

CENTRAL TABLELANDS *Water*



Business Paper

Ordinary Meeting of Central Tablelands Water

18th February 2016

Grenfell



10 February 2016

Notice to Members

Your attendance is requested at an Ordinary Meeting of Council to be held at the Weddin Shire Council on Thursday, 18 February 2016 at 10.30am. Morning tea will be served at 10.00am.

Agenda

1. Public Forum
2. Apologies for non-attendance
3. Leaves of absence granted
4. Confirmation of Minutes - Ordinary Meeting held on 09.12.15
5. Chairman's Minute
6. Councillor Representation
7. Notices of Motion
8. Reports of Staff
9. Adjourn Meeting and proceed into Committee of the Whole
10. Resume Ordinary Meeting & Report of Committee of the Whole
11. Next Meeting – Blayney 13 April 2016

Yours faithfully

G. Rhodes
General Manager

INDEX OF REPORTS
OF THE ORDINARY MEETING OF CENTRAL TABLELANDS WATER
HELD ON WEDNESDAY 18 FEBRUARY 2016

CORPORATE & FINANCIAL SERVICES REPORTS	3
01 Financial Matters (FM.BA.1).....	3
02 Budget Review Statement - 31 December 2015 (FM.FR.1)	5
03 Councillor Expenses and Facilities Policy (CM.PO.1)	13
04 Model Code of Conduct Update (GO.PR.1).....	14
05 Summary Outline Submission for the Merger Proposal of Blayney, Orange City and Cabonne Councils Public Inquiry (GO.AM.1)	44
06 Belubula Dam Investigation Update (GR.SL.2)	47
07 WBC Alliance - Executive Manager's Report (CM.AG.6)	51
ENGINEERING & OPERATIONS SERVICES REPORTS	53
08 Asbestos Management Plan (RM.PC.1)	53
09 Maintenance of Council's Systems (WS.MO.4)	54
10 Performance of Council's Systems (WS.MO.4).....	56
COMMITTEE REPORTS	59
11 Questions on Notice.....	59
12 IT Managed Services Proposal (IT.AQ.1)	60
13 Proceed to Committee of the Whole	61
14 Report of the Committee of the Whole	62

01) Financial Matters (FM.BA.1)

(Raelene Mulligan)

RECOMMENDATION:

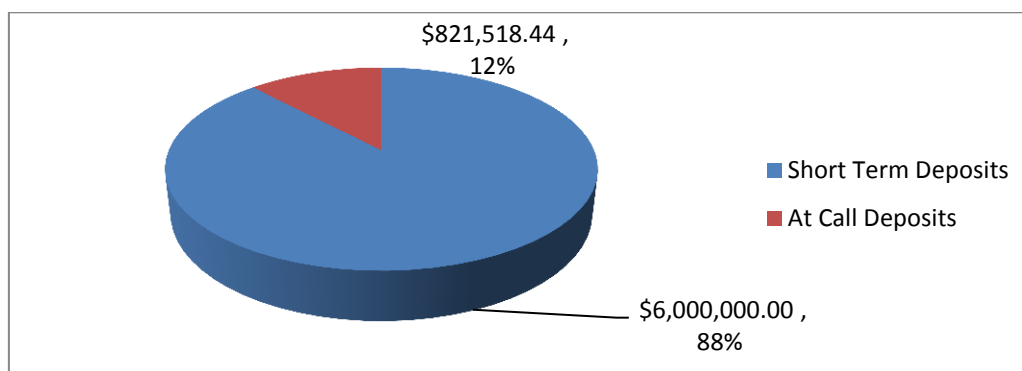
1. That the information be noted.

REPORT**Cash and Investments**

The below investment summary represents Council's total investments as at 31st January 2016 in accordance with clause 212 of the Local Government (General) Regulation 2005.

		Term (Days)	Rate	Maturity Date	% of Portfolio
Short Term Deposits	\$ 6,000,000.00				87.96%
Reliance Credit Union	\$ 500,000.00	180	2.85%	2/02/16	7.33%
Reliance Credit Union	\$ 500,000.00	180	2.85%	26/02/16	7.33%
Bank of Queensland	\$ 500,000.00	154	2.80%	9/02/16	7.33%
Reliance Credit Union	\$ 500,000.00	180	2.80%	12/03/16	7.33%
National Australia Bank	\$ 500,000.00	181	2.85%	15/03/16	7.33%
Reliance Credit Union	\$ 500,000.00	184	2.80%	21/03/16	7.33%
National Australia Bank	\$ 500,000.00	152	2.84%	23/03/16	7.33%
National Australia Bank	\$ 500,000.00	182	2.80%	26/04/16	7.33%
BOQ - Curve Securities	\$ 500,000.00	182	2.95%	24/05/16	7.33%
IMB Treasury	\$ 500,000.00	183	2.80%	7/06/16	7.33%
National Australia Bank	\$ 500,000.00	153	2.95%	27/06/16	7.33%
Bank of Queensland	\$ 500,000.00	180	3.05%	25/07/16	7.33%

Cash and Investments By Type



Bank Reconciliation as at 31st January 2016

BANK RECONCILIATION

Balance as per Bank Statement	\$821,518.44
Less: Outstanding Cheques	
Less: Outstanding Deposits	-\$330.00
Add: Visa Payment not processed	
	\$821,848.44
Balance as per Cash Book	\$821,848.44

GENERAL FUND

(a) Cash Book Balance	\$821,848.44
(b) Bank Balance	\$821,518.44

The above investments have been secured in accordance with the Act, regulations and Council’s Investment Policy.

Raelene Mulligan

Raelene Mulligan
 Director Finance & Corporate Services

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil.

02) Budget Review Statement - 31 December 2015 (FM.FR.1)

(Raelene Mulligan)

RECOMMENDATION:

1. That the Quarterly Budget Review for the quarter ended 31 December 2015 be accepted and the variations therein be adopted.

REPORT

The Quarterly Budget Review (QBR) for the period ended 31 December 2015 is submitted for examination by Council.

It is estimated that the original budget surplus of \$145,128 will decrease to a surplus result of \$50,129.

There are five variations recommended to the operational budget, with the variations listed on page four of the December 2015 quarterly budget review with variation comments provided on page five.

The major components of the reviewed operating surplus are listed below:

- Overall water sales have increased by \$120,000 following a review of the actual water sales for the October 2015 – January 2016 period. Residential, Rural and Commercial Water Sales have increased by \$190,000 overall, while industrial water sales have increased by \$20,000. A significant decrease in water sales to Cowra Shire Council has contributed to a \$90,000 reduction in bulk water sales.
- A \$15,000 increase in private works income is expected due to an increase in works.
- \$45,000 increase in employee costs due to the appointment of the new Director of Operations and Technical Services, who will commence work for CTW at the beginning of March 2016.
- Materials and contracts will increase due to the proposed changes to IT Services \$30,000, and increase costs associated with private works \$10,000.
- Other expenditure is projected to increase by \$24,000 overall.

There are no proposed changes to the capital budget at this stage. The Trunk Main 'K' replacement project preliminary inspections and Blayney Filtration Plant remediation works are progressing as scheduled.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

- 1 Quarterly Budget Review - December 2015 7 Pages

Central Tablelands Water

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Table of Contents

	page
1. Responsible Accounting Officer's Statement	2
2. Budget Review Statement Summary	3
3. Income & Expenses Budget Review Statement's	4
- Income Statement variations	5
4. Capital Budget Review Statement	6
- Capital Budget Review variations	7


Central Tablelands Water

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Central Tablelands Water for the quarter ended 31/12/15 indicates that Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: 

Date: 8th February 2016

Raelene Mulligan
Responsible Accounting Officer

Budget Review Statement as at 31st December 2015

Council's Revised Income and Expenditure for the year 2015/2016

Original Budget	<u>Operating Revenue</u>	
1,209,344	Availability Charges	1,209,344
3,739,657	Water Charges	3,874,657
176,000	Interest	176,000
333,850	Other Revenues	349,050
55,296	Grants & Subsidies	55,296
145,120	Developer and Capital Contributions	145,120
43,000	Gains on Disposal of Assets	43,000
<u>5,702,267</u>		<u>5,852,467</u>
	<u>Operating Expenses</u>	
1,363,221	Employee Costs	1,490,921
197,948	Borrowing Costs	197,948
1,130,713	Materials & Contracts	1,211,713
8,000	Legal Costs	8,000
74,000	Consultants	74,000
900,010	Other Expenses	936,510
0	Profit/Loss on Sale of Assets	0
1,883,246	Depreciation - System Assets	1,883,246
<u>5,557,138</u>		<u>5,802,338</u>
145,129	<u>Operating Result for Period</u>	Surplus/(Deficit) <u>50,129</u>
	<u>Less Non-Operating Expenditure</u>	
1,452,230	Aquisitions of Assets	1,386,230
382,708	Repayment of Loans	382,708
145,120	Transfer to Reserves - S64 Developer Charges	145,120
584,754	Transfer to Reserves - Renewal Reserves	584,754
58,451	Water Pricing Increase @ 5%	58,451
660,770	Estimated Budget Surplus/(Deficit)	<u>565,770</u>
96,801	Transfer to Reserves - Plant	96,801
56,771	Transfer to Reserves - DA	56,771
<u>3,437,605</u>		<u>1,507,667</u>
(3,292,476)		<u>3,276,605</u>
	<u>Add Non-Operating Revenue</u>	
288,000	Book Value of Assets Sold	288,000
-	Loan Funds	-
39,000	Transfer from Reserves - Plant	39,000
-	Transfer from Reserves - ELE	-
1,082,230	Transfer from Reserves - Renewals	1,016,230
<u>1,409,230</u>		<u>1,343,230</u>
(1,883,246)		<u>(1,883,246)</u>
	<u>Add Expenses not Involving Flow of Funds</u>	
1,883,246	Depreciation	1,883,246
<u>\$ 0</u>	Budget Result Surplus/(Deficit)	\$ -

Central Tablelands Water

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2015
Income & Expenses - Water Fund

Quarterly Budget Review Statement
 for the period 01/10/15 to 31/12/15

	Original Budget 2015/16	Approved Changes		Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Other than QBRs	Sep QBRs					
Income								
Rates and Annual Charges	1,209,344			1,209,344			1,209,344	602,931
User Charges and Fees	3,739,657			3,739,657	135,000	1a	3,874,657	1,450,349
Interest and Investment Revenues	176,000			176,000			176,000	43,846
Other Revenues	333,850		13,000	346,850	2,200	1b	349,050	187,995
Grants & Contributions - Operating	55,296			55,296			55,296	28,630
Grants & Contributions - Capital	145,120			145,120			145,120	54,735
Net gain from disposal of assets	43,000			43,000			43,000	37,033
Share of Interests in Joint Ventures								
Total Income from Continuing Operations	5,702,267	-	13,000	5,715,267	137,200		5,852,467	2,405,519
Expenses								
Employee Costs	1,363,221			1,443,721	47,200	2c	1,490,921	837,344
Borrowing Costs	197,948		80,500	197,948			197,948	102,645
Materials & Contracts	1,130,713		41,000	1,171,713	40,000	2d	1,211,713	377,411
Depreciation	1,883,246			1,883,246			1,883,246	950,506
Legal Costs	8,000			8,000			8,000	-
Consultants	74,000			74,000			74,000	3,876
Other Expenses	900,010		12,500	912,510	24,000	2e	936,510	369,369
Interest & Investment Losses								
Net Loss from disposal of assets	0							
Total Expenses from Continuing Operations	5,557,138	-	134,000	5,691,138	111,200		5,802,338	2,641,152
Net Operating Result from Continuing Operations	145,129	-	(121,000)	24,129	26,000		50,129	(235,633)
Discontinued Operations								
Net Operating Result from All Operations	145,129	-	(121,000)	24,129	26,000		50,129	(235,633)
Net Operating Result before Capital Items	9	-	(121,000)	(120,991)	26,000		(94,991)	(290,367)

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2015 and should be read in conjunction with the total QBRs report

Central Tablelands Water

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details
1 (a)	The \$135,000 (net) increase in user fees and charges relates to: \$190,000 increase in Residential and Rural water sales due increased consumption experienced over the October 2015 - January 2016 billing period, \$20,000 increase in water sales to Friskies Pet Care, \$15,000 increase in Private Works income due to increased work, and \$90,000 reduction in water sales to Cowra Shire Council.
1 (b)	An increase of \$2,200 in other income is expected due to increase employee contributions to motor vehicles.
2 (c)	A further \$47,200 in Employee Costs relates to \$45,000 for the new Director of Operations and Technical Services, joining CTW in March 2016, and an increase in FBT (\$2,200)
2 (d)	A further \$10,000 is estimated for Materials & Contracts for additional Private Works, and \$30,000 for costs associated with the proposed IT Services Contract.
2 (e)	Other Expenditure is expected to increase by \$24,000, with the increase attributed to: WBC Alliance expenses will increase by \$10,000 due to the withdrawal of Wellington from the Alliance, \$2,000 in Corporate Support - Other Expenses, \$4,000 increase in postage costs due to the increase in priority mail pricing for the remaining two billing runs for the year, and \$8,000 in advertising for the DOTS position.

Central Tablelands Water

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2015

Capital Budget - Water Fund

	Original Budget 2015/16	Approved Changes		Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Other than by a QBR	Sep QBR					
Capital Expenditure								
New Assets								
- Plant & Equipment	370,000		40,000	410,000			410,000	147,751
- Land & Buildings								
- Office Equipment								
Renewal Assets (Replacement)								
- Plant & Equipment	35,000			35,000			35,000	-
- Land & Buildings	1,047,230	(106,000)		941,230			941,230	40,405
- Water Supply Network								
- Land & Buildings								
Loan Repayments (Principal)	382,708			382,708			382,708	93,069
Total Capital Expenditure	1,834,938	-	(66,000)	1,768,938	-		1,768,938	281,225
Capital Funding								
User Fees & Charges Funding	382,708			382,708			382,708	93,069
Capital Grants & Contributions								
Reserves:								
- External Restrictions/Reserves								
- Internal Restrictions/Reserves	1,121,230		(66,000)	1,055,230			1,055,230	40,405
New Loans								
Receipts from Sale of Assets								
- Plant & Equipment	331,000			331,000			331,000	37,033
- Land & Buildings								
Total Capital Funding	1,834,938	-	(66,000)	1,768,938	-		1,768,938	170,507
Net Capital Funding	-	-	-	-	-		-	(110,718)

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 31/12/2015 and should be read in conjunction with the total QBR report

Central Tablelands Water

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

03) Councillor Expenses and Facilities Policy (CM.PO.1)

(Gavin Rhodes)

RECOMMENDATION:

1. That, following the statutory period of public display, Council adopt the draft Councillor Expenses and Facilities Policies as endorsed at the December 2015 Council meeting.

REPORT

Following a report from the General Manager to the December 2015 meeting of Council and in accordance with Sec. 252 of the LG Act 1993, Council resolved to:

“Endorse the draft Councillor Expenses and Facilities Policies as presented in the General Manager’s Report and place them on public display for a period of 28 days with a view to adoption at the February 2016 meeting of Council.”

In accordance with the above resolution, the draft Councillor Expenses and Facilities Policies was placed on public exhibition for the statutory period of 28 days and Council can now proceed to adopt the draft Councillor Expenses and Facilities Policies.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

04) Model Code of Conduct Update (GO.PR.1)

(Gavin Rhodes)

RECOMMENDATION:

1. That Council adopt the updated Model Code of Conduct as issued by the Office of Local Government, and incorporate the updated Model Code of Conduct into Council's policy register.

REPORT

The Office of Local Government (Circular No 15-41/17 December 2015) has advised Councils that a new Model Code of Conduct has been developed and is required to be adopted and implemented as soon as possible.

The Office of Local Government announced in late December that amendments to the Local Government Act 1993 had been made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015.

The main changes as outlined in the circular from the Office of Local Government were as follows:

- As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office of Local Government has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.
- The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:
 - the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; and
 - they have made a special disclosure of the affected interests.
- This amendment is complemented by an amendment to clause 4.29 of the Model Code of Conduct for Local Councils in NSW which also commenced on 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or

repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in the consideration of those matters unless:

- the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and
- the Councillor has disclosed the affected interests.

As advised in the circular a revised Model Code of Conduct has been issued by the Office of Local Government and replaces the existing Model Code of Conduct currently in place.

Copies of the new Model Code and Model Procedures have been included with this business paper for review by Council. Circular 15/41 is also attached for Councillors information.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

- 1 OLG Circular 15/41 December 2015 4 Pages
- 2 Model Code of Conduct - November 2015 24 Pages

Circular Details	15-41 / 17 December 2015 / A446439
Previous Circular	
Who should read this	Councillors / General Managers / Complaints Coordinators
Contact	Council Governance Team / 4428 4100
Action required	Information

Commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance Act) 2015

What's new or changing

- Amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* commenced on **13 November 2015**.

What this will mean for your Council

Councillors and General Managers must note the following:

- As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.
- The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.
- Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:
 - the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; **and**
 - they have made a special disclosure of the affected interests.
- This amendment is complemented by an amendment to clause 4.29 of the *Model Code of Conduct for Local Councils in NSW* which also commenced on 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in consideration of those matters unless:

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

2

- the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and
- the Councillor has disclosed the affected interests.

Complaints coordinators must note the following:

- Councils must amend their adopted codes of conduct as soon as possible to reflect the amendment to clause 4.29 referred to above. The amended Model Code of Conduct is available on the Office of Local Government's website at www.olg.nsw.gov.au.
- Notice is no longer required of a motion to censure a Councillor for misconduct under section 440G. Under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, Councils can only formally censure a Councillor for misconduct where this is recommended in a report by an independent investigator. This will be reported to the Council under cover of a staff report by a Council's complaints coordinator.

Other key changes

- The amendments are also designed to:
 - ensure a faster but fair investigation process for Councillor misconduct;
 - remove impediments to effective action in response to serious corrupt conduct;
 - maximise the effectiveness of Performance Improvement Orders issued by the Minister for Local Government to a Council; and
 - more effectively address Council maladministration.

Where to go for further information

- For more information on the amendments to the Act, see the attachment to this Circular.
- An updated version of the *Model Code of Conduct for Local Councils in NSW* has been published on the Office of Local Government's website at www.olg.nsw.gov.au.
- Contact the Office's Council Governance Team on 4428 4100.

Tim Hurst
Acting Chief Executive
Office of Local Government

ATTACHMENT

The amendments to the *Local Government Act 1993* referred to in this Circular are designed to:

More effectively deter and address Councillor misconduct by:

- providing for the automatic disqualification of a Councillor from holding civic office for a period of 5 years where they have been suspended for misconduct on a third occasion;
- expanding the definition of “misconduct” in the Act to include conduct that is intended to prevent the proper or effective functioning of a Council (i.e. through the disruption of Council and Committee meetings).

Streamline the process for dealing with Councillor misconduct to ensure faster but fair outcomes by:

- removing the requirement for notice to be given of a motion at a Council meeting to formally censure a Councillor in recognition that Councils may now only do so on the recommendation of an independent investigator following a formal investigation process;
- removing the mandatory requirement for the Chief Executive of the Office of Local Government to undertake an investigation as a prerequisite to taking disciplinary action for misconduct where the conduct has previously been investigated under a Council's code of conduct and for minor misconduct that requires only a reprimand or counselling, and removing rights of appeal in relation to reprimand and counselling;
- providing that prior to taking disciplinary action against a Councillor, the Chief Executive is to give the Councillor at least 14 days' notice of his or her intention to take disciplinary action, including the disciplinary action that is proposed to be taken and the grounds upon which the proposed disciplinary action is to be taken and to consider any submissions made by the Councillor in relation to the notice;
- expanding the class of persons the Chief Executive may direct to provide written information or a document for the purposes of investigating Councillor misconduct to “any person” but excluding privileged information or documents without the person's consent.

Promote community confidence in Council planning decisions by:

- amending the provision in the Act that allows Councillors to participate in the consideration of changes to a planning instrument applying to the whole or a significant part of a Council's area they have pecuniary interests in by limiting its application to the interests Councillors have in their and related persons' principal places of residence, thereby preventing participation in consideration of such matters by Councillors with other property interests.

Remove impediments to effective action in response to serious corrupt conduct by:

- providing that a former Councillor may be disqualified from holding civic office for serious corrupt conduct;
- providing that where the Minister, on a recommendation by the ICAC, suspends a Councillor from civic office for serious corrupt conduct and the Councillor brings legal proceedings to challenge the ICAC's recommendation, the suspension will continue until the proceedings are concluded and for six months

afterwards to allow time to arrange for their dismissal and disqualification should this be warranted;

Maximise the effectiveness of Performance Improvement Orders issued by the Minister to a Council by:

- reducing the minimum consultation period for a notice of intention to issue a Performance Improvement Order from 21 to 7 days;
- providing that a Council may be required to provide more than one compliance report on its compliance with a Performance Improvement Order, allowing the Minister to vary the terms of an Order on giving 7 days' notice, and allowing other intervention action while the Order is in force;
- deterring non-compliance by individual Councillors with a requirement under a Performance Improvement Order by:
 - empowering the Minister, where he or she is satisfied that a Councillor has failed to comply with such a requirement, to effectively suspend the Councillor until they have complied with the requirement or for a period of up to 3 months (with a possible extension of a further 3 months) (whichever is the lesser); and
 - allow the Minister to request the Chief Executive to refer non-compliance to the NSW Civil and Administrative Tribunal for disciplinary action.

More effectively address Council maladministration by:

- reducing the time in which a Council is required to respond to recommendations made by the Chief Executive arising from the investigation of a council from 40 to 28 days.



Office of
Local Government

Office of Local Government

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

November 2015

ACCESS TO SERVICES

The Office of Local Government is located at:

Levels 1 & 2

5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

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

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

PO Box R1772
ROYAL EXCHANGE NSW 1225

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

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Local Government

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CONTENTS

Part 1	Introduction	2
Part 2	Purpose of the code of conduct	3
Part 3	General conduct obligations	4
Part 4	Conflict of interests	6
Part 5	Personal benefit	11
Part 6	Relationship between council officials	13
Part 7	Access to information and council resources	15
Part 8	Maintaining the integrity of this code	19
Part 9	Definitions	21

PART 1 INTRODUCTION

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

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

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

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

PART 2 PURPOSE OF THE CODE OF CONDUCT

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

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

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

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Development decisions

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

Binding caucus votes

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

PART 4 CONFLICT OF INTERESTS

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

What is a pecuniary interest?

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

What are non-pecuniary interests?

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

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

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

Reportable political donations

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

4.22 For the purposes of this Part:

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

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

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

Loss of quorum as a result of compliance with this Part

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

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

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

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

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

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

Other business or employment

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

Personal dealings with council

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

PART 5 PERSONAL BENEFIT

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

Gifts and benefits

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

Token gifts and benefits

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

Gifts and benefits of value

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

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

5.5 You must not:

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

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

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

Improper and undue influence

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

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

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Obligations of staff

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

Obligations during meetings

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

Inappropriate interactions

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

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

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

Use of certain council information

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

Use and security of confidential information

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

Personal information

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

Use of council resources

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

Councillor access to council buildings

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

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

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

Complaints made for an improper purpose

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

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

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

Detrimental action

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

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

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

Compliance with requirements under this code

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

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

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

Complaints alleging a breach of this part

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

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

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

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

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

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

www.olg.nsw.gov.au



Office of
Local Government

05) Summary Outline Submission for the Merger Proposal of Blayney, Orange City and Cabonne Councils Public Inquiry (GO.AM.1)

(Gavin Rhodes)

RECOMMENDATION:

1. That Council endorse the attached summarised submission which outlines the implications for Central Tablelands Water if the merger proposal between Blayney, Orange City and Cabonne Councils proceeds.

REPORT

As Councillors are aware, the Minister for Local Government under section 218E(1) of the *Local Government Act 1993* submitted a proposal in January 2016 to the Chief Executive of the Office of Local Government for the merger of Blayney Shire, Cabonne and Orange City councils local government areas.

Mr Richard Pearson has been appointed as the Delegate of the Chief Executive of the Office of Local Government to consider this proposal against criteria set out in the *Local Government Act 1993*, and undertake public consultation to seek community views. The public consultation process consists of public inquiry meetings which were held during 4-5 February 2016, in Blayney, Orange and Molong respectively. The Chairman addressed the Delegate and attendees on behalf of CTW at the Blayney public inquiry meeting. Public submissions have also been requested with regards to this merger proposal and close on 28 February 2016.

Although CTW as a county council is not involved in this merger proposal, which was reaffirmed by the Minister for Local Government, Mr Paul Toole MP at a meeting on 1 February 2016, CTW's governance board structure will be indirectly affected if 2 of its constituent councils are forced to merge.

As CTW's Board is currently structured, there is equal representation from its existing constituent councils being Blayney (x2), Cabonne (x2) and Weddin (x2). This structure operates extremely well and together with a skilled management team and workforce, CTW continues to deliver a high quality and reliable water supply to its consumers. If the merger proposal proceeds, subject to Councillor endorsement, CTW will be strongly advocating for the continuance of equal constituent council representation for its board structure, as it has proven to be a very successful structure over a long period of time.

Subsequently a summarised submission outlining the implications for CTW if the merger proposal between Blayney, Orange City and Cabonne Councils proceeds has been developed for Council's endorsement. The summarised submission has been provided to all Councillors as an attachment to this report.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

1 Merger Proposal Inquiry Summary Submission 1 Page



**BLAYNEY, CABONNE & ORANGE MERGER PROPOSAL
SUMMARY OUTLINE SUBMISSION BY CENTRAL TABLELANDS COUNTY COUNCIL (CTW)**

1. CTW itself, as a water county council, has not been subject to the Fit for the Future reform process.
2. It is however indirectly impacted because 2 of its 3 constituent councils are the subject of this merger proposal.
3. CTW currently supplies water to around 12,000 customers in 14 towns and villages in the shires of Blayney, Cabonne, Weddin and Cowra, and to individual customers also in the Shires of Forbes and Bland.
4. Because of its central position in the water supply network for the central west, with a major water source high in the Lachlan catchment, and water security for the central west being assessed on a regional basis, it is important that CTW remains as an independent water supply authority.
5. CTW currently has 3 constituent councils (Blayney, Cabonne and Weddin) and 6 councillors (2 appointed by each constituent council).
6. If the proposal is approved:
 - CTW will have its constituent councils reduced from 3 to 2;
 - 4 of its 6 existing councillors will cease to hold office, because they will cease to be councillors of their nominating councils [s.392(1) LG Act];
 - CTW will strongly advocate for the continuance of equal constituent council representation (i.e. Weddin 3 members, New Council 3 members); and
 - new councillors will need to be appointed by the new council.
7. Point 6 above will enable the proclamation for the new council, if the merger proposal is to proceed, to deal with the necessary consequential changes to the constitution of CTW.

06) Belubula Dam Investigation Update (GR.SL.2)

(Gavin Rhodes)

RECOMMENDATION:

1. That Council note the report.

REPORT

Council received the following Belubula River Dam update from WaterNSW on 9 February 2016 regarding commencement of the next phase (Phase 2):

“Phase 2 – Belubula and Lachlan River Dam

This next phase will include feasibility studies as well as a cost-benefit analysis to more precisely calculate the water security needs of the region and identify how a new dam could best be used with other complementary options to meet the water security needs.

The feasibility work will explore the potential social, economic, and environmental impacts of a new dam at this area, as well as analysis of factors such as technical feasibility, optimum storage size and designs.

Other complementary options which will be explored through the investigations could involve using new or existing infrastructure or changes to water delivery in conjunction with a dam to establish the most effective solution to the water security problem.

In order to proceed in a timely and cost-effective manner, our approach will be to prioritise those activities which could quickly determine whether or not the project should proceed.

As such, the cost-benefit analysis and feasibility studies are scheduled to commence first, to understand if constructing a dam in the Cranky Rock vicinity would be feasible and provide a net economic benefit, before deciding whether to proceed with further investigations into the detailed sizing, alignment and hydrological analysis, as well as detailed landholder consultation.

WaterNSW will engage a strategic partner with specialist relevant experience to assist with carrying out the feasibility investigations and cost-benefit analysis.

As detailed in the Phase 1 report, we understand stakeholders have requested ongoing consultation and involvement. We will provide an update to stakeholders in the near future to indicate the likely timeframes and potential opportunities for involvement in this next phase.”

The WaterNSW media release regarding the second stage of investigations into the potential new dam on the Belubula River is attached for Councillors information.

BUDGET IMPLICATIONS

NIL

POLICY IMPLICATIONS

NIL

Attachments

- 1 Water NSW Belubula Dam Investigation 2 Pages

EOI's welcomed for second stage of investigations into potential new dam - WaterNSW Page 1 of 2



[Home](#) [About us](#) [Newsroom](#) [2016](#) [EOI's welcomed for second stage of investigations into potential new dam](#)

EOI's welcomed for second stage of investigations into potential new dam



9 February 2016

Parliamentary Secretary for Southern NSW, Katrina Hodgkinson and Parliamentary Secretary for the Deputy Premier, Andrew Gee have called for Expressions of Interest (EOI) for the second stage of investigations into a potential new dam at Cranky Rock.

The investigations will involve feasibility studies as well as a cost-benefit analysis to more precisely calculate the water needs of the Lachlan region and identify how a new dam could be best used with other options to meet the water security needs of the region.

Ms Hodgkinson said the first phase of the study, completed in 2014, recommended to progress with further studies into a dam at Cranky Rock.

"The report identified that the lack of water security in the Lachlan Valley was limiting economic growth and there was a potential for storage to improve water security in the region," Ms Hodgkinson said.

"The next stage will involve more detailed studies to explore the potential social, economic and environmental impacts of storage and other complementary options.

"Options to be explored involve using new or existing infrastructure or changes to water delivery in conjunction with a dam to establish the most effective solution for water security."

Mr Gee said that now was the best time to consider the combination of measures to address water security in the area.

"The EOI process will allow the NSW Government to work with potential tenderers to allow them to fully grasp what needs to be achieved and then recommend their methodology through the tender process," Mr Gee said.

"Ongoing stakeholder consultation will also form part of the investigations, and any company that comes on board will continue to work with key stakeholder groups throughout the process.

<http://www.waternsw.com.au/about/newsroom/2016/expressions-of-interest-welcomed...> 9/02/2016

EOI's welcomed for second stage of investigations into potential new dam - WaterNSW Page 2 of 2

"It's very important that we keep this feasibility process progressing as local landholders, surrounding communities, downstream water users and other stakeholders are seeking some direction as to the likelihood of this project proceeding."

Expressions of interest close early March 2016.

Visit the [project page here](#).

Contact: Tony Webber

Phone: (02) 6841 2006

<http://www.waternsw.com.au/about/newsroom/2016/expressions-of-interest-welcomed...> 9/02/2016

07) WBC Alliance - Executive Manager's Report (CM.AG.6)

(Donna Galvin)

RECOMMENDATION:

1. That the information be noted.

REPORT***WBC EXECUTIVE MANAGER'S REPORT –February 2016 Council meeting***

As this is my first report for 2016 I would like to wish Councillors all the best for the New Year, one which will no doubt be full of challenges and potential change. I will continue to support the General Managers and Staff of the councils in any way that I can.

Risk Management

Towards the end of December I facilitated a half day workshop for Blayney Council Administrative staff introducing them to the risk management module within Synergysoft. This was part of the overall implementation of Risk management for Blayney Council. I will continue working with the Risk Officer over the coming months to finalise this and to also develop and implement a Business Continuity Plan.

Asset Management:

I am working with Blayney and Cabonne assisting in the implementation and roll out of new Asset Management software. We have arranged training for staff in the week commencing 8th February and both councils have made significant progress since my last report in uploading asset data to the new Assetfinda system. This should enable better projection of assets backlog and better inform the 16/17 budget process.

Alliance Priorities – Feb-June 2016:

The General Managers and I are meeting on 10th February to discuss my work priorities to ensure that I continue to add value to the member Councils.

Reform Process:

I have attended two recent workshops held by LG NSW regarding the potential merger process, and how to manage staff through this transformational change should the amalgamations process.

I am also participating in a two day workshop in mid-February being presented in Orange by LG Professionals on Managing and Leading Change. I have had quite a lot of experience in this area as well as holding qualifications in Change Management. If the change does proceed I hope that I am able to support councils in managing through what will be significant change.

WBC Board meeting:

The next Board meeting is scheduled for **Wednesday 2nd March in Cabonne Council** commencing at 10am. All councillors are welcome to attend.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil.

08) Asbestos Management Plan (RM.PC.1)

(Darrell Sligar)

RECOMMENDATION:

1. That Council note the report and information.

REPORT

In September 2015, CTW along with Blayney, Cabonne, Weddin and Oberon Shire Councils called for tenders for the production of an Asbestos Management Plan and Register.

11 of CTW's buildings were inspected in December 2015. Samples were taken in an effort to detect and identify asbestos to comply with Australian Commonwealth and State Workplace Health and Safety legislation.

A comprehensive Asbestos Management Plan and Register have been produced, and has been tabled for Councillors information.

BUDGET IMPLICATIONS

Nil – allowed for in 2015/2016 budget

POLICY IMPLICATIONS

Nil

Attachments

Nil

09) Maintenance of Council's Systems (WS.MO.4)

(Darrell Sligar)

RECOMMENDATION:

1. That the information be noted.

REPORT**a) *Meter Reading***

The third meter read for the 2015/16 financial year commenced in Blayney on 11 January, finalised with TM'C' rurals on 31 January.

b) *Meter Change Program*

The meter change program continued throughout the county area with eighteen meters being replaced due to Councils consumption limit.

c) *Service Replacement Program*

Council staff completed six full and eight partial replacements during the past two months.

d) *Hydrant Maintenance*

Hydrant maintenance was carried out in the following areas: Cargo, Cudal, Eugowra, Blayney and Moorbel.

Two hydrants were refurbished in Blayney.

One new hydrant was installed in Radnor Street South Canowindra.

e) *Filtration Plant Maintenance*

Four sludge lagoons have been cleaned at Carcoar and placed back into operation.

Council's tree planting program continued for this financial year with 500 natives planted on Wallaby during December.

f) *Reticulation Extension*

An 80m main extension was installed in Lynn St South Canowindra to service a new residential subdivision, all associated costs were borne by the developer.

g) *WH&S Audit*

Council's safety representative completed a full safety audit of all worksites along with all deposits in the County area during September.

h) *Staff Training*

Two staff members completed first aid training during December.

Two staff members completed Confined Spaces Training during December.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

10) Performance of Council's Systems (WS.MO.4)

(Darrell Sligar)

RECOMMENDATION:

1. That the information be noted.

REPORT*i) Main Breaks*

The main failures recorded during the past two months are listed in the table below.

Location		Date	Size	Comment
Blayney	Queen St	23.12.15	100mm	S/L
Canowindra	Bluebell Street	01.12.15	100mm	Leaking Collar
Rural Systems	Trajere	17.12.15	63mm	Poly
	Trajere	23.12.15	63mm	Poly
	Nyrang Creek	13.01.16	80mm	S/L
	Nyrang Creek	18.01.16	80mm	S/L
Trunk Main 'C'	Greylands	09.12.15	225mm	S/L
	Rivers Road	21.01.16	200mm	Weld

j) Service Complaints and Requests

A summary of service complaints and requests received for the last two months are as follows:

Town/Village	Count
BLAYNEY	19
CUSTOMER DAMAGED METER	1
DIRTY WATER COMPLAINT	1
HYDRANT LEAKING	2
LEAKING METER	7
LEAKING SERVICE	3
MAINTENANCE - GENERAL	1
METER NOT SHUTTING OFF	4
CANOWINDRA	19
LEAKING METER	5
LEAKING SERVICE	7
MAIN BREAK	3
PATHCOCK FAILURE	1

TRUNK MAIN ADJUSTMENT	3
CARCOAR	1
MAIN BREAK	1
CUDAL	4
LEAKING METER	1
LEAKING SERVICE	2
MAIN BREAK	1
EUGOWRA	6
LEAKING SERVICE	1
MAIN BREAK	1
NO WATER COMPLAINT	3
TRUNK MAIN ADJUSTMENT	1
GRENFELL	15
LEAKING METER	4
LEAKING SERVICE	3
LOW PRESSURE COMPLAINT	1
MAIN BREAK	2
METER NEW/REPLACEMENT	1
NO WATER COMPLAINT	1
PATHCOCK FAILURE	2
TRUNK MAIN ADJUSTMENT	1
LYNDHURST	1
LEAKING METER	1
MANDURAMA	1
MAIN BREAK	1
MANILDRA	2
LEAKING SERVICE	2
MILLTHORPE	2
LEAKING METER	1
MAIN BREAK	1
QUANDIALLA	2
LEAKING SERVICE	1
NO WATER COMPLAINT	1
Grand Total	72

k) Lake Rowlands

The level of Lake Rowlands has decreased from 98.5% (1.12.2015) to its present level of 88%.

l) New Water Services

During the past two months there have been seven new domestic water services connected to Council's mains.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

Attachments

Nil

11) Questions on Notice

(Gavin Rhodes)

No questions on notice were received.

Attachments

Nil

12) IT Managed Services Proposal (IT.AQ.1)

(Gavin Rhodes)

RECOMMENDATION:

1. This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

Attachments

Nil

13) Proceed to Committee of the Whole

(Gavin Rhodes)

RECOMMENDATION:

1. That, as business for the Ordinary Meeting has now concluded, Council proceed into Committee of the Whole to discuss the items referred to in the report.

Council should exclude the press and public at this point, for confidential discussion on the items referred to Committee

Attachments

Nil

14) Report of the Committee of the Whole

(Gavin Rhodes)

RECOMMENDATION:

1. That the recommendations of the Committee of the Whole be adopted.

Attachments

Nil