12. RECORDS

12.1 The Committee is required to keep all proper records.

12.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

13. FRAMEWORK

13.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest)~~ the Model Code of Conduct for Local Councils in NSW. ~~(the Model Code of Conduct)~~.

13.2 The Committee will comply with all provisions of Council's Section 355 Advisory Committee Framework.

14. REVIEW

- 14.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager annually in September following presentation of the Committee Annual Reports and Financial Statements.
- ~~14.2 Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

15. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Community Strategic Plan Round Table Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"Round Table" shall mean the Community Strategic Plan Round Table Committee

DRAFT CONSTITUTION OF THE FRIENDS OF THE FLORA AND FAUNA OF THE BARRIER RANGES COMMUNITY COMMITTEE

QUALITY CONTROL			
TRIM REFERENCES	D12/14954 – 12/51		
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer		
APPROVED BY	Council		
REVIEW DATE	March 2022 July 2020	REVISION NUMBER	12
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
1 November 2001	Adopted	39244	
19 December 2001	Amended	39320	
26 June 2002	Amended	29522	
25 June 2003	Amended	39986	
24 September 2003	Amended	40138	
25 October 2006	Amended	42035	
298 November 2006	Amended	42070	
31 January 2007	Amended	42126	
25 August 2010	Amended	42460	
25 January 2012	Amended	43138	
31 July 2013	Amended	44407	
29 March 2017	Adopted	45508	

1. INTRODUCTION

- 1.1 The Friends of the Flora and Fauna of the Barrier Ranges Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the Local Government Act.

2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Sanctuary; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.

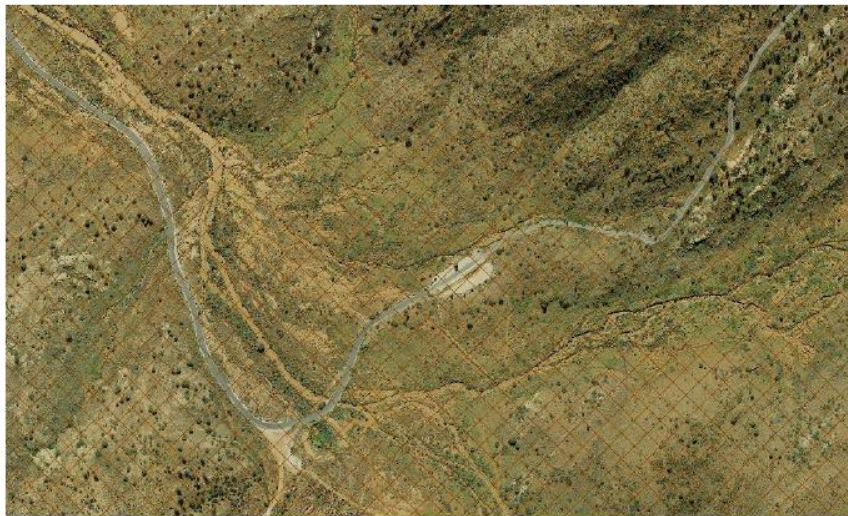
3. COMMITTEE NAME

- 3.1 The Committee shall be called the Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the John Simons Flora and Fauna Sanctuary at the Living Desert, situated off Nine Mile Road.
- 4.2 The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.





5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To assist in the maintenance and future development of native flora and fauna within the Sanctuary.
- 5.2 To present the Sanctuary at a standard of appearance that is satisfactory to the community.
- 5.3 To undertake roles as Volunteer Tour Advisors on a rostered basis.
- 5.4 To assist Council with the opening and closing functions of The Living Desert on a rostered basis.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.8 To bring to Council's attention by way of recommendation through the Council Standing Committee or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by

Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.

6.2 Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).

6.3 Borrowing any monies.

6.4 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).

~~6.5 The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~

~~6.6.5~~ Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

~~6.7.6~~ The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.

~~6.8.7~~ The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).

~~6.9.8~~ As a voluntary Committee, members do not receive payment for their services.

~~6.10.9~~ Vote on monies for expenditure on the works, services or operations of Council.

~~6.11.10~~ The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

~~6.12.11~~ If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
	EXTERNAL	
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Cleaning, removal of graffiti Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Emergency unblocking or make safe repairs Repair and replacement

Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	All regular cleaning and maintenance Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	All regular cleaning and maintenance Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Maintain key register Replace keys and locks not on Council Key Register Purchase, installation, service and maintenance where compatible with Council's Key Register Engage security service if required
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Regular cleaning Repair and replacement
Internal walls – painting	Cleaning Inspection and reporting of defects	Regular cleaning Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	Cleaning and inspection and reporting of defects All regular cleaning and maintenance	All regular cleaning and maintenance Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular Cleaning Lubrication of hardware	Regular cleaning Repair and replacement
Windows – curtains and blinds	Regular Cleaning and minor repair	Regular cleaning and minor repair Replacement
Internal electrical wiring and fittings	Inspection and reporting of defects Make safe immediately	Repair and replacement

Light globes	Replacement of globes no higher than two metres above head height Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Inspection and reporting of defects Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Replenish Inspection and reporting of defects Supply and replenish	Supply and replenish No responsibility
Sanitary disposal	Maintain Inspection and reporting of defects Supply and maintain	Supply and maintain No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	No responsibility Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	All responsibility Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Undertake site induction Display prominently	Prepare in consultation with Committee Display prominently
Paths of travel	Undertake site induction Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel Audit according to regulations
All other Essential Safety Measures	No responsibility Undertake site induction	Audit according to regulations All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of	Repair and replacement

	defects	
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement Maintain key register
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces—watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces—other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Inspection and reporting of defects Maintenance and minor repairs	Maintenance, minor and major repairs and replacement
Garden beds and shrubs	Watering, fertilising , maintenance, replanting and keeping tidy	Watering, maintenance, replanting Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting, watering and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Cleaning and maintenance Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage Maintain free of obstruction
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Monitor and remove all flammable materials from around buildings	Monitor and remove all flammable materials from around buildings Audit according to regulations
Hazardous substances and dangerous goods storage	Maintain Responsible for ageing to relevant Work Health and Safety Standards Undertake site induction	Ensure storage to relevant Work Health and Safety Standards Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1 The Committee shall consist of twenty three (23) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor representative
- Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).

8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1 The principal spokesperson for the Committee shall be the Chairperson.

10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

11. MEETINGS

11.1 There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.

~~12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.~~

~~Financial Statements are to include the following information:~~

- ~~• Profit & Loss Statement~~
- ~~• Balance Sheet~~
- ~~• Supporting documentation as per clause 10.13 of the Section 355 Asset Committee Manual~~

~~12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:~~

- ~~• A profit and loss statement~~
- ~~• A balance sheet~~
- ~~• Completed Business Activity Statement (BAS)~~

~~12.4~~ 12.2 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1 The Committee is required to keep all proper records.
- 13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and [the Model Code of Conduct for all Councils in NSW Section 441-443 Local Government Act 1993 \(Pecuniary Interest\)](#).
- 14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1 Review of all Section 355 Committees, their structures, and Framework including Constitutions will be conducted [by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements.](#)
- 15.2 [Constitutions will be reviewed by Council following each Local Government General Election \(4 yearly\), by Council resolution, at the request of the Committee or at the discretion of the General Manager.](#)

16. DEFINITIONS

"**Council**" shall mean Broken Hill City Council.

"**Committee**" shall mean The Friends of the Flora and Fauna of the Barrier Ranges Community Committee.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"**Sanctuary**" shall mean the Living Desert and the John Simons Flora and Fauna Sanctuary.

["**User Group**" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.](#)

DRAFT CONSTITUTION OF THE MEMORIAL OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14766 – 12/52	
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July 2020	REVISION NUMBER 14
EFFECTIVE DATE	ACTION	MINUTE NUMBER
30 June 1976	Adopted	21323
21 October 1976	Amended	21715
25 February 1981	Amended	26554
15 December 1981	Amended	27437
5 November 1986	Amended	31887
3 October 1990	Amended	34351
25 September 1991	Amended	34985
30 September 1992	Amended	35731
2 November 1994	Amended	36759
29 November 1995	Amended	37136
26 November 1997	Amended	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1. The Memorial Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Oval and its facilities in diary form and produce such a book for the inspection of Council on demand.
- 2.4. To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Memorial Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Memorial Oval, situated at 87 Williams Street.
- 4.2. The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.

- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5. ~~The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~
- 6.6. Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.7. The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.8. The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.9. As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- 6.10. Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.11. Vote on monies for expenditure on the works, services or operations of Council.
- 6.12. The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.13. If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of	Repair and replacement

	defects	
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls, Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by ERA Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility

SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1. The Committee shall consist of twelve (12) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1. The principal spokesperson for the Committee shall be the Chairperson.
- 10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

11. MEETINGS

- 11.1. There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.123 of the Section 355 Asset Committee Manual

- 12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)

- 12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1. The Committee is required to keep all proper records.
- 13.2. Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1. The Committee will comply with all provisions of Section 355 *Local Government Act 1993* 1 (Committees), Section 377 *Local Government Act 993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest)~~ the Model Code of Conduct for all Councils in NSW.
- 14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements.
- ~~15.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

16. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Memorial Oval Community Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"Oval" shall mean the Memorial Oval.

"User Group" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or ~~longer term~~ longer-term basis.

DRAFT CONSTITUTION OF THE NORM FOX SPORTING COMPLEX COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14742 – 12/53	
RESPONSIBLE POSITION	Corporate Responsibility Officer/Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022/July 2020	REVISION NUMBER 7
EFFECTIVE DATE	ACTION	MINUTE NUMBER
27 June 1984	Adopted	29794
29 November 2006	Amended	42070
31 January 2007	Amended	42126
28 April 2010	Amended	42326
25 January 2012	Amended	43138
31 July 2013	Amended	44407
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1. The Norm Fox Sporting Complex Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1. To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Complex; the Committee shall liaise with Council through a Contact Officer or current Councillor representative/s on the Committee, in respect of proposed projects.
- 2.2. To carry out works as approved by Council.
- 2.3. To maintain a record of bookings of the Complex and its facilities in diary form and produce such a book for the inspection of Council on demand.

- 2.4. To provide access to the Complex and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5. To allow any regular user of the Complex to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; so that Council's insurers are aware of the event activity.
- 2.6. To ensure a copy of current rules of use of the Complex and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7. To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1. The Committee shall be called the Norm Fox Sporting Complex Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1. The Committee shall manage and maintain the Norm Fox Oval, situated at 457 Wolfram Street.
- 4.2. The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1. To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2. To present the Complex at a standard of appearance that is satisfactory to the community.
- 5.3. To provide a satisfactory service to users of the Complex and to advise Council promptly of safety and maintenance concerns.
- 5.4. To request Council assistance in removal of dead trees and any other task that requires the use of high-risk power tools such as chainsaws.
- 5.5. To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6. To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7. To recommend to Council any fees and charges for use of the Complex, each financial year for Council's consideration.
- 5.8. To accept all bookings for use of the Complex and keep all necessary records in respect of same.
- 5.9. To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10. To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

Commented [LB1]: As per the Tree Management Plan @Jarred Paul @Chris Ford

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1. The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2. Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3. Borrowing any monies.
- 6.4. The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- ~~6.5. The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~
- ~~6.6.6.5.~~ Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.7.6.6.** The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.8.6.7.** The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.9.6.8.** As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- 6.10.6.9.** Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.11.6.10.** Vote on monies for expenditure on the works, services or operations of Council.
- 6.12.6.11.** The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.13.6.12.** If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two

		meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls, Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens,	Supply and replenish	No responsibility

toilets and bathrooms		
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects	Construction, repair and resurfacing, signage

	Maintain free of obstructions	
facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

8.1. The Committee shall consist of ten (10) members to be appointed by resolution of the Council, such members to be nominated in the following manner:

- At least one (1) Councillor Representative
- Allowance for one (1) representative per user group
- Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).

8.2. Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.

8.3. Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

9.1. The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

10.1. The principal spokesperson for the Committee shall be the Chairperson.

10.2. The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate.

11. MEETINGS

11.1. There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committee occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.

11.2. There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1. Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2. Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:
 - Profit and Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.123 of the Section 355 Asset Committee Manual
- 12.3. Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
 - A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)
- 12.4. Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1. The Committee is required to keep all proper records.
- 13.2. Minutes of each meeting shall be submitted to the Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1. The Committee will comply with all provisions of Section 355 Local Government Act 1993 (Committees), Section 377 Local Government Act 1993 (Delegations), and Section 441-443 Local Government Act 1993 (Pecuniary Interests), the Model Code of Conduct for all Councils in NSW.
- 14.2. The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1. Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements.
- 15.2. Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"**Committee**" shall mean the Norm Fox Sporting Complex Community Committee.

"**Complex**" shall mean the Norm Fox Sporting Complex.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"**User Group**" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

"**Oval**" shall mean the Norm Fox Oval.

DRAFT CONSTITUTION OF THE PICTON SPORTSGROUND COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14873 – 12/54	
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July 2020	REVISION NUMBER 4
EFFECTIVE DATE	ACTION	MINUTE NUMBER
29 November 2006	Adopted	42070
31 January 2007	Amended	42126
31 July 2013	Amended	44407
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1 The Picton Sportsground Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Sportsground; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.
- 2.3 To maintain a record of bookings of the Sportsground and its facilities in diary form and produce such a book for the inspection of Council upon request.
- 2.4 To provide access to the Sportsground and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5 To allow any regular user of the Sportsground to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded



without the approval in writing of the Council; so that Council's insurers are aware of the event activity.

- 2.6 To ensure a copy of current rules of use of the Sportsground and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7 To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1 The Committee shall be called the Picton Sportsground Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the Picton Oval, situated at 347 Kaolin Street.
- 4.2 The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2 To present the Sportsground at a standard of appearance that is satisfactory to the community.

- 5.3 To provide a satisfactory service to users of the Sportsground and to advise Council promptly of safety and maintenance concerns.
- 5.4 To request Council assistance in removal of dead trees and any other task that requires the use of high risk power tools such as chainsaws.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To recommend to Council any fees and charges for use of the Sportsground, each financial year for Council's consideration.
- 5.8 To accept all bookings for use of the Sportsground and keep all necessary records in respect of same.
- 5.9 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10 To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2 Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3 Borrowing any monies.
- 6.4 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- ~~6.5 The acceptance of tenders which are required to be called by Council, i.e. in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).~~
- ~~6.6.5~~ Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- ~~6.7.6~~ The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- ~~6.8.7~~ The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).

6.96.8 As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.

6.106.9 Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.

6.116.10 Vote on monies for expenditure on the works, services or operations of Council.

6.126.11 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

6.136.12 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows – flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows – frames and locks	Inspection and reporting of defects	Repair and replacement

	Lubrication of hardware	
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings – fabric	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls. Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility

ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard Provide advice	Provide advice Water to maintain playable standard
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and

		maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1 The Committee shall consist of eleven (11) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1 The principal spokesperson for the Committee shall be the Chairperson.
- 10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

- 11.1 There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.1~~23~~ of the Section 355 Asset Committee Manual

12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A Profit and Loss Statement
- A Balance Sheet
- Completed Business Activity Statement (BAS)

12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

13.1 The Committee is required to keep all proper records.

13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest)-the Model Code of Conduct for all Councils in NSW.~~

14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

15.1 Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements.

~~15.2—Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

16. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the Picton Sportsground Community Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"User Group" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.

"Oval" shall mean the Picton Oval.

"Sportsground" shall mean the Picton Oval complex.

DRAFT CONSTITUTION OF THE RIDDIFORD ARBORETUM COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14940 – 12/47	
RESPONSIBLE POSITION	Corporate Responsibility Officer Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022 July 2020	REVISION NUMBER 5
EFFECTIVE DATE	ACTION	MINUTE NUMBER
6 October 2004	Adopted	40740
29 November 2006	Amended	42070
31 January 2007	Amended	42126
21 August 2013	Amended	OEN31
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1 The Riddiford Arboretum Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Arboretum; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.
- 2.3 To provide access to the Arboretum and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.4 To ensure a copy of current rules of use of the Arboretum and its facilities are exhibited in an appropriate public place at the Arboretum.



- 2.5 To recommend to Council the making of rules, none of which are to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1 The Committee shall be called the Riddiford Arboretum Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the Riddiford Arboretum, situated at 111 Galena Street.
- 4.2 The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2 To present the Arboretum at a standard of appearance that is satisfactory to the community.
- 5.3 To provide a satisfactory service to users of the Arboretum and to advise Council promptly of safety and maintenance concerns.
- 5.4 To request Council assistance in removal of dead trees and any other task that requires the use of **high-risk** power tools such as chainsaws.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.

- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g., gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.8 To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2 Borrowing any monies.
- 6.3 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.4 The acceptance of tenders which are required to be called by Council, i.e., in excess of Council's discretionary tender threshold (currently \$100,000 GST inclusive).
- 6.5 Formation of submissions to government policies or implementation of policies without the prior written consent of Council.
- 6.6 The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7 The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8 As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- 6.9 Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10 Vote on monies for expenditure on the works, services or operations of Council.
- 6.11 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.

- 6.12 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls—structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls—finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings— taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and <u>supply and</u> fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
w Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Skylights	No responsibility	All maintenance and repair as required
Light globes and fittings	Replacements of globes no higher than two meters above head height	Replacement of any street lighting or light fittings Replacement of globes two meters above head height
Doors, including door hardware	Immediate securing where damaged	Repair and replacement
Windows—flywire screening	All regular cleaning and maintenance	Repair and replacement
Windows—frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows—glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings—fabric	Inspection and reporting of defects	Repair and replacement

Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Windows – curtains and blinds	Regular cleaning and minor repair	Replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls, Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air conditioning fixtures, hot water systems, appliance	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
Telephone services (where provided)	Payment of all connection, service and use accounts, ensure lines remain operational	No responsibility
ESSENTIAL SERVICES		
Testings and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing and tagging of electrical cords by an licensed Electrician (or competent person) every two years or at Council's direction	Pay for all testing and tagging. Audit of currency of tags as part of regular inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations

All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces—watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces—other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Garden beds and shrubs	Watering, fertilising, maintenance, replanting and keeping tidy	Construction and refurbishment
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
outdoor furniture	Inspection and reporting of defects Cleaning	Repair and replacement
Internal roadways and car parks	Inspection and reporting of defects Maintain free of obstructions	Construction, repair and resurfacing, signage
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. COMMITTEE STRUCTURE AND MEMBERSHIP

- 8.1 The Committee shall consist of thirteen (13) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor Representative
 - Allowance for one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1 The principal spokesperson for the committee shall be the Chairperson.
- 10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and/or appropriate.

11. MEETINGS

- 11.1 There should be a minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.
- Financial Statements are to include the following information:
- Profit & Loss Statement
 - Balance Sheet
 - Supporting documentation as per clause 10.1²³ of the Section 355 Asset Committee Manual
- 12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:
- A Profit and Loss Statement
 - A Balance Sheet
 - Completed Business Activity Statement (BAS)

- 12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1 The Committee is required to keep all proper records.
- 13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and ~~Section 441-443 *Local Government Act 1993* (Pecuniary Interest)~~ the Model Code of Conduct for all Councils in NSW.
- 14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.
- 14.3 Council sets out its delegation of the Committee in a Constitution formally adopted/amended at a formal meeting of Council.

~~14.4 Constitutions will be reviewed by Council following each Local Government General Election (4 yearly), by Council resolution, at the request of the Committee or at the discretion of the General Manager.~~

15. REVIEW

- 15.1 Review of all Section 355 Committees, their structures, Framework and Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager, annually in September following presentation of the Committees Annual Reports and Financial Statements.

16. DEFINITIONS

"**Arboretum**" shall mean the Riddiford Arboretum.

"**Council**" shall mean Broken Hill City Council.

"**Committee**" shall mean the Riddiford Arboretum Community Committee.

"**Executive**" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"**User Group**" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer-term basis.

ORDINARY COUNCIL

Memorandum

Ordinary Council Meeting held 25/03/2020

FOR ACTION

MEMO TO: DIRECTOR CORPORATE
SUBJECT: SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY COMMITTEE -
PROPOSED DISBANDING 12/50

Council has resolved;

ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 1/20 - DATED MARCH 12, 2020 -
SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY COMMITTEE - PROPOSED
DISBANDING 12/50

RESOLUTION

Minute No. 46219


Councillor C. Adams moved

Councillor M. Browne seconded

-) 1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received.
-) 2. That Council adopt to disband the Section 355 ET Lamb Memorial Oval Committee and brings its care, maintenance and management under the control of Council operations.
3. That Council write to the Chairperson and request that all relevant records and funds be returned to Council.
4. That major user groups of the ET Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the Section 355 Community Committee to be reestablished in accordance with Section 355 Asset Manual and Section 355 ET Lamb Oval Community Committee Constitution.
5. That the three committee members and Council delegate be notified in writing of Council's decision and acknowledge the important role Section 355 Community Committees play in the Broken Hill community and express Council's appreciation and gratitude for their contribution to the committee and the community.
6. That the recent nominee for membership of the Section 355 ET Lamb Memorial Oval Community Committee, Mr Wayne Turley be advised that his nomination has been

placed on hold subject to the determination of future management of the ET Lamb Memorial Oval Community Committee; due to the committee failing to meet the required membership quota and governance requirements.

CARRIED


JAMES RONCON
GENERAL MANAGER

Ordinary Meeting of the Council

25 March 2020

ORDINARY MEETING OF THE COUNCIL

March 12, 2020

ITEM 1

BROKEN HILL CITY COUNCIL REPORT NO. 1/20

SUBJECT: SECTION 355 ET LAMB MEMORIAL OVAL COMMUNITY
COMMITTEE - PROPOSED DISBANDING 12/50

Recommendation

1. That Broken Hill City Council Report No. 1/20 dated March 12, 2020, be received.
2. That Council adopt to disband the Section 355 ET Lamb Memorial Oval Committee and brings its care, maintenance and management under the control of Council operations.
3. That Council write to the Chairperson and request that all relevant records and funds be returned to Council.
4. That major user groups of the ET Lamb Memorial Oval be encouraged to consider an interest in joining the community committee to allow the Section 355 Community Committee to be reestablished in accordance with Section 355 Asset Manual and Section 355 ET Lamb Oval Community Committee Constitution.
5. That the three committee members and Council delegate be notified in writing of Council's decision and acknowledge the important role Section 355 Community Committees play in the Broken Hill community and express Council's appreciation and gratitude for their contribution to the committee and the community.
6. That the recent nominee for membership of the Section 355 ET Lamb Memorial Oval Community Committee, Mr Wayne Turley be advised that his nomination has been placed on hold subject to the determination of future management of the ET Lamb Memorial Oval Community Committee; due to the committee failing to meet the required membership quota and governance requirements.

Executive Summary:

Section 355 of the *Local Government Act 1993* provides that a function of the Council may be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils, or
- (e) by a delegate of the council.

In accordance with Section 355 of the *Local Government Act 1993* Council previously established Committees to assist Council with the operation and management of its parks, ovals and reserves, these are called Section 355 Asset Committees. Council has also

Ordinary Meeting of the Council

25 March 2020

established Section 355 Advisory Committees to provide advice to the General Manager on specific operations of Council.

Council adopted Asset and Advisory Committee Manuals and Constitutions as the governance structure by which a Committee operates. Membership on each committee forms part of the constitution and includes the number of community representatives, stakeholder representatives (if any) and Councillor representatives required for each Committee to function effectively.

Extracts from Council's adopted Section 355 Asset Committee Manual

Section 2.5 Committee Review

Review of all Section 355 Committees and their structures will be conducted annually in September following presentation of the Committees Annual Reports and Financial Statements

Failure to adhere to and comply with the Section 355 Asset Committee Framework will result in an internal investigation into the operations and conduct of the committee with a full report and recommendation presented to Council.

Committees must be mindful that Council have the authority to disband any non-functioning Committee.

Section 2.6 Committee Disbanding

The Council, by resolution, can disband a Committee at any time for any reason, including:

- To carry out the control of the facility itself;
- If the Committee is not complying with the roles and responsibilities of the Committee; or
- That it no longer requires a Committee for the purpose for which it was established.

In the event membership reduces to fewer than four (4) persons or quorum, Council has established the following guidelines to address this issue:

- if a Committee chooses to remain active, it is given six (6) months to re-establish a viable membership (ie minimum of 4 members); or
- if a Committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

The Committee can also recommend to Council that the Committee be disbanded. Upon the Committee being disbanded, assets and funds of the Committee shall, after payment of expenses and liability, be handed over to Council.

Committee members are eligible for re-appointment to committees. Council will advertise for and receive nominations and present nominations to Council per standard practice.

Section 15.3 Ordinary Meetings

There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.'

Report:

Background

The term of office for all Committees are aligned to the term of office of the current Council (four years). The Local Government Elections were held in Broken Hill on Saturday,

Ordinary Meeting of the Council

25 March 2020

September 10, 2016. All Committee positions were declared vacant two months after the Local Government Election, being November 11, 2016. Council advertised for committee nominations in November and December 2016 and January 2017 as well as encouraging current members to re-nominate. The following is a timeline of committee membership appointments and further advertisements calling for nominations.

DATE	ACTION	COMMITTEE MEMBERSHIP
19 November 2016, 23 November 2016, 31 December 2016, 7 January 2017, 18 January 2017, 28 January 2017, 1 February 2017	Advertising – Nomination for appointment of representatives to Council's Section 355 Committees;	
28 September 2016	Councillor delegation to ET Lamb Memorial Oval Community Committee – Councillor Dave Gallagher Council meeting held 28 September 2016	1
26 April 2017	Appointment to ET Lamb Memorial Oval Community Committee – Lyndon Pace Council meeting held 26 April 2017	2
27 September 2017	Councillor delegation to ET Lamb Memorial Oval Community Committee – Councillor Dave Gallagher Council meeting held 27 September 2017	
27 June 2018	Appointment to ET Lamb Memorial Oval Community Committee – Paul Kemp Council meeting held 27 June 2018	3
4 September 2018	Advertisement – Barrier Daily Truth Vacant Positions – S355 ET Lamb Memorial Oval Community Committee – seeking nominations	
26 September 2018	Appointment to ET Lamb Memorial Oval Community Committee – Kenneth Dennis Council meeting held 26 September 2018	4
18 October 2019	Advertisement – Barrier Daily Truth Call for Nominations – Section 355 Committees	
14 October 2019	Councillor delegation to ET Lamb Memorial Oval Community Committee – Councillor Dave Gallagher Council meeting held 14 October 2019	
2 March 2020	Committee Nomination – Mr Wayne Turley	
Total of current membership including Council delegate		4

Current Situation

Ordinary Meeting of the Council

25 March 2020

An internal review of all Section 355 Committees commenced in September 2018 following the submission of all annual and financial reports. Since then and to date, Council has no record of any E.T. Lamb Memorial Oval Community Committee meetings being held and the committee is yet to provide Council its annual or financial report documentation.

Since the beginning of this term of Section 355 Community Committees, Council has carried out care and maintenance of the ET Lamb Memorial Oval, from its operational resources and budget.

On 27 November 2019 Council wrote to all current ET Lamb Memorial Oval Community Committee members requesting that contact be made to Council's Strategic Asset Manager, before 10 December 2019 to discuss the future management of the ET Lamb Memorial Oval; or alternatively advise a date for the next committee meeting to be held.

It was advised that if contact had not been made by 10 December 2019, then a report would be presented to Council to consider the future of the E.T. Lamb Memorial Oval Community Committee in accordance with Sections 2.5, 2.6 and 5.13 of the Section 355 Committee Manual.

On 3 December 2019 Paul Kemp contacted Council's Strategic Asset Manager and notified that the committee has not been active, and no committee meetings took place. Other than that, no other phone calls or emails were received by Council.

Future Vision

Given the background and the current situation it is recommended that the ET Lamb Memorial Oval Community Committee be disbanded and formally brought back into Council's operational control for care and maintenance, until such time as full committee membership can be put in place in accordance with Council's adopted s355 Asset Committee Manual and Constitution of the ET Lamb Memorial Oval Community Committee.

Community Engagement:

- Advertising – Nomination for appointment of representatives to Council's Section 355 Committees; 19 November 2016, 23 November 2016, 31 December 2016, 7 January 2017, 18 January 2017, 28 January 2017, 1 February 2017
- Advertising – Calling for nominations – 4 September 2018
- Section 355 Community Committee Inductions – 23 October 2017
- Advertising – Calling for nominations – 18 October 2019

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Section 355 of the *Local Government Act 1993*

Council's adopted s355 Asset Committee Manual and Constitution of the ET Lamb Memorial Oval Community Committee.

Financial Implications:

Ordinary Meeting of the Council

25 March 2020

Annual subsidies for ET Lamb Memorial Oval Committee are in the current operational budget.

Council will continue to incur operational costs related to the care, maintenance and resources required.

Attachments

1. Constitution of ET Lamb Memorial Oval Community Committee
2. Section 355 Asset Committee Manual
3. Nomination Form, Mr Wayne Turley

RAZIJA NU'MAN
DIRECTOR CORPORATE

JAMES RONCON
GENERAL MANAGER

DRAFT CONSTITUTION OF THE E.T. LAMB MEMORIAL OVAL COMMUNITY COMMITTEE

QUALITY CONTROL		
TRIM REFERENCES	D12/14774 – 12/50	
RESPONSIBLE POSITION	Chief Corporate and Community Officer	
APPROVED BY	Council	
REVIEW DATE	March 2022	REVISION NUMBER 8
EFFECTIVE DATE	ACTION	MINUTE NUMBER
6 October 2004	Adopted	40741
29 March 2006	Amended	41709
29 November 2006	Amended	42070
31 January 2007	Amended	42126
28 March 2007	Amended	42190
25 February 2009	Amended	42918
31 July 2013	Amended	44407
29 March 2017	Adopted	45508

1. INTRODUCTION

- 1.1 The E.T. Lamb Memorial Oval Community Committee is a Section 355 Asset Committee established by Council under Section 355 of the *Local Government Act*.

2. COMMITTEE OBJECTIVE

- 2.1 To undertake an advisory role in respect of the care, maintenance, repair, beautification, improvement and management of the Oval; the Committee shall liaise with Council through a Contact Officer or current Councillor Representative/s on the Committee, in respect of proposed projects.
- 2.2 To carry out works as approved by Council.
- 2.3 To maintain a record of bookings of the Oval and its facilities in diary form and produce such a book for the inspection of Council upon request.

- 2.4 To provide access to the Oval and its facilities for use by citizens of and visitors to Broken Hill without distinction.
- 2.5 To allow any regular user of the Oval to erect structures under such conditions as the Committee shall see fit, provided that no such agreement shall be concluded without the approval in writing of the Council; so that Council's insurers are aware of the event activity.
- 2.6 To ensure a copy of current rules of use of the Oval and its facilities and the current schedule of fees and charges are exhibited in an appropriate public place at the sportsground.
- 2.7 To recommend to Council the making of rules or setting of any fees and charges, none of which to be implemented without formal approval by Council.

3. COMMITTEE NAME

- 3.1 The Committee shall be called the E.T. Lamb Memorial Oval Community Committee.

4. COMMITTEE ASSET LOCATION AND ADDRESS

- 4.1 The Committee shall manage and maintain the E.T. Lamb Memorial Oval, situated at 125 Boughtman Street.
- 4.2 The postal address of the Committee will be "to be advised" and alternatively c/- PO Box 448, Broken Hill NSW 2880.



5. COMMITTEE DELEGATION

Committees are responsible for the tasks delegated by Council which may include letting, cleaning, maintenance, minor repairs and operations.

- 5.1 To oversee and conduct the necessary duties of watering, weeding and lawn edging, sundry repairs and maintenance to watering systems and fixtures.
- 5.2 To present the Oval at a standard of appearance that is satisfactory to the community.
- 5.3 To provide a satisfactory service to users of the Oval and to advise Council promptly of safety and maintenance concerns.
- 5.4 To request Council assistance in removal of dead trees and any other task that requires the use of high risk power tools such as chainsaws.
- 5.5 To recommend to Council an annual works maintenance program and any special projects proposed by the Committee.
- 5.6 To co-opt additional members from time to time, at its discretion, to provide specialist advice or assistance at nil cost and without voting rights.
- 5.7 To recommend to Council any fees and charges for use of the Oval, each financial year for Council's consideration.
- 5.8 To accept all bookings for use of the Oval and keep all necessary records in respect of same.
- 5.9 To ensure that all Committee members abide by all of Council's Work, Health and Safety requirements, that all designated personal protective equipment (e.g. gloves, safety glasses) required by Council are used; and to ensure that safety procedures for use of the Sportsground are monitored.
- 5.10 To bring to Council's attention by way of recommendation through the Council or his/her delegate any item requiring a policy decision outside the authorised delegation of the Committee.

6. RESTRICTION OF DELEGATION

The Committee may not make decisions concerning the following:

- 6.1 The employment of staff. Committees may not have paid employees as this authority cannot be delegated under Section 355 of the Act. Volunteers will be covered by Council Insurance where they are registered with the committee and where they have acted in good faith and lawfully within this instrument of delegation and schedules.
- 6.2 Fixing of charges or fees (the Committee may submit recommendations for approval to Council in relation to the fixing of charges and fees for the use of the facility under its control).
- 6.3 Borrowing any monies.
- 6.4 The sale, lease or surrender of any land or other property vested in its care under the provision of the Act (as amended).
- 6.5 Formation of submissions to government policies or implementation of policies without the prior written consent of Council.

- 6.6 The payment or making of any profit, gain or gift, to or by its members as well as allowance or travelling expenses incurred whilst attending committee meeting.
- 6.7 The carrying out of any works on or to the facility including alterations, reconstruction or construction without the prior written consent of Council (this does not include minor maintenance work).
- 6.8 As a voluntary Committee, members do not receive payment for their services. The Committee may by resolution reimburse the Secretary for phone calls and postage made in relation to the hire of the facility. No other payment is to be made to Committee members without the prior written approval of Council.
- 6.9 Unreasonably withholding consent for the letting of the facility to any organisations which agreed to comply with and adhere to the rules adopted for the use of the facility, providing an acceptable letting period is available.
- 6.10 Vote on monies for expenditure on the works, services or operations of Council.
- 6.11 The exercise by the Committee of its powers and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The Committee will observe any rules and regulations made by Council, in relation to the facility/ function under its management and control.
- 6.12 If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

7. COMMITTEE VS COUNCIL RESPONSIBILITY

ITEM	COMMITTEE	COUNCIL
EXTERNAL		
Walls – structure and cladding	Inspection and reporting of defects	Repair and replacement
Walls – finishing	Cleaning, removal of graffiti	Painting and resurfacing
Water supply and fittings – taps and valves	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Water supply and fittings – pipe works	Inspection and reporting of defects Securing off in emergency	Repair and replacement
Plumbing – sewerage lines and septic	Inspection and reporting of defects Emergency unblocking or make safe repairs	Repair and replacement
Guttering, down pipes, waste pipes and drains	Inspection and reporting of defects Clear foreign objects, blockages, mud etc.	Repair and replacement
External roofs, guttering and flashing	No responsibility	Repair and replacement
Light globes and fittings	Replacements of globes no higher than two metres above head height	Replacement of any street lighting or light fittings Replacement of globes two metres above head height
Doors, including door	Immediate securing where	Repair and replacement

hardware	damaged	
Windows – frames and locks	Inspection and reporting of defects Lubrication of hardware	Repair and replacement
Windows – glazing	All regular cleaning and maintenance Immediate securing if broken	Repair and replacement
Locks and security systems	Maintain key register Replace keys and locks not on Council Key Register Immediate securing of building if damaged Minor lubrication of locks Engage security service if required	Purchase, installation, service and maintenance where compatible with Council's Key Register
INTERNAL		
Internal walls and ceilings	Inspection and reporting of defects	Repair and replacement
Internal walls – painting	Cleaning	Painting and resurfacing
Ceilings – structure	Inspection and reporting of defects	Repair and replacement
Ceilings – surfacing	Inspection and reporting of defects	Repair and replacement
Floor structure	Inspection and reporting of defects	Repair and replacement
Floor surfaces and coverings	All regular cleaning and maintenance	Repair and replacement
Doors (including cupboards, doors and door fittings)	Regular cleaning Lubrication of hardware	Repair and replacement
Internal electrical wiring and fittings	Make safe immediately	Repair and replacement
Light globes	Replacement of globes no higher than two metres above head height	Replacement of globes where Committee risk assessment unable to manage risk
Light fittings	Inspection and reporting of defects	Repair and replacement
Water supply and fittings	Maintenance and lubrication Inspection and reporting of defects Replacement of washers	Repair and replacement
Internal plumbing – pipes, cisterns, toilet bowls, Hand basins, sinks	Minimise any leakage and further damage	Repair and replacement
Heating, air-conditioning fixtures, hot water systems	Payment of all gas, water and electricity bills, and inspection and reporting of defects and services	Repair and replacement
Consumables to kitchens, toilets and bathrooms	Supply and replenish	No responsibility
Sanitary disposal	Supply and maintain	No responsibility
ESSENTIAL SERVICES		
Testing and tagging of electrical cords	Regular visual inspections. Remove damaged items from service. Arrange testing	Pay for all testing and tagging. Audit of currency of tags as part of regular

	and tagging of electrical cords by an Licensed Electrician (or competent person) every two years or at Council's direction	inspections
Emergency lighting / exit signs	Inspection and reporting of defects	Six monthly testing Repair and replacement
Evacuation plan	Display prominently	Prepare in consultation with Committee
Paths of travel	Inspect and maintain clear paths of travel at all times Check all door handles on paths of travel	Audit according to regulations
All other Essential Safety Measures	No responsibility	All responsibility
SURROUNDS		
Paths and paved areas	Inspection and reporting of defects	Repair and replacement
Fencing and gates	Inspection and reporting of defects Lubrication of hardware Maintain key register	Repair and replacement
Nature strips and grassed areas	Mowing and regular re-seeding	Returfing
Sport fields and playing surfaces – watering	Water to maintain playable standard	Provide advice
Sports fields and playing surfaces	Minor maintenance, inspection and reporting of defects	Major repairs
Sports fields and playing surfaces – other	Inspection and reporting of defects	Construction, repair and replacement, annual seasonal renovation
Irrigation systems	Maintenance and minor repairs	Major repairs and replacement
Trees	Inspection and reporting of defects Minor pruning, feeding and watering	Planting and major pruning Tree removal
Facility perimeter signage	Inspection and reporting of defects	Installation, repair and replacement
Light towers	No responsibility	Total responsibility for purchase, installation, utility costs, repairs and maintenance
Australian rules football goal posts and nets	Inspection and reporting of defects	Repair and replacement
All other goals and nets	Total responsibility	No responsibility
Nets and goal posts	Total responsibility	No responsibility
Sports surface line marking	Complete as required	No responsibility
Fire prevention works	Remove all flammable materials from around buildings	Audit according to regulations
Hazardous substances and dangerous goods storage	Responsible for storing to relevant Work Health and Safety Standards	Audit according to regulations

8. STRUCTURE AND MEMBERSHIP

- 8.1 The Committee shall consist of eight (8) members to be appointed by resolution of the Council, such members to be nominated in the following manner:
- At least one (1) Councillor representative
 - Allowance for one (1) representative per user group
 - Reasonable number of community representatives reflecting the size and operations of the facility (to be agreed upon by executive).
- 8.2 Relevant Council staff can be invited by the Committee to provide information and technical advice on any upcoming Agenda items.
- 8.3 Council reserves the right to amend the number of Committee members and category of representation.

9. TERM OF APPOINTMENT

- 9.1 The term of a committee is the same term as the elected Council.

10. PRINCIPAL SPOKESPERSON

- 10.1 The principal spokesperson for the Committee shall be the Chairperson.
- 10.2 The Chair may authorise other members to speak on behalf of the Committee, where deemed necessary and / or appropriate

11. MEETINGS

- 11.1 There should be minimum of four meetings held each year, however it is recommended that Ordinary Meetings of the Committees occur on a monthly basis to ensure that any outstanding matters are dealt with expeditiously.
- 11.2 There should be one Annual General Meeting held per year, at which the Committee will appoint its executive.

12. REPORTING REQUIREMENTS

- 12.1 Annual Report - Committees are to provide Council with an Annual Report inclusive of financial statements by the third (3rd) week in August each year.
- 12.2 Finance Reports - Committees are to provide Council with financial statements by third (3rd) week in August each year.

Financial Statements are to include the following information:

- Profit and Loss Statement
- Balance Sheet
- Supporting documentation as per clause 10.12 of the Section 355 Asset Committee Manual

- 12.3 Quarterly GST Reporting - Quarterly GST Reporting is to include the following information:

- A Profit and Loss Statement
- A Balance Sheet
- Completed Business Activity Statement (BAS)

- 12.4 Term Report - A Term Report will be prepared by the outgoing Committee in a Local Government Election year, on the achievements of the Committee over its four-year term and forwarded to Council by the third (3rd) week in August.

13. RECORDS

- 13.1 The Committee is required to keep all proper records.
- 13.2 Minutes of each meeting shall be submitted to Council within fourteen (14) days of the meeting.

14. FRAMEWORK

- 14.1 The Committee will comply with all provisions of Section 355 *Local Government Act 1993* (Committees), Section 377 *Local Government Act 1993* (Delegations), and the Model Code of Conduct for all Councils in NSW.
- 14.2 The Committee will comply with all provisions of Council's Section 355 Asset Committee Framework.

15. REVIEW

- 15.1 Review of all Section 355 Committees, their structures, Framework and including Constitutions will be conducted by Council following each Local Government General Election, or by Council resolution, at the request of the Committee or at the discretion of the General Manager.

16. DEFINITIONS

"Council" shall mean Broken Hill City Council.

"Committee" shall mean the E.T. Lamb Memorial Oval Community Committee.

"Executive" shall mean the Chairperson, Deputy Chairperson, Secretary and Treasurer of the Committee.

"User Group" shall mean organisations which are granted use of any portion of the facility on a license, annual, seasonal or longer term basis.

"Oval" shall mean the E.T. Lamb Memorial Oval.

POLICY AND GENERAL COMMITTEE

March 7, 2022

ITEM 9**BROKEN HILL CITY COUNCIL REPORT NO. 68/22****SUBJECT:** **INVESTMENT REPORT FOR FEBRUARY 2022** **D22/11647****Recommendation**

1. That Broken Hill City Council Report No. 68/22 dated March 7, 2022, be received.

Executive Summary:

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 28 February 2022, Council's Investment Portfolio had a current market valuation of \$23,745,352 or principal value (face value) of \$23,738,782 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 28 February 2022 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review**Global issues**

In Europe, the tragedy of war aside, the Russian invasion of Ukraine is unlikely to significantly damage global growth but is more of a threat to inflation. This is providing that the conflict is limited to Ukraine, NATO troops stay out, and Russian gas is not cut off. European exports to Russia are just 0.7% of its GDP and US exports to Russia and Ukraine are less than 0.2% of its GDP so the direct impact on them from a collapse in the Russian economy would be small. The uncertainty and hit to confidence the conflict is expected to trigger in the short term will likely keep the US Federal Reserve from raising interest rates next month. But ultimately the upwards pressure it adds to energy prices and wider commodity prices will reinforce the case for monetary tightening. Ongoing inflation pressures

and the growing crisis in Eastern Europe caused further selloffs in many of the world's share markets, excluding Australia's which recorded a gain. The US S&P 500 fell a further 3% after dropping 5% in January, European shares were down 3% for the second month in a row, and the Japanese market slipped nearly 1%. Meanwhile Australia's All Ords gained 1.7%.

Domestic issues

In Australia, the financial impact of the Ukrainian conflict has already been felt in rising energy prices and falling share markets, but to a much smaller degree than elsewhere. Australia's trade links with Russia are minimal – with exports to Russia accounting for less than 0.1% of GDP and the sanctions on it will have little economic impact here. Australia's Wage Price Index rose by 0.7% over the quarter to be up 2.3% over the year. That was the fastest quarterly growth rate recorded since 2014 and the fastest annual growth since 2019. As such, it indicates that a tightening labour market is having an appreciable impact on wage growth. However, with the RBA judging that wage growth above 3% will be required for inflation to be sustainably in the central bank's target range, the latest result on its own provides little ammunition for those arguing for earlier and aggressive rate hikes than currently contemplated by the RBA. With covid cases falling and mobility on the rise a rebound in hours worked is expected in the coming months and unemployment is expected to fall below 4% by mid-year.

Interest rates

The RBA has noted while inflation has picked up, it is too early to conclude that it is sustainably within the in the 2-3% target band. The central bank also noted that wages growth remains modest and it is likely to be some time yet before aggregate wages growth is at a rate consistent with inflation being sustainably within target. Meanwhile, the market is still pricing in a 0.25% cash rate by mid-2022 and 1.00% before the end of 2022.

Investment Portfolio Commentary

Council's investment portfolio returned -3.99%pa (-0.31% actual) for the month of February versus the bank bill index benchmark return of 0.07%pa. For the past 12 months, the investment portfolio has returned 0.92%pa, exceeding the bank bill index benchmark's 0.03%pa by 0.89%pa.

Council had no maturities and made no new investments during the month. Council is taking optimal advantage of a high yielding cash account and a 90 day notice account which are providing rates in excess of most banks' term deposits out to 6 months.

Like January, the portfolio's overall return was impacted by rising interest rates causing marked-to-market declines in current bond valuations and the performance of the NSW TCorpIM Medium Term Growth Fund, which also reflected the volatility in the global share markets, with a result of -1.82% (actual).

Many of the world's share markets recorded losses for the second month in a row as inflation fears and the Ukrainian crisis caused further sell offs. The Australian share market (All Ords) was an exception as it gained 1.7% (actual) led by the Energy sector's gain of 7.5% and Materials and Consumer Staples both up over 5%. In overseas markets both US S&P 500 and European S&P 350 fell by 3%, the Japanese S&P 500 retreated by nearly 1% while the Chinese S&P 300 recorded a modest gain.

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorpIM Medium Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Council's Portfolio by Source of Funds – February 2022

As at 28 February 2022, Council's Investment Portfolio had a current market valuation of \$23,745,352 or principal value (face value) of \$23,738,782 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$18,166,782
	Royalties Reserve	\$715,000
	Domestic Waste Management Reserve	\$1,490,000
	Grants	\$3,367,000
TOTAL PORTFOLIO		\$23,738,782

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005*- and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

- Key Direction 4: Our Leadership
- Objective 4.1: Openness and Transparency in Decision Making
- Action 4.1.1 Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [February 2022 Investment Report](#)

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER



Investment Summary Report February 2022



Broken Hill City Council

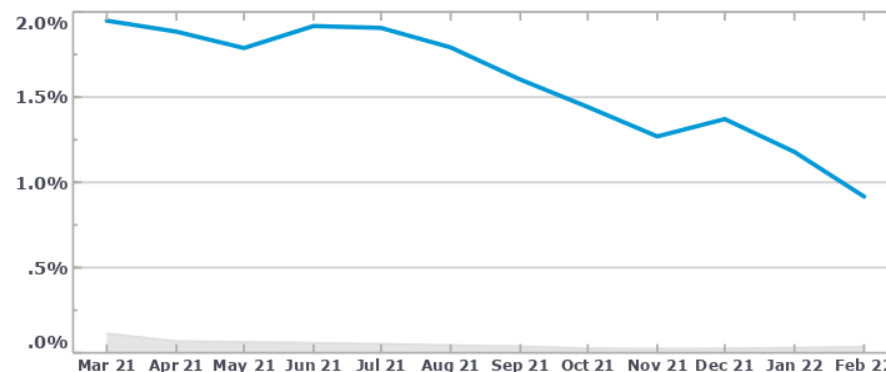
Executive Summary - February 2022



Investment Holdings

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	14,781,576.21	14,781,576.21	0.3798
Managed Funds	6,457,206.20	6,457,206.20	-14.2048
Term Deposit	2,500,000.00	2,506,569.58	0.5720
	23,738,782.41	23,745,351.99	-3.5671

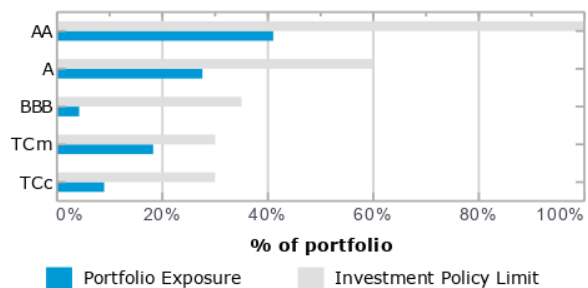
Investment Performance



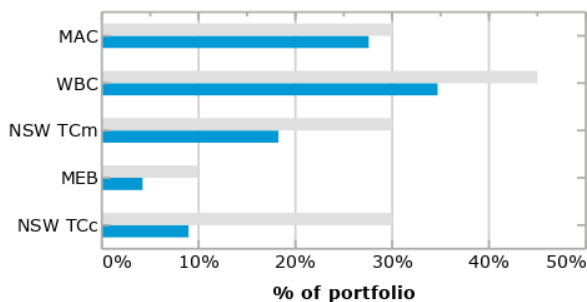
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Investment Policy Compliance

Total Credit Exposure



Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)		Policy Max
Less than 1yr	22,738,782	96%	100%
Greater than 1yr	1,000,000	4%	60%
	23,738,782		

Broken Hill City Council Investment Holdings Report



Cash Accounts							
Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference	
6,546,523.30	0.4000%	Macquarie Bank	A+	6,546,523.30	540354	Accelerator	
2,789,072.73	0.0000%	Westpac Group	AA-	2,789,072.73	473409	Cheque	
5,445,980.18	0.5500%	Westpac Group	AA-	5,445,980.18	535442	90d Notice	
14,781,576.21	0.3798%			14,781,576.21			

Managed Funds							
Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
2,126,752.56	0.0175%	NSW T-Corp (Cash)	TCc	Cash Fund	2,126,752.56	535329	
4,330,453.64	-1.8200%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,330,453.64	536441	
6,457,206.20					6,457,206.20		

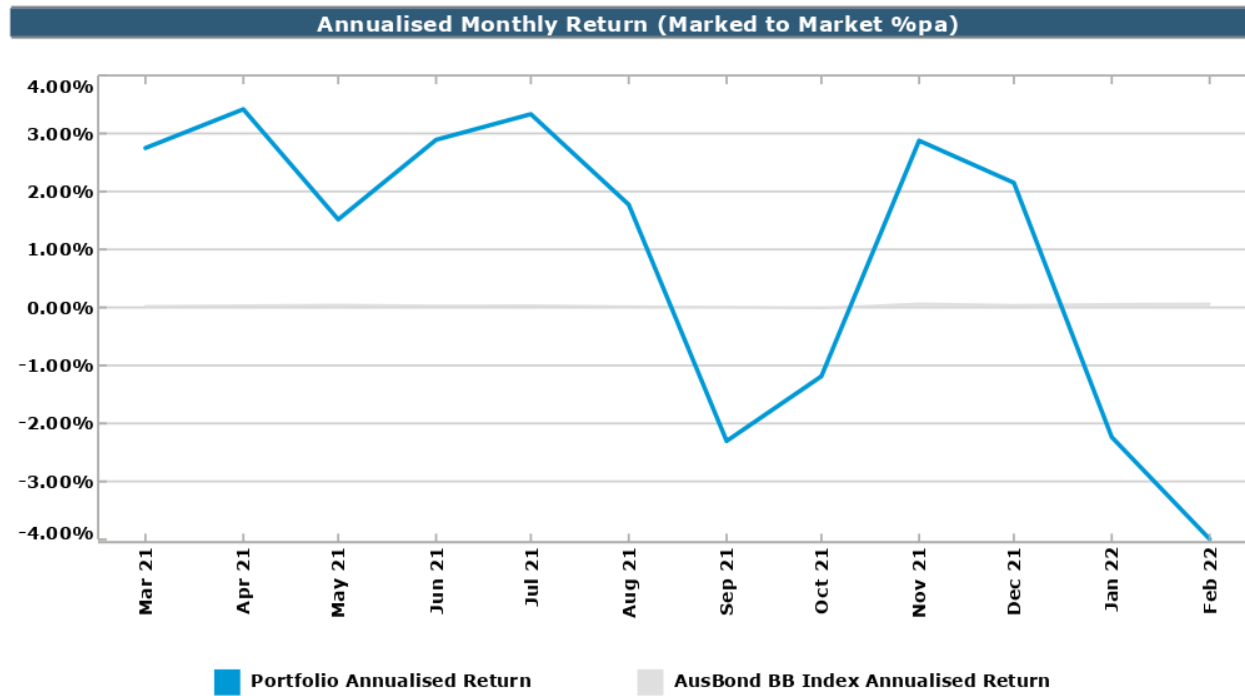
Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
8-Jun-22	500,000.00	0.5000%	ME Bank	BBB+	500,000.00	9-Jun-21	501,815.07	541512	1,815.07	At Maturity
12-Oct-22	500,000.00	0.4100%	National Australia Bank	AA-	500,000.00	13-Oct-21	500,780.68	541988	780.68	At Maturity
16-Nov-22	500,000.00	0.7000%	ME Bank	BBB+	500,000.00	17-Nov-21	500,997.26	542099	997.26	At Maturity
16-Aug-23	500,000.00	0.6200%	National Australia Bank	AA-	500,000.00	18-Aug-21	501,656.16	541757	1,656.16	Annually
27-Sep-23	500,000.00	0.6300%	National Australia Bank	AA-	500,000.00	29-Sep-21	501,320.41	541935	1,320.41	Annually
	2,500,000.00	0.5720%			2,500,000.00		2,506,569.58		6,569.58	

Broken Hill City Council
Accrued Interest Report - February 2022



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque				0.00	28	0.00	.00%
Westpac Group	535442	90d Notice				2,296.78	28	2,296.78	.55%
Macquarie Bank	540354	Accelerator				2,008.16	28	2,008.16	.40%
Cash Total						4,304.95		4,304.95	.38%
Managed Funds									
Cash Fund	535329			29-May-17		0.00	28	371.84	.23%
Medium Term Growth Fund	536441			12-Feb-18		0.00	28	-80,276.08	-21.29%
Managed Funds Total						0.00		-79,904.24	-14.80%
Term Deposit									
ME Bank	541512			09-Jun-21	08-Jun-22	0.00	28	191.78	.50%
National Australia Bank	541988			13-Oct-21	12-Oct-22	0.00	28	157.26	.41%
ME Bank	542099			17-Nov-21	16-Nov-22	0.00	28	268.49	.70%
National Australia Bank	541757			18-Aug-21	16-Aug-23	0.00	28	237.80	.62%
National Australia Bank	541935			29-Sep-21	27-Sep-23	0.00	28	241.64	.63%
Term Deposit Total						0.00		1,096.97	.57%
						4,304.95		-74,502.32	-3.99%

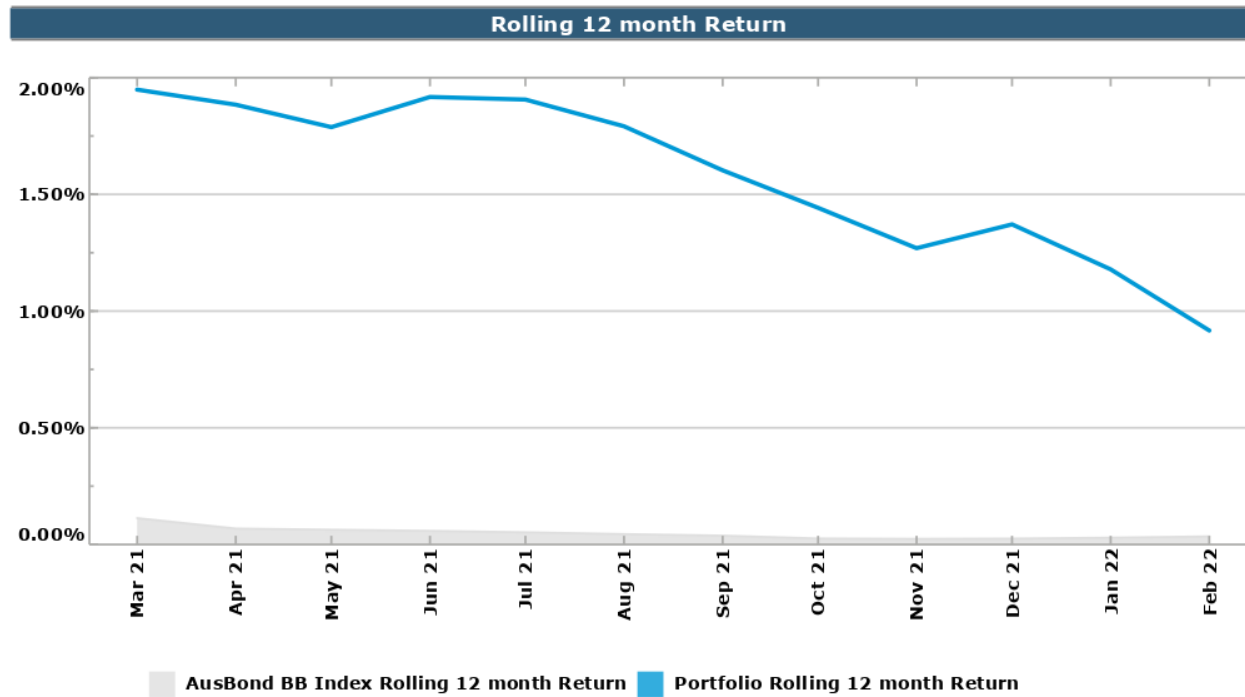
Broken Hill City Council
Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Feb 2022	-3.99%	0.07%	-4.06%
Last 3 Months	-1.31%	0.06%	-1.37%
Last 6 Months	-0.77%	0.04%	-0.81%
Financial Year to Date	0.07%	0.03%	0.04%
Last 12 months	0.92%	0.03%	0.89%

Broken Hill City Council

Investment Performance Report

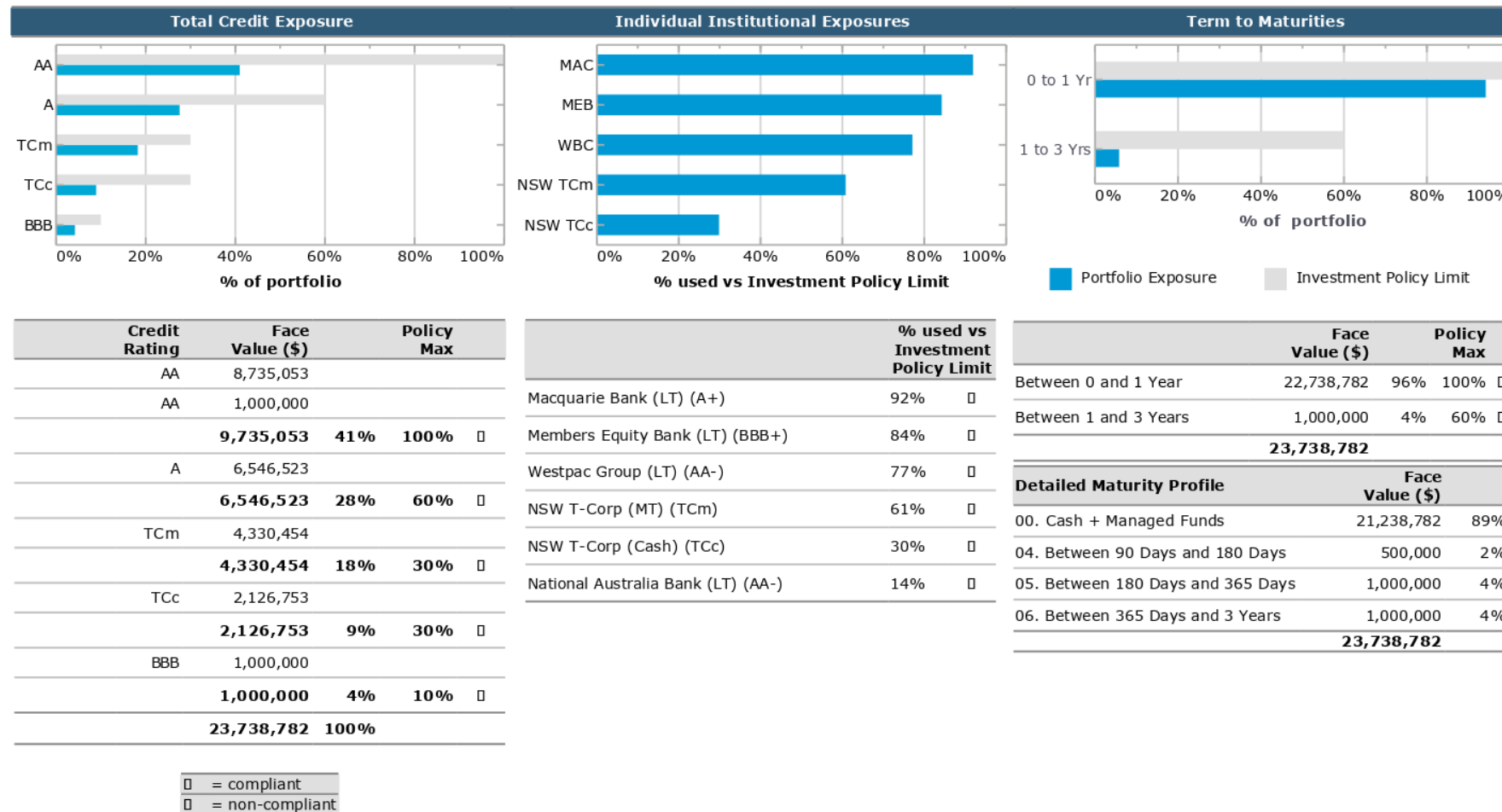


Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Feb 2022	-0.31%	0.01%	-0.32%
Last 3 Months	-0.32%	0.01%	-0.33%
Last 6 Months	-0.38%	0.02%	-0.40%
Financial Year to Date	0.04%	0.02%	0.02%
Last 12 months	0.92%	0.03%	0.89%

Broken Hill City Council

Investment Policy Compliance Report



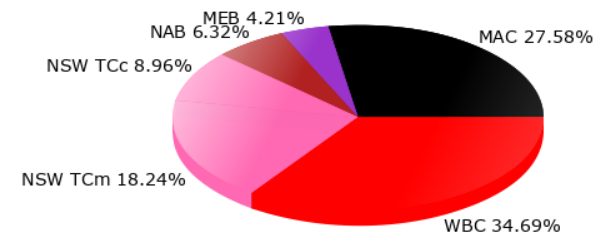
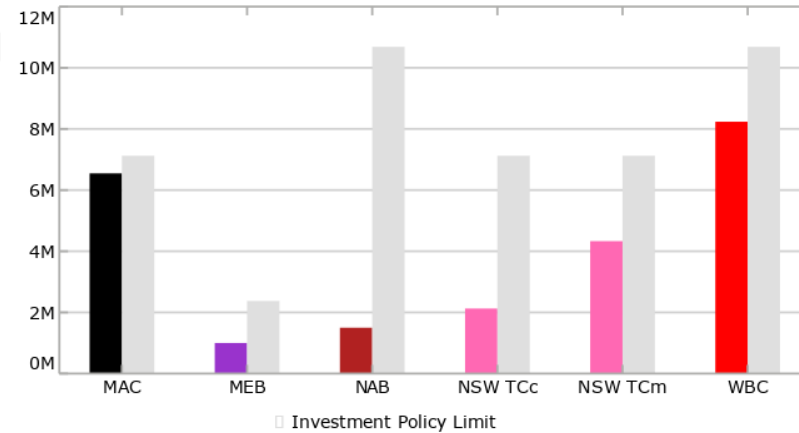
Broken Hill City Council Individual Institutional Exposures Report



Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
Macquarie Bank (A+)	6,546,523	28%	7,121,635	30%	575,112
Members Equity Bank (BBB+)	1,000,000	4%	2,373,878	10%	1,373,878
National Australia Bank (AA-)	1,500,000	6%	10,682,452	45%	9,182,452
NSW T-Corp (TCc)	2,126,753	9%	7,121,635	30%	4,994,882
NSW T-Corp (TCm)	4,330,454	18%	7,121,635	30%	2,791,181
Westpac Group (AA-)	8,235,053	35%	10,682,452	45%	2,447,399
	23,738,782				

Individual Institutional Exposure Charts



Broken Hill City Council
Cash Flows Report



Current Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
<u>Net Cash Movement for Period</u>					
Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
<u>Net Cash Movement for Period</u>					

Broken Hill City Council
Cash Flows Report

