

Monthly Investment Report

01/08/2020 to 31/08/2020

Portfolio Valuation as at 31/08/2020

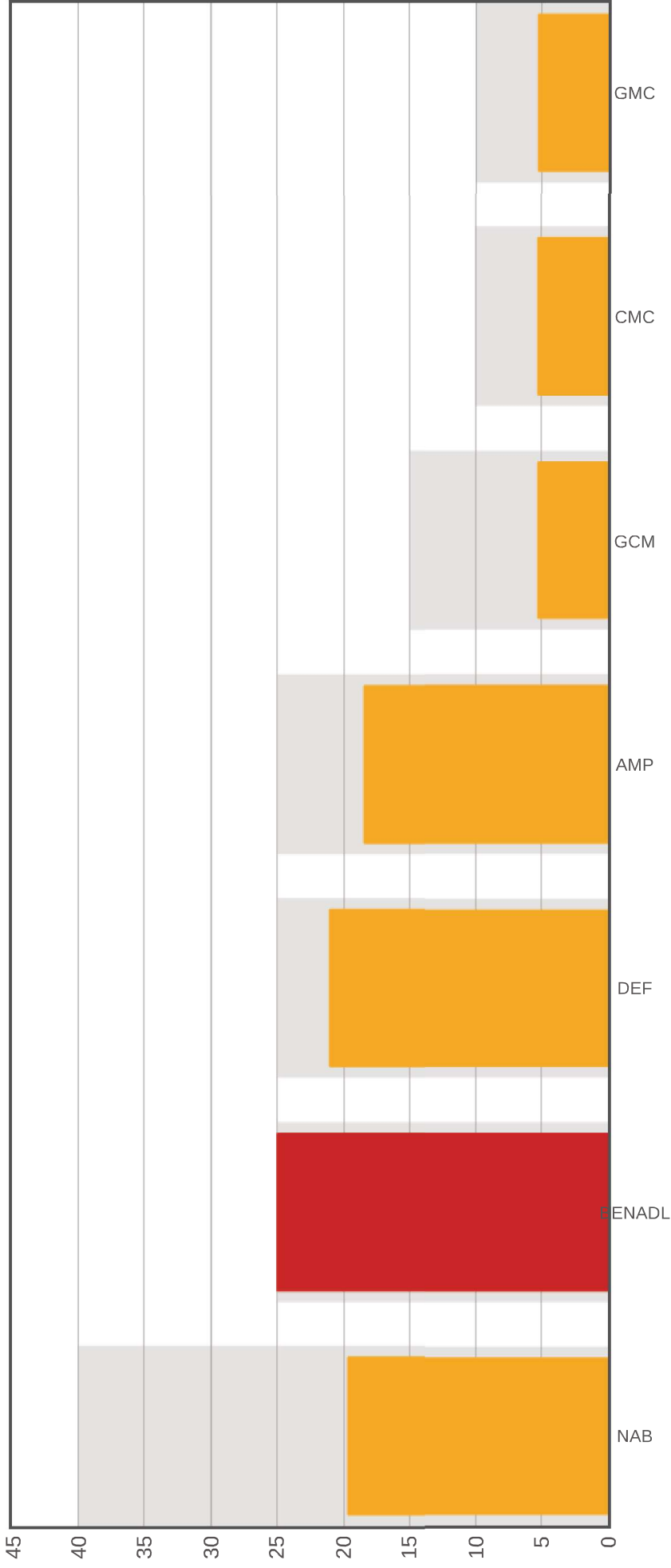
Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Accrued	Accrued MTD
Bendigo and Adelaide	A-2	TD	GENERAL	At Maturity	13/09/2019	11/09/2020	1.4500	2,000,000.00	28,126.03	2,463.01
Bendigo and Adelaide	A-2	TD	GENERAL	At Maturity	26/09/2019	25/09/2020	1.6000	2,000,000.00	29,895.89	2,717.81
AMP Bank	A-2	TD	GENERAL	At Maturity	17/10/2019	19/10/2020	1.6000	2,000,000.00	28,054.79	2,717.81
NAB	A-1+	TD	GENERAL	At Maturity	20/11/2019	19/11/2020	1.4500	2,000,000.00	22,723.29	2,463.01
AMP Bank	A-2	TD	GENERAL	At Maturity	26/05/2020	24/11/2020	1.6500	1,000,000.00	4,430.14	1,401.37
AMP Bank	A-2	TD	GENERAL	At Maturity	01/06/2020	30/11/2020	1.6000	2,000,000.00	8,065.75	2,717.81
Defence Bank	A-2	TD	GENERAL	At Maturity	11/01/2020	11/01/2021	1.7000	2,000,000.00	21,797.26	2,887.67
AMP Bank	A-2	TD	GENERAL	At Maturity	23/03/2020	23/03/2021	1.7500	2,000,000.00	15,534.25	2,972.60
Defence Bank	A-2	TD	GENERAL	At Maturity	04/04/2020	06/04/2021	1.6500	2,000,000.00	13,561.64	2,802.74
G&C Mutual Bank	A-3	TD	GENERAL	At Maturity	06/04/2020	06/04/2021	1.7000	2,000,000.00	13,786.30	2,887.67
Goulburn Murray Credit Union	Unrated	TD	GENERAL	At Maturity	13/05/2020	13/05/2021	1.3000	2,000,000.00	7,906.85	2,208.22
Defence Bank	A-2	TD	GENERAL	At Maturity	29/06/2020	29/06/2021	1.3500	2,000,000.00	4,734.25	2,293.15
Central Murray Credit Union	Unrated	TD	GENERAL	At Maturity	31/08/2020	31/08/2021	1.0000	2,000,000.00	54.79	54.79
Defence Bank	A-2	TD	GENERAL	At Maturity	31/08/2020	31/08/2021	0.8000	2,000,000.00	43.84	43.84
NAB	A-1+	CASH	GENERAL	Monthly	31/08/2020	31/08/2020	0.0000	5,467,182.90	-	-
Bendigo and Adelaide	A-2	CASH	GENERAL	Monthly	31/08/2020	31/08/2020	0.0000	5,496,465.73	-	-
TOTALS								37,963,648.63	198,715.07	30,631.51

Counterparty Compliance as at 31/08/2020

Short Term Investments

Compliant	Bank Group	Term	Rating	Invested	Invested (%)	Limit (%)	Limit (\$)	Available
✓	NAB	Short	A-1+	7,467,182.90	19.67	40.00	-	7,718,276.55
✗	Bendigo and Adelaide	Short	A-2	9,496,465.73	25.02	25.00	-	-5,553.57
✓	Defence Bank	Short	A-2	8,000,000.00	21.07	25.00	-	1,490,912.16
✓	AMP Bank	Short	A-2	7,000,000.00	18.44	25.00	-	2,490,912.16
✓	G&C Mutual Bank	Short	A-3	2,000,000.00	5.27	15.00	-	3,694,547.29
✓	Central Murray Credit Union	Short	Unrated	2,000,000.00	5.27	10.00	-	1,796,364.86
✓	Goulburn Murray Credit Union	Short	Unrated	2,000,000.00	5.27	10.00	-	1,796,364.86
TOTALS				37,963,648.63	100.00			

Counterparty Compliance - Short Term Investments

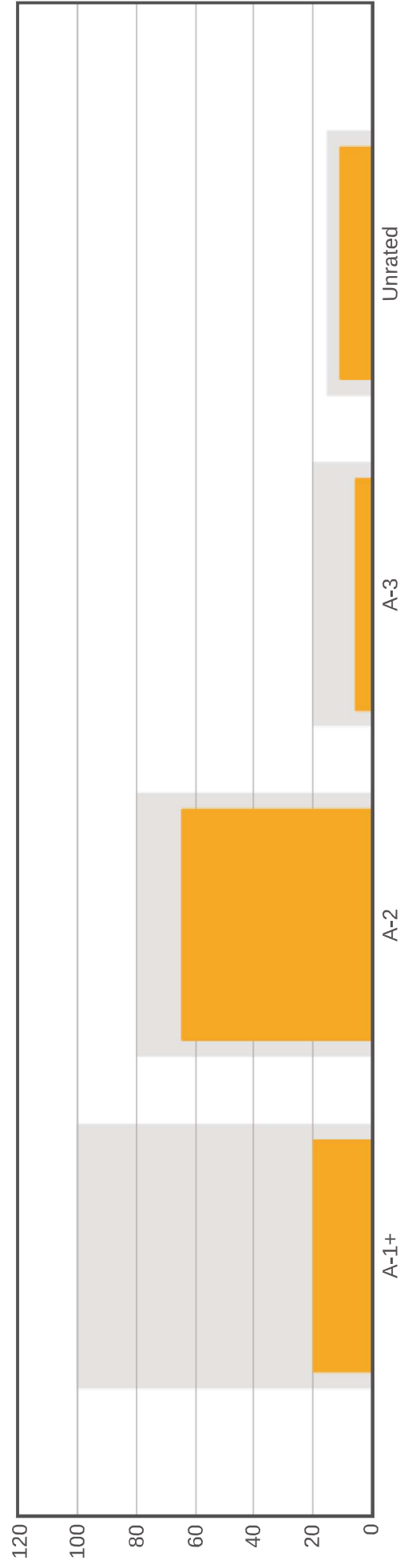


Credit Quality Compliance as at 31/08/2020

Short Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available
✓	A-1+	7,467,182.90	19.67	100.00	30,496,465.73
✓	A-2	24,496,465.73	64.53	80.00	5,874,453.17
✓	A-3	2,000,000.00	5.27	20.00	5,592,729.73
✓	Unrated	4,000,000.00	10.54	15.00	1,694,547.29
TOTALS		37,963,648.63	100.00		

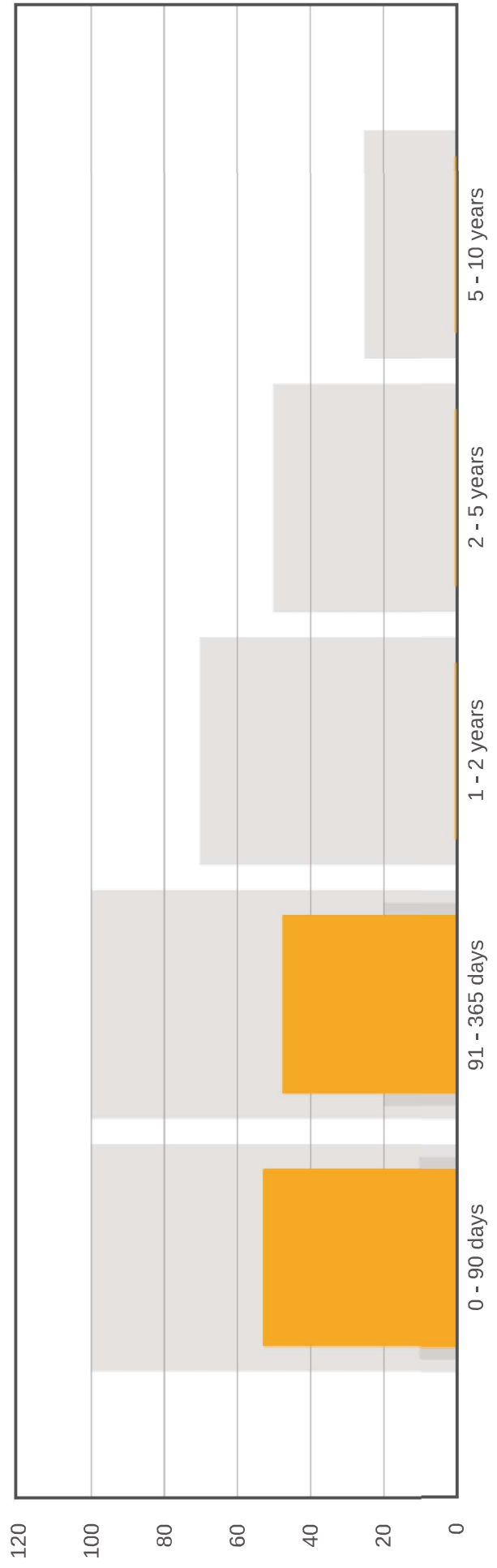
Credit Quality Compliance - Short Term Investments



Maturity Compliance as at 31/08/2020

Compliant	Term	Invested	Invested (%)	Min Limit (%)	Max Limit (%)	Available
✓	0 - 90 days	19,963,648.63	52.59	10.00	100.00	18,000,000.00
✓	91 - 365 days	18,000,000.00	47.41	20.00	100.00	19,963,648.63
✓	1 - 2 years	-	0.00	0.00	70.00	26,574,554.04
✓	2 - 5 years	-	0.00	0.00	50.00	18,981,824.32
✓	5 - 10 years	-	0.00	0.00	25.00	9,490,912.16
TOTALS		37,963,648.63	100.00			

Maturity Compliance



Portfolio Comparison

From: 31/07/2020 To: 31/08/2020

Issuer	Rating	Type	Rate	Purchase	Maturity	Interest	31/07/2020	31/08/2020	Difference
Defence Bank	A-2	TD	1.7000	30/08/2019	31/08/2020	At Maturity	2,000,000.00	-	-2,000,000.00
Central Murray Credit Union	Unrated	TD	1.8500	31/08/2019	31/08/2020	At Maturity	2,000,000.00	-	-2,000,000.00
Bendigo and Adelaide	A-2	TD	1.4500	13/09/2019	11/09/2020	At Maturity	2,000,000.00	2,000,000.00	-
Bendigo and Adelaide	A-2	TD	1.6000	26/09/2019	25/09/2020	At Maturity	2,000,000.00	2,000,000.00	-
AMP Bank	A-2	TD	1.6000	17/10/2019	19/10/2020	At Maturity	2,000,000.00	2,000,000.00	-
NAB	A-1+	TD	1.4500	20/11/2019	19/11/2020	At Maturity	2,000,000.00	2,000,000.00	-
AMP Bank	A-2	TD	1.6500	26/05/2020	24/11/2020	At Maturity	1,000,000.00	1,000,000.00	-
AMP Bank	A-2	TD	1.6000	01/06/2020	30/11/2020	At Maturity	2,000,000.00	2,000,000.00	-
Defence Bank	A-2	TD	1.7000	11/01/2020	11/01/2021	At Maturity	2,000,000.00	2,000,000.00	-
AMP Bank	A-2	TD	1.7500	23/03/2020	23/03/2021	At Maturity	2,000,000.00	2,000,000.00	-
G&C Mutual Bank	A-3	TD	1.7000	06/04/2020	06/04/2021	At Maturity	2,000,000.00	2,000,000.00	-
Defence Bank	A-2	TD	1.6500	04/04/2020	06/04/2021	At Maturity	2,000,000.00	2,000,000.00	-
Goulburn Murray Credit Union	Unrated	TD	1.3000	13/05/2020	13/05/2021	At Maturity	2,000,000.00	2,000,000.00	-
Defence Bank	A-2	TD	1.3500	29/06/2020	29/06/2021	At Maturity	2,000,000.00	2,000,000.00	-
Defence Bank	A-2	TD	0.8000	31/08/2020	31/08/2021	At Maturity	-	2,000,000.00	2,000,000.00
Central Murray Credit Union	Unrated	TD	1.0000	31/08/2020	31/08/2021	At Maturity	-	2,000,000.00	2,000,000.00
Bendigo and Adelaide	A-2	CASH	0.0000	31/07/2020	31/07/2020	Monthly	5,496,465.73	5,496,465.73	-

Issuer	Rating	Type	Rate	Purchase	Maturity	Interest	31/07/2020	31/08/2020	Difference
NAB	A-1+	CASH	0.0000	31/07/2020	31/07/2020	Monthly	5,467,182.90	5,467,182.90	-
TOTALS							37,963,648.63	37,963,648.63	-



Trades in Period

From: 01/08/2020 To: 31/08/2020

New Trades

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Ref
Defence Bank	A-2	TD	GENERAL	At Maturity	31/08/2020	31/08/2021	0.8000	2,000,000.00	146/19
Central Murray Credit Union	Unrated	TD	GENERAL	At Maturity	31/08/2020	31/08/2021	1.0000	2,000,000.00	126/16
TOTALS								4,000,000.00	

Sell Trades

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Sell	Rate	Value	Ref
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No entries for this item

Matured Trades

Issuer	Rating	Type	Alloc	Interest	Purchase	Maturity	Rate	Value	Ref
Defence Bank	A-2	TD	GENERAL	At Maturity	30/08/2019	31/08/2020	1.7000	2,000,000.00	126/16
Central Murray Credit Union	Unrated	TD	GENERAL	At Maturity	31/08/2019	31/08/2020	1.8500	2,000,000.00	
TOTALS								4,000,000.00	

Interest Received in Period

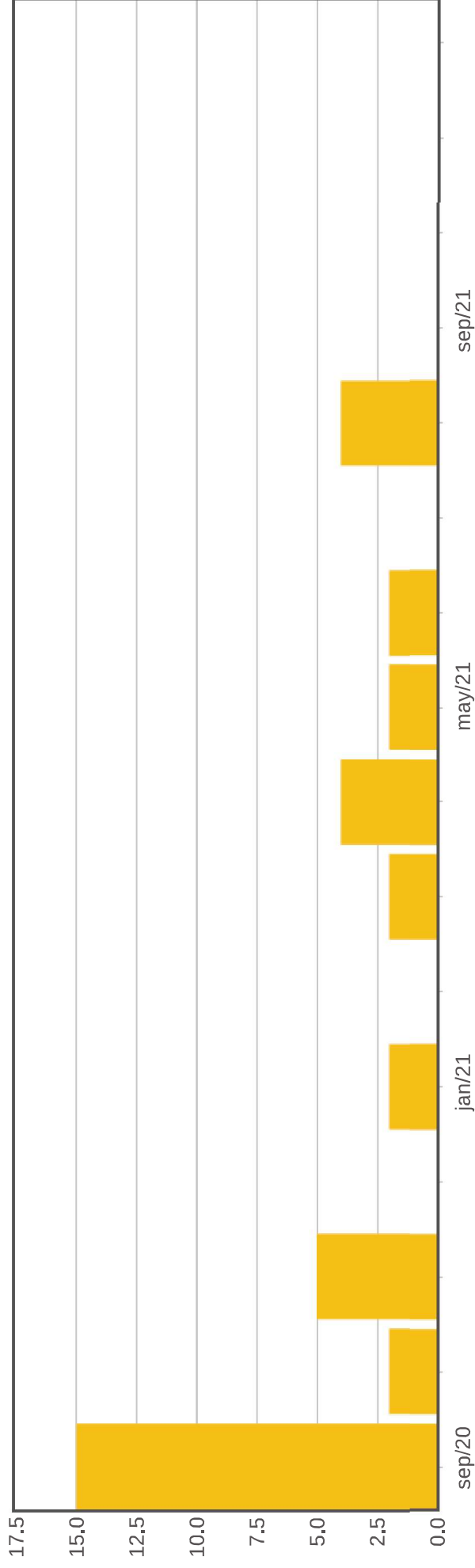
From: 01/08/2020 To: 31/08/2020

Periodic Interest

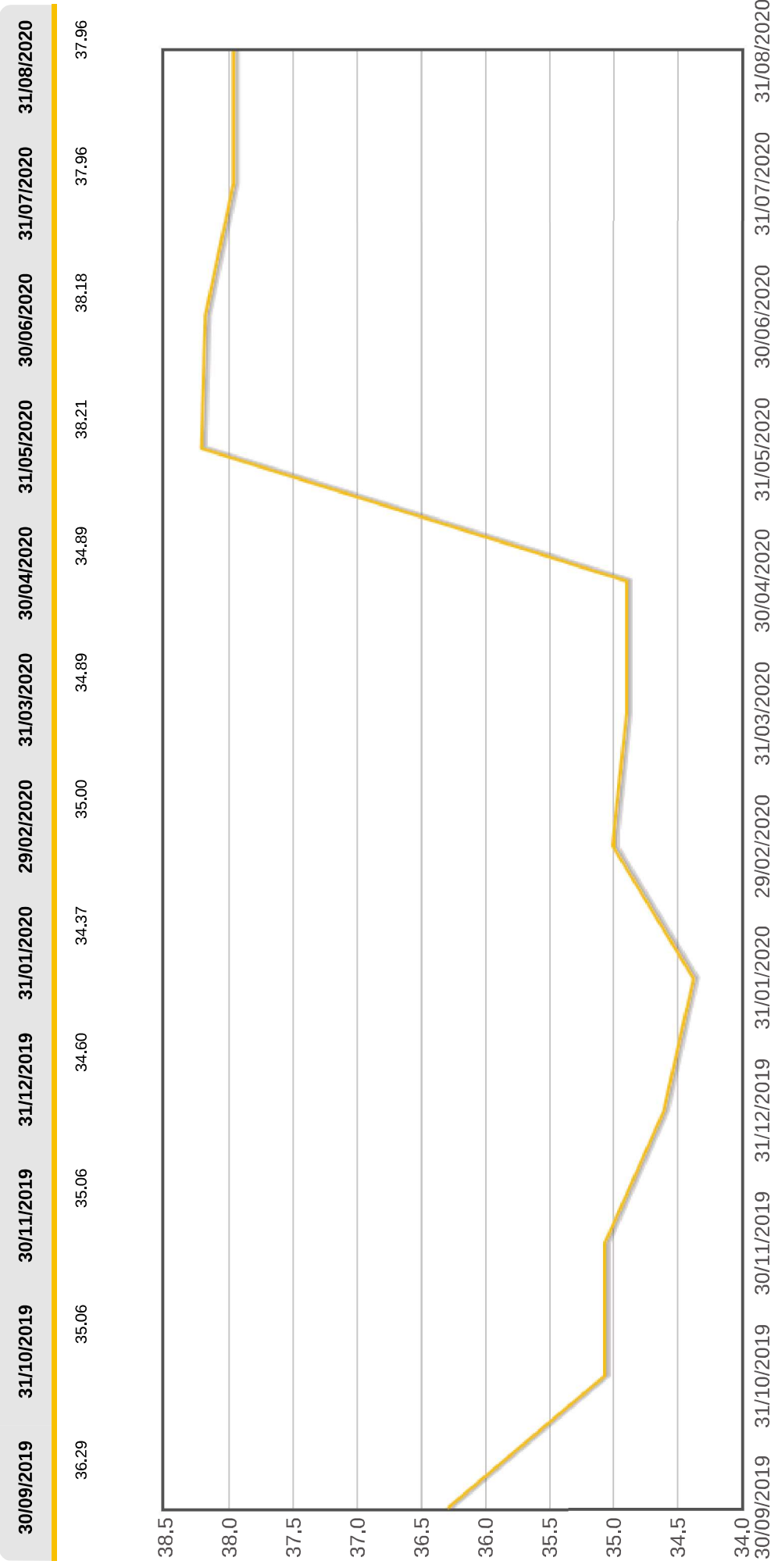
Issuer	Rating	Type	Alloc	Frequency	Value	Purchase	Maturity	Coupon Date	Type	Rate	Received
Central Murray Credit Union	Unrated	TD	GENERAL	At Maturity	2,000,000.00	31/08/2019	31/08/2020	31/08/2020	Maturity	1.8500	37,101.37
Defence Bank	A-2	TD	GENERAL	At Maturity	2,000,000.00	30/08/2019	31/08/2020	31/08/2020	Maturity	1.7000	34,186.30
TOTALS					4,000,000.00						71,287.67

Maturity Cashflow as at 31/08/2020

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2020	-	-	-	-	-	-	-	-	14,963,648	2,000,000	5,000,000	-	21,963,648.63
2021	2,000,000	-	2,000,000	4,000,000	2,000,000	2,000,000	-	4,000,000	-	-	-	-	16,000,000.00
TOTALS													37,963,648.63

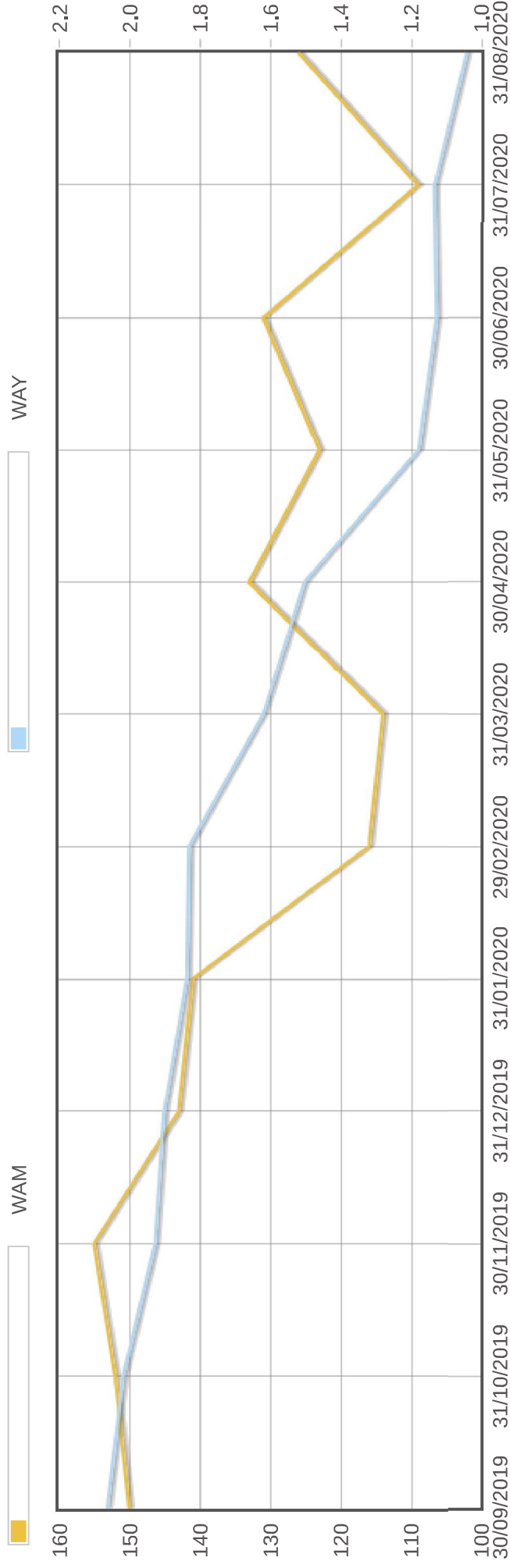


Historical Portfolio Balances (in MM) as at 31/08/2020



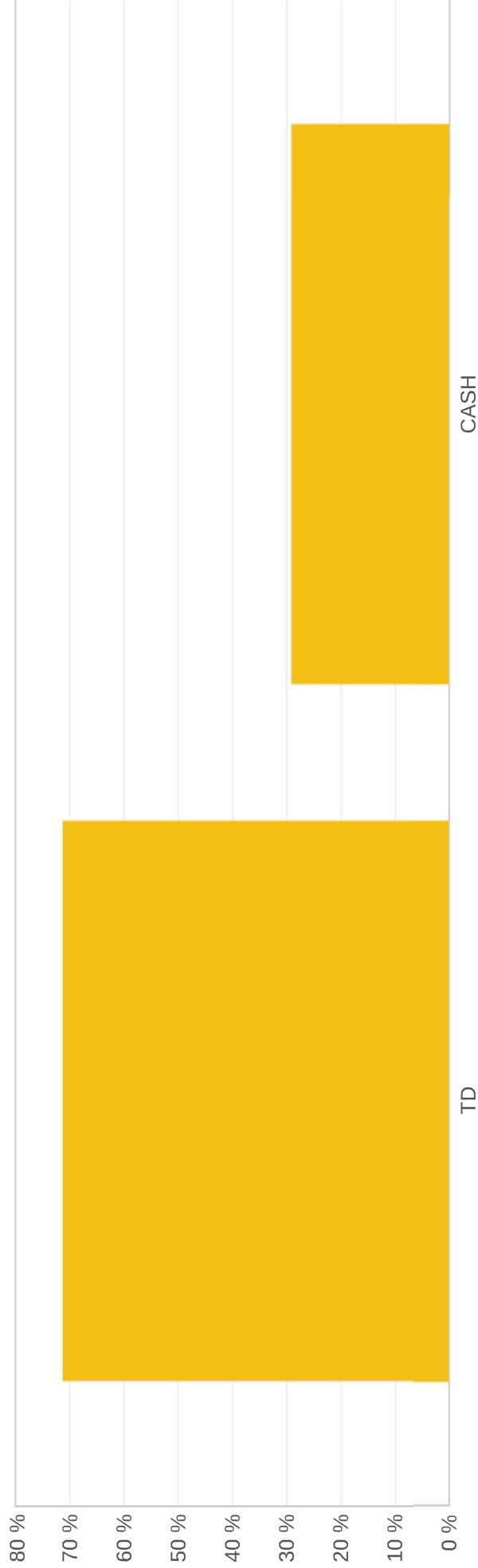
Historical Ratios as at 31/08/2020

	30/09/2019	31/10/2019	30/11/2019	31/12/2019	31/01/2020	29/02/2020	31/03/2020	30/04/2020	31/05/2020	30/06/2020	31/07/2020	31/08/2020
WAM	150	152	155	143	141	116	114	133	123	131	109	126
WAY	2.0624	2.0165	1.9266	1.9006	1.8363	1.8303	1.6196	1.5032	1.1789	1.1276	1.1340	1.0418



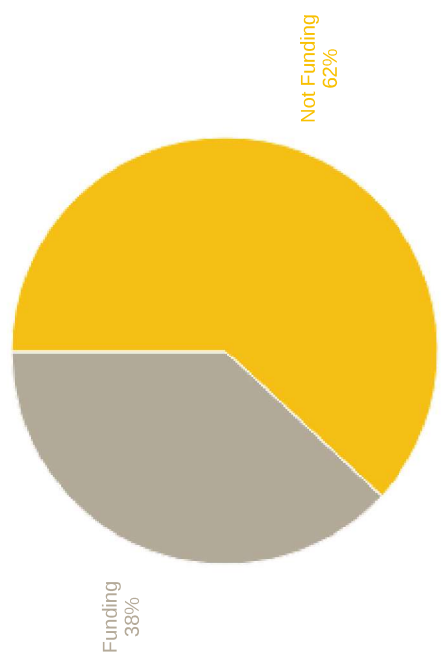
Asset Class as at 31/08/2020

Code	Number of Trades	Invested	Invested (%)
TD	16	27,000,000.00	71.12
CASH	2	10,963,648.63	28.88
TOTALS	16	37,963,648.63	100.0



ADIs funding fossil fuels as at 31/08/2020

	Number of Trades	Invested	Invested (%)
Not funding fossil fuels	12	23,496,465.73	61.9
Funding fossil fuels	6	14,467,182.90	38.1





Monthly Investment Report

August 2020



IMPERIUM MARKETS

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Impact of COVID-19 to Council's Portfolio

COVID-19 has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. We provide a quick summary in this section. With regards to financial markets, of importance was the RBA cutting interest rates twice in March 2020, taking the official cash rate down to a record low of 0.25%. Shares (equities) experienced a significant correction in March but has since recovered most of their losses due to the unprecedented fiscal and monetary policy support from global central banks and governments.

With regards to the medium-longer term outlook for financial markets, of importance is the RBA's outlook and stance on the current situation:

1. The RBA's official cash rate will remain unchanged at its emergency level of 0.25% until its objectives of full employment and inflation are reached;
2. RBA Governor Lowe has commented that he has not seen any signs of stress in the financial system from this crisis because unlike the GFC, the banks have cash and are well capitalised;
3. The RBA Board expects rates would be low "*for a very long period of time*" and has recently suggested they **could cut official rates down to 0.10% (from 0.25%), if required.**

The biggest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits, which accounts for around ~71% of Council's total investment, and cash (~29% of the total investment portfolio). **The biggest risk that Council faces over the medium-longer term in this environment is not the potential loss of capital (given all the banks are well capitalised and regulated by APRA), but the rapid loss of interest income as interest rates have plummeted.**

Council's term deposit portfolio was yielding 1.46% p.a. at month-end, with a weighted average duration of around 175 days or ~6 months. **This short average duration will only provide some income protection against the low interest rate environment over the immediate future.** As existing deposits mature however, they will inevitably be reinvested at much lower prevailing rates.

We note the current interest rates in the term deposit market:

- The highest deposit rates amongst the "AA-" rated ADIs (major banks) is now yielding between 0.75%-1.05% p.a. (depending on term);
- The highest deposit rates amongst the "A" rated ADIs was yielding between 1.00%-1.50% p.a. (depending on term);
- The highest deposit rates amongst the "BBB" and unrated ADIs was yielding between 1.00%-1.40% p.a. (depending on term).

Given official rates have fallen to record lows, Council is likely to see a rapid decline in interest income over future financial years. Its budgeted income over the medium-longer term needs to be revised to reflect the low interest rate environment. Returns between 0.75%-1.00% p.a. may potentially be the "norm" over the next few financial years.

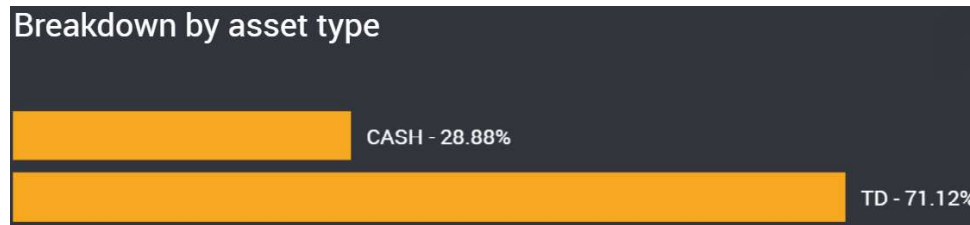
Council’s Portfolio & Compliance

Asset Allocation

As at the end of August 2020, the majority of the portfolio is directed to fixed term deposits (71.12%). The remainder of the portfolio is held in NAB and Bendigo-Adelaide cash accounts (28.88%), which remains at relatively high levels and will cause a drag to performance.

We would consider introducing liquid senior floating rate notes (FRNs), if there are attractive offers in the primary and secondary market. This will not only offer additional upside with regards to the portfolio’s investment returns, but also provide additional liquidity (FRNs are saleable – generally accessible within 2 business days). The higher rated ADIs also tend to dominate primary (new) and secondary market FRNs and so the overall portfolio’s credit quality may naturally increase.

With official interest rates now at the RBA’s effective lower bound, the priority should be to lock in any attractive medium-longer dated fixed deposits that may still be available to address reinvestment risk.



Council’s Investment Policy does not specify any limits for Maturity, Counterparty and Credit Quality compliance measures. In the following sections, we have tentatively placed what other NSW councils have adopted as part of their compliance limits. If required, we can provide Berrigan Shire Council an Investment Policy review in the immediate future.

Term to Maturity

The portfolio is highly liquid with the majority of the investment portfolio maturing within 3 months (53%). We recommend a more diversified maturity profile to address reinvestment risk, which has been and continues to be a major detriment towards Council’s interest income going forward.



Where ongoing liquidity requirements permit Council to invest in attractive 1-5 year investments, we recommend this be allocated fixed term deposits (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$19,963,649	52.59%	10%	100%	\$18,000,000
✓	91 – 365 days	\$18,000,000	47.41%	20%	100%	\$19,963,649
✓	1 – 2 years	\$0	0.00%	0%	70%	\$26,574,554
✓	2 – 5 years	\$0	0.00%	0%	50%	\$18,981,824
		\$37,963,649	100.00%			

Counterparty

As at the end of August 2020, Council had an immaterial overweight position to Bendigo-Adelaide, primarily driven due to the high cash balance. Overall, the portfolio is lightly diversified, with some exposure to the unrated ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	NAB	A-1+	\$7,467,183	19.67%	40.00%	\$7,718,277
✓	AMP Bank	A-2	\$7,000,000	18.44%	25.00%	\$2,490,912
X	Bendigo-Adel.	A-2	\$9,496,466	25.01%	25.00%	-\$5,554
✓	Defence Bank	A-2	\$8,000,000	21.07%	25.00%	\$1,490,912
✓	G&C Mutual	A-3	\$2,000,000	5.27%	15.00%	\$3,694,547
✓	Central Murray	Unrated	\$2,000,000	5.27%	10.00%	\$1,796,365
✓	Goulburn Murray	Unrated	\$2,000,000	5.27%	10.00%	\$1,796,365
			\$37,963,649	100.00%		

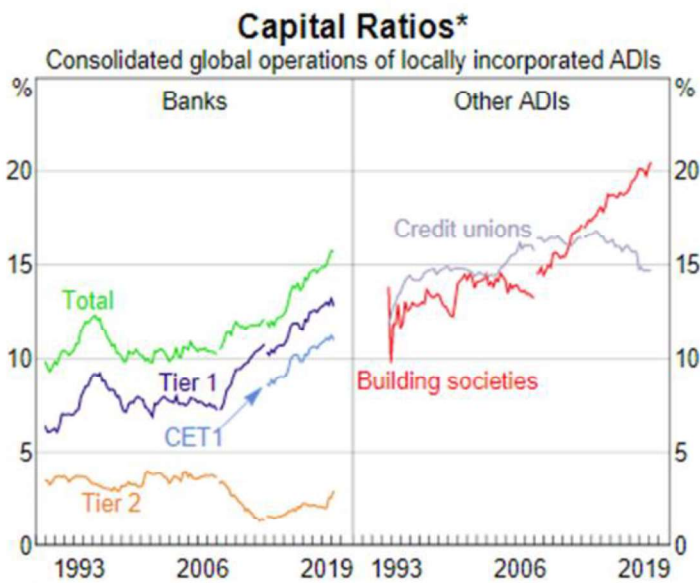
We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.

APRA’s Chairman affirmed that the banks had satisfactorily moved towards an ‘*unquestionably strong*’ capital position and that bank’s stress testing contingency plans were now far better positioned that was previously the case years ago. ***RBA Governor Lowe has recently commented that they have not seen any signs of stress in the financial system and that unlike during the GFC, the banks now have cash, are well capitalised and are acting as “shock absorbers” in the current crisis.***

Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be continued going forward, particularly when they offer ‘above market’ specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio’s overall returns.

In the current environment of high regulation and scrutiny, all domestic ADIs continue to carry high levels of capital, particularly amongst the lower (“BBB”) and unrated ADIs. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC. ***APRA’s mandate is to “protect depositors” and provide “financial stability”.***

The biggest single risk that depositors face in the current low interest rate environment is not capital or credit risk, but reinvestment risk. Interest rates are now at their effective lower bound of 0.25% and could potentially drop to 0.10% if economic conditions deteriorate further.



* Per cent of risk-weighted assets; break in March 2008 due to the introduction of Basel II for most ADIs; break in March 2013 due to the introduction of Basel III for all ADIs
 Source: APRA

Credit Quality

Council did not have an overweight position to any category as at the end of August. The portfolio remains well diversified from a ratings perspective, with some exposure down to the local credit unions.

From a ratings perspective, the “BBB” / “A-2” rated banks now generally dominate the number of ADIs issuing deposits within the investment grade space. We anticipate more investors will naturally allocate a higher proportion of their assets into this sector (on a historical basis), considering the most attractive assets from senior debt securities are generally offered by these ADIs.

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	A-1+ Category	\$7,467,183	20%	100%	\$30,496,466
✓	A-1 Category	\$0	0%	100%	\$37,963,649
✓	A-2 Category	\$24,496,466	65%	80%	\$5,874,453
✓	A-3 Category	\$2,000,000	5%	20%	\$5,592,730
✓	Unrated ADI Category	\$4,000,000	11%	15%	\$1,694,547
		\$37,963,649	100.00%		

Performance

Council’s performance for the month ending 31 August 2020 is summarised as follows:

Performance	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.02%	0.06%	0.13%	0.04%	0.52%
AusBond Bank Bill Index	0.01%	0.03%	0.18%	0.02%	0.66%
Council’s T/D Portfolio[^]	0.13%	0.40%	0.86%	0.27%	1.91%
Outperformance	0.12%	0.37%	0.68%	0.25%	1.25%

[^]Total portfolio performance excludes Council’s cash account holdings. Overall returns would be lower if cash was included.

For the month of August 2020, the deposit portfolio provided a solid return of +0.13% (actual), outperforming the benchmark AusBond Bank Bill Index return by +0.12% (actual). The outperformance continues to be driven by a combination of those deposits originally invested beyond 6 months.

Going forward, with the low interest rate environment (0.25% cash rate), maturing deposits will inevitably be reinvested at lower prevailing rates. The reduction in interest income over coming years can be mitigated by undertaking a longer duration position.

Investors using the Imperium Markets platform have reduced the invisible costs associated with brokerage, and thereby lift client portfolio returns as investors are able to deal in deposits directly with the ADIs and execute at the best price possible.

Council’s Term Deposit Portfolio & Recommendation

As at the end of August 2020, Council’s deposit portfolio was yielding 1.46% p.a., with an average duration of around 175 days (~6 months).

Where possible, we recommend Council extends or at least maintains this average duration. In the low interest rate environment, the biggest collective risk that the local government sector has faced over the post-GFC era has been the dramatic fall in interest rates - from 7¼% to the historical low levels of 0.25%.

As the past decade has highlighted (post-GFC era), we have seen too many portfolios’ roll a high proportion of their deposits between 3-6 months, resulting in their deposits being reinvested at lower prevailing rates. That is, depositors have overpaid for liquidity and generally not insured themselves against the low interest rate environment by diversify their funding across various tenors (out to 5 years) but rather placed all their ‘eggs in one basket’ and kept all their deposits short. **Reinvestment risk has collectively been and continues to be the biggest detriment to depositors’ interest income over the post-GFC period.**

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	5 years	1.50% p.a.
ICBC, Sydney	A	4 years	1.30% p.a.
BoQ	BBB+	5 years	1.25% p.a.
BoQ	BBB+	4 years	1.15% p.a.
ICBC, Sydney	A	3 years	1.10% p.a.
BoQ	BBB+	3 years	1.05% p.a.
ICBC, Sydney	A	2 years	1.00% p.a.
AMP Bank	BBB+	18m - 2 years	^1.00% p.a.
BoQ	BBB+	2 years	0.95% p.a.

^ AMP T/Ds – these are grossed up rates which includes a 0.20% p.a. rebated commission from Imperium Markets

The above deposits are suitable for investors looking to provide some income protection and mitigate reinvestment/rollover risk in the low interest rate environment.

For terms under 12 months, we believe the strongest value is currently being offered by the regional ADIs (dependent on daily funding requirements):

ADI	LT Credit Rating	Term	T/D Rate
Judo Bank	Unrated ADI	9, 12 months	1.05% p.a.
Judo Bank	Unrated ADI	6 months	1.00% p.a.
AMP	BBB+	6-12 months	^1.00% p.a.
Bank of Sydney	Unrated ADI	3-12 months	0.90% p.a.
BoQ	BBB+	12 months	0.80% p.a.
BoQ	BBB+	6-9 months	0.75% p.a.

^ AMP T/Ds – these are grossed up rates which includes a 0.20% p.a. rebated commission from Imperium Markets

Amongst the higher rated ADIs (“A” rated or higher), the following deposits remain attractive for terms under 12 months:

ADI	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	12 months	~0.85% p.a.
ICBC, Sydney	A	6-9 months	~0.75% p.a.
NAB	AA-	9-12 months	0.75% p.a.
Westpac	AA-	12 months	~0.73% p.a.
NAB	AA-	3-8 months	0.70% p.a.

Senior FRNs & Recommendations

Margins have tightened significantly over the past few months given the lack of volume and supply from primary issuances. Global credit assets have also tightened on the back of the US Fed’s intervention in the secondary market, which included buying investment grade corporate securities.

Over August, amongst the senior major bank FRNs, physical credit securities remained relatively flat at the loner-end of the curve. Bid-ask spreads have normalised to pre-COVID levels on the back of excess liquidity and short supply. Those investors that require liquidity with a domestic major bank (highly rated) and can roll down the curve should invest in 5 year terms over 3 year terms (or shorter), given the ability to lock in capital gains in subsequent years.

A new 5 year senior major bank FRN would now be issued around +55bp, appearing relatively expensive. We expect minimal primary issuance from the domestic banks in the immediate future given the RBA’s \$150bn term funding facility (TFF) to the ADIs, offering a rate of 0.25% for 3 years. The lack of supply from new (primary) issuances has played a major role with the rally in credit markets over recent months.

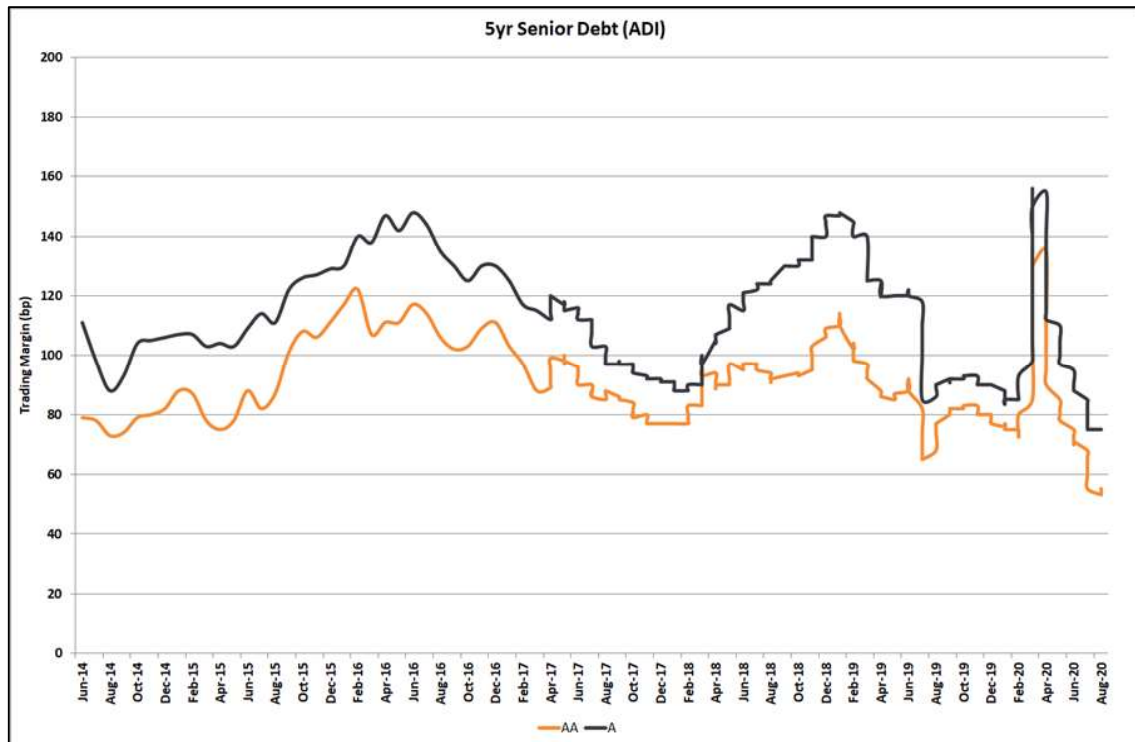
Amongst the “A” and “BBB” rated sector, the senior securities were also marked relatively flat over August. During the month, UBS AG (A) issued a 3 year deal at +80bp, tightening from initial guidance of +87bp, printing \$600m.

While turnover in the secondary market is still predominately dominated by the major banks, given the lack of supply, we have started to observe that even a handful of regional bank senior paper has sometimes been trading inside “mid” levels.

Credit margins are now trading very tight on a historical level and look fairly expensive. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).

Senior FRNs (ADIs)	31/08/2020	31/07/2020
“AA” rated – 5yrs	+55bp	+55bp
“AA” rated – 3yrs	+34bp	+35bp
“A” rated – 5yrs	+75bp	+75bp
“A” rated – 3yrs	+50bp	+50bp
“BBB” rated – 3yrs	+80bp	+75bp

Source: IBS Capital



Source: IBS Capital

We now generally **recommend switches** ('benchmark' issues only) into new attractive primary issues (or longer-dated alternatives), out of the following senior FRNs that are maturing:

- **On or before 2023 for the "AA" rated ADIs (domestic major banks);**
- On or before mid-2021 for the "A" rated ADIs; and
- Within 12 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last 1-2 years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so.

Economic Commentary

International Market

Ongoing vaccine hopes continued to provide a safety net for risk markets. In the US, **the S&P 500 gained +7.01%, while the NASDAQ surged +7.57%, with both indices surpassing their previous all-time highs.** Across the main European markets, Germany's DAX gained +5.13%, while France's CAC rose +3.42% and UK's FTSE finished the month up +1.12%.

The US unemployment rate fell to 10.2% in July (from 11.1% in June), with nearly 1.8m jobs added.

Credit rating agency Fitch placed the US government's AAA rating on negative outlook due to the deterioration in the fiscal outlook.

US headline CPI came in at +1.0% in July from +0.6% in June, while core CPI came in at +1.6% from +1.2%.

Hopes that an interim US fiscal package could be agreed were re-ignited after House Speaker Pelosi indicated a willingness to cut their proposals in order to seal a deal with the US Administration and then provide more stimulus in January following the November elections.

US Fed Chair Powell revised the Fed's inflation mandate that "will seek to achieve inflation that averages 2% over time", noting that if inflation was running below 2%, "appropriate monetary policy would likely aim to achieve inflation moderately above 2% for some time".

Eurozone Q2 GDP fell more than -12%, led by an -18.5% fall in Spanish GDP.

The UK economy shrank by -20.4% in Q2, more than any other major economy and symptomatic of the UK's very high service sector concentration (around 80%). UK core CPI lifted to +1.8% from +1.4%, well above consensus.

Canada's average of its three core CPI measures came in softer than expected at +1.6%, down from +1.7%.

Auckland moved to Level 3 restrictions during the month for an initial three days, following a handful of positive COVID-19 community transmissions. New Zealand had previously reported more than 100 days without the virus.

The MSCI World ex-Aus Index gained +6.57% for the month of August:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+7.01%	+14.98%	+19.61%	+12.30%	+12.16%	+12.80%
MSCI World ex-AUS	+6.57%	+14.26%	+15.23%	+8.04%	+8.46%	+8.79%
S&P ASX 200 Accum. Index	+2.83%	+6.04%	-5.08%	+6.10%	+7.47%	+7.81%

Source: S&P, MSCI

Domestic Market

The Victorian government declared a state of disaster at the start of August, placing “stage 4” restrictions across Melbourne, including an 8pm-5am curfew, 5km travel limits, and remote learning for all students.

The RBA kept its policy unchanged at its August meeting as widely expected (cash rate and a 3 year government bond yield target of 0.25%). The Board revised its forecast for the unemployment rate to peak at 10% in December 2020, up from 9% in its May statement, largely driven by the stage 4 lockdown in Melbourne. The RBA August Minutes reaffirmed that the Board saw **no need to adjust their current policy settings but remains willing to do more if required**. This included **lowering the official cash rate down to 0.10%** (from 0.25%) and tweak existing measures of yield curve control and the term funding facility (TFF).

RBA Governor Philp Lowe said the states and territories need to inject another \$40bn (~2% of GDP) into job creating infrastructure, warning that unemployment was forecast to stay above 7% for the next two years.

Real retail sales fell -3.4% over Q2, slightly weaker than the -3.0% expected by markets, with retail sales set to detract -0.6% from Q2 GDP.

June’s trade balance revealed a surplus of \$8.2bn, the 30th consecutive month of the trade account being in surplus. China’s share of Australian exports rose despite political headwinds. Exports to China reached a record \$14.6bn with goods exported to China comprising 48.8% of all goods exported, well up from 33% in February.

The unemployment rate rose again in July, to 7.5% from 7.4%, a reflection that more people restarted their job search rather than people who gained work. The participation rate rose to 64.7% from 64.1%.

APRA released new figures showing a material increase in the volume of loans exiting deferrals (from \$2bn in May to \$18bn in June).

The AUD reached an 18 month high, finishing another +2% higher at US73.54 cents (from US72.13 cents the previous month).

Credit Market

The main global credit indices tightened again over August as risk markets continued their rally since the selloff earlier this year. The indices now trade back to their levels of mid-2019:

Index	August 2020	July 2020
CDX North American 5yr CDS	65bp	69bp
iTraxx Europe 5yr CDS	54bp	60bp
iTraxx Australia 5yr CDS	64bp	76bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	August 2020	July 2020
Bloomberg AusBond Bank Bill Index (0+YR)	+0.01%	+0.01%
Bloomberg AusBond Composite Bond Index (0+YR)	-0.42%	+0.37%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.10%	+0.42%
Bloomberg AusBond Credit Index (0+YR)	+0.12%	+0.91%
Bloomberg AusBond Treasury Index (0+YR)	-0.81%	+0.32%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-1.01%	+3.24%

Source: Bloomberg

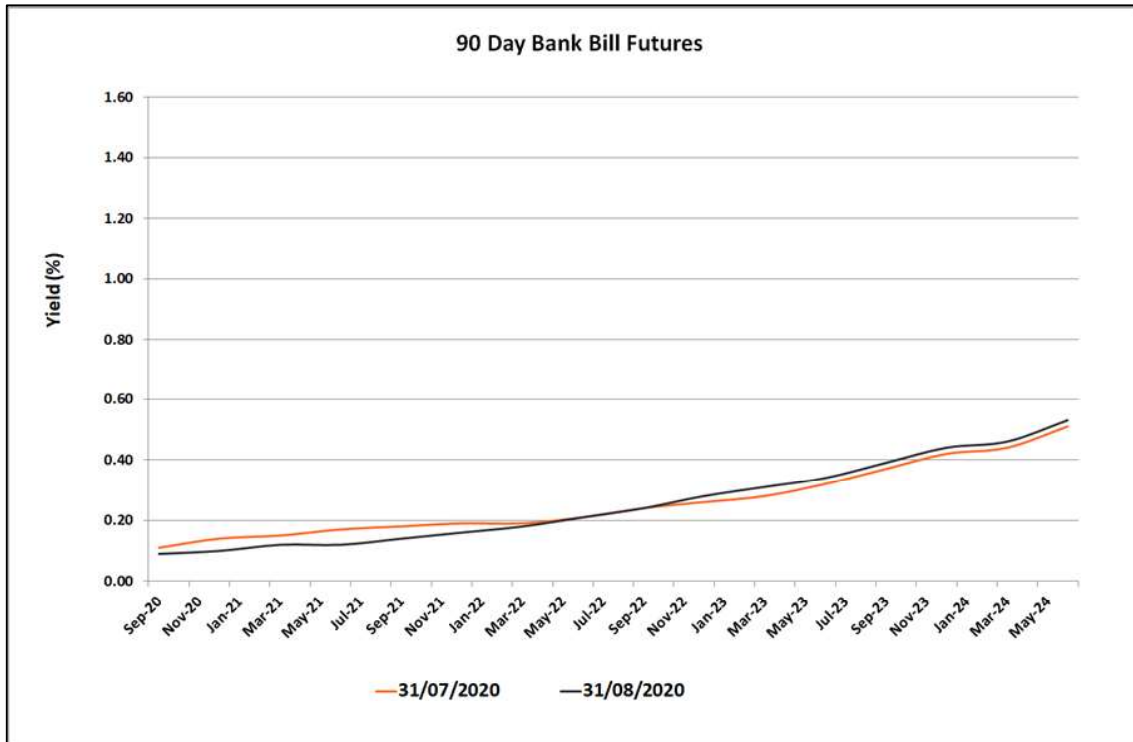
Other Key Rates

Index	August 2020	July 2020
RBA Official Cash Rate	0.25%	0.25%
90 Day (3 month) BBSW Rate	0.09%	0.10%
3yr Australian Government Bonds	0.28%	0.27%
10yr Australian Government Bonds	0.98%	0.82%
US Fed Funds Rate	0.00%-0.25%	0.00%-0.25%
10yr US Treasury Bonds	0.72%	0.55%

Source: RBA, AFMA, US Department of Treasury

90 Day Bill Futures

Over August, bill futures rose at the long-end of the curve, consistent with the movement in the bond market. With the RBA suggesting they will keep rates unchanged for the foreseeable future, bill futures are likely to trade in a relatively narrow range, particularly for terms out to 3 years given the RBA’s target to keep the 3 year bond rate at 0.25%.



Source: ASX

Fixed Interest Outlook

There is growing pressure for policymakers to provide additional support to revive the global economic recovery, particularly as further lockdowns are renewed or being considered. Ongoing hopes of an imminent vaccine have provided a safety net for risk markets.

The US Fed has reiterated it is committed to “*using its full range of tools to support the US economy*” and has signalled it is not considering raising interest rates at least until 2022.

The futures market is currently not pricing in a Fed rate rise until about four years after announcing the change to its inflation mandate to an “*average (rate of) 2% over time*”. The futures market does however continue to price in the possibility that the US Fed may need to take rates into negative territory by the end of the calendar year (around 18%, although the Fed officially remains adamant this is not required).

Domestically, with official interest rates at the RBA’s “effective lower bound” of 0.25%, their forward guidance is to keep committing the official cash rate unchanged until there is a sustainable recovery and its economic objectives of full employment (unemployment rate of 4.5%-5.0%) and target inflation (2-3%) are on track.

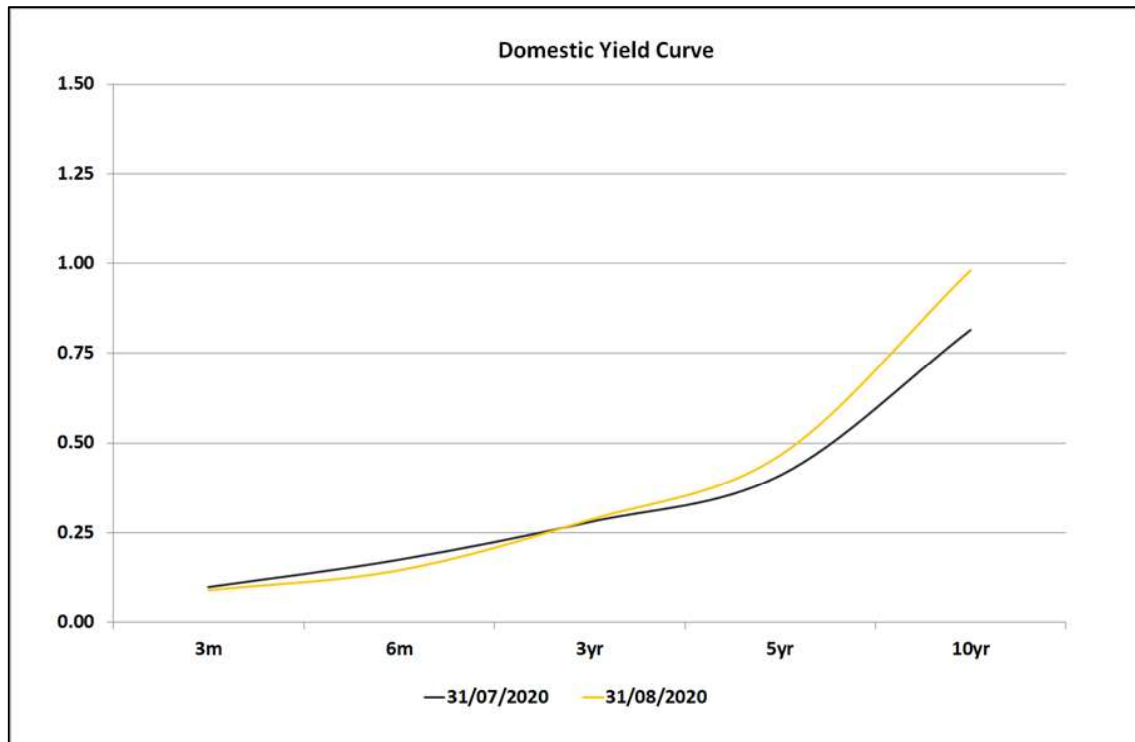
RBA Governor Lowe has commented that unlike during GFC, **the banks have cash and are well capitalised**, and that they are **not seeing any signs of stress in the financial system**. Although the pandemic was still a shock to the economy, Lowe has also commented that Australia had “*fantastic fundamentals*”.

The outlook for wages growth remains weak with the RBA’s latest forecasts seeing annual wages growth slowing to 1¼% in 2021, well below the post-inflation targeting average of 3.2% annual wages growth. Weak wages growth will weigh on inflation outcomes for some years.

Governor Lowe has repeatedly indicated that rates would be low “for a very long period of time” as the RBA needed to be confident inflation would be back in the 2 – 3% target range before considering lifting official rates. He has also indicated that if needed, the bank could lower the cash rate to a still-positive 0.10% (from 0.25%), buy more bonds and tweak the term funding facility (TFF).

For now, the RBA is not contemplating adopting negative rates, indicating this would be “*extraordinarily unlikely*”, citing the minimal benefits from those central banks that have undertaken such policies in recent years (e.g. Japan and Europe). With the Australian dollar appreciating significantly over recent months, they RBA also dismissed the idea of intervening in the foreign exchange market.

The domestic bond market continues to suggest a ‘lower-for-longer’ period of interest rates. Over the month, yields rose up to 17bp at the long-end, with 10-year government bond yields closing in on the 1% barrier:



Source: AFMA, ASX, RBA

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CODE OF CONDUCT

Adopted <DD> <Month>, <Year>

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PART 1 INTRODUCTION

The *Berrigan Shire Council Code of Conduct* (“the 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 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 to adopt a code of conduct that incorporates the provisions of the [Model Code of Conduct](#). A council’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 (e.g. volunteers, contractors and members of wholly advisory committees).

The Council’s adopted Code of Conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, the Council’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 the Berrigan Shire Council’s adopted Code of Conduct applies to, must comply with the applicable provisions of the Code. 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 the Code of Conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the Local Government Act 1993
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	refers to Berrigan Shire Council
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 the 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 the 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
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 Environmental Planning and Assessment Act 1979

General Manager	the General Manager of Berrigan Shire Council
Joint organisation	a joint organisation established under section 4000 of the LGA
Local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
Mayor	the Mayor of Berrigan Shire Council
Members of staff	members of staff of Berrigan Shire Council
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 Berrigan Shire Council Code of Conduct.
the Regulation	the Local Government (General) Regulation 2005
Voting representative	a voting representative of the board of a joint organisation
Wholly advisory committee	a council committee that the council has not delegated any functions to

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

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

- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

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

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

Land use planning, development assessment and other regulatory functions

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

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

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply

with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

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

Obligations in relation to meetings

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

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

- (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

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

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

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- (a) the General Manager
 - (b) other senior staff of the Council for the purposes of [section 332 of the LGA](#)
 - (c) a person (other than a member of the senior staff of the Council) who is a member of staff of the council or a delegate of the Council and who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
 - (d) a person (other than a member of the senior staff of the Council) who is a member of a committee of the Council identified by the Council as a committee whose

members are designated persons because the functions of the committee involve the exercise of the Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the General Manager (or if the person is the general manager, to the Council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the Council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by Council advisers?

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

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

What disclosures must be made by a Council committee member?

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

4.19 For the purposes of clause 4.18, a “Council committee member” includes a member of staff of Council who is a member of the committee.

What disclosures must be made by a councillor?

4.20 A councillor:

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

Disclosure of interests in written returns

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

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

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The General Manager must keep a register of returns required to be made and lodged with the General Manager.

- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the [Government Information \(Public Access\) Act 2009](#), the [Government Information \(Public Access\) Regulation 2009](#) and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

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

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

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

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

4.39 A councillor or a Council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

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

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

- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

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

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

Loss of quorum as a result of compliance with this Part

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

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

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

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

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

Other business or employment

5.23 The General Manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council without the approval of the Council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of

the Council or that might conflict with the staff member's Council duties unless they have notified the General Manager in writing of the employment, work or business and the General Manager has given their written approval for the staff member to engage in the employment, work or business.

- 5.25 The General Manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the Council that relates to the business of the Council, or that might conflict with the staff member's Council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on Council duty
 - d) discredit or disadvantage the Council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

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

PART 6 PERSONAL BENEFIT

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement

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

Gifts and benefits of token value

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

Gifts and benefits of more than token value

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

“Cash-like gifts”

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

Improper and undue influence

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

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

- 7.4 Under [section 335 of the LGA](#), the role of the General Manager includes conducting the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council, implementing without undue delay, lawful decisions of the Council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of Council must:
- a) give their attention to the business of the Council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively

- c) carry out reasonable and lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the Council does not interfere with the performance of their official duties.

Inappropriate interactions

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

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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 a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the [Public Interest Disclosures Act 1994](#).

Complaints alleging a breach of this Part

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

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

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.

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

Debts

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

33. A liability to pay a debt need not be disclosed by a person in a return if:

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

Discretionary disclosures

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

SCHEDULE 2 FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

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

Important information

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

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

Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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

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

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

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

as at *[return date]*

in respect of the period from *[date]* to *[date]*
councillor's or designated person's signature
[date]

A. Real Property

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

B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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

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

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

C. Gifts

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

D. Contributions to travel

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

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation

the return date/at any time
since 30 June

(except in case of
listed company)

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

G. Positions in trade unions and professional or business associations

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

H. Debts

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

I. Dispositions of property

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

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

J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the day of 20 .

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

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.

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

[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

Adopted <DD> <Month>, <Year>

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PART 1 INTRODUCTION

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

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

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

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

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

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

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

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

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

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



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



external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 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.



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



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

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

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

The appointment of complaints coordinators

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



purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the



mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

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

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

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

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



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

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

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must



give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

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

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the



complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct



- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.



- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.



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

Disclosure of the identity of complainants

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



conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.



- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:



- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected



person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

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



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



- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

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

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency



- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and



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

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.



- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

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

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

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



training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or

c) refer the matter to an external agency.

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

Draft investigation reports

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



of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

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

Final investigation reports

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



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



d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

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

Consideration of the final investigation report by council

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

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

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

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

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

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



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



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

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

Complaints about conduct reviewers

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

Practice rulings

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



Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local



government election, in which case it must be tabled at the first ordinary council meeting following the election, and

- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

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

PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

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

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

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)



- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

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



- d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.

Northern NSW floodplain harvesting and on-farm water storage information project

Introduction

Despite it being a large proportion of water taken for irrigation in the NSW part of the Northern Murray-Darling Basin, floodplain harvesting has never been regulated or measured. The NSW government plans to licence floodplain harvesting by July 2021, determine the amount to be licensed, and measure the amount taken. It has made a commitment to provide information explaining how this will be done. However, those commitments do not satisfy many affected groups and communities.

A project is underway to gather information to help scrutinise the NSW process. It includes;

- a background and summary of NSW floodplain harvesting policy and implementation,
- a review of research and reports related to floodplain harvesting,
- maps of on-farm storages,
- an estimate of the capacity of on-farm storages, and
- an estimate of water taken by floodplain harvesting, and by other take from floodplains.

What is floodplain harvesting?

When the rivers of the Northern Basin flow onto their lower floodplains they break up into thousands of rivers, creeks, cowals, flood runners and billabongs. One of these is the designated river. The Northern Basin floodplains make up a vast interconnected network of these streams.

The NSW Floodplain Harvesting Policy states that;

For the purposes of this policy, 'floodplain' means any area of land designated as a floodplain under the WM Act [Water Management Act 2000] or the Water Act 1912. The policy applies to floodplain harvesting activities on properties where all or part of that property lies within the designated floodplain (p4).¹

¹ NSW Department of Industry. 2013. *NSW Floodplain Harvesting Policy (Updated 2018)*. Policy document, Sydney: NSW DPI., https://www.industry.nsw.gov.au/_data/assets/pdf_file/0017/143441/NSW-Floodplain-harvesting-policy.pdf

The policy defines floodplain harvesting as;

...the collection, extraction or impoundment of water flowing across floodplains, including rainfall runoff and overbank flow, but excluding the taking of:

- *water under a water access licence that is not a floodplain harvesting access licence*
- *water under a basic landholder right, including water taken under a harvestable right*
- *water under an applicable water access licence exemption under the WM Act*
- *used irrigation water (p 4).²*

Measuring floodplain harvesting

Floodplain harvesting has never been licensed, measured or monitored in NSW. Helen Dalton, the Member for Farrer, asked Melinda Pavey, the Minister for Water, Property and Housing, in the NSW parliament;

What has been the volume of water extracted through floodplain harvesting in each financial year between 1993-94 and 2018-19?³

The Minister replied;

There is currently very limited data on the volume of water that has been extracted through floodplain harvesting in New South Wales because such volumes have not been required to be reported by landholders.⁴

At a public meeting in Dubbo on 16th March 2018 an officer of the NSW water department acknowledged that the volume of water taken by floodplain harvesting had been;

...grossly underestimated, ...there is currently no monitoring of floodplain harvesting diversions.⁵

The NSW government intends to regulate floodplain harvesting by July 2021.⁶ Extraction will be accounted for under a water access licence, basic landholder right or licence exemption, ensuring that it is consistent with the *Water Management Act 2000*.⁷

² NSW Department of Industry. 2013. *NSW Floodplain Harvesting Policy (Updated 2018)*. Policy document, Sydney: NSW DPI., https://www.industry.nsw.gov.au/data/assets/pdf_file/0017/143441/NSW-Floodplain-harvesting-policy.pdf

³ Member for Murray, Helen Dalton. 2020. "Floodplain harvesting volumes in NSW." *NSW Parliament, Questions on Notice*. Sydney: NSW Parliament. 2667., <https://www.parliament.nsw.gov.au/la/papers/pages/qanda-tracking-details.aspx?pk=245154>

⁴ Minister for Water, Melinda Pavey. 2020. "Floodplain harvesting volumes in New South Wales." *NSW Legislative Assembly Questions on Notice*. Sydney: NSW Parliament. 2667., <https://www.parliament.nsw.gov.au/la/papers/pages/qanda-tracking-details.aspx?pk=245154>

⁵ NSW DPIE. 2018. Water Reform Action Plan regional roadshow, Dubbo. *Presentation, 16 March*.

⁶ (NSW Department of Industry 2013), NSW Department of Industry. 2013. *NSW Floodplain Harvesting Policy (Updated 2018)*. Policy document, Sydney: NSW DPI., https://www.industry.nsw.gov.au/data/assets/pdf_file/0017/143441/NSW-Floodplain-harvesting-policy.pdf

⁷ NSW Department of Planning, Industry and Environment. 2020. *Guidelines for the implementation of the NSW Floodplain Harvesting Policy*. Policy document, Sydney: NSW Government.,

The amount of water taken by floodplain harvesting will be measured, and the volume distributed, after it is licensed. Following an amendment to the NSW *Water Management Act* in 2014 floodplain harvesters will be able to be compensated for these new licences, should they be reduced in future.⁸

Licensing floodplain harvesting

NSW government policy is to licence floodplain harvesting at an historic level of extraction, infrastructure and works approvals. The Department of Planning, Industry and Environment (DPIE) has stated that floodplain harvesting licences will be based on how much water was taken at either the 1993/94 (Cap) or 1999/2000 level of development;

For most regulated rivers, it is specified as the lesser of:

- *the take of water that would occur with the infrastructure and management arrangements that existed in 1999–2000, combined with the water sharing plan rules, or*
- *the take of water that would have occurred under the Murray–Darling Basin ‘Cap’ conditions.*⁹

NSW proposes to license floodplain harvesting at the lower of these levels of development by;

- assessing the capacity of on-farm storages at 3rd July 2008,
- assigning each landholder a notional share of the total volume of on-farm storages for each valley, and
- reducing the notional 2008 on-farm storage shares, in proportion, to the 1993/94 or 1999/2000 level of development.¹⁰

DPIE has said it will use hydrological models to demonstrate that the licenced volumes do not exceed take at the lower of the 1993/94 or 1999/2000 levels of development. The models will combine data, such as gauge measurements, rainfall, and irrigation development, with assumptions.¹¹ DPIE has not committed to providing evidence of historical rates of actual take from floodplains.

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/272338/floodplain-harvestingimplementation-guidelines.pdf

⁸ Bryant, L. Herbert and S. 2013. “NSW floodplain harvesting policy 'a step in the right direction'.” *ABC Rural*, 2 may., <https://www.abc.net.au/news/rural/2013-05-02/nsw-water-policy/4665690>

⁹ NSW Department of Planning, Industry and Environment. 2020. *Guidelines for the implementation of the NSW Floodplain Harvesting Policy*. Policy document, Sydney: NSW Government. https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/272338/floodplain-harvestingimplementation-guidelines.pdf

¹⁰ NSW Department of Planning, Industry and Environment. 2020. *Guidelines for the implementation of the NSW Floodplain Harvesting Policy*. Policy document, Sydney: NSW Government., https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/272338/floodplain-harvestingimplementation-guidelines.pdf

¹¹ NSW Department of Planning, Industry and Environment. 2020. *Guidelines for the implementation of the NSW Floodplain Harvesting Policy*. Policy document, Sydney: NSW Government.,

A review will be undertaken by consultants commissioned by the NSW government.¹² Government officials have said that the consultant's report will be 'peer reviewed'.¹³ In government water agencies the term 'peer review' is rarely, if ever, used in the academic sense of a properly independent review. There are concerns that the government reports might not be sufficiently independent.¹⁴

Purpose of this project

Many communities and groups with an interest in the Basin do not trust the NSW water agency in its implementation of the NSW floodplain harvesting policy. This project will provide an alternate source of information to help communities scrutinise the implementation of the policy. It will help build awareness among communities and organisations about floodplain harvesting, how the NSW government intends to implement the policy, and how floodplain harvesting will be treated in relation to the Sustainable Diversion Limit.

Information is required for the following questions;

- What was the level of on-farm storage capacity in 1993/94 and 1999/2000?
- Is the 1999/2000 level of development lower than the 1993/94 level of development?
- What was the capacity of on-farm storages, in place or for which works approval applications had been lodged, on 3 July 2008?
- What is the current capacity of on-farm storages?

The project will analyse and synthesise publicly available information to allow more informed scrutiny of the NSW position. Part of that work uses satellite imagery to map on-farm storages and determine their surface area. A trial was carried out in part of the Murrumbidgee valley to test the method, before applying the same method to the NSW northern valleys.

The study area will be the area of the Barwon-Darling, Macquarie, Namoi, Gwydir, and NSW Border Rivers floodplains where most floodplain harvesting occurs in NSW.

Timing

The project will be finalised by October 2020 to coincide with NSW releasing proposed licence information for the Gwydir valley.

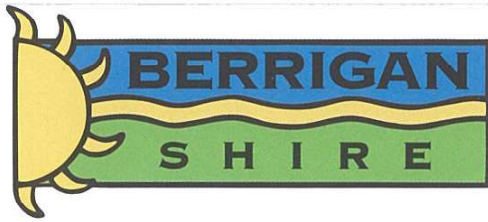
https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/272338/floodplain-harvestingimplementation-guidelines.pdf

¹² NSW Department of Planning, Industry and Environment. 2020. *Guidelines for the implementation of the NSW Floodplain Harvesting Policy*. Policy document, Sydney: NSW Government.,

https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/272338/floodplain-harvesting-implementation-guidelines.pdf

¹³ "Evidence to the Regulation Committee." 2020. *Inquiry into impact and implementation of the water management (general) amendment (exemptions for floodplain harvesting) regulation 2020*. Sydney: NSW Parliament. 41., <https://www.parliament.nsw.gov.au/lcdocs/transcripts/2386/Transcript%20-%202020July%202020-%20UNCORRECTED%20-%20Floodplain%20Harvesting%20Regulation%202020.pdf>

¹⁴ Colloff, M., Grafton, RQ., and Williams, J. 2020. "Administrative capture of science: integrity and public policy in the Murray-Darling Basin." (in review) *Australasian Journal of Water Resources*.



QUESTIONNAIRE – CONTRIBUTORY SCHEME

SCHEME NO. HCS 02/20/21 - PROPOSED FOOTPATH CONSTRUCTION
DAWE AVENUE, FINLEY
(WEST SIDE, BETWEEN TOCUMWAL STREET AND DONALDSON STREET)

I hereby acknowledge that the Berrigan Shire Council is proposing a contributory scheme to construct a footpath adjacent to my property at 10 Dawe Avenue, Finley NSW 2713 at an estimated cost to me of \$1,111.18 which includes \$101.02 GST.

I agree to participate in the scheme.

or;

I do not agree to participate in the scheme and object on the following grounds:

- We see no benefit to ourselves of such a footpath
- There is a perfectly adequate path on the other side of the road
- We are pensioners & would find the cost exorbitant

Please tick box if you feel a meeting of affected landowners is required.

Name: Mr L & Mrs DH Krasowski

Signed: *DH Krasowski*

Date: *20/08/2020*

BERRIGAN SHIRE COUNCIL	
1 2 AUG 2020	
FILE	_____
REFER TO	<u>50</u>
COPY TO	_____
ACTION / CODE	_____
ACKNOWLEDGE Y / N	



QUESTIONNAIRE – CONTRIBUTORY SCHEME

**SCHEME NO. HCS 02/20/21 - PROPOSED FOOTPATH CONSTRUCTION
DAWE AVENUE, FINLEY
(WEST SIDE, BETWEEN TOCUMWAL STREET AND DONALDSON
STREET)**

I hereby acknowledge that the Berrigan Shire Council is proposing a contributory scheme to construct a footpath adjacent to my property at 12 Dawe Avenue, Finley NSW 2713 at an estimated cost to me of \$1,111.18 which includes \$101.02 GST.

I agree to participate in the scheme.

or;

I do not agree to participate in the scheme and object on the following grounds:

..... There will be no benefit to having a footpath
..... on our side of the street, as there is an existing
..... footpath on the opposite side of the street that
..... covers the same distance

Please tick box if you feel a meeting of affected landowners is required.

Name: Mr JG & Mrs MS Kennedy

Signed: Kennedy

Date: 3.8.20

BERRIGAN SHIRE COUNCIL	
05 JUL 2020	
FILE	_____
REFER TO	<u>80</u>
COPY TO	_____
ACTION / CODE	_____
ACKNOWLEDGE Y / N	



QUESTIONNAIRE – CONTRIBUTORY SCHEME

**SCHEME NO. HCS 02/20/21 - PROPOSED FOOTPATH CONSTRUCTION
DAWE AVENUE, FINLEY
(WEST SIDE, BETWEEN TOCUMWAL STREET AND DONALDSON
STREET)**

I hereby acknowledge that the Berrigan Shire Council is proposing a contributory scheme to construct a footpath adjacent to my property at 14 Dawe Avenue, Finley NSW 2713 at an estimated cost to me of \$916.87 which includes \$83.35 GST.

I agree to participate in the scheme.

or;

I do not agree to participate in the scheme and object on the following grounds:

*FOOTPATH NOT NECESSARY DOES NOWHERE
THERE ARE OTHER MORE IMPORTANT PROJECT NEEDED
SUCH AS THE RELOCATION OF THE PEDESTRIAN
CROSSING & INSTALLATION OF LIGHTS IN MURRAY ST
BEFORE SOMEONE IS KILLED OR SERIOUSLY INJURED*

Please tick box if you feel a meeting of affected landowners is required.

Name: Mr JF Braybon

Signed: *JF Braybon*

Date: *10/08/2020*

BERRIGAN SHIRE COUNCIL	
12 AUG 2020	
FILE	_____
REFER TO	<i>SO</i>
COPY TO	_____
ACTION / CODE	_____
ACKNOWLEDGE Y / N	



QUESTIONNAIRE – CONTRIBUTORY SCHEME

**SCHEME NO. HCS 02/20/21 - PROPOSED FOOTPATH CONSTRUCTION
DAWE AVENUE, FINLEY
(WEST SIDE, BETWEEN TOCUMWAL STREET AND DONALDSON
STREET)**

I hereby acknowledge that the Berrigan Shire Council is proposing a contributory scheme to construct a footpath adjacent to my property at 16 Dawe Avenue, Finley NSW 2713 at an estimated cost to me of \$953.30 which includes \$86.66 GST.

I agree to participate in the scheme.

or;

I do not agree to participate in the scheme and object on the following grounds:

*The road & footpath are satisfactory
to me, also being a disabled pensioner
the extra expense is a burden.*

Please tick box if you feel a meeting of affected landowners is required

Name: Mr RG Davie

Signed: *R. G. Davie*

Date: *8. 8. 20*

BERRIGAN SHIRE COUNCIL	
11 AUG 2020	
FILE	_____
REFER TO	<i>SO</i>
COPY TO	_____
ACTION / CODE	



Biralee Preschool Finley Inc.
6-8 Dawe Avenue, Finley NSW 2713
p: 0358831609
e: finleypreschool@bigpond.com

19th August 2020

Re: Scheme No. HCS 02/20/21 – Proposed Footpath Construction Dawe Avenue, Finley

To whom it may concern,

I hereby acknowledge that the Berrigan Shire Council is proposing a contributory scheme to construct a footpath adjacent to our property at 6-8 Dawe Avenue, Finley. Whilst we fully support the addition, we are a community based not for profit organisation. As a result of the ongoing Covid-19 Pandemic, we are supporting the state government decision to provide a fee free service which has heavily affected our revenue. The Biralee Preschool committee is requesting that the Berrigan Shire Council would waive our contribution to this scheme in light of our hardship.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Kylie Midson', is written over a light blue horizontal line.

Kylie Midson
Clerical Officer
Biralee Preschool Finley

BERRIGAN SHIRE COUNCIL	
21 AUG 2020	
FILE	_____
REFER TO	<u>So</u>
COPY TO	_____
ACTION / CODE	
ACKNOWLEDGE Y / N	

From: Di Krasowski <dikrasowski@hotmail.com>

Sent: Friday, 4 September 2020 10:56 AM

To: Clarke, Matthew <MatthewC@berriganshire.nsw.gov.au>

Subject: Re: Dawe Ave footpath proposal

Appendix 7.11-A

Hello Matthew,

Thank you for allowing me to make additional comments to the above proposal.

Basically, I want to make some points regarding the existing path on the RS Club side of the road.

Firstly, this path runs directly to the hospital. A long clear stretch of path which does get used quite often. Most users cross the road at or near the hospital.

Secondly, users tend to use the path in front of the high school and then turn right onto Dawe Ave and continue down this path.

Thirdly, even if there were to be a path on the residential side of the street, I sincerely believe that people, being creatures of habit, would still use the above route.

This fact leads to a very important point. The path is currently in a somewhat degraded state and would need to be upgraded by council to avoid litigation should there be any accidents.

And lastly, it would have to be much easier, quicker and cheaper to upgrade this path either with asphalt or concrete. The bed for the path is already there. All the logistics regarding service lines and underground utilities have already been solved.

I do hope you will take my submission into consideration.

Yours Sincerely

Di Krasowski (10 Dawe Ave)

Minutes: Meeting with residents along Dawe Street, Finley to discuss proposed half cost scheme footpath (south side, between Tocumwal Street and Donaldson Street properties)

Date: 3 September, 2020

Time : 11:00am

Present:

Matthew Clarke	Berrigan Shire Council
Gary George	Berrigan Shire Council
James Kennedy	12 Dawe Avenue
Scott Watkins	6-8 Dawe Avenue
Dianne Krasowski	10 Dawe Avenue
John Braybon	14 Dawe Avenue

All property owners in attendance were opposed to the proposed halfcost scheme for a number of reasons:

1. The cost to the property owners is unreasonable;
2. The property owners do not want a footpath;
3. The property owners do not see why two footpaths are required
4. The property owners felt that the pedestrian traffic will continue to use the north side of Dawe Ave.
5. Some of the property owners were pensioners and stated that they could not afford to pay for it.
6. Pre-School is a non-profit organisation and want be able to afford (Noted that they may look to move in the future.
7. Property owners were concerned about Council's liability of maintaining two footpaths.
8. The property owners raised that the existing footpath on the north side of Dawe St is already a defined path and has less services to navigate around.

Matthew Clarke explained to the attendees about the how the half cost scheme had come about through the PAMP and how it was to create a link back to the CBD.

Dianne is going to draft an email to be included in the council meeting.

Property owners questioned how the estimate is worked out. Matthew explained how the owner's contribution to the half cost scheme is worked out on the owner's frontage and side boundaries at 50% and 25% respectively.

6 property owners will be affected by the scheme. To date there has been 5 letters received opposing the proposed scheme. .

Meeting adjourned 11:25am

Speak Up Campaign Inc.
Inc 1800187
speakup4water@gmail.com



September 9, 2020

Dear Berrigan Shire Council,

Late last year Speak Up embarked on the project in Appendix A. It has become a far bigger project than we anticipated, taking longer to compile the research, perfect the wording and get feedback from consultants.

The original budget was \$13,000 to complete the project, to which Speak Up has already contributed \$6000, and we expect the final cost to be \$14750. We have required more consultancy work than predicted as identifying some volumes of water was more complicated than we thought.

Appendix A below is our project proposal for completion and the final fact sheet in the series. We need \$8750 to complete this project, now that the research is complete and all 4 in the series have been drafted. It would be a waste, as well as a lost opportunity, if we were unable to complete this project.

Unfortunately, while our membership numbers have increased other major donors are restricted due to a variety of reasons. Speak Up produces a monumental amount of work, the majority on a voluntary basis. We rarely put our hands out for help, but we really need help to complete this project.

As I said, we have been working with 4 published, well respected ecologists who have contributed to the set of 4 fact sheets. We really need your help to finish this off.

If we are unable to raise the additional \$8,750 these documents will sit on a shelf gathering dust. Any contribution your organisation is able to make towards achieving this goal would be appreciated.

With thanks,

Shelley Scoullar
Speak Up Campaign

Speak Up Campaign Inc.
 Inc 1800187
speakup4water@gmail.com



Project Proposal

MDBP Modelling - the alternative

Background

The Murray Darling Basin Plan is built on modelling rather than peer reviewed and published evidence. As a result, we have a Basin Plan built on a “just add water” philosophy rather than a multiple measures approach.

We all know that this has created undeliverable flow targets debilitating the general security entitlements and destroying parts of the environment in the process.

Wetland inundation in the mid Murray contravenes recent peer reviewed recommendations and ignores the advice of internationally respected scientists.

Project Aim

Develop a set of fact sheets with credible evidence demonstrating the alternatives to ‘just adding water’

How

Develop a set of fact sheets collating the evidence which is already available, but has been swept under the carpet or not presented to the public –

- Easy to understand language to which people and politicians can easily relate
- A one page summary
- Publish summary as a full page advertisement (we have selected the Country News, it is the most distributed regional paper and we believe we can get a cost effective deal)
- A longer referenced paper to complement each fact sheet which will be available online
- Produce a set of 4 to run consecutively over 4 weeks

Outcomes

- Politicians and general public better versed on the difference between modelling and evidence based decision making
- Easy to understand well referenced material for our politicians so they are better equipped at holding bureaucrats to account
- Expose the flaws which the current Basin Plan was modelled on
- Highlight the alternatives which will produce long term solutions

Speak Up Campaign Inc.
 Inc 1800187
speakup4water@gmail.com



Budget

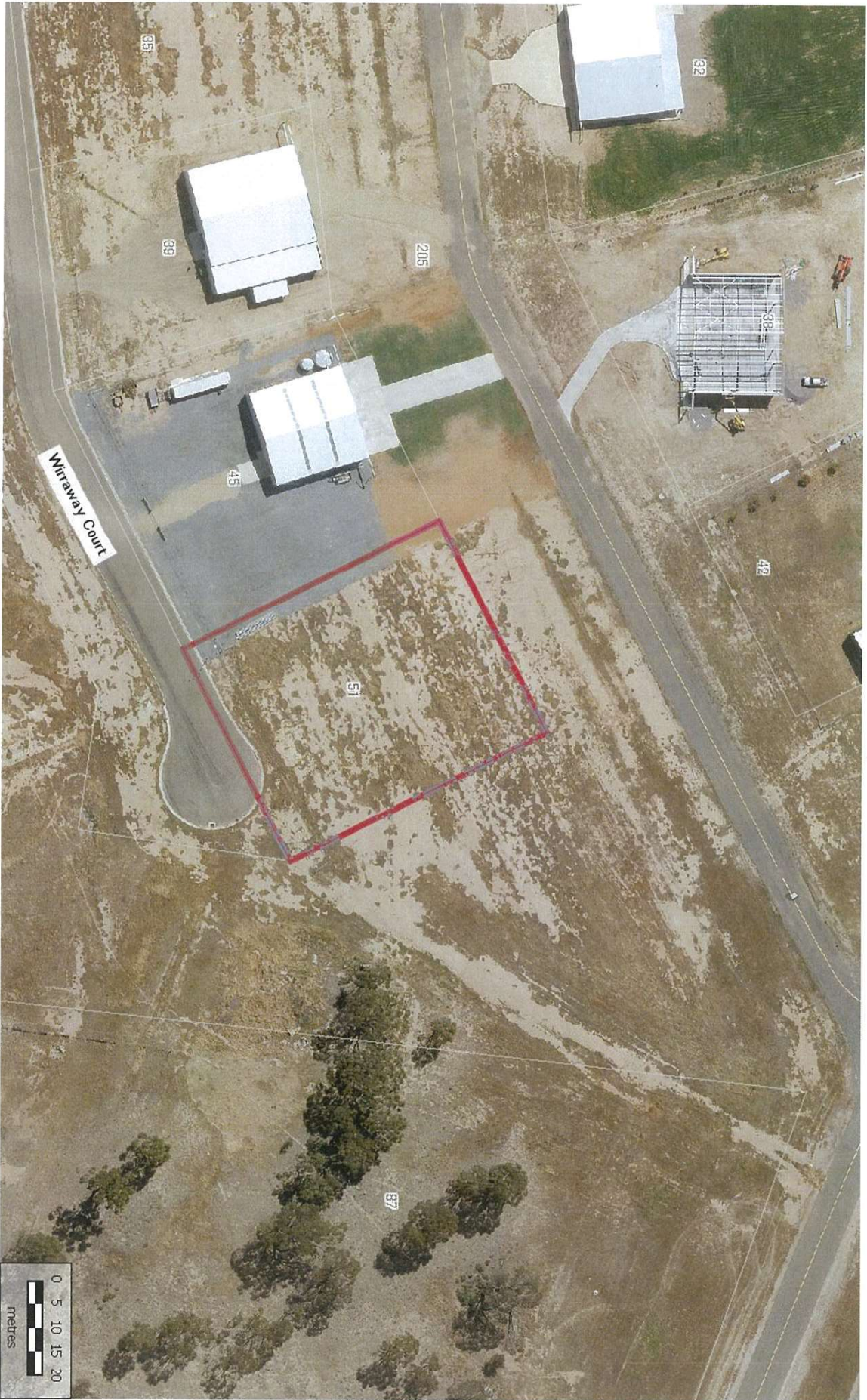
Item	Unit Cost	Total
Research and compiling fact sheet	\$1500 per subject / Fact sheet	\$3000
Administration of project	\$500 per Fact sheet	\$1000
Art work and design	\$250 per Fact sheet	\$750
Advertising	\$1000 per one page	\$4000
Total		\$8750

Topics

1. Floodplain Inundation Modelled v Peer Reviewed Quantitative Based Evidence
2. Enough is Enough, how much does the environment have and where is it?
3. Multiple Measures Needed
4. Lower Murray

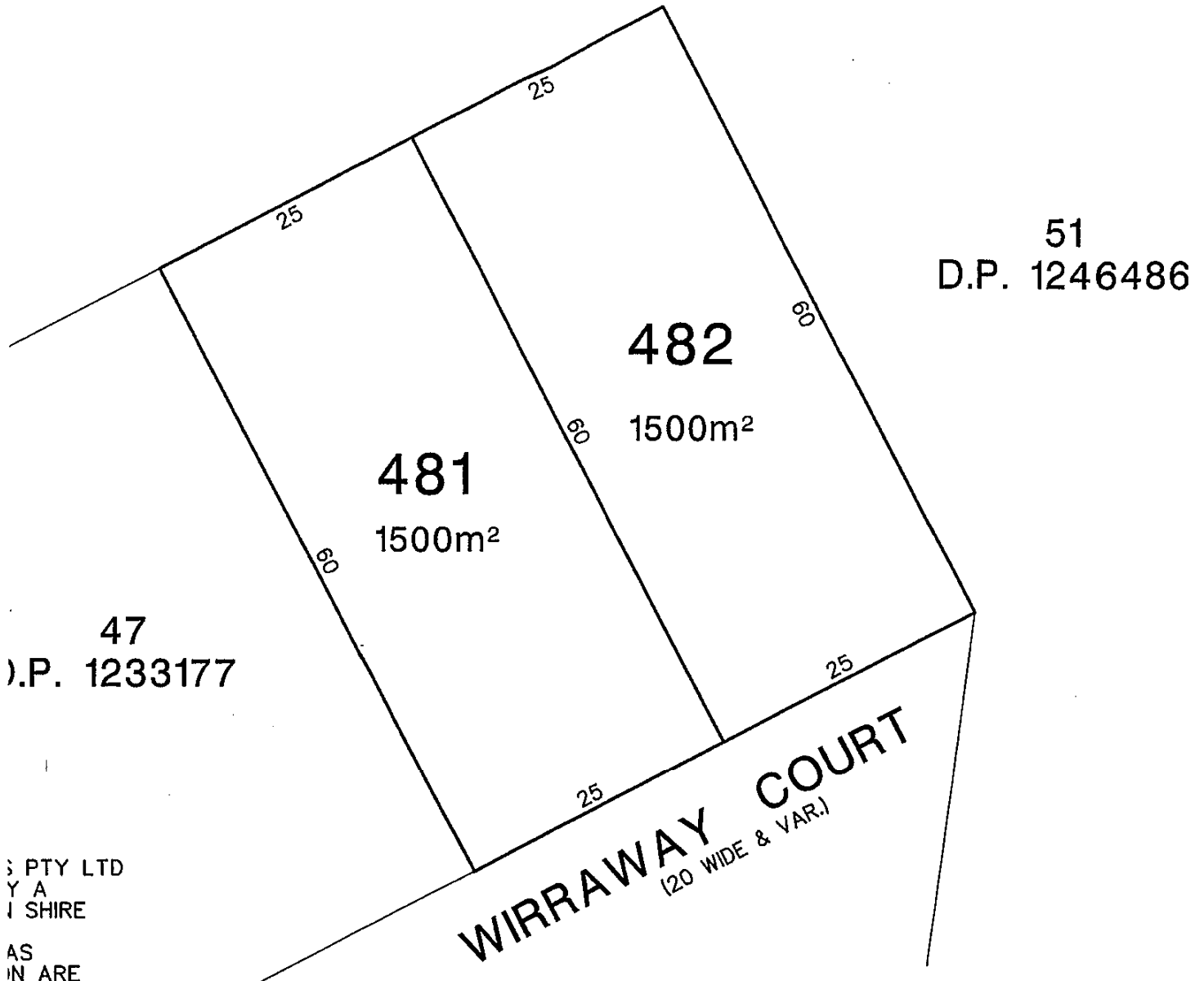
Prototype

- [One page](#) version of Modelled v Evidence which will be used to create a whole page advertisement
- Referenced long version [Modelled v Evidence REF Version](#)
- [Prototype of advertisement](#)



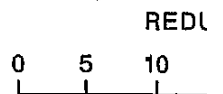
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APPENDIX 1



PTY LTD
Y A
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ND.
LAN.



APPENDIX 2

**PROPOSED SUBDIVISION
FOUR ASHES PTY LTD**

LOT 48, D.P. 1233177
PARISH : TOCUMWAL COUNTY : DENISON

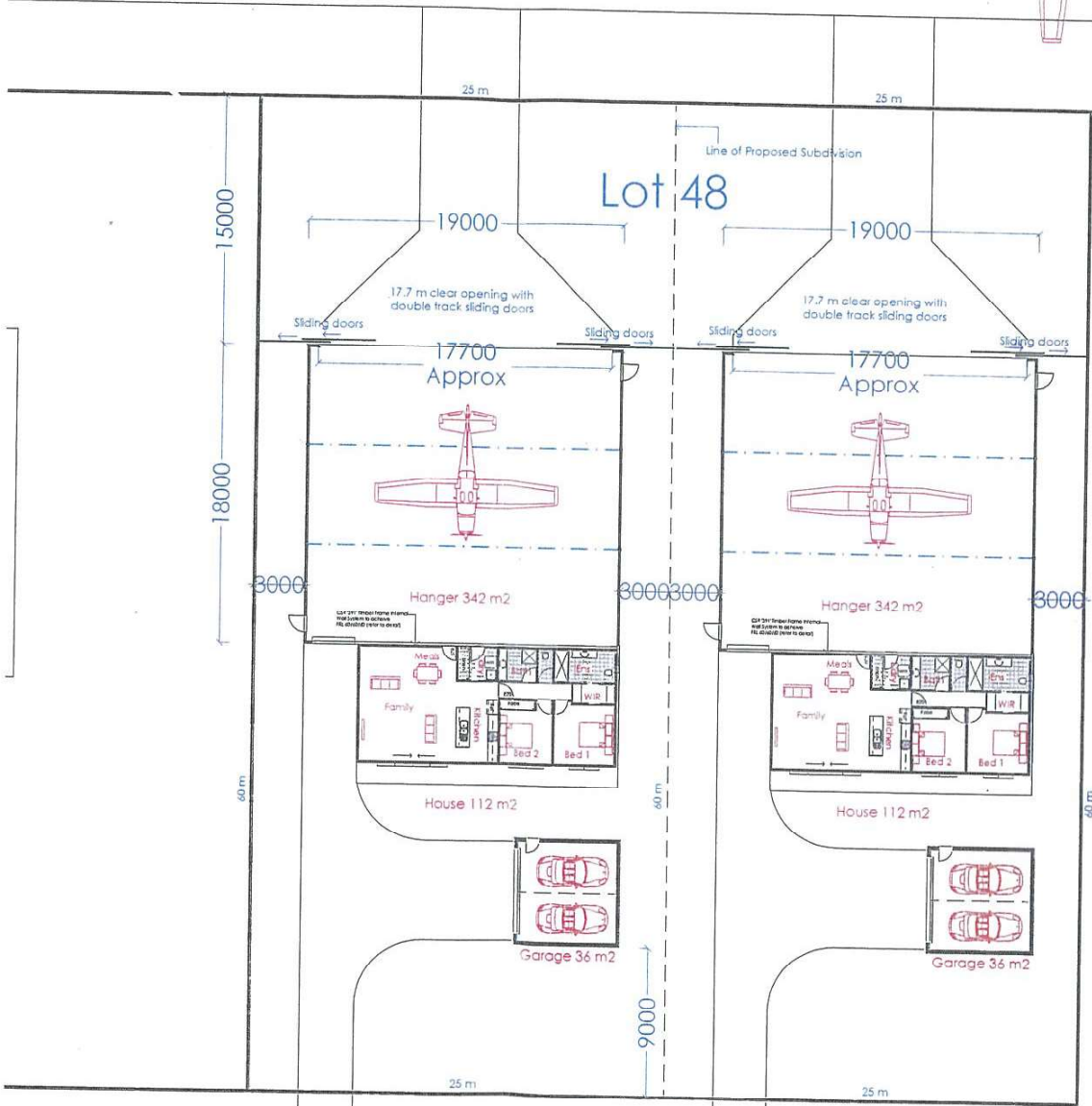
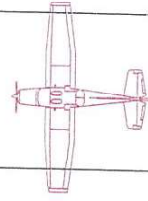
BRIAN
SURVE

REF :

APPENDIX 3

Existing Taxiway

To



Open Area

Wirraway Court



- 2 Hangers off Existing Taxiway

Rate peg for NSW councils for 2021-22

8 September 2020



WHAT

IPART has set the 2021-22 rate peg for NSW councils at 2.0%.

The rate peg for 2021-22 is based on the change in the Local Government Cost Index (LGCI), consideration of a productivity factor, and an adjustment for the costs of the 2021 local government elections.



WHY

The rate peg represents the maximum percentage amount by which a council may increase its general income for a financial year. For most councils, general income consists entirely of revenue from rates.



WHO

Councils have discretion to increase general income by the rate peg, less than the rate peg, or not at all. If a council does not apply the full rate peg increase, it will be able to catch up on the shortfall in general income over any one or more of the next 10 years.

The rate peg applies to general income in total, and not to individual ratepayers' rates. This means that councils may increase categories of rates by more than, or less than the rate peg percentage, as long as the total increase in general income remains within the rate peg. Individual ratepayer's rates are also affected by other factors, such as land values determined by the Valuer General of NSW.

Councils are able to seek additional increases to general income above the rate peg, by applying to IPART for a special variation (SV).



HOW

We set the rate peg for 2021-22 using the following approach:

- ▼ Taking the increase in the LGCI to June 2020 of 1.8%
- ▼ Setting the productivity factor to 0.0%
- ▼ Adding an adjustment of 0.2% to allow councils to collect additional revenue in 2021-22 to meet the costs of the 2021 local government elections.



WHAT NEXT

Councils must not increase their general income by more than the rate peg of 2.0% for 2021-22, unless IPART grants approval for an SV.

Councils applying for an SV must satisfy the criteria listed in the Office of Local Government's SV Guidelines. The Guidelines will be available on IPART's website when published.

Councils applying for an SV for 2021-22 must notify IPART by 27 November 2020.

[IPART's website](#) also includes general information on the SV requirements and recent applications from councils.

1 What is the rate peg?

The rate peg is the maximum percentage amount by which a council may increase its general income for the year. For most councils, general income consists entirely of rates income. For a small number of councils, general income also includes some annual charges such as drainage levies. The rate peg does not apply to stormwater, waste collection, water and sewerage charges.

The rate peg applies to general income in total, and not to individual ratepayers' rates. Councils have discretion to determine how to allocate the rate peg increase, and may increase categories of rates by more than, or less than the rate peg.

The rate peg is typically based on the change in the Local Government Cost Index (LGCI), and consideration of a productivity factor. However, IPART has discretion over the rate peg percentage and can adjust the rate peg above the percentage produced by the LGCI and productivity factor, if we consider this appropriate. For the 2021-22 rate peg, we have adjusted the rate peg by an additional 0.2%, to account for increases in the costs of conducting local government elections. This is discussed in further detail in Section 2.

2 What is the LGCI?

The LGCI is a price index for councils in NSW. It measures price changes over the past year for goods, materials and labour used by an average council. It is similar to the Local Government Price Index used in South Australia and, in principle, to the Consumer Price Index (CPI), which is used to measure changes in prices for a typical household.

The LGCI is designed to measure the average change in prices of a fixed 'basket' of goods and services that are purchased by councils, relative to the prices of the same basket in a base period.

- ▼ The index has 26 cost components, such as employee benefits and on-costs, and building materials for roads, bridges and footpaths. The cost components represent the purchases made by an average council to undertake its typical activities. To measure changes in these cost components, we mainly use ABS price indexes for wages costs, producer and consumer prices.
- ▼ The ABS uses quality adjustments in its price measures to take into account improvements in labour and capital productivity.

To calculate the LGCI over the year to June 2020, we combined the 26 cost components using expenditure weights based on NSW councils' expenditure in 2017-18 and 2018-19. We aim to update the expenditure weights every four years to ensure the relativities between cost components remain accurate. The last reweight of the LGCI was completed in May 2020, using the results of the 2019 cost survey of councils.

The cost components measure price changes over the year to June 2020, compared to the year to June 2019, with the exception of the Emergency Services Levy (ESL), where we have used forecast costs for 2020-21.

For more information, see our [Information Paper](#) on the Local Government Cost Index.

What price changes influenced the LGCI?

The rate peg for 2021-22 is mainly based on the change in the LGCI over the year to June 2020 of 1.8%. The main contributors to the change were:

- ▼ An increase of 2.4% in employee benefits and on-costs, measured by the ABS Wage Price Index for the NSW public sector
- ▼ An increase of 3.8% in other business services, measured by the ABS Producer Price Index for other administrative services, not elsewhere classified
- ▼ An increase of 0.7% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS Producer Price Index for roads and bridge construction – NSW.

Most components of the LGCI experienced moderate price inflation over the period to June 2020 (see Section 3 for a table showing the price changes in all cost components of the LGCI).

We have made an adjustment for the costs of the 2021 local government elections

In setting the rate peg for 2021-22, IPART has recognised that councils face higher costs for their 2021 local government elections. The total cost of the 2021 elections is expected to be around 34% higher than the total cost of the 2016 and 2017 elections. This is substantially higher than the cumulative increases in the Consumer Price Index for Sydney, and IPART's rate peg, over the past four years.

As a result, we have adjusted the 2021-22 rate peg by an additional 0.2%, to assist councils to meet the costs of the 2021 local government elections. The adjustment is based on the total forecast increase in election costs as a percentage of total rates revenue for all councils in NSW.

The adjustment represents the experience of the average council in NSW. This is consistent with our approach of using the average price change for other cost components of the LGCI, such as councils' contributions to the Emergency Services Levy. However, we recognise that the magnitude of increases in election costs vary between individual councils. Councils that require additional increases above the rate peg can apply to IPART for an SV for 2021-22.

The adjustment will need to be reversed through the 2022-23 rate peg – that is, for the 2022-23 rate peg, we will take the increase in the LGCI over the year to June 2021, determine an appropriate productivity factor, and make a downward adjustment to offset the additional 0.2% included in the 2021-22 rate peg. This ensures that ratepayers are not overcharged in subsequent, non-election years.

3 Change in the LGCI for the year ended June 2020

Cost components	Weight as at end June 2019 (%)	Price change to end June 2020 (% annual average)	Contribution to index change (percentage points)
Operating cost components			
Employee benefits and on-costs ^a	38.2	2.4	0.90
Plant and equipment leasing	0.3	0.6	0.00
Operating contracts	2.1	3.0	0.06
Legal and accounting services	0.8	2.4	0.02
Office and building cleaning services	0.3	1.7	0.01
Other business services	6.1	3.8	0.23
Insurance	1.2	1.5	0.02
Telecommunications, telephone and internet services	0.4	-3.8	-0.01
Printing, publishing and advertising	0.5	4.7	0.03
Motor vehicle parts	0.3	0.9	0.00
Motor vehicle repairs and servicing	0.4	2.8	0.01
Automotive fuel	0.8	-3.2	-0.03
Electricity	2.1	-3.4	-0.07
Gas	0.1	0.6	0.00
Water and sewerage	0.4	4.1	0.02
Road, footpath, kerbing, bridge and drain building materials	2.5	0.7	0.02
Other building and construction materials	0.7	1.2	0.01
Office supplies	0.3	1.2	0.00
Emergency services levy	1.4	10.5 ^b	0.15
Other expenses ^c	8.4	1.0	0.09
Capital cost components			
Buildings – non-dwelling	4.3	1.2	0.05
Construction works – roads, drains, footpaths, kerbing, bridges	22.2	0.7	0.17
Construction works – other	2.5	0.7	0.02
Plant and equipment – machinery, etc.	3.0	3.5	0.10
Plant and equipment – furniture, etc.	0.1	1.7	0.00
Information technology and software	0.7	-2.9	-0.02
Total change in LGCI	100.0		1.8

a Employee benefits and on-costs includes salaries and wages.

b Percentage change represents the price change over the year to June 2021, compared to the year to June 2020.

c Includes miscellaneous expenses with low weights in the index – eg, councillor and mayoral fees.

Note: Figures may not add due to rounding. Percentage changes are calculated from unrounded numbers.



NSW Local Government Grants Commission
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE: A713604
YOUR REFERENCE:
CONTACT: Helen Pearce
(02) 4428 4131
helen.pearce@olg.nsw.gov.au

Mr Rowan Perkins
General Manager
Berrigan Shire Council

By email:
mail@berriganshire.nsw.gov.au

21 August 2020

Dear Mr Perkins

In accordance with the NSW Local Government Grants Commission's (Commission) policy of providing information to councils about the way the Commission calculates financial assistance grants (FAGs), please find attached a summary of Council's 2020-21 estimated FAGs entitlement (**Appendix A**).

The Commonwealth Treasury's estimate of the Consumer Price Index (CPI) for 2020-21 has been revised down substantially since the 2019-20 mid-year end of financial year update. The total national FAGs for 2020-21 increased by 1.1%, when compared to the 2019-20 final amount. This is the lowest percentage increase since the paused indexation period of 2014-15 to 2016-17. The Commonwealth Government has advised that this CPI revision is due to the economic impact of bushfires and the COVID-19 pandemic. Accordingly, while the State's FAGs allocation for 2020-21 is slightly higher than last year, it is lower than the estimates which were prepared based on early estimates of CPI.

The national FAGs figure for 2020-21 is \$2.56 billion and is made up of \$1.77 billion for the general purpose component and \$0.79 billion for the local roads component. The national estimated entitlement for 2019-20 reduced by \$5.4 million to account for final adjustments to the CPI and population shares for the year.

The national general purpose component was distributed across the states and territories on a population basis. NSW received 32% or \$565 million, which represents a 0.9% increase on last year's final figure. The local roads component is based on an historical formula. NSW's share of the total road funding is a fixed 29% share, or \$228 million, which was in line with the previous year. The total FAGs allocation to NSW for 2020-21 is \$794 million.



Council's 2020-21 FAGs estimated entitlement, compared to the 2019-20 final entitlement is as follows:

Berrigan Shire Council				
Year	General Purpose \$	Local Roads \$	Total \$	
2019-20 final	\$3,481,208.00	\$1,434,735.00	\$4,915,943.00	Change
2020-21 est.	\$3,517,512.00	\$1,452,538.00	\$4,970,050.00	1.1%

To assist councils with budgeting and bank reconciliations, a breakdown of the 2020-21 quarterly instalments is attached (**Appendix A**). The NSW Statement of Payments is also attached (**Appendix B**).

As councils will be aware, the Commission is required to adhere to the National Principles which mandate a per capita payment based on population growth/decline. It is also the policy of the NSW Government to explore opportunities to direct grants to communities with the greatest relative need. The Commission has had regard to these policies in allocating the grants.

A key challenge for the Commission continues to be the Commonwealth's request to apply the minimum per capita grant, which has a significant impact on the ability of the Commission to redirect funding. The map contained in **Appendix D** identifies the rate of population change in NSW from 2006 to 2016. **Appendix D** also lists the revised expenditure categories, disability factors, data sources used in calculating the expenditure allowance and the relative disability allowance.

Another challenge for the Commission this year has been the substantially reduced CPI estimate. NSW received an increase of 0.9%, or \$5.1 million, on last year's final general purpose component figure. This is substantially lower than the 4%, or \$21.3 million, increase NSW received in 2019-20. As a direct result of the lower than expected CPI estimate, the Commission has, this year, reduced the amount to be quarantined for application by the relative disability allowance from \$5 million to \$4.5 million. This ensured that funds are still able to be directed to those councils with a greater relative need whilst ensuring that additional uncertainty is not delivered to the sector during this difficult time with the implementation of the 0% floor to the general purpose grant.

In addition to these calculations, the Commonwealth Government decided to retain the practice of forward payments of approximately half of the financial assistance grants, based on the 2019-20 estimates for payment. The Commonwealth Government decided to make this year's early payment given the cashflow challenges faced by local government across Australia and to allow councils early access to the funds to help manage the cumulative impacts of drought, bushfires and now the COVID-19 crisis. Councils received approximately 52% of their estimated 2020-21 FAGs on 26 May 2020. The remainder of the grant entitlements will be paid in quarterly instalments in August 2020, November 2020, February 2021 and May 2021.

CONSIDERATIONS FOR 2021-22 GRANTS

Councils should be mindful that, given the current economic environment, there is a real possibility that there will be an extended period of a reduced CPI going forward. Should that occur, the Commission will likely need to restore the negative floor to ensure the integrity of the FAGs allocation system is maintained. Such a decision will result in some councils receiving less in 2021-22 than they will in 2020-21.

SPECIAL SUBMISSIONS RELATING TO 2021-22 GRANTS

Special submissions from councils for 2021-22 will be considered by the Commission. The purpose of a submission is to give councils the opportunity to present information on the financial impact of inherent expenditure disabilities beyond councils' control that are not generally recognised in the current methodology. Please refer to the expenditure functions and Council's disability factors listed in **Appendix A**. This process allows the Commission to adequately consider all legitimate factors that affect councils' capacity to deliver services.

Appendix C, titled ***Guidelines for Special Submissions***, contains guidelines for preparing submissions – please read the guidelines carefully.

Submissions should be e-mailed to the Commission at olq@olq.nsw.gov.au by **16 November 2020**.

I would ask that this letter please be tabled at the next Council meeting.

If you have any questions concerning these matters, please contact me on (02) 4428 4131.

Yours sincerely



Helen Pearce
Executive Officer

LOCAL GOVERNMENT GRANTS COMMISSION 2020-21 FINANCIAL ASSISTANCE GRANTS

Berrigan (S) Council

General Purpose Component

Expenditure Allowance

Expenditure Functions	State ave cost per capita
Recreation and cultural	\$214.66
Admin and governance	\$254.03
Education and community	\$63.34
Roads, bridges, footpaths and aerodromes	\$204.07
Public order, safety, health and other	\$163.68
Housing amenity	\$71.25

Disability Measure	LGA measure	State Std (SS)	Weighted DF%
Population	8,750	63,194	27.1%
Aboriginal & Torres Strait Islander	2.3%	2.9%	0.0%

Pop <SS = relative disadvantage
Pop >SS = 0
ATSI <SS = 0
ATSI >SS = relative disadvantage

Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,750	63,194	85.0%

Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,750	63,194	80.6%

Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,750	63,194	156.5%
Road Length	1,280	1,149	4.5%

Disability Measure	LGA measure	State Std	Weighted DF%
Population	8,750	63,194	60.1%
Rainfall, topography and drainage index	107%	161%	0.0%
Environment (Ha of environmental lands)	3,485	54,087	0.0%

RTD <SS = 0
RTD >SS = relative disadvantage
Env <SS = 0
Env >SS = relative disadvantage

Disability Measure	LGA Std	State Std	Weighted DF%
Population	8,750	63,194	15.2%

Isolation Allowance

Outside the Greater Statistical Area	Yes
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LOCAL GOVERNMENT GRANTS COMMISSION 2020-21 FINANCIAL ASSISTANCE GRANTS

Pensioner Rebate Allowance

PR <SS = relative disadvantage (+ allowance)	
PR >SS = relative advantage (- allowance)	
LGA % Pensioner Rebates (PR) Res Props:	30.8%
State Standard (SS) % PR	15.4%

Revenue Allowance

Revenue Allowance	
CV <SS = relative disadvantage (+ allowance)	
CV >SS = relative advantage (- allowance)	
No. of Urban Properties:	4,133
Standard Value Per Property:	\$488,302
Council Value (CV):	\$65,770

No. of Non-urban Properties:	900
Standard Value Per Property:	\$732,180
Council Value (CV):	\$381,235

Relative Disadvantage Allowance

Unsealed roads; Isolation; Population Decline	\$35,956
Special Submission	-

Total General Purpose Grant	\$3,517,512
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Local Roads Component

Population:	8,750
Local Road Length (km):	1,280
Length of Bridges on Local Roads (m):	291

Road/Population Allowance:	\$1,427,581
Bridge Length Allowance:	\$24,957
Local Roads Total:	\$1,452,538

Total Grant	\$4,970,050
--------------------	--------------------

Quarterly Instalments Payable in 2020-21 for 2020-21 FAGs

	August 2020	
GPC	\$423,944.25	
LRC	\$176,387.50	\$600,331.75
	November 2020	
GPC	\$423,944.25	
LRC	\$176,387.50	\$600,331.75
	February 2021	
GPC	\$423,944.25	
LRC	\$176,387.50	\$600,331.75
	May 2021	
GPC	\$423,944.25	
LRC	\$176,387.50	\$600,331.75
	TOTAL	
GPC	\$1,695,777.00	
LRC	\$705,550.00	\$2,401,327.00



Policy

96 DEBT MANAGEMENT AND HARDSHIP

Version 01

File Reference No: 12.049.1

Strategic Outcome: Good government

Date of Adoption: 17/04/2019

Date for Review: 21/07/2021

Responsible Officer: Director Corporate Services

1. POLICY STATEMENT

This Policy recognises that at times and due to exceptional circumstances, ratepayers may encounter difficulty in paying their rates and charges. *The Local Government Act 1993* (The Act) allows Council to provide a range of measures to assist ratepayers.

This policy prescribes the procedures to be followed in providing assistance to ratepayers and debtors who are failing to pay rate instalments or are suffering genuine financial hardship with the payment of their rates and/or charges.

2. PURPOSE

To provide guidance and processes for the provision of assistance to ratepayers who are experiencing genuine financial hardship with the payment of their rates and/or charges.

Council aim to:

- provide a decision making framework for the appropriate assessment of all arrangements and financial hardship applications;
- provide ratepayers with assistance and options to pay their accounts in a timely and acceptable manner;
- provide equitable treatment to all members of the community; and
- maintain legislative compliance



Policy

3. SCOPE

This policy applies to all debts and claims owed to Berrigan Shire Council.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 2.2.2.3.

2.2.2.3 Coordinate Council Investments, financial management, financial operations and processing.

5. DEFINITIONS

Rates and charges: Those charges levied annually on a property, these include General Rate (based on unimproved value of land), Water Access, Sewer Access, Pedestal (if applicable), On Site Sewer Maintenance (if applicable), Waste Services and Storm water Management Service

Rate Instalment: The portion of the annual rates and charges due and payable on a quarterly basis, at the end of August, November, February and May respectively.

6. POLICY IMPLEMENTATION

6.1 Guidelines

Council must follow the guidelines below when considering all debt management and hardship matters

- Treat all people fairly and consistently under this policy.
- Consider all matters relating to this policy with complete confidentiality.
- Treat people with respect and compassion in considering their circumstances.

6.2 Support services

The Council will maintain a list of relevant support services and their contact details. It will actively make this list available to ratepayers and debtors subject to legal action under the Council's debt management and hardship procedures.



Policy

The list of support services will contain at a minimum:

1. Financial advice and counselling
2. Legal aid
3. Community Legal Centres

6.3 Debt Recovery

Action 3.4 identified in the Council's [Financial Strategy 2016](#) states:

Continue to actively recover outstanding rates debt as identified in the Council's Revenue Policy.

Council rely significantly on funds generated from rates and charges to support its operations on behalf of its community. In the interests of fairness, all ratepayers and debtors are expected to pay levied rates and charges

To this end, there is a need for Council to have fair, flexible and efficient debt recovery processes in place, to ensure that it retains the financial capacity and freedom to continue to deliver a high quality service to its community.

Debt Recovery action is carried out in line with provisions of the *Local Government Act 1993* and Office of Local Government Debt Management Guidelines 2018.

6.3.1 Process – Rates and charges

It is recognized and accepted by Council that some ratepayers and debtors for a variety of reasons may fall behind in payment of their Rate Instalments. It is the preference of Council to make arrangements with ratepayers by either:

- By arrangement between Council and ratepayer to have outstanding balances paid up to date as soon as practicable
- By arrangement between Debt Recovery Specialist and ratepayer to have outstanding balances paid up to date as soon as practicable

Suitable arrangements negate the need to enter the formal debt recovery and subsequent court process. The court process can be costly and add significant fees to already overdue Rates and Charges balances.

Council outsource debt collection to a professional debt recovery specialist and work closely with the company to ensure only the minimal legal action is taken to recover outstanding balances.



Policy

The process and timeframes followed by Council for debt recovery for rates and charges is shown as **Appendix 1** to this policy.

Council will have

6.3.2 Process – Other debts

Debts other than rates and charges will be payable to the Council from time to time. This may include payments to the Council in its regulatory role as well as payments to the Council for services provided on commercial terms.

Debts incurred for contributions to road, footpath and kerb and gutter works as per the *Roads Act 1993* – i.e. Half-cost schemes – will be managed in line with the Council's adopted Contributory Footpath and Kerb and Gutter Schemes Policy

With most other debts, Council will restrict the availability of credit as per its Commercial Credit Policy. Where credit terms are offered, recovery of these amounts from debtors will be largely consistent with the procedure followed for rates and charges debt.

Debt of this nature may be written off by Council staff in line with delegated authority if it is not commercially viable to collect.

6.3.3 Arrangements

At any stage in the debt collection process, the Council actively encourage ratepayers with outstanding balances to enter into payment arrangements.

On entering a payment agreement Council and the Ratepayer will agree a fair and reasonable amount which will pay outstanding monies owed in a timely manner.

Each arrangement will be individually tailored making allowances for ongoing living expenses and the Ratepayers personal circumstances.

Arrangements are contingent on the ratepayer communicating with Council and acting in good faith to meet the terms of the arrangement. If the Council does not consider the terms of the arrangement are being followed, the arrangement will be terminated and the standard debt recovery process will continue where it was left off.

6.4 Hardship

6.4.1 Hardship provisions in legislation

The *Local Government Act 1993* contains the following specific hardship provisions:



Policy

Section 564 provides for Council to accept payment of rates and charges due and payable by a person in accordance with an agreement made with the person and also to write off or reduce interest accrued on Rates and Charges if the person complies with the agreement.

Section 567 provides for council to write off accrued interest on rates or charges payable by a person if, in Councils opinion the reasons that the person was unable to pay the rates or charges when they became due and payable were beyond the persons control, or that the person is unable to pay the accrued interest for reasons beyond their control, or that the payment of the accrued interest would cause the person hardship.

Section 582 as amended, provides for Council to waive or reduce rates, charges and interest due by any person prescribed by regulations who is in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

Section 601 provides for ratepayers who incur a rate increase in the first year following a revaluation of land values to apply to Council for a rate relief if the increase in the amount of rates payable would cause them to substantial hardship. In such circumstances Council has the discretion to defer payments or waive interest.

6.4.2 Applications

There are two types of financial hardship; ongoing and temporary. Depending on the type of hardship being experienced, individuals will have different needs which will require an amount of flexibility to reach a solution.

Consideration will be given cases of hardship only on the following grounds;

1. **Death/Terminal Illness** – consideration will be given to waiving of interest on rate and water accounts for a specific term.
2. **Temporary Illness / Serious Accidents** – consideration will be given to waiving interest on rate and water accounts for a specific term.
3. **Financial Hardship** – (extenuating circumstances) beyond control of the ratepayer.
4. **Unemployment** – this policy does not deem unemployment and consequent loss of incomes as automatic or entirely sufficient to support a claim for hardship; it will however be a consideration in the context of structuring a hardship payment plan. The debt obligation plus interest remains with the debtor, however their situation is assisted by way of a plan which is structured through consultation to recognize the financial constraints exist.



Policy

5. **Natural Disasters** – (bushfire, flooding, drought) – consideration will be given to waiving interest for rates and water accounts for a specific term.
6. **Valuation Changes** – Under s.601 of the Act which relates to Hardship resulting from certain valuation changes, Council has discretion to defer the payment of the whole or any part of the increase in the amount of the rate payable by the ratepayer, for such period and subject to such conditions as it thinks fit.

Ratepayers seeking assistance under this Policy are to submit an application using the attached form outlining their particular circumstances. The application will be reviewed by the Revenue Coordinator and Finance Manager with the final approval agreed by the Director of Corporate Services.

A final determination will be assessed in line with the financial information provided by the applicant. The applicant will be expected to submit sufficient financial information to allow the Council to make a determination on merit.

All applications for hardship caused through revaluation must be received within one (1) month of the due date for payment of the first instalment notice where the new valuation has taken effect.

6.4.3 Conditions

The following conditions apply to all financial hardship concessions

1. All mutually acceptable repayment schedules will have a maximum 24 month term. A further application for hardship consideration may be made after this period.
2. All repayment schedules are regularly reviewed particularly at end of each quarter and upon raising of further rates and charges.
3. All future rates and charges raised against the property are due and payable on the due dates.
4. Interest will be raised and then written off where a repayment schedule is adhered to and the arrangement provides for accrued interest to be waived.
5. Where a scheduled repayment default occurs, interest will be calculated and levied from the date of the last payment made in accordance with the repayment schedule. The ratepayer will be contacted in regard to the repayment default.



Policy

6.4.4 Cancellation

A concession made under hardship may be cancelled for the following reasons;

1. Failure to comply with agreed payment plan
2. No longer own the land
3. Advice to Council that financial hardship no longer exists
4. Provision of false and misleading evidence of financial hardship to council.

6.4.5 Reporting

The Revenue Coordinator will maintain a register of all hardship applications received by Council, including their outcome

Reports to Council will be provided on a quarterly basis outlining the shortfall in Council income as a result of assistance provided under this policy.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation, Regulation and external standards

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Privacy and Personal Information Act 1998*
- *Office of Local Government – Debt Management Guidelines 2018*

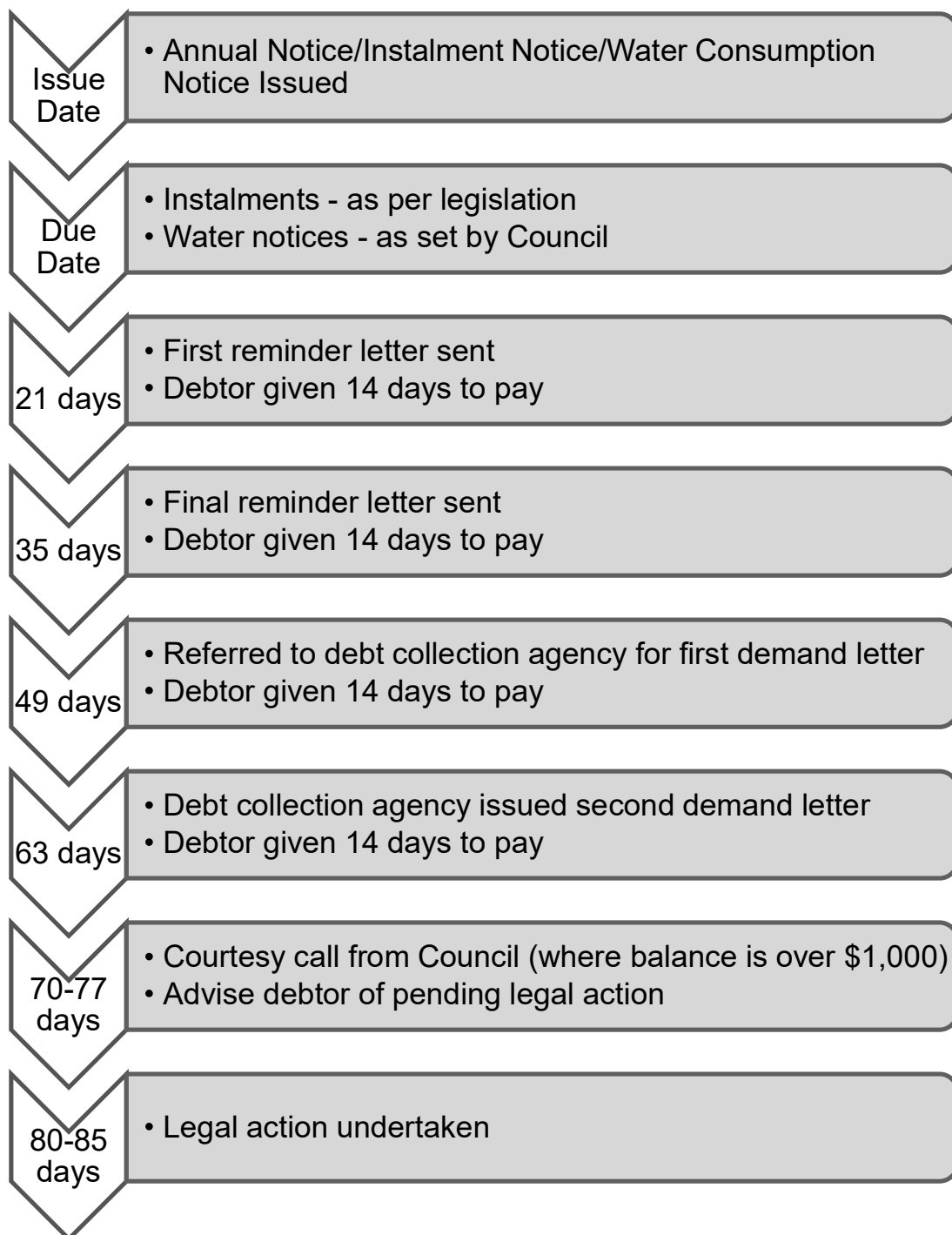
7.2 Council policies and procedures

- Code of Conduct
- Financial Strategy
- Revenue Policy
- Privacy Management Plan
- Pensioner Concession Policy
- Financial Hardship – Loose Fill Asbestos Policy
- Contributory Footpath and Kerb and Gutter Schemes Policy
- Commercial Credit Policy



Policy

APPENDIX 1 – DEBT COLLECTION TIMEFRAME – RATES AND CHARGES



To the Berrigan Shire,

I'm writing to you to complain about the trucks that park in front of my house at 131 Jerilderie St Berrigan. They continually park in front of my house at all hours of the day and night, sometimes completely blocking my driveway. They park their fridge vans out the front of a night time and leave their fridge motors running. They also urinate on the nature strip, they do this during daylight hours as well as night time hours. I have confronted them about these issues at different times, some apologise, some become abusive and on more than one occasion it has nearly come to fisty cuffs. Some of these drivers threaten me saying I know where you live and they'll be back to sort it out. As a rate payer I shouldn't have to live like this in my own house in the middle of Berrigan.

I would like a written response addressed to me on how you are going to solve this issue. I am sorry it has come to this but I have complained verbally numerous times about this issue and nothing seems to be getting done about it and I have had enough.

Yours Sincerely

John Jones



13/2/2020

BERRIGAN SHIRE COUNCIL
17 FEB 2020
FILE _____
REFER TO <u>DM</u>
COPY TO _____
ACTION / CODE
ACKNOWLEDGE Y / N

02 SEP 2020

TO THE GENERAL MANAGER
BERRIGAN SHIRE OFFICE.

FILE _____

REFER TO GM.

COPY TO _____

ACTION / CODE _____

ACKNOWLEDGE Y/N

THE PEOPLE OF BERRIGAN IN
GENERAL, ESPECIALLY THOSE IN JERILDERIE ST
BARROGA ST AND COBRAM RD THAT WE HAVE
TALKED TO ARE SICK OF THIS SHIRE
WASTING MONEY ON THINGS THAT AREN'T
NEEDED.

YOU GO TO ALL THE TROUBLE OF
BUILDING A NEW SET OF TOILETS IN
HAYES PARK AND THEN ON THE OTHER
SIDE OF THE ROAD YOU PLANT TREES

SO NO TRUCKS OR PEOPLE WITH CARAVANS
CAN PULL UP TO USE THE TOILET.

ALL SEVEN OF US RESIDENTS FROM
MOMALONG ST TO DAWMACS YARD DONT
WANT TREES AT THE FRONT OF HOUSES
BECAUSE WHEN THEY GROW YOU CANT SEE
TRAFFIC COMING UP THE HIGHWAY.

WE HAVE PEOPLE IN TRUCKS AND
CARAVANS PULL UP AND WALK UP THE
STREET TO THE SHOPS AND SPEND
MONEY IN THE TOWN. PLANTING TREES
THERE WILL STOP ALL THAT AND THE
TOWN GETS BY PASSED AGAIN.

YOURS THE RATEPAYERS.

J. THOMSON, John M.F. Cooper, M. Lord
T. LORD, J. Lord, L. A. ...
S. WAGSTAFF, ...
K J McDONALD, J. ...



Berrigan Conservation Group & Tidy Town Committee

A Committee of Berrigan Shire Council

President	Mr Mark Ryan	Ph 03 58858222
Secretary	Mrs Carol Cottam	Ph 0428 852234
	PO Box 200 Berrigan NSW 2712	

The General Manager
Mr Rowan Perkins
Berrigan Shire Council

Dear Rowan and Councillors

I attach with this letter a motion from our meeting last night regarding placement of trees in Jerilderie Street.

We are all horrified that those beautiful trees will be planted in the roadway rather than in the broad nature strip – a perfect setting.

The original idea presented to us was the evergreen Wilga will replace the old Claret Ash that is breaking down. No one would have thought to put them in the road.

Was that more “expert” advice?

Regards Carol Cottam
Secretary
10th September 2020

MOTION

Re: Trees on Roadway in Jerilderie Street.

Due to the inconvenience of lack of parking area for Tourists, Caravanners, Transports and local people, this organisation request the Berrigan Shire Council to rescind their decision to plant trees on the roadway.

- . If individuals cannot park their caravans so as to use the new facilities and read the history boards of Berrigan, it can only hinder future tourism in our town.
- . Reduction in parking area will be a total inconvenience to the public attending weddings, funerals and church services.
- . The parking of trucks between the proposed trees and the continuous white line will cause great risk of injury to transport operators and also traffic travelling on that side of the street. Also at risk will be the children of Berrigan.
- . Hayes Park, being a recreational area should have safe access to all.
- . The Road Transport industry in Berrigan has three large employers who employ over 70 truck drivers/staff. This industry should be supported by local government, not hindered.
- . Does the Shire Council want tourism and industry to continue in Berrigan or not ... we do.
- . There has been no consultation with the Berrigan Conservation Group & Tidy Towns Committee.

(Moved by Tom Pyle, seconded by Robin Cobb at the 9th August 2020 meeting of the Berrigan Conservation Group and Tidy Town Committee)

7.13 TRUCK PARKING JERILDERIE STREET BERRIGAN

AUTHOR: Director Technical Services

STRATEGIC OUTCOME: Sustainable natural and built landscapes

STRATEGIC OBJECTIVE: 1.3 Connect and protect our communities

FILE NO: 28.101.6

RECOMMENDATION: That Berrigan Shire Council commit to the installation of Wilga Trees and tree surrounds in the road shoulder along the south western side of Jerilderie Street, Berrigan from the north side of Memorial Place to the south side of Chanter Street at a spacing such to prevent trucks from parking outside the residences of Jerilderie Street, Berrigan.

REPORT:

We have received a letter from Mr Jones of 131 Jerilderie Street, Berrigan with regard trucks parking outside his residence on Jerilderie Street. His most recent letter may be found in **Appendix "I"**

There are a few options to consider addressing the truck parking issues on Jerilderie Street:

1. Do nothing and advise Mr Jones
2. Install a physical barrier:
 - a. Trees
 - b. Bolt down barrier kerb
 - c. Realign the existing kerb closer to the road
3. Create a designated truck parking area for the trucks to park.

There are advantages and disadvantages of each of the above options:

1. **Do nothing and advise Mr Jones** – from our asset records, the public toilets in Hayes park have been there since 1960 thus attracting vehicles to stop there for quite some time and that unfortunately Mr Jones will need to accept this is the status quo and council will not be taking any further action
2. **Install a Physical Barrier**

- a. **Trees** – the installation of an avenue of street trees along Jerilderie Street would prevent trucks from parking outside of the residence of Mr Jones as well as enhance the aesthetic value of the town. Tree planting in the road shoulder would be complementing what has already been done on Dean Street Tocumwal, however, the Wiliga tree is not the correct tree to plant in the shoulder of the road as it is slow growing. There has not been a suitable variety of tree selected for Berrigan as part of the town entrance program. The tree planting master plan is yet to be completed for all 4 towns which will require input from an arborist giving variety of tree species. Preventing trucks parking will only push the issue further along and may create another issue if no toilets are provided for transport operators.
 - b. **Bolt Down Barrier Kerb** - if spaced correctly along the shoulders of Jerilderie Street, it would allow smaller vehicles to park on Jerilderie Street and prevent larger vehicles i.e. trucks from parking along Jerilderie Street. It is anticipated that the installation of bolt down barrier kerb would significantly disrupt the aesthetics to the entry to town if installed without trees, however, a relatively cheaper option in comparison to option c. Again, preventing trucks parking will only push the issue further along and may create another issue if no toilets are provided for transport operators.
 - c. **Realign the existing kerb on Jerilderie Street** – an expensive exercise. The road reserve is excessively wide on Jerilderie Street and relocating the kerb further towards the road would increase the distance from Mr Jones’s residence to the road. This would possibly improve the noise issue, however, it would prevent the installation of trees and increase the amount of nature strip to be maintained, however, reduce the amount of road to be maintained. It is unlikely that the realignment of the kerb would fully address the truck parking issues Mr Jones is experiencing
3. **Create a designated truck parking area for trucks to park** – similar to recent issues experienced on the Newell Highway in Tocumwal with regard to truck parking, it is recommended that TFNSW provide truck parking facilities inclusive of toilet facilities in Berrigan. Although traffic movements are not as high as that on the Newell Highway in Tocumwal, a similar issue of decoupling exists in Berrigan as Road Trains are not permitted southeast of Osbourne Street Berrigan. It is recommended that council do not carry out this project at their own expense as it is an issue primarily created by TFNSW heavy vehicle access restrictions

LOCAL TRAFFIC COMMITTEE

MINUTES

Tuesday 18th August, 2020

Zoom Meeting

11:00 am at Berrigan Shire Council Office



Roads &
Maritime



Local Traffic Committee AGENDA



PRESENT

MR FAZLUL HOQUE	NETWORK & SAFETY OFFICER ROADS AND MARITIME SERVICES
MR PETER BRAYBON	LOCAL MEMBER OF PARLIAMENT REPRESENTATIVE
SERGEANT PETER KIRK	PATROL SUPERVISOR DENILQUIN POLICE HIGHWAY
MR MATTHEW CLARKE	DIRECTOR TECHNICAL SERVICES BERRIGAN SHIRE COUNCIL
MR GARY GEORGE	ASSETS & OPERATION MANAGER BERRIGAN SHIRE COUNCIL

APOLOGIES

Cr. MATTHEW HANNAN	BERRIGAN SHIRE COUNCIL, MAYOR
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NEW BUSINESS

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ITEM 1. BALDWIN BUSES – PROPOSED BUS ROUTE CHANGE

BACKGROUND

Baldwin Buses, whom are a local school bus operator, are requesting the following bus route road and bus stop change:

Roads:

- Chinamans Road, Tocumwal (from the Newell Highway through to Tuppal Road)
- Jerilderie Street, Short Street, White Avenue and Cobram Street, Tocumwal
- Browne Street and Jersey Street, Tocumwal
- Murray Street, Old Adcocks Road and Newell Highway, Tocumwal

Bus Stops:

- 404 Chinamans Road, Tocumwal.
- White Avenue, Tocumwal.
- 774 Newell Highway, Tocumwal.
- Corner of Silo Road and Newell Highway. (Suggestions welcomed on appropriate stop).

RECOMMENDATION

1. The Local Traffic Committee defers its decision with regard the proposed bus route changes received from Baldwins Buses. Further information is required in regards to safe site stopping distances and alternative school bus stop locations for the following locations:
 - 404 Chinamans Road, Tocumwal.
 - White Avenue, Tocumwal.
 - 774 Newell Highway, Tocumwal.
 - Corner of Silo Road and Newell Highway.
2. The Transport for NSW provide assessment tools to Berrigan Shire Council in order for Council staff to assess the proposed school bus stops (informal / fixed) and are to provide the results to the Local Traffic Committee at the next meeting.

ITEM 2. REQUEST FOR CHILDREN CROSSING SIGN - WOODSTOCK ROAD, BERRIGAN

BACKGROUND

Auburn Pastoral Co Pty Ltd has requested that a 'Children Crossing' sign be erected at the property driveway entrance on Woodstock Road, Berrigan. The sign would advise drivers to slow down. Children frequently cross road and this can be hazardous with the volume of trucks, farm machinery, vehicles that access the road.

RECOMMENDATION

The Council do not install advisory signs to warn motorists that children may be in the vicinity of 1498 Woodstock Road, Berrigan. The area has a very low vehicular and pedestrian movements in the area of 1498 Woodstock Road, Berrigan.

ITEM 3. WIRES – INJURED WILDLIFE SIGN

BACKGROUND

Emily Kammerlohr from the Wildlife Information Rescue and Education Service (WIRES) is interested in partnering with Berrigan Shire Council to install wildlife road signs. Emily has requested that 750 X 500 mm aluminium CL1 reflective black on white signs (Appendix 7) be installed at the following locations:

- Woodstock Road, east of Berrigan to the intersection on Auburn-Momalong Road.
- Corcoran Street, Berrigan.
- Racecourse Road, Tocumwal.
- Bushlands Road, Tocumwal.
- Tocumwal Road.

RECOMMENDATION

The Council install Animal Rescue information signs provided by Wildlife Information Rescue and Education Service (WIRES). The signs are to be installed at the following locations and Council to place Animal Rescue contact information on the Berrigan Shire Council website:

- Racecourse Road, Tocumwal.
- Bushlands Road, Tocumwal.
- Woodstock Road, Berrigan.
- Corcoran Street, Berrigan

ITEM 4. REQUEST FOR BUS SHELTER & SIGN, BABINGTONS ROAD

BACKGROUND

A letter requesting a bus shelter to be erected at the front of 'Willoring Estate' Babingtons Road, Tocumwal, has been received by the Council. The road does not display speed limit signs and residents are concerned for the safety of children accessing the school bus. Baldwin Buses have confirmed that 12+ children use this stop with the ages of primary and high school children. There are three different buses servicing this one stop.

RECOMMENDATION

Council staff are to write to the Transport for NSW requesting a speed zone review of Babingtons Road, Tocumwal with the perspective to consider reducing the current speed limit.

ITEM 5. REQUEST FOR BUS STOP SIGN - TONGS – PLUMPTONS ROAD, FINLEY

BACKGROUND

A request for the erection of a warning sign for a bus stop located between Tongs Street and Plumptons Road, Finley to warn vehicles of school children in the area has been requested.

RECOMMENDATION

Council staff are to collect traffic data on Plumptons Road between Howe Street and Tongs Street, Finley and provide the results of the traffic data to the NSW Police for consideration.

ITEM 6. RICE MILL ROAD, VEHICLE ACCESS

BACKGROUND

Development Consent 9/19/DA/DM to Premier Feed & Fibre for a weighbridge to be placed at 1-4 James Court, Finley was approved on the 18th July, 2018. The developer is seeking to alter movements to their Feed silos, please refer to attached appendices.

RECOMMENDATION

Council reject the application for the additional heavy vehicle access to 1-4 James Court, Finley and recommend that that applicant utilise the existing approved accesses. Premier Feed & Fibre to make on site arrangements for truck movements.

ITEM 7. BERRIGAN HEAVY BYPASS

BACKGROUND

Council has recently constructed an alternate heavy vehicle bypass route, on Strathvale Road, Berrigan to address the regular damage to infrastructure at the intersection of Cater Street and the Riverina Highway. Council are to permit access to the Road Train Combinations between Berrigan and Oaklands.

RECOMMENDATION

The NSW Police Force are to monitor Carter Street, Berrigan between the Riverina Highway and Greggerys Road for illegal B-Double and Road train movements. The NSW Police are to advise the Local Traffic Committee of findings and outcomes at the next meeting.

ITEM 8. RIVERINA HIGHWAY ACTIVITY, FINLEY

BACKGROUND

A Finley resident is proposing to travel from Finley to Berrigan for a charity event in their wheelchair accompanied by 8-10 people walking. The resident is seeking permission from Traffic for NSW and Council to carry out the event. The resident proposes to have escort vehicles accompanying the group and it is estimated that the event will take approximately 4 hours. The event is proposed to be held on Sunday 30th September, 2020.

The event organiser is to apply for event approval. The following information is to included;

- approved concurrence from Transport for NSW,
- Transport Management Plan,
- Road Occupancy Licence,
- Traffic Control Plan,
- Certificate of Currency with the listed interested parties.

RECOMMENDATION

The Council approve the event application for the Rolling for Rural Health event. The Event is to be held on the 30th of September, 2020 consisting of approximately 10 persons walking and wheeling from Finley to Berrigan along the Riverina Highway, subject to:

- Transport for NSW approval.
- NSW Police approval.
- A Road Occupancy Licence being obtained from Traffic for NSW.

- The Police and Traffic for NSW being listed as interested parties on the Certificate of Currency.
- An approved Traffic Control Plan.
- The approval of a Traffic Management Plan.
- The approval of an Event Risk Assessment.

ITEM 9. CHILDREN'S PEDESTRIAN CROSSING - DENILQUIN STREET, TOCUMWAL

BACKGROUND

Council are in receipt of a customer request dated 17th March, 2020 to review the safety requirements around the Children's Pedestrian Crossing on Deniliquin Street, Tocumwal. The following issues were raised;

- the height of the surrounding bushes;
- traffic speed limits;
- reduced vision due to the sunlight directly in drivers eyes in the morning;
- peripheral vision and sight distance issues.

Councils Asset and Operations Manager investigated the concerns raised and undertook an onsite assessment. Results from the assessment were communicated to the customer as outlined below;

- the surrounding bushes are no higher than the required standard;
- the Signs are as per the Standard requirements for this type of crossing;
- line marking – Zig Zag line work were only on one approach of the crossing. The Council have since line marked Zig Zag lines to be on both approaches.

A site meeting was held on the 22nd May, 2020 between the customer and Councils Authorised Officer to clarify results. The customer informed Tocumwal residents of the onsite meeting through Social Media without the consent of Council. 10 local residents were in attendance. Covid-19 social distancing requirements were enforced by the Councils Asset and Operations Manager prior to concerns being heard.

RECOMMENDATION

That Council consults with the Tocumwal Community and Chamber of Commerce to consider the following actions in regards to the pedestrian crossing located on Deniliquin Street Tocumwal:

- That, the pedestrian crossing to be relocated to mid-block on Deniliquin Street, Tocumwal to comply with current Austroads Standards,

-
- That, the pedestrian crossing to be removed entirely to comply with current Austroads Standards,
 - That, the pedestrian crossing remains in the current location near the intersection of Deniliquin Street and Morris Street, Tocumwal although it does not comply with current Austroads Standards.

ITEM 10. REQUEST AROUND LACK OF PEDESTRIAN FACILITIES AT THE INTERSECTION OF NEWELL HIGHWAY AND RIVERINA HIGHWAY, FINLEY

BACKGROUND

Transport for NSW are in receipt of a customer complaint about the lack of pedestrian facilities at the intersection of the Riverina Highway and Newell Highway in Finley. "The footpath north along Newell Highway takes pedestrian's onto the intersection where there is an island in the middle of the road (Riverina Hwy) that cannot be crossed. Some people are on elderly scooters, they too cannot cross road there". The Network and Safety point recommend that there should be a pedestrian refuge provided across the Riverina Highway at a safer location and a design for it.

RECOMMENDATION

Berrigan Shire Council staff undertake a pedestrian movement study around the area of the Riverina Highway and Newell Highway intersections. The study results and data are to be produced at the next Local Traffic Committee Meeting for consideration.

GENERAL BUSINESS:

Mr Peter Braybon - Local Member of Parliament Representative

Mr Braybon would like the intersection of Racecourse Road and Murray Street, Tocumwal to be reviewed with a focus on traffic and the 'Give Way' approaches. There is concern that the current 'Give Way' prioritisation is incorrect, traffic should be made to 'Give Way' on Murray Street on both approaches and Racecourse Road to continue through.

With no more business the meeting closed at 12:05 pm.