



**Bland Shire Council**  
**Business Paper**  
**Ordinary Council Meeting**  
**20 October 2020**



# OUR VISION, MISSION AND VALUES



**ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**  
**A guiding checklist for Councillors, Officers and Advisory Committees**

**Ethical Decision Making**

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

**Conflict of Interest**

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

**The test for conflict of interest**

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

**Identifying Problems**

1<sup>st</sup> - Do I have private interest affected by a matter I am officially involved in?

2<sup>nd</sup> - Is my official role one of influence or perceived influence over the matter?

3<sup>rd</sup> - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

**Agency Advice**

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

<b>Contact</b>	<b>Phone</b>	<b>Email</b>	<b>Website</b>
Bland Shire Council	6972 2266	<a href="mailto:council@blandshire.nsw.gov.au">council@blandshire.nsw.gov.au</a>	<a href="http://www.blandshire.nsw.gov.au">www.blandshire.nsw.gov.au</a>
ICAC	8281 5999 Toll Free: 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

## Common Acronyms Used in Bland Shire Council Reports and Documents

ABS	Australian Bureau of Statistics
ACAT	Aged Care Assessment Team
AFZ	Alcohol Free Zone
AGM	Annual General Meeting
ALIA	Australian Library and Information Association
AMP	Asset Management Plan
AMRC	NSW Association of Mining Related Councils
BCA	Building Code of Australia
BDCP	Bland Development Control Plan
BEC	Business Enterprise Centre
BFMC	Bush Fire Management Committee
BFMP	Bush Fire Management Plan
BSC	Bland Shire Council
BWW	Business West Wyalong
CASA	Civil Aviation Safety Authority
CBD	Central Business District
CDAT	Community Drug Action Team
CDO	Community Development Officer
CENTROC	Central West Regional Group of Councils
CEO	Chief Executive Officer
CIV	Capital Improved Value
CLRS	Councillors
CPD	Continuing Professional Development
CPI	Consumer Price Index
CPP	Cowal Partnering Program
Cr	Councillor
CRO	Community Relations Officer
CSP	Community Strategic Plan
CSU	Childrens Services Unit
CT	Community Technology
CWA	Country Women's Association
DA	Development Application
DAES	Director Asset & Engineering Services
DCCDS	Director Corporate, Community & Development Services
DCCS	Director Corporate & Community Services
DCP	Development Control Plan
DTS	Director Technical Services
DEMO	District Emergency Management Officer
DEOCON	District Emergency Controller

DisPlan	Disaster Plan (Local DisPlan, District DisPlan, State DisPlan)
DP	Delivery Program
DPI	Department of Primary Industries
DWMC	Domestic Waste Management Charges
DWMS	Domestic Waste Management Services
EA	Executive Assistant
EAP	Employee Assistance Program
ED	Economic Development
EEO	Equal Employment Opportunity
EFO	Electoral Funding Authority
EOI	Expression of Interest
EPAA	Environmental Planning & Assessment Act
ERA	Eastern Riverina Arts
EWSA	Educator Workplace Safety Audit
EWV	Events West Wyalong
EYLF	Early Years Learning Framework
FAG	Financial Assistance Grant
FDC	Family Day Care
FFTF	Fit for the Future
FRRR	Foundation for Rural and Regional Renewal
FYI	For your information
GHMS	Grain Harvest Management Scheme
GIPA	Government Information (Public Access) Act
GM	General Manager
GTAN	Government Training & Assistance Network
GWCC	Goldenfields Water County Council
HACC	Home and Community Care
HR	Human Resources
ICAC	Independent Commission Against Corruption
IPART	Independent Pricing and Regulatory Tribunal
IPR or IP&R	Integrated Planning and Reporting
ITAV	It Takes A Village Program
JO	Joint Organisation
K&G	Kerb and gutter
KPI	Key Performance Indicator
LALC	Local Aboriginal Lands Council
LBDC	Little Bangs Discovery Club
LCGMCAC	Lake Cowal Gold Mine Closure Advisory Committee
LEMC	Local Emergency Management Committee

LEMO	Local Emergency Management Officer
LEOC	Local Emergency Operations Centre
LEOCON	Local Emergency Operations Controller
LEP	Local Environmental Plan
LG	Local Government
LGA	Local Government Act or Local Government Area
LGNSW	Local Government New South Wales
LIAC	Legal Information Access Centre
LTFP	Long Term Financial Plan
M	Million
Manex	Management Executive
MHDA	Mental Health Drug & Alcohol
MLC	Member of the Legislative Council
MML	Murrumbidgee Medicare Local
MOW	Meals on Wheels
MoU	Memorandum of Understanding
MP	Member of Parliament
MPHN	Murrumbidgee Primary Health Network
MPR	Multi Purpose Room
MR	Main Road
MRU	Mobile Resource Unit
NAIDOC	National Aboriginal & Islander Observance Committee
NFAR	No further action required
NGO	Non-Government Organisation
NQF	National Quality Framework
NSRF	National Stronger Regions Fund
NSWEC	New South Wales Electoral Commission
NSWPLA	New South Wales Public Libraries Association
NSWRFS	NSW Rural Fire Service
OGM	Office of the General Manager
OLG	Office of Local Government
OP	Operational Plan
P&G	Parks & Gardens
PA	Per Annum
PC	Personal Computer
PCBU	Person Conducting a Business or Undertaking
PHaMs	Personal Helpers and Mentors
PLA	Public Library Association
POEO	Protection of the Environment Operations Act & Regulations

PSITAB	NSW Public Sector Industry Advisory Board
PSSA	NSW Primary Schools Sports Association
QBRS	Quarterly Budget Review Statement
R2R	Roads to Recovery
Rd	Road
RDA	Regional Development Australia
RDO	Rostered Day Off
Rec	Recreation
REROC	Riverina Eastern Regional Organisation of Councils
RFBI	Royal Freemasons' Benevolent Institution
RFS	Rural Fire Service
RMAP	Risk Management Action Plan
RMS	Roads & Maritime Services
RRL	Riverina Regional Library

RTO	Registered Training Organisation
RV	Recreational Vehicle
SEDTA	Senior Economic Development & Tourism Advisor
SEPP	State Environmental Planning Policy
SES	State Emergency Service
SH	State Highway
SLA	Service-level agreement
SLNSW	State Library New South Wales
SRC	Summer Reading Club
SRV	Special Rate Variation
St	Street
STW	Sewerage Treatment Works
TASAC	Tourist Attraction Signposting Assessment Committee
TCORP	Treasury Corporation

TSR	Travelling stock route
TVET	TAFE Delivered Vocational Education & Training
USU	United Services Union
UV	Unimproved Value
VC	Victoria Cross
VIC	Visitor Information Centre
VPA	Voluntary Planning Agreement
WAPS	Workforce Assessment Plan & Strategy
WHS	Work Health & Safety
WWBC	West Wyalong Bowling Club
WWFHG	West Wyalong Family History Group
WWRL	West Wyalong Rugby League

20 October 2020

commencing at 6:30PM

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Council advises that an audio recording of the proceedings of this meeting will be taken and made publicly available on the website.

## 1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

*Let us acknowledge the Wiradjuri people, their elders past and present, traditional custodians of the land we now share.*

*Let us be inspired by the resilience, innovation and perseverance of past generations.*

*Let us honour those who protect this great land,*

*may you draw strength from your God or Faith*

*so that we may, here today, on behalf of our community, - build a vibrant future together.*

*("Pause for Reflection").*

## 2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

### 2.1 Attendance

#### Councillors

Cr Bruce Baker

Cr Rodney Crowe

Cr Penny English

Cr Kerry Keatley

Cr Tony Lord

Cr Liz McGlynn

Cr Brian Monaghan

Cr Murray Thomas

Cr Jan Wyse

#### Staff

General Manager – Ray Smith

Director Technical Services – Will Marsh

Director Corporate & Community Services – Alison Balind

Executive Assistant – Julie Sharpe

### 2.2 Apologies

### 2.3 Applications for a leave of absence by Councillors

## 3.0 CONFIRMATION OF MINUTES

### 3.1 Ordinary Meeting held on 15 September 2020

- Corrections
- Business Arising
- Confirmation

#### 4.0 DISCLOSURES OF INTERESTS

Councillor/ Officer	Item	Nature of Interest	How Managed
		<input type="radio"/> Non-Pecuniary <input type="radio"/> Pecuniary	<input type="radio"/> Verbal Disclosure <input type="radio"/> Written Disclosure <input type="radio"/> Left meeting

#### 5.0 PRESENTATION(S) AND PUBLIC FORUM

#### 6.0 MAYORAL MINUTE(S)

#### 7.0 REPORTS OF COMMITTEES

#### 8.0 REPORTS TO COUNCIL

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<b>9.0</b>	<b>NOTICES OF MOTIONS / QUESTIONS WITH NOTICE</b>	
<b>10.0</b>	<b>CONFIDENTIAL MATTERS</b>	
<b>11.0</b>	<b>CONCLUSION OF THE MEETING</b>	



## REPORTS OF COMMITTEES



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.6 Regular consultation with key industry, business and stakeholders*

<b>Committee</b>	<b>Date/s</b>	<b>Minutes attached</b>
<b>Australia Day Awards Committee of the Whole</b> <i>(Whole Council)</i>		
<b>Australian Rural Roads Group Inc</b> <i>(Mayor Monaghan, Cr McGlynn - alternate, Cr Thomas - alternate)</i>		
<b>Bland Rural Fire District Zone Liaison Committee</b> <i>(Cr Keatley)</i>	16 <sup>th</sup> September 2020 - cancelled	
<b>Bland – Temora RFS Zone Bushfire Management Committee</b> <i>(Cr Baker)</i>	23 <sup>rd</sup> September 2020	
<b>Community Reference Group</b> <i>(Whole Council)</i>		
<b>Country Mayors Association of NSW</b> <i>(Mayor Monaghan)</i>	6 <sup>th</sup> November 2020	
<b>Cowal Gold Project Community Environmental Monitoring &amp; Consultative Committee (CEMCC)</b> <i>(Mayor Monaghan, Cr Thomas - alternate)</i>	26 <sup>th</sup> August 2020 2 <sup>nd</sup> December 2020	✓
<b>Goldenfields Water County Council Board</b> <i>(Cr McGlynn)</i>	22 <sup>nd</sup> October 2020	
<b>Audit, Risk &amp; Improvement Committee</b>		
<b>Lachlan Valley Noxious Plants Advisory Committee</b> <i>(Cr Crowe)</i>		
<b>Local Traffic Advisory Committee</b>		
<b>Murrumbidgee Primary Health Network Board</b> <i>(Cr Monaghan)</i>		

<b>Newell Highway Taskforce</b> <i>(Cr Lord)</i>	Promotions Committee – 22 <sup>nd</sup> September 2020 10 <sup>th</sup> November 2020	✓
<b>NSW Association of Mining &amp; Energy Related Councils (MERC)</b> <i>(Cr McGlynn, Cr Thomas - alternate)</i>	27 <sup>th</sup> November 2020	
<b>NSW Public Libraries Association</b> <i>(Cr Wyse)</i>	10 <sup>th</sup> September 2020	✓
<b>Riverina Eastern Regional Organisation of Councils (REROC)</b> <i>(Mayor Monaghan)</i>	18 <sup>th</sup> September 2020 23 <sup>rd</sup> October 2020	
<b>Riverina Joint Organisation</b> <i>(Mayor Monaghan)</i>	23 <sup>rd</sup> October 2020	
<b>Riverina Regional Library Advisory Committee</b> <i>(Cr Wyse)</i>		

**Recommendation:**

**That the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.**

**MINUTES OF MEETING**  
**Cowal Gold Operations**  
**Community Environmental Monitoring**  
**and Consultative Committee (CEMCC)**

**Date:** Wednesday 26 August 2020  
**Time:** 9.06 am – 10.00 am, Bland Shire Council  
**Minutes taken by:** Renee Pettit

**Attendees:**

Independent Chairperson:	Lisa Andrews (LA)
Evolution:	Simon Coates (SC) Renee Pettit (RP) Steff Wills (SW) John Penhall (JP)*
Community Members:	Lucy Buttenshaw (LB), Angus Stitt (AS), Kate Dean (KD)*
Lake Cowal Landowners:	Bruce Dent (BD)
Bland Shire Council:	Cr Brian Monaghan (BM)
Forbes Shire Council:	Cr Phyllis Miller (PM) Cr Chris Roylance (CR)
Lachlan Shire:	Cr Dennis Brady (DB)
Wiradjuri Condobolin Corporation:	Ally Coe (AC), Vicki Swadling (VS), Laurie Hutchison (LH)

*\*Attended meeting remotely*

**Apologies:** Max Finlayson

ITEM	ACTION
<p><b>1. Welcome</b></p> <p>Independent Chair, LA, opened the meeting at 9.06 am, welcomed all in attendance both face to face and virtually.</p> <p>LA acknowledged that the new General Manager, John Penhall would join the meeting virtually at 10.00am.</p>	
<p><b>2. Apologies</b> – Max Finlayson.</p>	
<p><b>3. Declaration of Interest</b></p> <p>LA advised there were no changes to previous declarations by CEMCC members, nor to hers; Independent Chair of the CEMCC, appointed by the Secretary of the NSW Department of Planning and Environment, and she receives payment via a Trust established by the Bland Shire Council for her work as Chair of the CEMCC.</p> <p>Confirmed that Steff Wills (SW) has completed and submitted the necessary pecuniary/non-pecuniary declaration and code of conduct forms.</p>	
<p><b>4. Confirmation of Previous Minutes</b></p>	<p><b>Action 1:</b> RP to correct misspelling of Peter</p>



Moved by: PM.

Seconded by DB.

Gell error in action items list

### 5. Business Arising from Previous Minutes

ITEM	ISSUE	RESPONSIBILITY
1	Add acronyms to list as they arise	SC – ongoing.
2	RP to respond to concerns raised by near neighbor re blast, noise dust etc	SC and RP – neighbour informed within limits. Monitoring ongoing.
3	Report on water birds from Peter Gell	SC – report provided to meeting attendees via email on 20/6/20. Due to COVID, EVN Environmental department working with Peter Gell to be able to produce next report.
4	Notify CEMCC when community consultation of underground project is scheduled to commence.	SC & RP – completed Further correspondence sent out via email 1/9/2020

**Action 2:** SC to Add new acronyms as they arise

No other business arising.

### 6. Correspondence (as emailed with the meeting notice on 10/8/20 with 1 additional item)

- 10/6/20– Email to members with the draft minutes for review/comment.
- 20/6/20 – Email to members with the final draft of the minutes as well as the latest progress report of Peter Gell’s Waterbird Monitoring Survey.
- 23/6/20 – Email from BD with comments on the draft minutes.
- 10/8/20 – Email to members with the Meeting Notice, Agenda, and Correspondence Report for this meeting.
- 22/8/20 - Email to members with the login details for Microsoft Teams.
- 24/8/20 – Completed declaration & code of conducts form from Steff Wills (Evolution).

### 7. Reports

SC provided a detailed account of Cowal Gold Operations (CGO’s) Environment Department’s activities over the last quarter and current status of underground project, including time line of the process.

PM & BM offered assistance via Shire Social Media pages to feature CGO community consultation information.

SC also notified the meeting attendees of an incident regarding a chemical spill in the Shire of Bland, which resulted in notifying the EPA.

LB enquired how the completed pipeline affected water usage. SC confirmed it would not increase water usage but enabled reliability.

BM enquired on CGO’s current water usage.

**Action 3:** Forward information of CGO underground project onto PM & BM for social media community engagement.



<p>AS enquired what EBAN meant?</p> <p>SW provided details on the activities undertaken by the Community &amp; External Relations team in the previous quarter.</p> <p>Positive feedback was provided from numerous meeting attendees on the EVN support of WLT program.</p> <p>RP advised meeting attendees of the one complaint received from community.</p> <p>Local landholder advised of excessive water in and around bore 4 pump station – bore fields.</p> <p>Investigation indicated water from surface run-off after recent rains with pump station in low lying areas.</p> <p>EPA &amp; FSC given approval to remove water. Cowal maintenance will install permanent pump to address the water build up. No further action required.</p>	<p><b>Action 4:</b> SC to notify BM of CGO's current water usage</p> <p><b>Action 5:</b> SC to clarify the definition of EBAN and add to the acronyms list</p>
<p><b>8. General Business</b></p> <p>PM informed the committee of her submission for road funding to Transport for New South Wales on behalf of the three Shires seeking 11.3 million dollars.</p> <p>BM commended EVN on operations and the management of the recent spill that occurred within the Bland Shire.</p> <p>John Penhall joined the meeting at 9.55am. JP introduced himself to members and provided some background information of himself, previous roles and what attracted him to EVN, the position and future aspirations.</p>	
<p><b>9. Next Meeting:</b></p> <p>The next meeting is scheduled for 2 December 2020. The venue would usually be the ECCC in Main St, West Wyalong, however, should COVID-19 restrictions continue, it is likely the meeting will be held in Bland Shire Council Chambers to ensure social distancing requirements can be met.</p>	<p><b>Action 6:</b> LA to confirm venue closer to the date.</p>
<p><b>10. Meeting Closed</b> – 10.04am with LA thanking all for their attendance.</p>	

**ACTION ITEMS**

ITEM	ISSUE	RESPONSIBILITY
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**Evolution**  
MINING

Cowal

1	Correct misspelling of Peter Gell error in action items list in previous (June) meeting minutes.	RP
2	Add new acronyms as they arise.	SC Ongoing
3	Forward information of CGO underground project onto PM & BM for social media community engagement.	SC, RP & SW
4	Notify BM of CGO's current water usage	SW
5	Confirm definition of EBAN and add to the acronyms list	SW
6	Chair to confirm venue for 2/12/20 CEMCC	LA

DRAFT



# Newell Highway Promotions Committee

Special General Meeting 10am, Tuesday 22 September 2020

via Microsoft Teams video

## Special General Meeting Agenda

### 1. Attendance

Kelly Hendry - Parkes Shire Council  
Lisa Moon - Parkes Shire Council  
Nicola O'Neill - Narrabri Shire Council  
Laura Lewis-Minogue - Cabonne Shire Council  
Kellie Dissegna – Murrumbidgee Council  
Merran Socha - Berrigan Shire Council  
Tiffany Thornton - Narrandera Shire Council  
Ray Smith - Bland Shire Council  
Nina Hooper - Forbes Shire Council  
Nadia Parkinson - Forbes Shire Council  
Jo Houghton - Warrumbungle's Shire Council  
Katrina Williams - Dubbo Regional Council  
Peter Caddey - Inverell Shire Council  
Les Moulds – Inverell Shire Council  
Brent Lawrence – Leeton Shire Council

***Moved: Nicola O'Neill/ Lisa Moon***

### 2. Apologies

Kathryn Larkin & Gillian Foran - Gilgandra Shire Council  
Tammy Elbourne - Moree Shire Council  
Craig Sinclair - Temora Shire Council

***Moved: Lisa Moon/ Merran Socha***

### 3. Welcome from temporary Acting Chair - Kelly Hendry (Destination Development Manager - Parkes Shire Council)

Good morning and welcome to our inaugural video meeting of the NHPC - I'm sure this medium will be embraced by this group.

Acknowledgement of Country - Wiradjuri

Given the departure of a number of key Executive NHPC members from their respective Council roles, and with prompting from my Mayor and the NHTF, I jumped in - in an attempt to re-build the momentum of the NHPC, a group with a strong and successful record of collaboration in tourism and growing our respective visitor economies.

The format this morning will be to conduct a Special General Meeting where a new Executive will be formed, followed by a General meeting.

As has become a good habit within Parkes Shire Council, I'd first like to table a couple of relevant safety shares.



# Newell Highway Promotions Committee

**Safety Share #1** - with school holidays approaching motorists are being reminded that double demerits will be in place over the October long weekend with Police targeting speed, seatbelts, illegal mobile phone use and motorcyclists not wearing helmets. Double demerit points will be in force for four days commencing on Friday 2 October and ending on Monday 5 October (inclusive).

**Safety Share #2** - For the first time in a few years it is looking like we might hopefully have a good harvest. As such, its important to refresh people's knowledge about the new/current rules and regulations for legally and safely moving harvest equipment on the road.

Be Road Ready For Harvest Virtual Field Day via Zoom on Thursday 24 September from 8am.

Registration is free via <https://www.eventbrite.com.au/e/be-road-ready-for-harvest-virtual-field-day-2020-tickets-117937954597>

Whilst this is an event targeted at the agricultural industry, it is a timely reminder for us all to be aware of harvest vehicles moving on our roads and on the Newell.

## 4. Brief Committee update

As I mentioned, the NHPC has been going through a transition period. We last met face to face in Gilgandra in summer and undertook to engage with and survey all members to understand sentiments around the NHPC and opportunities for working together and commitment levels to making it happen. Thank you to everyone who undertook the survey, the results have circulated and will form a good basis for the new Exec to plan.

The Business Plan also still has a number of relevant strategies that could still be developed by the group and if anyone would like a copy, please email me after the meeting and I can circulate.

2020 has been a very strange year for us all, and there is no better time to re-build the good work of past Committees and re-focus the NHPC in preparation for what is predicted to be a huge time for domestic tourism.

With many destinations and tourism operators significantly impacted by COVID (on the back of drought and bushfires), there is a real opportunity to build on, and strength in working together as a key regional route.

**Moved: Kelly Hendry/ Tiffany Thornton**

## 5. Treasurers Report

Firstly, many thanks to Les Moulds, an absolute stalwart of the NHPC, a very long-serving member who retired 10 years ago, yet has continued to support the Committee via his role as Treasurer and consumer show coordinator.

Les presented the following Treasurers Report:





# Newell Highway Promotions Committee

NEWELL HIGHWAY PROMOTIONS COMMITTEE INC. FINANCIAL STATEMENT FOR PERIOD ENDING - 1<sup>ST</sup> SEPTEMBER, 2020.

BALANCE 22<sup>ND</sup> November, 2019 20571.74

**INCOME:**

Income ATO	1027.00	
Refund	400.00	
NRMA	4000.00	5427.00
		<hr/>
		25998.74

**EXPENDITURE:**

Distribution	8228.58	
Blue Star IVE	3025.66	
Linklogic	5202.92	
Bush Media Web Management	3120.00	
Suttons Insurance – Public Liability	860.30	
Shows	7397.06	
Map Update for Shows	375.71	19981.65
		<hr/>

BALANCE AS AT 1<sup>ST</sup> SEPTEMBER, 2020 6017.09

IBD - Reinvested 30<sup>th</sup> August, 2020. 44301.84 at 0.85%

## ***Moved: Les Moulds/ Lisa Moon***

Les further noted that the extended 3-year lifespan between brochure production (yet continued expenses of brochure distribution, website and consumer show attendance) served a detrimental impact to the financial position of the Committee, as there was \$0 income.

As such, the new Executive will need to do some financial and business planning to ensure that the Committee is in a stable financial position to be able to continue the activities it deems important and may need to seek a minor 'topup' contribution from members to tide the group through until next brochure production (as suggested by Mayors at the Newell Highway Taskforce).

## **6. Election of Office Bearers**

All executive positions declared vacant for the meeting and nominations sought & carried as follows:

- Chair - Nicola O'Neill
- Vice Chair North - Kelly Hendry (*in a mentorship capacity*)
- Vice Chair South - Brent Lawrence
- Treasurer - Lisa Moon (*training under the guidance of Les & Ann from Inverell*)
- Secretary - Tiffany Thornton
- Public Officer - Nina Hooper (*training under the guidance of Les from Inverell*)

Nominations accepted and no further nominations received.

All executive positions successful filled as above.

## **7. SGM General Business**

Nil

This SGM concluded and a General Committee meeting commenced (same attendance & apologies).



# Newell Highway Promotions Committee

## General Meeting Agenda

1. Welcome from Vice North Chair - Kelly Hendry  
(incoming Chair Nicola will Chair forthcoming meetings)
2. Apologies - as per SGM
3. Update from Newell Highway Taskforce  
*Minutes attached.*
4. Overview of recent Survey responses and forward steps  
*Carried forward for action/ discussion at next meeting following review by new Executive*
5. Treasurers Report  
*As per SGM above*
6. Brochure distribution report  
From Lisa Moon  
Re Blue Star (now IVE group) & Link Logic  
55,000 remaining - need to look at new guide in early 2021  
Order via [tourism@parkes.nsw.gov.au](mailto:tourism@parkes.nsw.gov.au) and they will coordinate with Blue Star & Link Logic
7. Around the grounds - update from members on 2-3 key initiatives/ issues/ relevant discussion points from their area to share with the group

### **Dubbo**

Exploring different markets, exciting development in REX direct flights to/from Ballina/Byron Airport  
Also targeting drive markets

### **Forbes**

Big projects underway including – “Somewhere down the Lachlan” – Sculptures  
New bird hides installed  
Rejuvenation of the ambulance station into an art space  
Billboards campaign through Oooh Media underway

### **Parkes**

Have been experiencing record week of travellers, influx of NSW travellers  
Elvis Festival 2021 moved from January to March to be held in a COVID safe way

### **Inverell**

Busy with NSW travellers

### **Berrigan**

Suffering from restricted travel of VIC/Melbourne markets – very tough from a tourism perspective for all businesses  
Launched new guide

### **Narrabri**

Tourism/marketing campaign creating content with a photographer – image gallery  
Cross promotions with surrounding Councils underway  
Focus on building social media platform

### **Murrumbidgee**

Jerilderie included in boarder bubble, starting to see movement of travellers

### **Narrandera**

Project works beginning on grant funding for “Playground on Murrumbidgee” including a new VIC Centre

New collaborative Visitor Guide – Murrumbidgee Trails be launched mid-November (Murrumbidgee, Leeton, Lockhart and Narrandera Councils)

### **Warrumbungles**

New tourism brochure for Warrumbungle Region – in early stages of design  
Digital sign outside visitor information centre on Newell Highway to be installed soon to promote regional events. The sign will be able to display high res images too.

### **Cabonne**

Cabonne is similar to the rest we have seen an increase in tourism and are working to find out more about the market and how to target the change in the demographic of people travelling



## Newell Highway Promotions Committee

8. Consumer Shows
  - 2021 Melbourne and Gold Coast Caravan & Camping Shows not looking likely to physically go ahead.
  - Brisbane in June 2021 is a possibility and very important market. Les has offered his assistance and mentorship for the new executive if the NHPC would like to attend - for further discussion and consideration.
  - Merran informed the Committee of the Victorian Caravan & Camping Virtual Show taking place 30 Sept - 4 Oct 2020 and that Murrumbidgee cluster will be having a 'virtual stand'. There have been 20,000 consumer registrations for the event. Will be interesting to hear feedback on how this evolves.  
<https://victoriancaravanandcampingvirtualshow.com.au/en/>
9. General Business  
Nil
10. Next meeting  
New Executive to hold a preliminary online meeting to discuss next steps, followed by a meeting of the whole Committee - dates TBA.



# Newell Highway Promotions Committee

## Current task breakdown/ position descriptions

**Committee Chair** (Vacant - Parkes currently acting in this role but unable to continue)

Coordinates meetings, oversees strategic direction, ensures member inclusion, oversees production of guides (probably not due until late 2021?), oversees brochures stocktakes & distribution, oversees management of website, co-signatory for financial payments, lobbying (destination networks and state tourism groups), serves as rep on Newell Highway Taskforce

**North Vice Chair** (Parkes happy to nominate to support as northern or southern Vice Chair)

Supports Chair with tasks where required & chairs meetings when Chair unavailable.

**South Vice Chair** (Parkes happy to nominate to support as northern or southern Vice Chair)

Supports Chair with tasks where required & chairs meetings when Chair unavailable.

**Secretary** (Vacant - Parkes currently acting in this role but unable to continue)

Coordinates correspondence, takes meeting minutes and circulates meeting papers, supports Chair in preparation of brochure (probably not due until late 2021?)

**Treasurer** (Vacant - Les Moulds | Retired Inverell Council has served for many years and is seeking a replacement)

Pay fortnightly/ monthly invoices (not many unless in brochure production), maintain and prepare financial reports & statements, co-signatory for financial payments

**Public Officer** (Vacant - Les Moulds | Retired Inverell Council has served for many years and is seeking a replacement)

Lodge 12 monthly incorporation return to Dept of Fair Trading

### **Other tasks for discussion/ distribution/ contribution:**

- Website management/ maintenance & responding to visitor enquiries (Parkes currently managing responses)
- Brochure distribution (Parkes currently coordinating)
- Consumer show coordination (Les Moulds has been coordinating for many years)
- Business planning, strategy development, marketing development (requires reinvigoration)
- Pursue grant funding/ award submissions etc (requires reinvigoration)
- Pursue recognition as sub product of destination networks and as recognised route with DNSW & others (requires reinvigoration)



**MINUTES OF THE SOUTH-WEST ZONE MEETING  
(HELD ONLINE VIA ZOOM)  
THURSDAY 10 SEPTEMBER 2020**

**Delegates Attending**

- |                   |                  |
|-------------------|------------------|
| Cr Yvonne Braid   | Zac Armistead    |
| Cr Cate Cross     | Alison Balind    |
| Cr Rod Kendall    | Claire Campbell  |
| Cr Anne Napoli    | Adele Casey      |
| Cr Tony Reneker   | Carina Clement   |
| Cr Margaret Roles | Simona Coad      |
| Cr Gaila Smith    | Andrea Curr      |
| Cr Bronwyn Thomas | Michelle Head    |
| Cr David Thurley  | Amy Heap         |
| Cr Dallas Tout    | Penny Howse      |
|                   | Susan Kane       |
|                   | Sue Killham      |
|                   | Robert Knight    |
|                   | Cathy Lange      |
|                   | Wendy Manning    |
|                   | Gabrielle Murphy |
|                   | Terry O'Keefe    |
|                   | Cindy Smith      |
|                   | Elizabeth Smith  |
|                   | Nicky Raleigh    |
|                   | Kim Richards     |
|                   | Karen Wendt      |

**Welcome and Apologies**

Cr Dallas Tout welcomed everyone and opened the meeting. Apologies were received from:

- |                 |                    |
|-----------------|--------------------|
| Cr Leigh Bowden | Camille Cullinan   |
| Cr Dan Hayes    | Anne Nevins        |
| Cr John Horton  | Karen Tagliapietra |
| Cr Denis Sleigh |                    |

A motion to accept the apologies was received from Sue Killham and seconded by Michelle Head.  
**CARRIED**

**Speakers, Workshops and Presentations**

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<b>Reports</b>	
<b>4</b>	<p><b>Confirmation of minutes of previous meeting – 14 November 2019 (Narrandera)</b>  The minutes of the previous meeting held on 14 November 2019 were endorsed. There was no business arising from the previous meeting.  A motion to endorse the minutes of the previous meeting was received from Cr Bronwyn Thomas and seconded by Cr Margaret Roles.</p> <p style="text-align: right;">CARRIED</p>
<b>5</b>	<p><b>State Library of NSW Report</b>  Andrea Curr presented highlights from the State Library of NSW report. See report attached.</p>
<b>6</b>	<p><b>Public Library Consultative Committee Report</b>  Robert Knight advised that the committee had not met since December 2019.</p>
<b>7</b>	<p><b>South West Zone Strategic Plan – 2019-2021</b>  Robert Knight provided an update on actions outlined in the plan.</p>
<b>8</b>	<p><b>NSW Public Libraries Association</b>  Adele Casey provided an update on the activities of the NSWPLA Association Executive. See report attached.</p> <p><b>SWITCH 2020</b>  The NSWPLA Executive moved on 3 September 2020 to cancel the SWITCH 2020 conference. The Executive Officer has made contact with those who have registered, the sponsors, exhibitors and presenters.</p> <p><b>NSWPLA AGM</b>  The NSWPLA AGM will be held on Thursday 3 December 2020 at 5:30pm and will be held online.</p>
<b>9</b>	<p><b>Notices of Motion and Special Resolutions to the NSWPLA AGM</b></p> <p>The following motions to the NSWPLA AGM were moved by Cr Rod Kendall and seconded by Cr Bronwyn Thomas.</p> <p><b>Motion:</b>  Vote of thanks to the NSWPLA Executive for implementing the COVID-19 eResources Fund to support libraries in meeting the increased demand for eResources while libraries were closed.</p> <p><b>Motion:</b>  Vote of appreciation to NSWPLA Executive Officer, Adele Casey, for her efforts to provide NSW libraries with information and support during the COVID-19 shutdown and reopening.</p> <p style="text-align: right;">CARRIED</p>
<b>10</b>	<p><b>Renew Our Libraries Funding Campaign Phase 2 – Update</b>  Cr Dallas Tout provided an update on Phase 2 of the Renew Our Libraries Funding Campaign which is focused on legislating and indexation of the funding to ensure the future of libraries in NSW. A pre-budget submission was delivered to Treasury and several meetings were held at NSW Parliament House with MP's from various political spheres in February 2020. Councils across NSW have been requested to move a motion to further support the second phase of the Renew Our Libraries campaign. At this stage NSWPLA is aware of 30 endorsing Councils. As such, the executive request that all member councils</p>

	pass a motion to support Phase Two of the campaign. If required, a report template is available by contacting the Executive Officer.
<b>11</b>	<p><b>State Funding 2020/2021</b> Robert Knight provided an update on NSW public library funding. See report and spreadsheet attached.</p> <p>Gabrielle Murphy, Wendy Manning and Sue Killham provided updates on their respective successful Public Library Infrastructure grant funded projects.</p>
<b>12</b>	<p><b>South West Zone Digital Library Report</b> Zac Armistead provided an update on the South West Zone Digital Library and statistics overview. See reports attached.</p>
<b>13</b>	<p><b>South West Zone Training and Events</b> Amy Heap provided an update on zone-wide training and events held and future training opportunities. See report attached.</p>
<b>General Business</b>	
<b>14</b>	<p><b>South West Zone Meeting Schedule</b> A motion was moved by Sue Killham and seconded by Cr Tony Reneker:</p> <p><b>Motion:</b></p> <p>a) That two South West Zone (Librarians) meetings be held in 2021</p> <p>i) the first meeting to be Zoom only attendance</p> <p>ii) the second meeting be face-to-face with Zoom option</p> <p>b) That two South West Zone (Councillors and Librarians) meetings be held in 2021</p> <p>i) the first meeting to be Zoom only attendance</p> <p>ii) the second meeting be face-to-face with Zoom option</p> <p>c) That the success of the meeting schedule be reviewed at the end of 2021</p> <p style="text-align: right;">CARRIED</p>
<b>15</b>	<p><b>Election of Chair, Deputy Chair, Secretary &amp; Assistant Secretary</b> A motion was moved by Cr Rod Kendall and seconded by Cr Tony Reneker:</p> <p><b>Motion:</b> That the election of South-West Zone Chair, Deputy Chair, Secretary, and Assistant Secretary be held at the September 2021 meeting in line with Local Government elections on 4 September 2021.</p> <p>Current incumbents are Cr Dallas Tout (Chairperson), Cr Barbara Bryon (Deputy Chairperson), Mr Robert Knight (Secretary), Ms Sue Killham (Assistant Secretary)</p> <p style="text-align: right;">CARRIED</p>
<b>16</b>	<p><b>Batlow Library</b> Cr Cate Cross provided an update on the progress of the new library for Batlow for which an opening is expected very soon. Snowy Valleys Council received \$1 million in funding from the NSW Government's Stronger Country Community Fund to build the new library.</p>

## Upcoming Zone Meetings

16

### **SWZ (Librarians) Meetings**

- Wednesday, 10 March 2021
- Wednesday, 29 September 2021

### **SWZ (Librarians & Councillors) Meetings**

- Thursday, 27 May 2021
- Thursday, 11 November 2021

Meeting locations and format to be confirmed.

**The meeting closed at 11:30am**



# REPORTS TO COUNCIL

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## Section 1 - Office of the General Manager

### 8.1 West Wyalong Community Theatre – Stage 2 Progress as at October 2020



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.2 Ensure Councillors take ownership and a strong leadership role*

**Author:** General Manager

#### **Introduction**

This is the first progress report on the Stage 2 works for the West Wyalong Community Theatre as at 12 October 2020. Council will be aware of their resolution to accept the tender for Stage 2 from Adaptive Interiors based in Wagga.

#### **Financial Implications**

The tender amount submitted by Adaptive Interiors, including GST, was \$1,089,935.00 and, after discussions with the Mayor, I have appointed an on-site project manager whose costs will be met from the contingency amount for the Stage 2 works.

There is to be a 5% retention of monies paid for Stage 2 totalling \$54,496.75.

Council will be pleased to know that Evolution Mining has formally confirmed a financial contribution of \$300,000.00 towards this project. There will be proper acknowledgement of this support in due course.

Other possible grant funding opportunities are regularly being investigated.

#### **Summary**

There has been some issues identified with the standard of work in Stage 1 and these matters are being investigated accordingly.

The appointment of an on-site project manager will assist in ensuring that the Stage 2 works are properly scrutinised and that any issues can be addressed almost immediately.

#### **Recommendation:**

**That the progress report, as at October 2020, on the community theatre project be received and noted and that the General Manager continue to provide regular updates to Council on this project.**

## 8.2 Meeting Arrangements – Council Closure - Christmas and New Year Period 2020/2021



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.2 Ensure councillors take ownership and a strong leadership role.*

**Author:** General Manager

### **Introduction**

Given the dates of Christmas this year and the proposed office closure detailed below, I see no need to alter the scheduled Council meeting on 15 December 2020.

The December Workshop, which will incorporate the Australia Day Committee meeting, is scheduled for Tuesday 1 December 2020.

The normal meeting cycle would resume in February 2021 commencing with a council workshop on 2 February and the Ordinary Meeting of Council on 16 February 2021.

The council offices will shut down from the afternoon of Wednesday 23 December 2020 and reopen on Monday 4 January 2021.

Council's operational staff will shut down from Friday 18 December 2020 returning on Monday 4 January 2021 with skeleton staff operating during the shutdown period.

### **Financial Implications**

Council staff will take annual leave and rostered days off during the closure period, which is part of their leave entitlements.

### **Summary**

The above information is for the information and endorsement of councillors.

It is also common practice to delegate authority to the Mayor and General Manager to deal with any urgent matters during this period.

### **Recommendation:**

- 1. That the December 2020 Ordinary meeting of council remain as scheduled for Tuesday 15 December.**
- 2. That the December Council workshop, incorporating the Australia Day Committee meeting also remain unchanged as Tuesday 1 December 2020.**
- 3. That the Mayor and General Manager are delegated authority to deal with any urgent matters during the Christmas and New Year period for 2020 – 2021.**
- 4. That Council note the planned closure of Council services and operations, with the exception of skeleton staff, from Friday 18 December 2020 to Sunday 3 January 2021 Inclusive.**

## Section 2 – Corporate & Community Services

### 8.3 Carry Forward Works 2019/20



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.4 Ensure the long term financial sustainability of Council through effective and prudent financial management.*

**Author:** Manager Customer & Financial Services

#### **Introduction**

At the end of each financial year, a final budget report is prepared and reviewed. During the review, budgeted works were still in progress at the end of the 2019/20 financial year and a determination is made as to which jobs need to continue into the 2020/21 financial year.

A statement is prepared listing the works and budget balance they require to carry into the 2020/21 financial year.

#### **Financial Implications**

NIL as the carry forward works were already budgeted for in the previous financial year.

#### **Summary**

A statement of the carry forward requests and budget balances has been prepared and requires Council to review and approve the carry forward of the budgeted balance.

#### **Recommendation**

**That the requested budget balances, as detailed in the Carry Forward document, for the amount of \$735,565.00 is carried forward to the 2020/2021 financial period.**

Carry Forward Summary		2019-20	
Description	Requested Carry Forwards		Comment
<b>EXECUTIVE</b>			
Integrated Planning & Reporting	20,000		<i>New system to be implemented in 2020-21. Request to carry forward budget to 2020-21</i>
Promote Tourism	20,000		<i>Pamphlets not finalised in 2019-20. Request to carry forward budget to 2020-21</i>
Working Reserve	(40,000)		
<b>TOTAL</b>	<b>0.00</b>		
<b>COMMUNITY SERVICES</b>			
<b>Children's Services</b>			
Children's Services	244,565.00		
Children's Services Reserve	(244,656.00)		<i>Works have yet to be completed in 2019-20. Request to carry forward budget to 2020-21</i>
<b>TOTAL</b>			
<b>DEVELOPMENT SERVICES</b>			
<b>Environmental Planning</b>			
Local Heritage Fund	21,701.00		
Local Heritage Fund	(21,701.00)		<i>Works have yet to be completed in 2019-20. Request to carry forward budget to 2020-21.</i>
<b>TOTAL</b>	<b>0.00</b>		
<b>PUBLIC SERVICES</b>			
<b>Drought Communities</b>			
Drought Communities Projects	429,208.00		<i>Request to carry forward to 2020-21 as projects are still continuing. This program ran over the calendar year, not financial.</i>
Drought Communities Reserve	(429,208.00)		
<b>TOTAL</b>	<b>0.00</b>		
<b>NET RESULT</b>			

## 8.4 Draft Council Financial Statements 2019/20 – Referral For Audit



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.4 Ensure the long term financial sustainability of Council through effective and prudent financial management.*

**Author:** Manager Customer & Financial Services

### **Introduction**

As prescribed under Section 413 of the Local Government Act 1993, Council is required to consider and resolve to refer the 2019/20 Draft Financial Statements for audit as soon as practicable after the end of the financial year.

The external auditors, Crowe, performed the on-site audit from 21<sup>st</sup> September to 25<sup>th</sup> September 2020. The finalised set of audited Financial Statements, including the Auditor's reports will be presented to Council on 17<sup>th</sup> November 2020.

Advertising and public exhibition of both the audited Financial Statements and Auditor's reports, inviting members of the public to make comment, is expected to commence on 12<sup>th</sup> November 2020.

Council's Draft Financial Statements for 2019/20 have been prepared and will be tabled at the Council meeting.

The Draft Primary Financial Statements have been prepared in accordance with the format required by the Local Government Act 1993 (LGA), the Code of Accounting Practice and Financial Reporting (Code) issued by the Office of Local Government and the Australian Equivalents to the International Financial Reporting Standards (AIFRS).

These Draft Primary Financial Statements are required to be audited in accordance with Sections 415,416 and 417 of the Local Government Act.

The Draft Primary Financial Statements consist of the following General Purpose Financial Statements;

- Income Statement
- Statement of Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows

It should be noted that there may be minor or slight variances to the complete documents once checking is fully completed, and the audit completed. Any variances will be reported to the Audit Office by the contract auditor.

The Draft Financial Statements also include Draft Special Purpose Financial Statements, which relate to the following business activity of Council;

- Sewerage Services

### **Financial Implications**

The audit fee as prescribed by the NSW Audit Office. This has already been approved in Council's budget.

### **Summary**

The process that Council must follow in the production, audit, issuance, advertising and presentation of the Financial Statements is prescribed in Sections 413-420 of the LGA, and the Audit Office requirements. The following timetable will allow these processes to be satisfied and for the Financial Statements to be adopted by Council;

21 <sup>st</sup> – 25 <sup>th</sup> September 2020	On-site audit conducted by the external auditors.
20 <sup>th</sup> October 2020	Draft 2019/20 Financial Statements presented to Council for referral for audit.
30 <sup>th</sup> October 2020	Audit Office reports anticipated to be received by Council and Financial Statements submitted to the Office of Local Government.
12 <sup>th</sup> November 2020	Anticipated date for public advertising notifying that the Financial Statements are available for inspection and advising that the Financial Statements will be formally presented to Council on 17 <sup>th</sup> November 2020.
17 <sup>th</sup> November 2020	Ordinary Council meeting for the presentation of Council's audited Financial Statements and Auditor's reports to Council.

A full report on Council's financial position will be provided to Council at its meeting on 17<sup>th</sup> November 2020.

### **Recommendation**

**That the Bland Shire Council:**

- 1. Pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared the General Purpose Financial Statements for the 2019/20 financial year ending 30 June 2020 and has formed an opinion, based on the advice of Council officers, that these reports;**
  - (a) Have been prepared in accordance with;**
    - (i) The Local Government Act 1993 (as amended) and the Regulations made thereunder;**
    - (ii) The Australian Accounting Standards and professional pronouncements;**  
and
    - (iii) The Local Government Code of Accounting Practice and Financial Reporting.**

**(b) Present fairly the operating result and financial position of the Bland Shire Council for the year ended 30 June 2020; and**

**(c) Accords with Council's accounting and other records and policies.**

- 2. That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.**
- 3. That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer, in accordance with Section 413(2)(c) of the Local Government Act.**
- 4. That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2020 be referred for audit.**

## 8.5 Finance And Investment Report For September 2020



**Our Leadership - A well run Council acting as the voice of the community**

*DP10.4 Ensure the long term financial sustainability of Council through effective and prudent financial management.*

**Author:** Manager Customer & Financial Services

### **Introduction**

The Finance and Investment Report is provided to Council for information and prepared in accordance with the Local Government (General) Regulation 2005.

### **Financial Implications**

#### **STATEMENT OF BANK BALANCES, RATES COLLECTIONS AND INVESTMENTS FOR THE MONTH OF SEPTEMBER 2020.**

#### **BANK BALANCES AS AT 30<sup>th</sup> SEPTEMBER 2020**

<b>ACCOUNT</b>	<b>BALANCE</b>
General Fund	\$ 3,659,036.85
BCard	\$ 30,000.00
	<b>\$ 3,689,036.85</b>
Invested Funds	
Fixed Deposits	\$ 43,200,000.00
Deposits at Call	\$ 3,745,040.60
	<b>\$ 46,945,040.60</b>
Net Balance	<b>\$ 50,634,077.45</b>
Percentage of investment to Net Balance	92.71%



**STATEMENT OF BANK BALANCES AS AT 30.9.20**  
**SUBMITTED TO THE ORDINARY MEETING OCTOBER 20, 2020**

<b>BALANCE as at 01.09.20</b>	<b>\$ 5,392,131.58</b>
<b>Add Receipts</b>	
<u>Receipts over \$150,000</u>	
NIL	
<u>Receipts under \$150,000</u>	\$ 2,169,507.63
<i>Total Receipts for September 2020</i>	<b>\$ 2,169,507.63</b>
<b>Less Payments</b>	
<u>Payments over \$150,000</u>	
NIL	
<u>Payments under \$150,000</u>	-\$ 3,902,602.36
<i>Total Payments for September 2020</i>	<b>-\$ 3,902,602.36</b>
<b>CASH BALANCE</b>	<b><u>\$ 3,659,036.85</u></b>
Limit of Overdraft Arranged with Bank	\$ 350,000.00

**ACCOUNTS SUMMARY AND CERTIFICATION**

The following is a summary of accounts paid for the period September 01, 2020 to September 30, 2020.  
I CERTIFY,

That the accounts included in the accounts summary and totalling as detailed under:-

Fund		Voucher No.s	Total
Cheques		025947 - 025959	\$ 274,133.76
Auto-pay	Creditors	E022326 – E022616	\$ 3,053,867.10
Auto-pay	Payroll	30/08/20 – 27/09/20	\$ 570,847.02
September Bank Charges & Commission etc			\$ 1,932.40
Direct Debits	Repayments & Vehicle Lease		\$ 1,822.08
			<b>\$ 3,902,602.36</b>

1. Are fully supported by vouchers and invoices and have been fully registered.
2. The responsible officer concerned has certified that the goods for which respective accounts are submitted have been rendered to order and/or that the services for which respective accounts are submitted have been rendered according to order.
3. Official orders have been issued for the supply of such goods and services. The goods for which respective accounts are submitted have been checked with the entries in the goods order book.
4. The prices and computations of every account are correct.
5. The prices for the goods supplied or services rendered under the contract or quotation in accordance therewith and in all cases the prices charged are according to order and as far as I am able to ascertain fair and reasonable.
6. The provisions of the Local Government Act, 1993 and Regulations in connection therewith have been complied with.

Further I also certify that the Ledger has been reconciled with the bank statements for the preceding monthly period.

.....  
 Manager Customer and Financial Services  
 Responsible Accounting Officer

.....  
 Mayor

**CERTIFICATE OF GENERAL MANAGER**

This accounts summary, a copy of which was submitted to each member of Council on the 20<sup>th</sup> October 2020, has been checked and is fully supported by vouchers and invoices. These vouchers have been duly certified as to receipt of goods, the rendition of services, to prices and computations, and to costings.

.....  
General Manager

**CERTIFICATE OF CHAIRMAN OF ORDINARY MEETING**

I certify that this accounts summary, covering amounts totalling \$3,902,602.36 was submitted to the Ordinary Meeting on the 20<sup>th</sup> October 2020 and that the amounts are presented to Council for confirmation of payment.

.....  
Chairman of Ordinary Meeting

.....  
Mayor

## INVESTMENTS

The following table gives details of Council's Funds invested at 30<sup>th</sup> September 2020. The funds consist of monies from the Bank Accounts of the Trust Funds, Reserve Accounts, Sewerage Fund and Combined General Account.

DATE	INVESTED WITH WHOM	INVESTED AMOUNT (\$s)	TERM	YIELD	DATE DUE
14-September-2020	Bank of QLD (Term Deposit)	1,000,000.00	365 days	0.70%	14-September-2021
21-September-2020	NAB (Term Deposit)	1,000,000.00	365 days	0.75%	21-September-2021
17-February-2020	NAB (Term Deposit)	1,000,000.00	365 days	1.55%	16-February-2021
01-March-2020	NAB (Term Deposit)	1,500,000.00	210 days	1.33%	01-October-2020
08-November-2018	Bank of QLD (Term Deposit)	1,000,000.00	550 days	2.80%	11-May-2021
08-September-2020	Bendigo Bank (Term Deposit)	400,000.00	365 days	0.95%	08-September-2021
08-September-2020	Bendigo Bank (Term Deposit)	400,000.00	365 days	0.95%	08-September-2021
08-September-2020	Bendigo Bank (Term Deposit)	400,000.00	365 days	0.95%	08-September-2021
13-December-2019	AMP (Term Deposit)	1,000,000.00	370 days	1.70%	17-December-2020
16-August-2020	Bank of QLD	1,000,000.00	364 days	0.75%	16-August-2021
12-December-2019	AMP (Term Deposit)	2,000,000.00	365 days	1.70%	11-December-2020
29-November-2016	Westpac (FRN)	2,000,000.00	1826 days	3MBBSW+1.2%	29-November-2021
01-November-2019	AMP (Term Deposit)	1,000,000.00	364 days	1.65%	30-October-2020
08-July-2019	AMP (Term Deposit)	1,000,000.00	550 days	2.15%	08-January-2021
29-September-2020	ME Bank (Term Deposit)	2,000,000.00	365 days	0.55%	29-September-2021
06-April-2020	NAB (Term Deposit)	2,000,000.00	365 days	1.20%	06-April-2021
29-October-2019	AMP (Term Deposit)	2,500,000.00	547 days	1.60%	28-April-2021
20-June-2019	Bank of QLD	2,000,000.00	547 days	2.10%	18-December-2020
28-February-2020	MyState Bank (Term Deposit)	2,000,000.00	276 days	1.60%	30-November-2020
13-December-2019	Australian Unity Bank	2,000,000.00	182 days	1.70%	12-June-2020
22-January-2020	ME Bank (Term Deposit)	2,500,000.00	306 days	1.50%	23-November-2020
07-February-2020	Australian Unity Bank	2,000,000.00	364 days	1.70%	05-February-2021
12-December-2020	Australian Unity Bank	1,500,000.00	343 days	1.70%	20-January-2021
26-March-2020	MyState Bank (Term Deposit)	2,000,000.00	210 days	1.85%	22-October-2020
28-May-2020	Bank of QLD	2,000,000.00	1097 days	1.35%	30-May-2023
28-May-2020	Bank of QLD	2,000,000.00	1460 days	1.50%	27-May-2024
6-August-2020	Bank of QLD	2,000,000.00	1093 days	1.05%	4-August-2023
30-September	Northern Territory Treasury	2,000,000.00	1902 days	1.20%	15-December-2025
	ANZ Deposit at Call	50,915.70	Cash at Call		
	CBA Deposit at Call	3,694,124.90	Cash at Call		
	<b>TOTAL:</b>	<b>\$46,945,040.60</b>			

I certify that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, the Regulation and Council's Investment Policies.

I certify that the above investment has been reconciled with Council's General Ledger Accounts.

**GENERAL MANAGER**

## RATES REPORT

### Below is a summary of outstanding rates

Total rates income levied (2020/21)	\$ 10,534,512.54
Rates received as at 30/09/2020	\$ 3,611,605.02
% of rates received to date	34.28%

The total rates income includes rates in arrears and accumulated interest.

### Summary

The information provided within this Finance and Investment Report has been prepared in accordance with the Local Government (General) Regulation 2005 as well as Council's financial management policies and procedures. Further, the financial position of Council is satisfactory and the external investments are held in accordance with section 625 of the Local Government act 1993.

### Recommendation

- 1. That Council receive and note the information contained within the Finance and Investment Report for the month of September 2020**
- 2. That Council confirms the payment of accounts, for the period 01 September to 30 September 2020, summarised in the accounts summary totalling \$3,902,602.36.**

## 8.6 Amendments To The Model Code Of Conduct For Local Councils In NSW And Procedures



**Our Leadership - A well run Council acting as the voice of the community**

*Strategy 10.2 - Ensure Councillors take ownership and a strong leadership role*

**Author:** Director, Corporate and Community Services

### **Introduction**

On 7 August 2020, the Office of Local Government (OLG) released a strengthened Model Code of Conduct in response to successful legal challenges to aspects of the Procedures for the Administration of the Model Code of Conduct. This change was communicated via a Circular from the OLG (**Attachment 1**).

This report provides an overview of the amendments to the Code and its procedures and seeks Council's formal adoption of a revised Bland Shire Council Code of Conduct 2020 (**Attachment 2**) and Procedures for the Administration of the Code of Conduct 2020 (**Attachment 3**). Both documents have been developed using the *Model Code of Conduct for Local Councils in NSW 2020* and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020*.

### **Financial Implications**

There are no financial implications for Council in adopting the amended documents which have not already been identified within the adopted budget.

### **Summary**

The *Model Code of Conduct for Local Councils in NSW* and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

In response to a Supreme Court decision in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134, amendments were made to the Procedures document as well as to the Model Code, specifically with regards to sanctions arising from breaches. The amendments have strengthened the censure process, which is the only expressed sanction available to a Council wishing to admonish a Councillor who has been found to have breached the Code of Conduct. Those undertaking an investigation into alleged breaches of Code should confer with OLG before finalising recommendations so the OLG can provide advice on evidentiary requirements should there be a recommendation for further referral of the matter.

Following an investigation where a breach has been proven, under the new Procedures Councils have the following options when taking disciplinary action against councillors:

- that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

In passing a censure motion during a meeting, a Council will be able to state in the resolution to censure exactly what it is the Councillor has done to warrant the censure. This allows for full public accountability as it is recorded in the minutes of the Council meeting as part of the resolution. It also means Councillors as officials are more accountable to the community for what they have done, allows Councillors to reflect on their own behaviour and provides an opportunity for informal resolution of issues.

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

With regards to changes to the Code of Conduct, amendments have been made in a number of areas including:

- Gifts and benefits limits in the Code now allow gifts of up to \$100 to be accepted.
- For Councils that formally censure for breaches of the Code of Conduct and then refer the matter on, the OLG will step in and impose more serious penalties should it be warranted.
- Panels of conduct reviewers to investigate Code of Conduct breaches can now be appointed by the general manager under delegation and no longer require a formal resolution of the Council.
- Items of a value of \$10 or less do not need to be declared or included on the Gifts and Benefits Register.

Other amendments within the realm of gifts and benefits include where the Council confers a benefit, it is not subject to the provisions of the Gifts and Benefits requirements. For an item to be a gift or benefit, it needs to come from a third party. In addition, Councillors and staff attending an event for the purpose of exercising official functions, can accept hospitality such as meals and refreshments with the cap on this being removed. Further detail on the changes can be found in the Attached Circular from the Officer of Local Government.

Councils are not obliged to amend their Codes of Conduct to lift the cap on the value of gifts that may be accepted if they do not wish to do so. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

However, it should be noted that the new Model Code of Conduct and Procedures came into effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.

Councils have been advised they should adopt a Code of Conduct and procedures based on the prescribed Model Code and Procedures as soon as possible. Because these documents have been prescribed, there is no obligation for Council to undertake external consultation prior to adopting the amended Code and Procedures.

Bland Shire Council's Code does include an additional section which relates to its commitment at the June 2020 meeting of Council to become a Child Safe Organisation.

Councillors may recall that as a result of changes to the Reportable Conduct Scheme as well as the commencement of the Children's Guardian Act 2019, organisations such as local Councils are now required to have systems, policies, and processes about how they handle reportable conduct allegations in place, not just within their Children's Services Units but across the whole organisation. At its meeting on 16 June, Council endorsed the Child Safety Policy and actions to make Bland Shire Council a Child Safe Organisation. To assist in embedding the culture of child safety within the Council organisation, it is proposed to include a reference to this within Council's Code of Conduct. This reference can be found in Part 3 - General Conduct Obligations, specifically points 3.23 and 3.24 which state:

*3.23 All council officials have statutory duties under the NSW child protection legislation, including; mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.*

*3.24 For the purposes of 3.23 council officials are all Council staff, Councillors (Elected Members), contractors and sub- contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, facility hirers and leasees. All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately, where concerns are identified.*

Council is committed to the ongoing education of children, young people and families, staff, volunteers, contractors and key stakeholders about their rights, responsibilities and reporting processes relating to child protection. The inclusion of these references within Council's Code of Conduct serves to achieve that purpose.

**Recommendation:**

**That the Bland Shire Council:**

- 1. Adopt the amended Bland Shire Council Code of Conduct 2020 and Procedures for the Administration of the Code of Conduct 2020.**
- 2. Seek Expressions of Interest from suitably qualified persons to be included on Council's Panel of Conduct Reviewers.**



<b>Circular Details</b>	20-32 / 14 August 2020 / A708384
<b>Previous Circular</b>	19-25 – <i>Penalties available to councils for code of conduct breaches by councillors</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

### What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

### What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

### Key points

#### **Amendments to the Procedures**

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

### ***Amendments to the Model Code of Conduct***

- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

#### **Where to go for further information**

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**



## POLICY STATEMENT

# BLAND SHIRE COUNCIL CODE OF CONDUCT

POLICY ADOPTED: TBC

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### PART 1 INTRODUCTION

Bland Shire Council's Code of Conduct has been developed and based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"). The Model Code was made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). For the purposes of consistency, where this document refers to the Model Code this includes Bland Shire Council's Code of Conduct.

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

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

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

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

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

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

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

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

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

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

## **PART 2      DEFINITIONS**

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
child safe organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns

environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

## **PART 3      GENERAL CONDUCT OBLIGATIONS**

### General conduct

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

### Fairness and equity

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

### Harassment and discrimination

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

### Bullying

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

- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

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

#### Work health and safety

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

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

#### Land use planning, development assessment and other regulatory functions

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

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

#### Binding caucus votes

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

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective



of the personal views of individual members of the group on the merits of the matter before the council or committee.

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

#### Obligations in relation to meetings

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

#### Obligations in relation to Child Safe Organisation

- 3.23 All council officials have statutory duties under the NSW child protection legislation, including; mandatory reporting, recruitment and selection and responding to allegations against staff involving children and young people.
- 3.24 For the purposes of 3.23 council officials are all Council staff, Councillors (Elected Members), contractors and sub- contractors, work experience participants, volunteers, students on placement, Family Day Care Educators and the adults that live in their home, facility hirers and leasees. All staff, volunteers, students and persons undertaking work experience, contractors and suppliers must uphold and promote safety and wellbeing for children and young people and respond appropriately where concerns are identified.

## **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.

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



## **PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

### Councillor and administrator access to information

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

### Councillors and administrators to properly examine and consider information

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

### Refusal of access to information

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

### Use of certain council information

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

- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

#### Use of council resources

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

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

#### Internet access

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

#### Council record keeping

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

#### Councillor access to council buildings

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

## **PART 9      MAINTAINING THE INTEGRITY OF THIS CODE**

### Complaints made for an improper purpose

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

### Detrimental action

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

### Compliance with requirements under the Procedures

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

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

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

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

#### Complaints alleging a breach of this Part

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

## PART 10 REFERENCE INFORMATION

### Reference Legislation:

Local Government Act 1993

Local Government (General) Regulation 2005

### Appendices:

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

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

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

### Authorisation:

<b>Status</b>	<b>Committee</b>	N/A	
	<b>Manex</b>	N/A	
<b>Owner</b>	<b>Director Corporate and Community Services</b>		
<b>EDRMS Doc. ID</b>	694682		
<b>Superseded Procedure</b>	Bland Shire Council Model Code of Conduct		
<b>Date of Adoption/ Amendment</b>	<b>Revision Number</b>	<b>Minute Number</b>	<b>Review Date</b>
<b>Related Council Policy / Procedure</b>			
Bland Shire Council Code of Conduct			
Internal Reporting Policy			
Child Safe Policy			
Confidentiality Policy			
Volunteer Management Policy			
Section 355 Committee Policy			

## 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	Nature of interest
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#### 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)
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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
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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]

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#### C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
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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
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E. Interests and positions in corporations

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

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

I. Dispositions of property

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

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

J. Discretionary disclosures



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

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

#### Important information

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

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

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

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

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

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

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

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

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

to be held on the      day of      20 .

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

<sup>1</sup> 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.

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

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

*[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 BLAND SHIRE COUNCIL CODE OF CONDUCT

**PROCEDURE ADOPTED:** TBC

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## **PROCEDURE OBJECTIVE:**

These procedures (“the Model Code Procedures”) have been developed and based on those prescribed for the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”).

## **PART 1 PROCEDURE STATEMENT**

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. Bland Shire Council’s Code of Conduct incorporates all required elements of the Model Code as well as specific references to Council’s expectations as a Child Safe Organisation.

The Model Code Procedures were 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.

This procedure will apply to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for the Council.
- employees of contractors providing services to Bland Shire Council
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including members of Section 355 Committees and volunteers.

## 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
child safe organisation	An organisation in which child safety is embedded in planning, policy and practices and where the voices of children and young people are valued and actioned.
Code of conduct	a code of conduct adopted under section 440 of the LGA
Code of conduct complaint	a code of conduct adopted under section 440 of the LGA code of 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
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	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, such as Section 355 committees and their volunteers.
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 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
Mayor	Mayor includes the chairperson of a county council or a joint organisation

members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

### **PART 3 ADMINISTRATIVE FRAMEWORK**

#### The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 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.
- 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
  - 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.

### **Reference Legislation:**

Local Government Act 1993

Local Government (General) Regulation 2005

**Appendices:**

Nil

**Authorisation:**

<b>Status</b>	<b>Committee</b>	N/A	
	<b>Manex</b>	N/A	
<b>Owner</b>	<b>Director Corporate and Community Services</b>		
<b>EDRMS Doc. ID</b>	391877		
<b>Superseded Procedure</b>	Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW		
<b>Date of Adoption/ Amendment</b>	<b>Revision Number</b>	<b>Minute Number</b>	<b>Review Date</b>
<b>Related Council Policy / Procedure</b>			
Bland Shire Council Code of Conduct			
Internal Reporting Policy			
Child Safe Policy			
Confidentiality Policy			
Volunteer Management Policy			
Section 355 Committee Policy			

## 8.7 Endorsement Of Revised Section 355 Committee Manual



### Our People - A Strong, healthy, connected and inclusive community

*DP3.1 Develop and support a strong sense of community, providing advice and support to community groups*

**Author:** Director Corporate and Community Services

#### Introduction

At the June meeting of Bland Shire Council, Councillors resolved that a thorough review of its Section 355 Committee processes be undertaken as well as an engagement process with Council's Committees to determine committee functions. This resolution was the result of a report to Council highlighting matters identified during an Internal Audit process as well as the receipt of a request from an external committee to be considered as a Section 355 Committee.

#### Financial Implications

Dependent upon the Council's decision, there could be some realignment of budgets as they relate to Section 355 Committees. The full impact of Council's decision will be reported to Council along with the final report on the Section 355 Committee Manual and Policy at the expiration of the public exhibition period.

#### Summary

There were 11 recommendations to come from the Internal Audit, the first of which was that "The Council's Operational Manual for Section 355 Committees Handbook and the Terms of Reference for individual Committees be reviewed at least once during each Council term". Council's then Section 355 Committee Manual (**Attachment One**) was last reviewed in 2014 and was in need of attention.

Following the Council resolution in June, meetings have been held between the Director Corporate and Community Services and following committees:

- Mirrool Silo Kick Challenge Committee
- Weethalle Recreation Ground Committee
- Ungarie Retirement Village Association
- Ungarie Advancement Group
- Wyalong School of Arts & Hall Committee
- Barmedman Tidy Towns
- Ungarie Showground Racecourse & Recreation Reserve Committee

The only committee which has not been met with to date is the Barmedman Community Centre committee, although telephone discussions have been held.

The Revised Section 355 Committee Manual (**Attachment Two**) contains a number of minor amendments and additions which seek to clarify what the duties, roles and responsibilities of each committee are as well as providing more detail around the legislative framework that underpins the establishment of such committees. Specifically, the requirement that the determination as to whether a committee should be a Section 355 Committee should be a gateway decision based on:

- Is the activity of the proposed committee a core function of Council?
- Does the committee manage a facility of Council as its sole purpose?

- Does the committee provide advice to Council on a function of Council?

The version attached to this report includes tracked changes to allow for easier identification of the proposed changes to the document.

The appointment of Section 355 Committees is entirely at the discretion of the Council and should be made based on whether the committee meets one of the above requirements. The current Manual states that:

*“Committees are formed either by voting by members of the organisation or community at a publicly advertised meeting or by the Council publicly calling for nominations or by other means approved by Council.”*

This section has been replaced in the revised Manual with the following:

*“Committees are formed by the Council publicly calling for nominations or by other means approved by Council.”*

This is not to preclude any member of the community from becoming a member of a Section 355 Committee but more to reinforce the fact that such a Committee is part of the Council, undertakes activities on behalf of the Council or provides advice to Council on its functions. It has been strengthened in the Manual to ensure Council has full oversight of committee membership and is aware of who is undertaking certain functions and activities on Council's behalf. Should Council wish to allow individual committees to self-determine membership, the original statement will be reinstated as follows:

*“Committees are formed either by voting by members of the organisation or community at a publicly advertised meeting or by the Council publicly calling for nominations or by other means approved by Council. Committees formed by voting by members of the organisation or community at a publicly advertised meeting MUST report the names and contact details to Bland Shire Council within 14 days of the meeting to allow for formal ratification by Council.”*

This obligation to keep Council informed of Committee activities is crucial to the ongoing success of the Council/Committee relationship. To that end, a further inclusion within the revised Manual relates to the requirement of the Committee Secretary to accurately record minutes of each meeting and to forward all minutes to the General Manager (Bland Shire Council) and to all members of the Committee within 14 days of the meeting being held. These minutes will then be included within the next available Bland Shire Council Business Paper for Councillors to endorse the Committee's recommendations.

Each committee should also have a minimum for four (4) committee members up to a maximum of nine (9) members. There is also a requirement that the committees have certain office bearers/executive positions to ensure the smooth running of committees and to maintain communication between the committee and Council. To help facilitate this, there will be one person on the committee with responsibility to communicate directly with a Council officer who will be appointed as the Committee Liaison Officer as part of the existing role.

While committees have financial management responsibilities, in an effort to ensure probity is maintained, there have been some additions made within the manual in this area. Committees appointed under Section 355(b) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. To assist Council in monitoring committee expenditure, all committees will be required to add as an additional signatory to their accounts, an authorised officer of Bland Shire Council.

To assist the committees to undertake their roles on behalf of Council, it is proposed that the funding allocation for the Section 355 Committees be increased to \$5,000 per annum for each committee. These funds would be distributed through two allocations per year, one in the September quarter and the second in the March quarter. These additional funds will support the committees to undertake smaller maintenance activities within their communities to help preserve and improve local amenities. However, should such works require the engagement of a contractor (eg plumber, electrician etc) Committees must contact Bland Shire Council Technical Services department for a list of approved contractors prior to works being undertaken.

Should Council agree to the increase in allocation to the committees, it will be stipulated that those funds are to be spent maintaining facilities within the individual towns and villages and should not be used for regular or ad hoc donations to community organisations. Should a committee wish to provide financial support to external organisations, these funds will be required to come from any fundraising or proceeds from specific events held by the committee.

A number of committees with specific terminology within their names appeared open to a potential name change in keeping with the work they undertook. These particular groups have traditionally undertaken broad roles within their individual communities to maintain amenities, liaise with Council on maintenance requirements and larger infrastructure projects as well as run local events and fundraise. It is proposed to rename these as Community Committees for the specific towns and villages in which they exist. Those committees include:

- (1) Mirrool Silo Kick Challenge
- (2) Weethalle Recreation Ground
- (3) Ungarie Advancement Group
- (4) Barmedman Tidy Towns

All committees will be required to enter into a Memorandum of Understanding (MoU) which will stipulate specific areas of responsibility between the Committee and Council. This MoU will be developed as part of the engagement process, should Council resolve to place the revised Section 355 Committee Manual on exhibition. Further meetings will also be scheduled with each of the committees to firm up the relevant Terms of Reference. Council currently has an existing MoU with the Weethalle Recreation Ground which has been in operation for approximately 12 months (**Attachment Three**). This document would form the basis of other similar MoUs established as part of this process.

It should be noted that this report proposes the retention of three of the original Section 355 Committees listed in the Manual. Those committees relate to specific facilities and, as such, it was felt they would be better placed to continue their roles of managing specific facilities as opposed to undertaking community activities. Those committees are:

- (1) Barmedman Community Centre
- (2) Wyalong School of Arts & Hall Committee
- (3) Ungarie Showground, Racecourse & Recreation Reserve Committee

It should be noted that the revised Manual attached to this report does not contain the Appendices listed in the 2014 document. As a number of these Appendices are currently under review, it was determined to leave them out of the revised Manual until it was re-presented to Council following the community engagement process. It is anticipated that many of these documents will be finalised by this time.

The final attachment (**Attachment Four**) to this report is an updated response to the Internal Audit recommendations relating to the Section 355 Committee Management. The majority of matters have been either addressed as part of this review or will be addressed during the induction process for new committees following the September 2021 Local Government elections.

During the review process it was discovered that Council Policy in relation to Section 355 Committees (**Attachment Five**) was due to be updated. A revised Policy document was to be presented as part of this report for the endorsement of Council prior to Public Exhibition, however it contains the specific names and functions of the existing Section 355 Committees. As a result, the policy will be reviewed as part of the community engagement process and included with the revised Manual's exhibition to support and encourage any submissions which may be forthcoming.

**Recommendation:**

- 1. That the revised Section 355 Committee Manual be endorsed and placed on Public Exhibition in accordance with Section 160 of the Local Government Act;**
- 2. That due to the timing of the exhibition period being close to a busy period for members of the Bland Shire Community, the period be extended until January 2021.**
- 3. That the revised Section 355 Committee Manual and Policy be subject to a further report to Council at the close of the submission period addressing any submissions received; and**
- 4. That should there be no submissions received on the revised Section 355 Committee Manual that the plan be formally adopted and implemented;**
- 5. Increase the annual allocation to Section 355 Committees to \$5,000 per committee to be paid in two instalments during the financial year.**
- 6. That the names of the following committees be amended to (place name) Community Committee:**
  - a) Mirrool Silo Kick Challenge (Mirrool Community Committee)**
  - b) Weethalle Recreation Ground (Weethalle Community Committee)**
  - c) Ungarie Advancement Group (Ungarie Community Committee)**
  - d) Barmedman Tidy Towns (Barmedman Community Committee)**
- 7. That the Ungarie Retirement Village Association be maintained as a sub-committee of the Ungarie Community Committee/Advancement Group with a separate funding allocation to be determined by Council.**
- 8. That the following committees remain as stand-alone Section 355 Committees of Council:**
  - a) Barmedman Community Centre**
  - b) Wyalong School of Arts & Hall Committee**
  - c) Ungarie Showground, Racecourse & Recreation Reserve Committee**





BLAND SHIRE COUNCIL  
*west wyalong*

# Section 355 Committee Manual

Master Copy



## **FOREWORD**

The intention of this Section 355 Committees and Volunteers Management Manual is to formalise responsibilities and procedures applicable to the operation of Bland Shire Council Committees.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and the volunteers in the Shire provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees, especially in regard to financial recording and reporting and comply with taxation rulings.

This manual provides comprehensive guidelines on the management responsibilities, functions and operation of a §355 committee and clarifies Council's role in this partnership. Upon formal approval of a §355 committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and committee members are aware of the responsibilities and adequately covered by insurance.

Council is conscious of the fact that members of the community volunteer to undertake forms of service or activity for no reward or recompense, and do not expect to be bogged down with procedures and paperwork. This manual has been produced in an attempt to simplify and standardise mandatory procedures and forms that have to be followed or completed in compliance with legislation.

I trust that each of us, Council employee and volunteer, will comply with the procedures and processes contained in this §355 Committees and Volunteers Management Manual, to ensure that the vital service provided by our volunteers continues to be an enjoyable experience and benefit to the Bland Shire community.

**Ray Smith**  
**General Manager**

**NOTE:** § This symbol represents the word "Section" in legal documents, and will be used throughout this Manual in lieu of the words "Section 355" when referring to that section of the Local Government Act or a Committee of Council, e.g. §355 Committee.

# **1 POWER OF COMMITTEES**

## **1.1 Delegation of Function**

Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

## **1.2 Why Does Council Have Community Committees?**

The committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities and services. This provides the following benefits:

- giving protection to the committee operating under the banner of Council
- Providing the Council with assistance in the carrying out of its functions.

## **1.3 How are Community Committees Established?**

Community committees are established under Section 355 of the Local Government Act with delegations from Council under the provision of Section 377 of the Local Government Act.

§355 allows Council to exercise a function of Council and §377 allows Council to delegate functions of Council. These terms refer to the Section of the Local Government Act in which the authority of a committee to be formed is identified. (The two extracts of the Act are attached to this document as Appendix 4 and Appendix 5.

## **2 RESPONSIBILITY**

### **2.1 Responsibility**

The community committee will be responsible for activities as determined when the committee is established. This responsibility will be conveyed to the committee is listed in Appendix 2.

### **2.2 Limitation of Powers**

The committee will not make any decisions concerning the following:

- a. Fixing of charges or fees (the committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- b. Borrowing of any monies without the express written consent of Council on each such occasion.
- c. The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- d. The acceptance of tenders which are required to be called by Council. (The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).
- e. The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- f. The payment of any monies outside the scope of the Committees function.
- g. The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).
- h. Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- i. Vote monies for expenditure on the works, services or operations of Council.

The exercise by the committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control.

If any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

### **2.3 Code of Conduct**

Bland Shire Council has adopted a Code of Conduct that is applicable to both elected Councillors and employed staff. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Community Committees are operating as Council, it is important for committees to be aware of and abide by this Code of Conduct. Appendix 16.

Council's Community Committees have the responsibility to ensure the following:

- a. Access if available to the entire community and is not denied because of ethnicity, gender, disability or religion.
- b. Priority of use should be given to non-profit making community groups and organisations
- c. That the facility not be aligned with, or advocate or advertise for or on behalf of, any political party or person/s.

## **2.4 Accountability**

The committees need to be aware that accountability is required to Council, user groups and the general community. To facilitate this accountability, the committees are required to:

- a. Hold an Annual General Meeting annually that is advertised
- b. Provide reports, minutes and annual financial statements to Council.
- c. Ensure that affected persons are aware of the committee meeting details.

### **3 COMMUNITY COMMITTEES**

Council aims to appoint committees which are representative of the local community or interest groups for the function which the committee manages.

#### **3.1 Appointment**

- To hold office and be responsible for the management of a Council facility, all committee members must be appointed by Council.
- Must also appoint new members before them being able to vote and take part in meetings of the committee.
- The council may dissolve any such committee at any time
- The term of office for community committees will be same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless appointed as a sunset committee with a finite time specified.

All nominations for Community Committees are formally submitted in writing to Council for appointment.

#### **3.2 Committee Membership**

The community committee membership will number not less than four (4) and not more than twelve (12) members as appointed by Council including office bearers unless otherwise decided by Council. Council reserves the right to appoint one of its members to each committee.

Whilst no particular qualifications are necessary, a commitment to the activities of the Committee and a willingness to be actively involved in a committee issues is essential.

#### **3.3 Dissolution of Committee**

The Council may dissolve the Committee at any time.

Committees are formally appointed by the Councillors in office, therefore, three months after the General Election of Councillors, all community committee members will cease to hold office.

All committee members are eligible for re-appointment. Council will advertise for and receive nominations.

(This action does not rule out committees holding an Annual General Meeting.)

#### **3.4 Vacation of Office**

The office of any member of office bearer of the Committee will become vacant in the following circumstances.

- if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or
- if the member becomes a mentally incapacitated person; or
- if the member resigns membership by notice in writing to the Committee: or

- if the member is absent for more than three consecutive meetings without leave of the Committee; or
- if the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the committee otherwise resolves; or
- While serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine.

### **3.5 Representation on Committee**

Committee membership should reflect the community organisations, which use the facility, and must be open to representatives of user groups and interested community members.

Equal representation of each user group is recommended. Where there is a dispute on representation a final determination will be made by Council.

### **3.6 Committee Positions**

Community committees consist of office bearers (also known as the Executive) and other committee members. The committee elects at its first meeting and thereafter at each annual general meeting the office bearers. Particulars of all appointments eg committee position, name, address, contact number and the user group represented must be notified in writing to council as soon as possible after appointment is made.

Community committee members need to have a degree of commitment to their role as committee members. One of the advantages of community committees is that the workload can be shared between the different committee members. It is important that each member understands the role and what is expected by the community and the Council.

#### **3.6.1 Office Bearers/Executive**

Office bearers do not have greater decision making powers than other committee members, other than the chairperson who has a casting vote in the event of a tied vote. Whilst office bearers usually have defined roles, each committee member plays an important part in the functioning of the committee.

At a minimum the committee must have:

- **Chairperson/President**

The Chairperson is usually the spokesperson for the organisation and therefore needs to be certain that the organisation is running smoothly and achieving its aims and objectives. (Refer Appendix 7)

- **Secretary**

(One person may fill the joint position of Secretary/Treasurer)

The Secretary is often the key contact point for the organisation, ie for correspondence, phone messages etc and is required to record the minutes for each meeting. (Refer Appendix 7)

- **Treasurer**

The Treasurer is responsible for managing the committee's financial business records and is required to present a report of all receipts, payments and other transactions to each committee meeting (Refer Appendix 7)

### **3.7 Meeting Procedures**

Meetings are to be conducted to standard guidelines, which are detailed in the following section and include:

- a. that a quorum be present
- b. that appropriate notice is given
- c. that business on the agenda is properly conducted
- d. That correspondence and minutes are recorded.

#### **3.7.1 A Quorum**

This refers to the minimum number of members who must be attendance to conduct business.

Council regulations state:

- a. A quorum will consist of one half of the total number of elected members plus one;
- b. If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the President; or those present can hold an informal meeting to discuss matters. However, any decisions taken by the committee are not recognised until a meeting has ratified them where a quorum is present.

#### **3.7.2 Agenda**

The agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to all the committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the chairperson calls for discussion on the agenda.

Each time business to be discussed at the meeting needs to be put on the agenda. Unfinished business and report on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes". If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

#### **3.7.3 Conduct of Business**

Each item of business is discussed in the order in which it appears on the agenda. Allow adequate time for discussion on important issues. Ensure all relevant information on the matter under discussion is available at the meeting.

#### **3.7.4 Correspondence**

A list of correspondence received (inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of any new issues that may have arisen and to report on letters received in response to matters raised at previous meetings. A list of correspondence sent out



(Outwards) is provided to inform the members of any action taken on their behalf. All correspondence will be suitably filed together for future reference.

### **3.7.5 Election of Committee**

At the AGM all member of the committee stand down and their positions are declared vacant. A Returning Officer, appointed at the meeting, takes the chair and calls for nominations for the positions of office bearers (also known as the Executive) and committee members.

### **3.7.6 Procedure for Election**

Nominations can be accepted in two ways:

- in writing, duly seconded, and signed by nominee, prior to the AGM; or
- verbally from the floor to the Returning Officer

If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper and drawn “from the hat” by the Returning Officer (or an impartial observer). The first name drawn is the elected member.

A list of duly elected office bearers / executive and committee members must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected committee members must be sent to Council for approval within 5 working days.

### **3.7.7 Voting**

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways.

- a. Vote verbally**  
The chairperson asks people to say “for” or “against” and then decides which group is the largest.
- b. Vote by show of hands**  
The chairperson asks people in favour of the decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.
- c. Vote by secret ballot**  
Members vote on paper and put into general pool, the secretary and member not standing for any position, count the votes. (Requests by members for secret ballots cannot be denied).

For all motions, the committee needs to have an agreement concerning the way the vote will be decided, eg for the vote to be carried, you will need a simple majority (more than half); for changes to the Constitution, you will need two-thirds majority of those present.

## **4 OPERATIONAL ISSUES**

### **4.1 Financial Support**

Financial Support for Council's Section 355 Committee is subject to annual budget allocations and is outlined in Council's Donations Grants Policy

### **4.2 Requirements**

Section 355 Committees are required to comply with and adhere to the procedures polices and requirements outlined in Council's Section 355 Committee manual.

### **4.3 Purchasing**

Under the Local Government Act, Council can assist committees by purchasing goods on their behalf to be used in association with the committee approved function. The further benefit to the committee is that they can utilise the purchasing power of Council to reduce costs.

### **4.4 Legal Issues**

From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is "Council" and any action, which the committee undertakes, is Council's responsibility.

Committees sometimes believe that they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council has delegated its authority to the committee to act on Council's behalf and Council can withdraw this delegation if it is deemed to be necessary.

#### **4.4.1 Records of the Committee**

Most of the records of Council committees should be kept for a minimum of seven years and in the case of records relating to operations ie minutes and correspondence – 20 years. In particular the committee needs to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases.

#### **4.4.2 Pecuniary Interest (Refer Appendix 6)**

Pecuniary Interest may be defined as an interested that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons includes the spouse or de-facto partner or relative of the committee person.

#### **Disclosure of Pecuniary Interest**

- a. If
  - i) a committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or
  - ii) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of a matter,

The member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.

- b. A committee must ensure –
- i) Particulars of any disclosure made under this clause are recorded in the minute book kept for the purpose; and
  - ii) That book is kept open at all reasonable hours to inspection by any person.
- c. After a member of a committee has disclosed the nature of any interest in any matter, the member must not,
- i) Be present during any deliberation of the committee with respect of that matter.
  - ii) Take part in any decision of the committee in respect of that matter.
- d. For the purposes of the making of a determination by a committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not–
- i) Be present during any deliberation for the purpose of making the determination.

#### **4.5 Correspondence**

Correspondence from the committee is effectively correspondence from the Council as the committee acts on Council's behalf. Therefore stringent conditions are required to ensure that appropriate use of Council's name.

##### **4.5.1 Letterhead**

- a. There are some occasions where Council letterhead may be used on behalf of the committee. In these instances, the letter must be approved and signed by the Council's General Manager.
- b. The use of separately designed letterhead is limited to those Council committees and areas of activities which:
  - i) may have a benefit in being identified in a slightly different way to normal Council activities and where a separate image or presentation may be appropriate, and
  - ii) May be strongly community based.
- c. In all instances the letterhead design must be approved by Council and indicate that the function is a committee of Bland Shire Council.

##### **4.5.2 Purpose of Correspondence**

Usage is limited to the activities of each specific authorised functional area and specifically limited to:

- provision and seeking of information
- extension of invitations
- thank you's

- seeking of sponsorship (after approval of General Manager)
- General correspondence not committing the Council or making comment.

#### **4.5.3 Filing**

Copies of all correspondence from the Committee **under Council's letterhead** must be placed in Council's filing system within one day of the letter being sent. Copies of all other correspondence is to be attached to the copies of the minutes and forwarded with the annual financial statement to Council annually.

#### **4.5.4 Signatures**

The signing of correspondence is limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or the chairperson of the committee duly authorised by Council.

#### **4.6 Sub Committees**

The committee may appoint working groups to report back to the committee. These "sub-committees" have no legal standing and must recommend back to the committee for ratification.

Members of sub-committees must be duly appointed members of the community committee and will be covered in accordance with this policy.

#### **4.7 Clerical Support**

It is not normal practice for Council to provide clerical support to community committees. A committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

As a rule, clerical support will only be offered if a Council employee is a member of the committee and the assistance is an extension of the employee's duties.

If support is offered, the level of assistance will be subject to negotiation between the committee and the Council and strict duties established. Council supports the principle that a committee should be self-reliant and provide its own office-bearers.

## FINANCIAL MANAGEMENT

### Financial Issues

§355 Committees are given authority to operate by Council and are subject to the same rules and regulations. These rules are set out in the Local Government Act, Local Government Regulations and Accounting standards, and must be adhered to.

§355 Committees are established to benefit the community and are made up of members of the community. Funds raised, received or spent are subject to public scrutiny, just the same as Council. The concept of public accountability involves a responsibility to ensure that committee funds are used in the manner for which they were intended and that a clear and full disclosure of the committee's financial activities is available.

### Accounting

Council requires the following conditions to be met by all §355 committees:

- A Cheque Account must be opened at any branch of a recognised financial institution within Bland Shire. Such account will be in the name of the committee.
- All monies received by the committee must be banked within one week of receipt.
- The committee is authorised to draw on its account for such sums as it may require in the performance of delegated function but under no circumstances will the account be overdrawn.
- A suitable cash book, receipt book, bank deposit book and petty cash will be maintained and kept up to date.
- Receipts, in the name of the Committee, will be issued for all monies received and duplicates of all receipts will be retained for audit.
- Payment will be made by crossed Cheque and relevant documentation will be attached to payment records.
- The Committee may authorise its president, treasurer and one other person to sign on its behalf on the basis that two signatures are required on each Cheque.
- All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council's auditor or an authorised officer of Council.
- The Committee will be entitled to spend all monies raised in the management of the facilities under their control, provided that all such monies together with the Committee on their operations will be expended strictly in accordance with any conditions imposed by the Council and only upon the facility of the Council for which the Community Committee has been constituted.
- Submission to Council of audited Financial Statements for the financial year ended on 30 June, by 31 August each year. A sample of a Statement of Financial Position (Balance Sheet) and a Statement of Financial Performance (Profit and Loss Statement), which form the Financial Statements, is provided in Appendix 9.
- Submission of the Income Reporting Return by the 10th day of each month, accompanied by a Committee cheque covering any GST component applicable to the received income. This return shows totals of all categories of income received during the previous month and is used to support the Council BAS Statement. If no income was received within the reporting period a **NIL RETURN must be supplied**. (Sample shown at Appendix 9.

- When the Committee has expenditure with a significant GST content, payment of the relevant tax invoice can be dealt with as follows:

Council will pay the full amount of the tax invoice on the Committee's behalf, providing a Committee cheque, payable to Bland Shire Council for the amount owing, excluding the GST, is received at Council's office with the tax invoice concerned. The Committee will have the discretion to pay tax invoices with minor amounts of GST and thereby forgo the amount of GST paid.

Any invoices to be paid by the Council (i.e. those with a significant amount of GST) must show the name "Bland Shire Council" in addition to the name of the committee and be received at Council's offices early enough for the Council's payment to comply with the supplier's trading terms. The Committee must also certify the invoice that the goods or services being claimed have actually been received.

### **Financial Support**

Council will provide a budget allocation per year for funding for the various Section 355 Committees of Council. To be eligible to receive a share of this funding Section 355 Committees shall sign and commit to Council's 'Section 355 Committees and Volunteer Management Manual' and by 31 August each year provide to Council: -

- Financial statements for the previous year ending 30 June; and
- Minutes of the committee meetings held during the past 12 months; and
- The date of the last Annual General Meeting; and
- The names of all current committee members and office bearers; and
- A copy of the Volunteer Attendance Registers

The number of Section 355 Committees that comply with the above criteria will share equally in the annual budget allocation and payment is to be made by 30 September each year.

In addition to the above, Council will make an annual provision to Section 355 Committees that maintain and control their respective recreation grounds. Of this total annual provision, up to \$5000 per year will be made available to any of the committees mentioned below on the condition that they comply with the reporting criteria and provide an outline detailing the required works.

- Barmedman Sports & Recreation Committee
- Ungarie Showground, Racecourse & Recreation Reserve Committee
- Weethalle Recreation Ground Committee
- Tallimba Town Advancement Group

The allocation of funds to each committee will be determined by the General Manager annually, based on a review of the committee's works outline and recommendations from the Director of Engineering Services.

## 6 RISK MANAGEMENT

Bland Shire Council is committed to implementing a systematic Risk Management approach in order to control all areas of risk within the organisation.

Protection for people, property and equipment under Council's insurance policies comes with responsibilities to act safely, undertake risk assessments where necessary, to sign in as a volunteer before commencing work and to report all injuries, near misses or damage to property and equipment as soon as they occur.

Bland Shire Council's Risk Management Policy – Appendix 10.

### 6.1 INSURANCE

#### Property Insurance

All council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to these policies.

#### Public Liability

The committee is covered by the public liability of Council (currently \$50 million). This insurance does not preclude the committee from due diligence and all council policies must be adhered to.

#### Personal Accident

**Committee members are covered under certain circumstances if injured whilst undertaking duties relating to their role on the committee. The Volunteer Attendance Register must be completed by each volunteer for every meeting and activity they are involved in. The Volunteer Tool and Protective Equipment Register must also be completed when activities requiring the use of tools and personal protective equipment are used. (Refer Appendix 14)**

In the event of an accident or near miss it is vital that a report is made to Council as soon as possible. An Incident Reporting form is included (Refer Appendix 15)

#### Motor Vehicle

In the event that a committee member utilises a Council vehicle, the motor vehicle policy of Council will provide cover.

### 6.2 EVENT MANAGEMENT

If you are planning an event contact Council's Community Relations Officer and Work Health and Safety Officer. They will be able to assist you to organise a safe and successful event and will be able to provide advice and assistance on how to best run the event.

An Event Management Manual has been provided as Appendix 17.

#### i) Safe and Successful

It is essential that everyone involved in the organisation of an event, no matter how big or small, understands the need to eliminate or reduce and control the foreseeable risks involved in conducting an event. Event organisers and participants have to recognise that having Public Liability insurance cover does not absolve their obligations to provide a safe and secure event, activities, services and

facilities. Everyone attending your event is entitled to enjoy all the benefits of attendance without risk to their health, safety and welfare.

Council Committees, such as Section 355 Committees, as they are acting on behalf of Council, are responsible for the provision of safe facilities, activities and services, even though they are acting in a voluntary capacity. §355 Committees are performing a function of Council when carrying out the functions delegated to them by Council, and thus are covered by the Public Liability cover obtained by Council; however that coverage also has inherent responsibilities for risk minimisation and compliance with Work Health and Safety legislative requirements.

## ii) Duty of Care

Event organisers have to be aware that they have a “Duty of Care” to patrons of the event, and others in the vicinity, to ensure that all reasonable care has been taken to avoid acts or omissions that may adversely affect their health, safety and welfare.

For event organisers, Duty of Care requires all reasonable actions to be taken to prevent any foreseeable risk of injury, loss or harm to people directly affected by or involved in the event. This includes staff, volunteers, performers, patrons and members of the public in surrounding areas.

Some of the main areas of risk to be identified and assessed are:

**Administration:** the working conditions and management of staff and volunteers must minimise the risks to their health, safety and welfare and consequent possible loss of profit for the event organisers.

**Marketing and PR:** ensure that all advertising material portrays the content and activities of the upcoming event accurately, to avoid any patron disappointment and adverse comment or actions.

**Health and Safety:** ensure things such as food sanitation, responsible service of alcohol, safe access and egress to the venue, traffic management plans, risks involved in activities to be performed or undertaken.

**Crowd management and security:** ensure that the venue can safely and comfortably accommodate the expected number of patrons. Access to adequate clean and tidy amenities and provision for access control of emergency vehicles if relevant.

**Transport:** ensure that transport arrangements to and from the event are controlled, public-parking arrangements are properly organised and if necessary, access for delivery or official vehicles is planned and controlled.

## iii) Event Risk Assessment

A Risk Assessment of all the foreseeable hazards must be performed and documented during the planning phase of any event to be conducted by a §355 Committee. The Risk Assessment process is described above and an Event Management Risk Assessment Form will be provided by Council upon application.



### **6.3 WORK HEALTH AND SAFETY**

Section 355 Committee members are volunteers of Council. Committee members and volunteers are required to register as volunteers through the completion of the form in Appendix 12, sending the form to Council and signing on and off the Volunteer Attendance Register on each occasion you volunteer.

The Secretary of the group is required to ensure that all volunteers are registered and that a copy of the Volunteer Attendance Register is sent to Council on an annual basis.

Council will retain a record of each registered volunteer and will also retain copies of the Volunteer Attendance Register.

Bland Shire Council's Occupational Health & Safety Policy – Appendix 11.

## 7 STATEMENT OF COMMITMENT - VOLUNTEERS

Bland Shire Council is committed to providing a healthy and safe environment for Shire residents and volunteers and volunteer committees.

Council is very conscious of the need to protect the health and safety of its volunteers. Volunteers provide an invaluable service to the community of Bland Shire in particular, and to visitors and the travelling public in general.

Volunteers are community members who are motivated to undertake some form of service or activity, for no financial reward or recompense. Their contributions undoubtedly benefit the community as a whole. These contributors may either be individuals who spontaneously undertake a task or organised groups within the community or Council. There are also well-established independent groups that are nationally rather than community based.

Formal volunteering is an activity, which takes place in not-for-profit organisations or Projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and,
- In designated volunteer position only.

Council recognises that a volunteer contracts to perform a specific job with certain responsibilities and in return is entitled to certain rights. Both the volunteer and Council has mutual obligations to each other. Council has an implied duty of care towards its volunteers under both the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011, where volunteers perform tasks either directly for Council, or indirectly on or at Council controlled property, facilities or activities.

In order to fulfil the obligations of both Council and volunteers, and to promote excellence in service and maximise the quality of the volunteers' experience, Bland Shire Council will:

- Recognise volunteers as valuable team members, with opportunities to participate in relevant organisational decisions.
- Ensure that all voluntary work is undertaken on a voluntary basis and without coercion.
- Ensure that volunteers' work supplements, humanises and enhances, but in no way competes with the work of paid personnel.
- Offer volunteers work opportunities appropriate to their skills, experience and aspirations.
- Provide volunteers with orientation to their work and the organisation and, where appropriate, with clear duty statements.
- Empower volunteers to meet their own and Council needs through Council's provision to them, of appropriate resources, information, support and feedback.
- Offer training and support for volunteers to achieve personal and work goals.
- Implement procedures and provide personal protective equipment to safeguard volunteer's safety and well being, including appropriate volunteer insurance.
- Protect volunteers from unfair discrimination and from sexual harassment by adhering to Equal Employment Opportunity principles and recognising ethnic and cultural diversity.
- Where appropriate, offer reimbursements or other compensation to cover out-of-pocket expenses (eg. Fares, lunches, etc.).
- Provide mechanisms to acknowledge the value of contributions made by volunteers.
- Provide written information about the Council and/or §355 Committee policies, procedures and operations as appropriate.

This Statement of Commitment has application to the following volunteers:

- §355 Committee members.
- All individuals performing voluntary tasks with Council
- Work experience students
- All individuals and organisations undertaking tasks on Council controlled property or facilities, but not under direction from or by Council, i.e. Service Clubs, Clean Up Australia, Sports and Recreation Clubs and Groups, Landcare Groups, Showground Trusts and non-organised groups or individuals.

Council recognises the need for formalised roles, responsibilities and procedures to ensure that Council can fulfil its duty of care to all staff and volunteers involved in Council operations, and also has an obligation to its Insurers to minimise risk.

Manuals and other documented procedures that detail how Section 355 Committees and other groups of volunteers are to be managed support this Statement of Commitment.

# APPENDICES

- 1 **Council Committees**
- 2 **Committee Responsibilities & Delegations**
- 3 **Procedure for Establishment of Committees**
- 4 **Section 355 Local Government Act (Community Committees)**
- 5 **Section 377 Local Government Act (Delegations)**
- 6 **Section 441- 443 Local Government Act (Pecuniary Interest)**
- 7 **Responsibilities**
  - Responsibilities of Chairperson
  - Responsibilities of Secretary
  - Responsibilities & Guidelines for Treasurer
  - Responsibilities of Committee Members
- 8 **Standard Formats**
  - Ordinary Meeting Agenda
  - Annual General Meeting Agenda
  - Correspondence
  - Format for Good Minutes
  - Procedure for Motions
- 9 **Financial Statements**
- 10 **Risk Management Policy**
- 11 **Occupational Health & Safety Policy**
- 12 **Application to Work as a Volunteer**
- 13 **Volunteer Attendance Register**
- 14 **Volunteer Tool and Protective Equipment Register**
- 15 **Incident Reporting Form**
- 16 **Code of Conduct**
- 17 **Event Management Manual**

**Barmedman Community Centre**

74 Robertson St  
Barmedman NSW 2668

**Barmedman Sports and Recreation Committee**

53 Queen St  
Barmedman NSW 2668

**Barmedman Tidy Towns Committee**

"Kurrawong"  
Barmedman NSW 2668

**Mirrool Silo Kick Challenge Committee**

7 Edward St  
Mirrool NSW 2665

**Ungarie Showground, Racecourse and Recreation Reserve Committee**

PO Box 81  
Ungarie NSW 2669

**Ungarie Advancement Committee**

PO Box 78  
Ungarie NSW 2669

**Ungarie Retirement Village**

"Alawa"  
Girral NSW 2669

**Weethalle Tidy Towns Committee**

PO Box 17  
Weethalle NSW 2669

**Weethalle Recreation Ground Committee**

86 Teamster Dr  
Weethalle NSW 2669

**West Wyalong Tidy Towns Committee**

20 North St  
Wyalong NSW 2671

**Wyalong School of Arts and Hall Committee**

69 Cassin St  
Wyalong NSW 2671

## **APPENDIX 2            COMMITTEE RESPONSIBILITIES AND DELEGATIONS**

### **BARMEDMAN COMMUNITY CENTRE**

- The care, control and management of the Barmedman Community Centre being both the hall and the property formerly the Court House, Barmedman.
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility
- To maintain the facility to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Arrange the repair and maintenance of the facility and grounds, either by voluntary labour or otherwise.

### **BARMEDMAN SPORTS AND RECREATION COMMITTEE**

- The care, control and management of the Barmedman Sport and Recreation Ground
- To recommend charges, subject to Council approval, for the use of the grounds
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.

- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

#### **BARMEDMAN TIDY TOWNS COMMITTEE**

- To submit entries for Barmedman in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Barmedman by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Barmedman.
- To advise Council on issues relating to the maintenance and development of the cemetery
- To assist in the maintenance of the cemetery

#### **MIRROOL SILO KICK CHALLENGE COMMITTEE**

- To make recommendations to council in relation to works and programs to improve and enhance the amenity of Mirrool.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Mirrool by voluntary labour and otherwise subject to the Council's prior approval of each project.
- Facilitate and co-ordinate the various sections of our community
- Promotion of Mirrool and District generally
- Liaise and lobby within local and state bodies and organisations.
- Monitor and advise of effectiveness of services provided to Mirrool and District.
- To retain, promote and where possible upgrade business in Mirrool and District.
- To encourage and assist in developing a strong sense of pride within the town
- To retain and promote community involvement within the communities services and amenities

#### **UNGARIE SHOWGROUND, RACECOURSE AND RECREATION RESERVE COMMITTEE**

- The care, control and management of the Ungarie Showground, Racecourse and Recreation ground
- To recommend charges, subject to Council approval, for the use of the facilities

- Collect any charges and fees fixed by Council for the use of the facilities, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facilities were originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

### **UNGARIE ADVANCEMENT COMMITTEE**

- To make recommendations to council in relation to works and programs to improve and enhance the amenity of Ungarie
- To research and publish the history of Ungarie and District
- The care, control and management of the Ungarie Museum
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility
- To maintain the facility to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Arrange the repair and maintenance of the facility and grounds, either by voluntary labour or otherwise.
- To carry out works to beautify Ungarie by voluntary labour and otherwise subject to the Council's prior approval of each project.
- Facilitate and co-ordinate the various sections of our community



- Promotion of Ungarie and District generally
- Liaise and lobby within local and state bodies and organisations.
- Monitor and advise of effectiveness of services provided to Ungarie and District.
- To retain, promote and where possible upgrade business in Ungarie and District.
- To encourage and assist in developing a strong sense of pride within the town
- To retain and promote community involvement within the communities services and amenities

### **UNGARIE RETIREMENT VILLAGE**

- To promote and undertake or assist in promoting and undertaking benevolent assistance for aged, frail and disabled persons and their spouses, together with such other persons as may be approved from time to time by the Australian Government irrespective of creed, class or colour, and without in any way limiting the generality of the foregoing provision, shall have the power to do or to assist in doing any or all of the following things, namely:
  - To establish and maintain living units, hostels and/or nursing homes for the accommodation and care of aged, frail and disabled persons;
  - To provide benevolent relief to aged, frail and disabled persons by establishing and maintaining a club or clubs;
  - To promote and assist the general good of all aged, frail and disabled persons in the Bland Shire Council Local Government area by assisting the work of statutory authorities and voluntary organisations engaged in respect of such persons in providing facilities for physical and mental recreation, developing physical improvement, furthering health and comfort, relieving poverty, distress or sickness, or in pursuing any objects which are benevolent.
  - To promote the above purposes by co-operation with other authorities and organisations and to that end bring together representatives of the authorities and organisations engaged in the furtherance of the above purposes or any of them.
  - To assist any benevolent body or bodies in the furtherance of the above purposes or any of them.
  - To promote and carry out or assist in promoting and carrying out surveys relating to the needs of aged, frail and disabled persons and to arrange for forwarding to the proper authorities and organisations the relevant facts regarding such cases and causes of distress as it appears to be within the power of those authorities and organisations to alleviate.
  - To arrange for or join in arranging or providing for the holding of exhibitions, meeting, lectures and classes in furtherance of the objects of the Association or any of them.

### **WEETHALLE TIDY TOWNS COMMITTEE**

- To submit entries for Weethalle in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Weethalle by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Weethalle.

## **WEETHALLE RECREATION GROUND COMMITTEE**

- The care, control and management of the Weethalle Recreation Ground.
- To recommend charges, subject to Council approval, for the use of the grounds
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

## **WEST WYALONG TIDY TOWNS COMMITTEE**

- To submit entries for Wyalong/West Wyalong in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Wyalong and West Wyalong by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Wyalong and West Wyalong.

## **WYALONG SCHOOL OF ARTS AND HALL COMMITTEE**

- The care, control and management of the Wyalong School of Arts and Wyalong Hall
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility

- To maintain the facility in accordance with Council's Code of Management and to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Arrange the repair and maintenance of the grounds and building, either by voluntary labour or otherwise.

### **APPENDIX 3           PROCEDURE TO ESTABLISH A Section 355 COMMITTEE**

- 1       The Group must make written application to Council detailing reasons / purpose for establishment.
  
- 2       A report to be presented to Council including
  - information to support the committees establishment including role, function and life
  - recommendation from the General Manager
  - specific authority being delegated to Council
  
- 3       A motion to be passed by Council worded as follows:

It was resolved that “xyz committee” be established as a Council committee in accordance with Section 355 of the Local Government Act 1993, along with details as to the specific authority delegated, role, function and life of the committee.
  
- 4       The committee will be notified of the decision of Council and if adopted, a copy of this document will be forwarded to the Committee.

**COMMUNITY COMMITTEES**

**355    How does a council exercise its functions?**

A function of a council may, subject to this Chapter, be exercised:

- (a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) By a committee of the council, or
- (c) Partly or jointly by the council and another person or persons, or
- (d) Jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) By a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).

**377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
- (a) The appointment of a general manager,
  - (b) The making of a rate,
  - (c) A determination under section 549 as to the levying of a rate,
  - (d) The making of a charge,
  - (e) The fixing of a fee,
  - (f) The borrowing of money,
  - (g) The voting of money for expenditure on its works, services or operations,
  - (h) The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) The acceptance of tenders which are required under this Act to be invited by the council,
  - (j) The adoption of a management plan under section 406,
  - (k) The adoption of a financial statement included in an annual financial report,
  - (l) A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) The fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979,
  - (p) The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) A decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) A decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) The making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) This power of delegation,
  - (u) Any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

## APPENDIX 6 SECTION 441 – 446 LOCAL GOVERNMENT ACT (PECUNIARY INTEREST)

### Part 2 Duties of disclosure

#### Division 1 Preliminary

##### 441 Who are “designated persons”?

For the purposes of this Chapter, *designated persons* are:

- The general manager
- Other senior staff of the council
- 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 under this or any other Act (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
- 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 under this or any other Act (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.

##### 442 What is a “pecuniary interest”?

- (1) For the purposes of this Chapter, 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.
- (2) 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 section 448.

##### 443 Who has a pecuniary interest?

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (a) The person, or
  - (b) The person’s spouse or de facto partner or a relative of the person, or a partner or employer of the person, or

- (c) A company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (2) (Repealed)
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):
  - (a) If the person is unaware of the relevant pecuniary interest of the 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.

**444 What disclosures must be made by a councillor?**

A councillor:

- (a) Must prepare and submit written returns of interests in accordance with section 449, and
- (b) Must disclose pecuniary interests in accordance with section 451.

**445 What disclosures must be made by a designated person?**

A designated person:

- (a) Must prepare and submit written returns of interests in accordance with section 449, and
- (b) Must disclose pecuniary interests in accordance with section 459.

**446 What disclosures must be made by a member of a council committee?**

A member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451.



## **APPENDIX 7            COMMITTEE MEMBERS RESPONSIBILITIES**

### **RESPONSIBILITIES OF THE CHAIRPERSON**

The Chairperson generally has the following specific duties, which make up the major part of their responsibility;

#### **a.            Before a meeting**

- Prepares the agenda (in consultation with the Secretary or members who can delegate this role to the Secretary), setting out the items of business to be considered.
- Ensures meeting is properly convened in accordance with the organisation's rules ie proper notice of a meeting is given and quorum is present.

#### **b.            During the meeting**

- chairs all meetings, opens meeting, welcomes and introduces members and guests, subject to the right of the Mayor at his/her discretion, to take the chair at any meeting he/she attends.
- Keeps individuals and the meeting focused on the topics being discussed and encourages all members to participate; ensuring adequate opportunity is given to members who wish to speak.
- Ensures correct meeting procedures are followed and control of the meeting is maintained, keeping track of time (or delegates someone else to do this).
- Makes sure members are aware of decisions being made and that the minute taker has recorded decisions of the meeting.
- Acts impartially and uses discretionary powers in the best interests of members and in accordance with the agreed standing orders ie method of conducting meetings, and ensures all statutory regulations and organisation's rules are observed.
- Closed meeting after business at hand has been properly conducted.

The Chairperson needs to be aware of certain issues and procedures and the importance of establishing and maintaining a working relationship with Council, particularly in regards to Government funding, the committee's budget, Council and community involvement and requirements.

The Chairperson is responsible for providing assistance to all members of the management committee and ensuring that they fulfil their respective roles. The chairperson is the "spokesperson" for the organisation and is the one to communicate with Council staff and other relevant bodies.

## **RESPONSIBILITIES OF THE SECRETARY**

The organisation's Secretary usually carries a great deal of the responsibility and often has comprehensive knowledge of the committee's activities.

### **a. Before a meeting**

- Prepares the agenda in consultation with the Chairperson.
- Makes copies of the agenda for the meeting

### **b. During the meeting**

- takes minutes
- reads minutes of previous meeting if necessary
- provides a list of correspondence in order and summaries any important points
- Records any motions and/or decisions of the meeting including mover and seconder.

### **c. After the meeting**

- types the minutes and distributes to committee members as soon as possible
- ensure that accurate minutes are kept in the Minute Book
- writes any letters as decided (this role can be a shared role with another committee member)

### **d. Outside of meetings**

- keep a register of correspondence that has been received or sent and file copies of all letters written
- in between meetings inform other committee members of any correspondence requiring urgent attention

## **RESPONSIBILITIES AND GUIDELINES FOR THE TREASURER**

To establish an effective financial system, Committees will need to maintain the following books and forms.

- Cheque book
- Expenditure documentation
- Receipt Books
- Cash Book
- Bank Deposit Book

### **1 Cheque Book**

The cheque book should be held by the Treasurer and must only be drawn up with the joint signatures of two of the executive.

All payments on behalf of the Committee for amounts in excess of \$50.00 will be made by cheque, which will be crossed and marked "Not Negotiable".

All cheques drawn will have some form of supporting documentation.

All cheques drawn will be authorised by the Community Committee.

All payments must be entered in the Cash Book under the appropriate cost heading.

### **2 Expenditure Documentation**

All payments should have supporting documentation, preferably an Invoice. These should be kept in payment order and noted with the cheque number and date of payment for easy reference and to prevent double payment. Where documentation is not available, a notation should be provided detailing the payment and explaining why documentation is not provided.

### **3 Receipt Books**

All receipt books must bear the Committee's name (a stamp can be used), have a fixed duplicate copy and be numbered. A receipt must be issued for every payment received and monies should be banked regularly. The receipt of cash is an area where strict control is required. The safest method is to have a limited number of committee members who have the responsibility for receiving funds, issuing receipts and banking monies.

Keep a record of receipt books detailing the number and location (ie in use or not). Record receipt number in the Cash Book and on the Deposit form retained by the Committee. Never give change for a cheque payment.

Avoid altering amounts on receipts. If it is necessary to alter a receipt, cross through the incorrect entry and insert the correct amount. Initial all alterations. It is more accountable to cancel a receipt and retain both the original and duplicate in the book, than to alter a receipt.

### **4 Cash Book**

The cash book is the organisation's record of what money is received and spent, the transactions (both incoming and outgoing) that have occurred, and how much cash is on hand at any one time.

The cash book should have appropriate headings for frequent transactions. Try not to have too many items under sundries or miscellaneous – it makes things difficult when preparing end of year figures.

Update the cash book on a regular basis so it does not become a big job. Bank fees, interest etc should be written in the cash book in the month they were raised or when the bank statements are received. This assists with reconciling the cash book to the bank statements.

Show all cheques written during the month in the cash book whether they have been presented or not. Show all income received during the month whether banked or not.

Reconciliation – check off the amounts received and cheques written out in the cash book against the bank statement figures. From this, you can compile a list of outstanding deposits or unrepresented cheques and it also verifies that an incorrect figure does not appear in either records. Tick or cross entries only once – there is no need for multiple marks against each entry. Simply compare the cash book entry against the bank statement and if they agree, mark each one once only. If the bank reconciliation does not agree, find the discrepancy. It will be either a mistake in the cash book or on the statement.

## **5 Bank Deposit Book**

The bank you have nominated supplies this book and it is where all income is recorded for deposit into the organisation's account.

### **Steps Required to Keep Complete and Accurate Records**

- 1 Open a cheque account in the Committee's name
- 2 Make as many payments as you can by cheque. Avoid paying cash.
- 3 Record details on the cheque butt.
- 4 Bank all cash receipts promptly into the cheque account.
- 5 Record all details on the receipt book butt.
- 6 Write up the cash book regularly – at least monthly.
- 7 Reconcile the bank account regularly – generally monthly or each time a bank statement is received and at the end of the financial year.
- 8 Retain supporting documentation or evidence for all cheques drawn.

## RESPONSIBILITIES OF COMMITTEE MEMBERS

Committee member's role is important and ensures the democratic process is followed. Member's responsibilities are:

- a. attend most committee meetings
- b. participate in meetings – this involves;
  - being on time
  - keeping to the agenda
  - contributing to the discussion where appropriate
  - being objective, listening to each other's views
  - Volunteering to do some of the necessary tasks required.
- c. support the office bearers in carrying out their jobs
- d. assist in organising the Annual General Meeting
- e. attend and participate in any planning days that may be held
- f. make sure the function is being maintained and run smoothly
- g. Ensure all members of the committee are accountable for their actions in relation to the activities of the committee.

## **APPENDIX 8      STANDARD FORMATS**

### **ORDINARY MEETING AGENDA**

#### **Sign On in the Volunteer Attendance Register**

##### **1      Open Meeting**

The Chairperson welcomes members and visitors, declares the meeting open, ensures everyone has an agenda, and asks for any extra items suggested by members.

##### **2      Attendance and Apologies**

The Secretary records those present and any apologies. An attendance list or book may be circulated.

##### **3      Confirmation of the minutes of the previous meeting**

Two committee members in attendance at the last meeting are asked to confirm that the record of minutes is a true and correct one. Any amendments or changes need to be recorded and included in the meeting's minutes.

##### **4      Business arising from the previous minutes**

Deal with any matters that have arisen or were to be completed since the last meeting.

##### **5      Correspondence**

Includes both Inwards and Outwards correspondence. A member, usually the Secretary, reads out in full or in summary any letters received since the last meeting. Any business arising from these letters is dealt with as it is read, and recorded in the minutes.

##### **6      Treasurers Report**

The Treasurer gives a report on the financial position of the group, including income and expenditure since the last meeting and gives an overview of future budget estimates.

##### **7      Other Reports**

Reports from other office bearers.

##### **8      General Business**

Items on the agenda are discussed. Remind members of any coming events.

Note: General Business often contains the important discussions and decisions. Efficient meetings work through the early business quickly to leave sufficient time for general business. Specific items that arise in items (1) to (5) can be deferred to General Business if appropriate.

##### **9      Close Meeting**

Establish the time and date of the next meeting. Chairperson thanks members and visitors for attending and declares the meeting finished or closed.

#### **Sign Off in the Volunteer Attendance Register**

## **ANNUAL GENERAL MEETING AGENDA**

### **Sign On in the Volunteer Attendance Register**

### **Commence/Open Meeting**

Chairperson/President presides over the following items:

- a. Welcome
- b. Apologies
- c. Minutes of previous AGM
- d. Reading Reports ie Chairperson, Treasurer etc

All positions are declared vacant and the Returning Officer appointed by the meeting takes the chair and presides over the meeting items:

- a. Election of Office Bearers
- b. Acceptance of nomination from user groups and community members
- c. Appointment of Solicitor (if required)
- d. Recommending Annual Fees

Returning Officer then hands the chair over to the newly elected Chairperson who is responsible for:

- a. Thanking the Returning Officer
- b. Welcoming new committee
- c. Consider recommendations “carried” by way of motion from the floor
- d. Getting agreement on meeting dates for the coming year

Closure of AGM meeting

### **Sign Off in the Volunteer Attendance Register**

## STANDARD FORMAT FOR CORRESPONDENCE

- 1 Keep a copy of all correspondence sent out on behalf of the committee.
- 2 Setup correspondence book to record all correspondence of the committee.

This should include:

- a section for Inwards correspondence/mail
  - A section for Outwards correspondence/mail
  - A space to record the date of receipt or dispatch of mail
  - A numbering system for both Inwards and Outwards to enable any correspondence to be easily located if the need should occur
  - A space to identify whose responsibility it is to act on eg Secretary
- 3 Enter all correspondence in the relevant section of the book ensuring date and number are recorded.
  - 4 Place letter received since the last meeting in a folder marked Correspondence Inwards, for the meeting.
  - 5 Record any action required and which committee is responsible for this action.
  - 6 Establish and maintain a filing system for all mail, both In and Out.
  - 7 Correspondence can be filed numerically or by subject.
  - 8 Related items of correspondence can be placed together.



## FORMAT FOR GOOD MINUTES

- 1 Keep them short, clear and concise and consistent.
- 2 Set them out – not too cramped, used headings and underlining so the subjects, decisions and actions to be taken (and my whom) stand out and are easy to read. Use the Agenda as a basis for the format of the minutes.
- 3 Don't try to record every statement made at the meeting. The minutes are a record of the decisions made – each decision or resolution must be accurately recorded.
- 4 A copy of the minutes without error or additions (unless initialled and signed by the Secretary and Chairperson, after adoption at the meeting) should be pasted into the specially supplied Minutes Book as a permanent record of meetings. It is the Chairperson's responsibility to see the minutes are unaltered after adoption and are signed as an accurate record.
- 5 You can record the names of the mover and seconders of each motion or amendment. Record the numbers for and against if specifically requested by those present.
- 6 List correspondence, business arising and items for general business by number. Organise all your papers in this order and try and see that the agenda follows this order. Shuffling reams of paper, lost items and trying to take minutes while finding the next item make the job onerous. Decisions can also be noted on the business papers and then transferred to the minutes later.
- 7 If minute-taking is a shared or revolving duty, allow each person to perfect their skills by taking minutes for at least 3-4 consecutive meetings.
- 8 Draft minutes can be viewed with the chairperson, or if done by the minutes secretary, with the secretary. Two heads are better than one to remember events.
- 9 Remember, minutes should communicate and assist evaluation. They ensure accountability and are a permanent record of the group's activities. (Minutes also need to be kept for a period of 20 years – *State Records Government Disposal Authority*).
- 10 Send them out as soon as possible after the meeting, so that follow-up action is more easily taken.
- 11 Include a record of the place, date and time of the next meeting.

## PRODEDURE FOR MOTIONS

A motion needs to be lawful, productive, relevant, appropriate, easily understood and be positive in its intent eg. *“I move that the Heritage Committee request Council to provide a 2007 Heritage Week Grant in the sum of \$500.00.”* If the motion does not meet these requirements, the Chairperson can reject it. Reasons must be given for this decision.

Any motion must be “seconded” before it can be accepted by the chairperson and opened for debate. There is no legal requirements to record mover and seconder however; it can be done at the committee’s discretion. If there is no seconder, the matter lapses. Once a motion has been moved and seconded, the order of debate is –

- Mover (raised the original motion)
- Secunder (allows debate on the motion)
- Speaker against the motion
- Speaker for the motion
- Speaker against the motion
- Speaker for the motion

The debate continues in this manner until there are no further speakers. A member of the committee may speak no more than once to each motion or amendment at the meeting. The mover may then speak again, but in doing so closes the debate. Once the mover has closed the debate the chairperson must put the motion to a vote.

### Amendments

Amendments may be made after the motion. The amendment must:

- be clear and be part of the motion being considered
- have a seconder
- not exceed the power of the meeting
- not be a direct negative of the motion
- Be put to the vote before the motion.

**APPENDIX 9 FINANCIAL STATEMENTS**

**Bland Shire Council 355 Committee Financial Statements**

Committee Name\_\_\_\_\_

Period Ended 30/6/20\_\_

**1 BALANCE SHEET**

	1.7.__	30.6.__
<b><u>ASSETS</u></b>		
Bank (Actual)	_____	_____
Investments	_____	_____
Accounts Receivable	_____	_____
Furniture & Fittings	_____	_____
Plant & Equipment	_____	_____
Buildings	_____	_____
Other	_____	_____
Sub-total		
Less: Outstanding Cheques	_____	_____
<b>Total Assets</b>	_____	_____
<b>LIABILITIES</b>		
Accounts Payable	_____	_____
Loans	_____	_____
Income Received in Advance	_____	_____
Total Liabilities	_____	_____
<b>OUTSTANDING CHEQUES</b>		
Cheque Number & Amounts	_____	_____
	_____	_____
	_____	_____

## 2 INCOME STATEMENT

### INCOME

Sales of _____	_____
Sales of _____	_____
Fees/Rentals	_____
Admissions	_____
Donations	_____
Membership/Subscriptions	_____
Grant from _____	_____
Grant from _____	_____
Interest	_____
Interest on Term Deposits/Investments _____	_____
Raffles	_____
Street Stalls	_____
Refund of Rates	_____
Other e.g. Shows/Bingo/Catering etc	_____
_____	_____
_____	_____
_____	_____
Total Income	\$ _____

EXPENDITURE

Rent	_____
Advertising	_____
Interest	_____
Telephone	_____
Electricity	_____
Rates (land)	_____
Rates (water)	_____
Postages & Stationery	_____
Bank & Government Charges	_____
Repairs & Maintenance	_____
Purchases of _____ (eg for sale of books)	_____
Purchases of _____	_____
Insurance	_____
Prizes	_____
Depreciation	_____
Other	_____
_____	_____
_____	_____
_____	_____
Total	\$_____
Surplus/ (Deficit)	\$_____

**Date** \_\_\_\_\_ **Treasurer** \_\_\_\_\_

**Audited By** \_\_\_\_\_ **Contact No** \_\_\_\_\_  
**(Honorary)**

**Signature** \_\_\_\_\_

## Bland Shire Council Income Reporting Form For Section 355 Committees

§ 355 Committee Name: \_\_\_\_\_

Month/Year income received: \_\_\_\_\_

	<b>Amount \$</b>
<u>Details of GST FREE Income:</u>	
Donations	
Interest Received	
<b>Total of GST Free Income</b>	
<u>Details of Taxable Supply Income:</u>	
Subscriptions	
Rent Received	
Raffles, Fetes	
<b>Total of Taxable Supply Income</b>	

<b>Total of all income received for the month</b>	<b>\$</b>
---	-----------

<b>GST CALCULATION (TOTAL TAXABLE SUPPLY INCOME ÷ 11)</b>	<b>\$</b>
---	-----------

**Council must receive this form, together with your Committee's cheque for the GST as calculated above, by 10<sup>th</sup> day of the month.**

Please note that this form must be sent to Council every month, *even when no income has been received.*



## BLAND SHIRE COUNCIL POLICY STATEMENT

<b>POLICY:</b>	<b>RISK MANAGEMENT POLICY</b>
<b>POLICY NO:</b>	
<b>DATE ADOPTED:</b>	<b>17.03.2009</b>
<b>RESOLUTION NO:</b>	
<b>DATE AMENDED:</b>	
<b>RESOLUTION NO:</b>	
<b>REVIEW DATE:</b>	

### 1. Background

**Bland Shire Council has recognised that the management of risk is an essential element of good management and impacts on every facet of Council activity.**

Risk Management has been defined as the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects. It is a process of continuous improvement that is to be embedded in all the practices and processes of Council. Risk Management promotes communication between all stakeholders and improved information flow enhances the decision making process.

Bland Shire Council has used AS/NZS 4360:2004 Risk Management Standard and HB 436:2004 Risk Management Guidelines as the main source of guidance for the development, implementation, consultation and review of risk management activities.

Council's total assets provide the foundation on which the continued ability to provide an improved quality of life for the Shire community and foster an environment conducive to future development is built. These assets include human, fiscal, property and the environment.

### 2. Scope

#### 2.1

This Policy will:

- provide documented evidence of Council's commitment to adopting risk management principles as an integral part of operations and decision making;
- promote an atmosphere of risk awareness and willingness to manage risk at all levels of the organisation;
- Provide opportunities for continuously improving performance at all levels of the organisation.

### 3. Policy Statement

Council will;

- Incorporate a Risk Management Matrix for all activities to demonstrate reason for all documents

- Maintain the highest possible integrity for services provided by Bland Shire Council;
- Safeguard and enhance Bland Shire Council assets including human, fiscal, property and environmental;
- Create an environment where all Bland Shire Council employees will assume responsibility for managing risk;
- Ensure that Council's services are provided in compliance with all relevant Acts (particularly the **OHS Act 1985**), Regulations, Codes and Standards.
- Ensure resources and operational capabilities are identified and responsibility allocated for managing risk;
- Demonstrate transparent and responsible risk management processes which align with accepted best practice;
- Maintain insurance cover to protect Council's assets where risks cannot be eliminated
- Ensure that incidents and hazards are reported and investigated and remedial actions identified as a result of incident investigations are adopted and communicated to prevent recurrence.

Council acknowledges that risk management is an organisation wide responsibility is all encompassing across Council activities

Council's Risk Management Committee will contribute to corporate risk management planning and review risks associated with Council's operations.

#### **4. Review**

This policy shall be reviewed three years from adoption or as required.





## POLICY STATEMENT

### HUMAN RESOURCES

CORPORATE VALUES

Put the community first • Work together as a committed team • Respect and value each other • Have open & honest two-way communication • Act with integrity and honesty • Continuously improve our services • Keep ourselves and others safe

<b>POLICY:</b>	<b>OCCUPATIONAL HEALTH AND SAFETY</b>
<b>POLICY NO:</b>	
<b>DATE ADOPTED:</b>	<b>JULY 2009</b>
<b>REVIEW DATE:</b>	<b>JULY 2010</b>
<b>RESPONSIBLE OFFICER:</b>	<b>MANAGER HUMAN RESOURCES</b>
<b>INHERENT RISK:</b>	<b>HIGH RISK</b>
<b>RESIDUAL RISK:</b>	<b>LOW RISK</b>

#### 1 Statement of Intent

The Bland Shire Council safety mission is to achieve the highest attainable levels of occupational health and safety for employees, contractors and visitors. This commitment to protecting its human resources also extends to ensuring the Council's operations do not place the local community at risk of injury, illness or property damage. Council believes that during the delivery of services and facilities to the Bland Shire Community, and the public in general, there are no jobs or tasks that are so important as to warrant the performance of an unsafe act.

#### 2 Application

This policy is applicable to the Bland Shire Council in all of its operations and functions including those situations where employees and contractors are required to work off site.

#### 3 Objectives

The Council will conduct its activities and provide a work environment which:

- a) Ensures compliance with the OHS Act 2000 and OHS Regulation 2001 by enforcing statutory and Council safety regulations and procedures
- b) Provides and maintain safe work places, plant and systems of work.
- c) Provides clear statement and delegation of OHS responsibilities
- d) Provides information, instruction, training and supervision to ensure safe systems of work.
- e) Consults and cooperates with Safety and Health representatives, employees and others
- f) Continuously reviews and improves its safety performance.

#### 4 Responsibilities

The Council, General Manager and Directors are responsible for the implementation of this Policy and the associated OHS program.

Each Manager and Supervisor is responsible and accountable for the implementation of, and compliance with, this Policy and the OHS Program in their respective work areas. Management is responsible for:

- a) Ensuring that safe work method statements are clearly understood and consistently observed.
- b) The provision and maintenance of safe workplace and systems
- c) Training and supervising employees in the safe performance of tasks
- d) Assist in the development, promotion and implementation of safety and health policies

Employees, contractors and volunteers are to:

- a) Take reasonable care of their health and safety and that of others
- b) Follow safe work method statements at all times
- c) Report all known or observed hazards, incidents and injuries
- d) Take reasonable care to prevent damage to plant and equipment.

Signed

General Manager

Date:

Occupational Health and Safety

*[Handwritten Signature]*  
 15 July 2009

Signed

Mayor

Date:

*[Handwritten Signature]*  
 20<sup>th</sup> July 2009

## **APPENDIX 12 APPLICATION TO WORK WITH COUNCIL AS A VOLUNTEER**

The purpose of this form is to protect both the interests of Council and of its volunteer workers. It has been prepared in accordance with advice received from Council's insurance broker.

Completion of the form indicates that the person is undertaking work for Council purposes. It will ensure that the volunteer receives any training necessary to complete the work and is informed of required safety equipment, in accordance with Occupational Health and Safety and WorkCover requirements. It will also protect the volunteer in the event that his or her activities lead to any insurance claim. Completion of the form also protects the Council as it ensures the Council is aware of the nature of the work the volunteer is undertaking and specifies the protective equipment required to be worn by the volunteer.

The employee signing the form on behalf of the Council should ensure that protective clothing (e.g. hat, sunscreen, safety vest, etc), and tools specified are in accordance with WorkCover requirements, and that the volunteer receives any training required to undertake the work. The tools, equipment and personal protective equipment to be used must be entered onto the Volunteer Tool and Protective Equipment Register.



**Bland Shire Council**

PO Box 21 WEST WYALONG NSW 2671  
Telephone : 02 6972 2266  
Facsimile: 02 6972 2145  
Email: council@blandshire.nsw.gov.au  
www.blandshire.nsw.gov.au

**SECTION 355 COMMITTEE VOLUNTEER REGISTRATION FORM**

**Details of arrangements**

Volunteer Name

Address

Phone

Close relative to be contacted in case of emergency

Name

Phone

Section 355 Committee Name

Location of Work

Type of Work

Proposed Duration of Work

From

To

Tools and Protective Equipment required for work

Skills held in relation to work

- I agree to referees being contacted in relation to this application to provide voluntary services to Council.
- I agree to work under the guidance of the Council employee responsible for the area of work for which I have applied.
- I agree to use the tools and protective equipment specified in this application.
- I agree to contact the Council employee designated below if I intend to vary the nature of work specified in this application, or if I experience any problems with the work I am undertaking.
- I understand that Council will terminate my volunteering services if I do not comply with any aspect of this agreement.
- I understand that all claims for any medical costs incurred as a result of my volunteering activities will be made upon my own medical fund.
- I am willing to undertake any training deemed necessary by Council in relation to my volunteering services to ensure that I comply with all policies and legislative obligations of Council.
- I understand that as a volunteer I am expected to maintain the same standards of confidentiality, courtesy and organisational discipline as Council's paid employees.
- I agree to work in a constructive and cooperative way with Council staff.
- I agree to abide by Council's Code of Conduct

Volunteer Signature

Date



*Note: if applicant is under the age of 18 a parent or guardian must co-sign this application and must be supervised at all times by a responsible adult.*

**Approvals**

Supervisor Name and Position

Signature

Date




Risk Management Officer Name

Signature

Date




**Office Use Only**

- Protective tools and equipment provided by Council
- Entered in volunteer register

*The personal information provided in this document is protected under the Privacy and Personal Information Protection Act, 1998. The PPIPA provides for the protection of personal information, and for the privacy of individuals.*

*The Bland Shire Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected.*

*If you have a complaint, or require further information about the collection and use of personal information, please contact Council's privacy officer.*

**APPENDIX 13 VOLUNTEER ATTENDANCE REGISTER**

<b>VOLUNTEER ATTENDANCE REGISTER</b>					
<b>Volunteers Name</b>	<b>Volunteers Signature</b>	<b>Contact Details</b>	<b>Location and Activity</b>	<b>Date/Time On</b>	<b>Date/Time Off</b>

**APPENDIX 14**

**VOLUNTEER TOOL AND PROTECTIVE EQUIPMENT REGISTER**

<b>VOLUNTEER TOOL AND PROTECTIVE EQUIPMENT REGISTER</b>				
<b>Equipment</b>	<b>Date of inspection</b>	<b>Serviceable Y/N</b>	<b>Inspected by</b>	<b>Date of next inspection</b>



# BLAND SHIRE COUNCIL

## Incident Report Form

For incidents involving Council staff, property or at Council facilities

Details of Person involved (injury/illness/asset damage)					
Name					
Address					
Town/Suburb		State		Postcode	
Telephone		Mobile		Date of Birth	

Please tick   Staff  Volunteer  Contractor  Member of the public

Details of person reporting the incident if different from above					
Name					
Address					
Town/Suburb		State		Postcode	
Telephone		Mobile			

### DESCRIPTION OF INCIDENT

If more room is required please attach any documentation to this form

<b>Incident Category</b>	<input type="checkbox"/> Near Miss <input type="checkbox"/> Injury <input type="checkbox"/> Environmental	<input type="checkbox"/> Damage to property <input type="checkbox"/> Damage to motor vehicle Plant No: Rego No:
<b>What happened?</b> Describe the incident in detail  Photos/Sketches would assist		
<b>Where did it happen?</b> Describe where the event happened, attach sketches, photos. Give the exact location		
<b>Who was involved?</b> List all that were involved and their role. E.g. injured party, observer, police, third party		
<b>When did it happen?</b>	Date of incident	
	Time of incident	
	Date reported to supervisor/council	
	Who was it reported to?	

**INJURY DETAILS**

To be completed only when an INCIDENT has resulted in INJURY or ILLNESS:  Yes  No  N/A

<b>What is the injury or illness?</b> Describe your injury or illness e.g. broken bone, deep cut, bruise	
--	--

<b>What is the bodily location of injury?</b> e.g. left elbow, lower back	
--	--

<b>Injury Category:</b> (please tick)	<input type="checkbox"/> Falling, tripping, slipping, jumping <input type="checkbox"/> Sprain / Strain whilst manual handling <input type="checkbox"/> Exposure/Contact with chemical/biological agents <input type="checkbox"/> Exposure/Contact with extreme temp (e.g. burn) or weather <input type="checkbox"/> Exposure/Contact - electricity <input type="checkbox"/> Struck by falling objects <input type="checkbox"/> Cut <input type="checkbox"/> Other - Specify
--	--

**MEDICAL TREATMENT**

<b>Did the injured person receive medical attention?</b>	<input type="checkbox"/> Yes → <input type="checkbox"/> Medical Practitioner <input type="checkbox"/> Hospital <input type="checkbox"/> Ambulance <input type="checkbox"/> Other <input type="checkbox"/> First aid: By whom <input type="checkbox"/> No
--	--

<b>Was the injured person referred for further attention?</b>	<input type="checkbox"/> Yes → <input type="checkbox"/> Medical Practitioner <input type="checkbox"/> Hospital <input type="checkbox"/> Ambulance <input type="checkbox"/> Other <input type="checkbox"/> No
---	---

<b>Did the injured person stop work because of this injury?</b>	<input type="checkbox"/> Yes → Date stopped Work:                      Time stopped Work:    AM / PM <input type="checkbox"/> No
---	---

**WITNESSESS**

<b>Name and address of any witness who was present when incident / injury happened</b>	
--	--

<b>Report Completed by</b>	Name	Signature	
----------------------------	------	-----------	--

<b>Report Reviewed by</b>		Signature	
---------------------------	--	-----------	--

**INVESTIGATION RECOMENDATIONS**

Changes to work environment:	
------------------------------	--

Modifications or repairs to machinery, equipment or tools:	
--	--

Changes to work practices/job design:	
---------------------------------------	--

Personal protective equipment (additional or changes)	
---	--

Additional training:	
----------------------	--

Other	
-------	--

<b>Investigation Completed by</b>	Name	Signature	Date
-----------------------------------	------	-----------	------

<b>Recommendations Implemented by</b>	Name	Signature	Date
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<b>Safety &amp; Risk Advisor</b>	Name	Signature	Date
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**APPENDIX 16      CODE OF CONDUCT**





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# Section 355 Committee Manual

October 2020



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CONSULTATION DRAFT

## 1 FOREWORD

The intention of this Section 355 Committees and Volunteers Management Manual is to formalise responsibilities and procedures applicable to the operation of Bland Shire Council Committees.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and the volunteers in the Shire provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees, especially in regard to financial recording and reporting and comply with taxation rulings.

This manual provides comprehensive guidelines on the management responsibilities, functions and operation of a Section 355 committee and clarifies Council's role in this partnership. Upon formal approval of a Section 355 committee by Council, its members are required to adopt and adhere to the conditions set out in this document. Adherence will ensure Council and committee members are aware of the responsibilities and adequately covered by insurance.

Council is conscious of the fact that members of the community volunteer to undertake forms of service or activity for no reward or recompense, and do not expect to be bogged down with procedures and paperwork. This manual has been produced in an attempt to simplify and standardise mandatory procedures and forms that have to be followed or completed in compliance with legislation.

I trust that each of us, Council employee and volunteer, will comply with the procedures and processes contained in this Section 355 Committees and Volunteers Management Manual, to ensure that the vital service provided by our volunteers continues to be an enjoyable experience and benefit to the Bland Shire community.

**Ray Smith**  
General Manager

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## **1.2 POWER OF COMMITTEES**

### **1.2.1 Delegation of Function**

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Under the Local Government Act 1993 (the Act) Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

The appointment of Section 355 Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the Act.

~~Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.~~

### **1.2.2 Why Does Council Have Community Committees?**

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The committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities and services. This provides the following benefits:

- giving protection to the committee operating under the banner of Council
- Providing the Council with assistance in the carrying out of its functions.

### **1.2.3 How are Community Committees Established?**

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Community committees are established under Section 355 of the Local Government Act with delegations from Council under the provision of Section 377 of the Local Government Act.

Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the Section of the Local Government Act in which the authority of a committee to be formed is identified.

The determination as to whether a committee should be a Section 355 Committee should be a gateway decision based on:

- Is the activity of the proposed committee a core function of Council?
- Does the committee manage a facility of Council as its sole purpose?
- Does the committee provide advice to Council on a function of Council?

If the answer to at least one of these questions is not an unequivocal yes, the committee should not be a Section 355 Committee of Council.

~~Community committees are established under Section 355 of the Local Government Act with delegations from Council under the provision of Section 377 of the Local Government Act.~~

~~Section 355 allows Council to exercise a function of Council and Section 377 allows Council to delegate functions of Council. These terms refer to the Section of the Local Government Act in which the authority of a committee to be formed is identified. (The two extracts of the Act are attached to this document as Appendix 4 and Appendix 5.)~~

## 23 RESPONSIBILITY

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### 2.23.1 Responsibility

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The Section 355community committee will be responsible for activities as determined when the committee is established. This responsibility will be conveyed to the committee within its Terms of Reference (to be developed) is listed in Appendix 2.

### 2.23.2 Limitation of Powers

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The committee will not make any decisions concerning the following:

- a. Fixing of charges or fees – While the committee may make recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control, the fixing of fees and charges is the responsibility of Council.
- b. Borrowing of any monies without the express written consent of Council on each such occasion.
- c. The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).
- d. The acceptance of tenders which are required to be called by Council. The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council.
- e. The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.
- f. The payment of any monies outside the scope of the Committees function.
- g. The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).
- h. Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.
- i. Vote monies for expenditure on the works, services or operations of Council.
  - Fixing of charges or fees (the committee may submit recommendations for approval by Council in relation to the fixing of charges and fees for use of the facility under its control).
- ~~b. Borrowing of any monies without the express written consent of Council on each such occasion.~~
- ~~b. The sale, lease or surrender of any land and or other property vested in its care under the provisions of the Local Government Act 1993 (as amended).~~
- ~~b. The acceptance of tenders which are required to be called by Council. (The committee may invite and accept quotations for minor works, goods and services covered within the scope of its authority or as agreed with Council).~~
- ~~b. The payment or making of any gift, to its members. This includes the payment of allowances or travelling expenses incurred whilst attending committee meetings.~~
- ~~b. The payment of any monies outside the scope of the Committees function.~~



- ~~e. The carrying out of any works on or to the facility including alterations, reconstructions or construction without the prior consent of Council (Does not include minor maintenance works).~~
- ~~Unreasonably withholding consent for the letting of the facility to any organisation which agrees to comply with and adhere to the rules adopted for use of the facility, providing an acceptable letting period is available.~~
- ~~d. Vote monies for expenditure on the works, services or operations of Council.~~

The exercise by the committee of its power and functions will be subject to such limitations and conditions as may from time to time be imposed by law, specified by resolution of the Council or in writing by the General Manager to the Committee. The committee will observe any Rules and Regulations made by the Council, in relation to the facility/function under its management and control.

If at any time the Committee is deemed to be functioning outside the limits of its powers as described herein, all powers may be revoked by written notice to the Committee signed by the General Manager or his/her representative.

Specific areas of responsibility between the Committee and Council will be included in a Memorandum of Understanding to be developed through consultation with all parties.

### 2.43.3 Code of Conduct

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Bland Shire Council has adopted a Code of Conduct that is applicable to both elected Councillors and employed staff. This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Community Committees are operating as Council, it is important for committees to be aware of and abide by this Code of Conduct. ~~Appendix 16.~~

Council's Community Committees with responsibility for Council facilities have the responsibility to ensure the following:

- a. Access if available to the entire community and is not denied because of ethnicity, gender, disability or religion.
- b. Priority of use should be given to non-profit making community groups and organisations
- c. That the facility not be aligned with, or advocate or advertise for or on behalf of, any political party or person/s.

### 2.53.4 Accountability

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The committees need to be aware that accountability is required to Council, user groups and the general community. To facilitate this accountability, the committees are required to:

- a. Hold an Annual General Meeting annually that is advertised to the general public
- b. Regularly Provide reports, minutes and ~~annual~~ financial statements to Council.
- c. Ensure that affected persons and Council are aware of the committee meeting details.

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## 3.4 COMMUNITY COMMITTEES

Council aims to appoint committees which are representative of the local community or interest groups for the function which the committee manages.

Committees are formed by the Council publicly calling for nominations or by other means approved by Council. The Committee will comprise not less than four (4) who have been duly appointed by Council. Council may increase the maximum number of members if circumstances warrant.

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### 3.4.1 Appointment

- To hold office and be responsible for the management of a Council facility, all committee members must be appointed by Council.
- Must also appoint new members before them being able to vote and take part in meetings of the committee.
- The council may dissolve any such committee at any time
- The term of office for community committees will be same term as the current Council, with the addition of an extra three months after the General Election of Councillors, unless appointed as a sunset committee with a finite time specified.

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All nominations for Community Committees are to be formally submitted in writing to Council for appointment.

### 3.4.2 Committee Membership

The community committee membership will number ~~not less than four (4) and~~ not more than ~~twelve-nine (129)~~ members as appointed by Council including office bearers unless otherwise decided by Council. Council reserves the right to appoint one of its members to each committee.

Whilst no particular qualifications are necessary, a commitment to the activities of the Committee and a willingness to be actively involved in a committee issues is essential.

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### 3.4.3 Dissolution of Committee

The Council may dissolve the Committee at any time.

Committees are formally appointed by the Councillors in office, therefore, three months after the General Election of Councillors, all community committee members will cease to hold office.

All committee members are eligible for re-appointment. -Council will advertise for and receive nominations.

(This action does not rule out committees holding an Annual General Meeting.)

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### 3.4.4 Vacation of Office

The office of any member of office bearer of the Committee will become vacant in the following circumstances.

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- if the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or make an assignment of his or her remuneration for their benefit; or
- if the member becomes a mentally incapacitated person; or
- if the member resigns membership by notice in writing to the Committee; or
- if the member is absent for more than three consecutive meetings without leave of the Committee; or
- if the member ceases to be a member of the organisation which he/she represents, (representatives of organisations will be given preference) unless the committee otherwise resolves; or
- While serving a sentence (whether or not by way of periodic detention) for a felony or any other offence, except a sentence imposed for a failure to pay a fine.

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### **3.54.5 Representation on Committee**

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Committee membership should reflect the community and those organisations, which use the facility (in the case of those committees responsible for managing facilities), and must be open to representatives of user groups and interested community members.

Equal representation of each user group is recommended. Where there is a dispute on representation a final determination will be made by Council.

### **3.64.6 Committee Positions**

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Community committees consist of office bearers (also known as the Executive) and other committee members. The committee elects at its first meeting and thereafter at each annual general meeting the office bearers. Particulars of all appointments eg committee position, name, address, contact number and the user group represented must be notified in writing to council as soon as possible after appointment is made.

Community committee members need to have a degree of commitment to their role as committee members. One of the advantages of community committees is that the workload can be shared between the different committee members. It is important that each member understands the role and what is expected by the community and the Council.

#### **3.6.1.4.6.1 Office Bearers/Executive**

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Office bearers do not have greater decision making powers than other committee members, other than the chairperson who has a casting vote in the event of a tied vote. Whilst office bearers usually have defined roles, each committee member plays an important part in the functioning of the committee. A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time

At a minimum the committee must have:

#### **4.6.2 Chairperson/President**

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The Chairperson is usually the spokesperson for the organisation and therefore needs to be certain that the organisation is running smoothly and achieving its aims and objectives. (Refer Appendix 7)

#### **4.6.3 Secretary**

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(One person may fill the joint position of Secretary/Treasurer – although not it they are taking the additional duties of Booking Officer.)

- To deal with all incoming and outgoing correspondence and table all correspondence at Committee Meetings for appropriate action.
- To provide notice and agenda of meetings to Committee Members.
- To accurately record minutes of each meeting and to forward all minutes to the General Manager (Bland Shire Council) and to all members of the Committee within 14 days of the meeting being held.

In addition to the above duties, the Secretary may also take on the responsibility of Booking Officer for those committees with facility management responsibilities. The Booking Officer is responsible for:

- To take enquiries, enter bookings into the bookings diary, send out application forms and conditions of use, issue receipts for hiring fees and insurance cover, issue keys, inspect the facility after use for cleaning and/or damage and informing the Treasurer before reimbursement. Council would prefer that the booking officer and the treasurer not be the same person.

The Secretary is often the key contact point for the organisation, ie for correspondence, phone messages etc and is required to record the minutes for each meeting. (Refer Appendix 7)

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#### 4.6.4 Treasurer

The Treasurer is responsible for managing the committee's financial business records and is required to present a report of all receipts, payments and other transactions to each committee meeting. (Refer Appendix 7)

Specifically, the Treasurer is responsible for the following:

- The receipt of all moneys payable to the Committee and issuing receipts for same;
- To keep correct accounts and books showing the financial affairs of the Committee;
- To bank to the credit of the Committee all moneys received;
- To submit financial statements at each Committee meeting;
- To prepare and have audited: a Balance Sheet and Profit & Loss Statement of the Committee for presentation to the Annual General Meeting to Council;
- To submit accounts for approval of payment by the Committee at each meeting
- To prepare and submit monthly GST returns to Council

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#### 4.6.5 Safety Officer (for committees managing Council facilities or holding events/activities)

The role of the Safety Officer is to ensure all committee members or volunteers comply with the following before undertaking activities on any work site:

- The person must be a committee member or a volunteer registered with Council.
- The person is aged not less than 15 years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and is prepared to indemnify Council.
- The person is aged no more than 90 years. Council's personal accident insurance does not cover a person beyond 90 years.
- The person must sign on/off each time they participate in activities.
- Report any incidents or injuries to persons or property, including potential incidents or injuries, must be reported to Council within 24 hours.

- Council's Incident Report Form must be completed according to instructions inside the book.
- Where there are witnesses to the injury or incident, the Committee must attempt to obtain and record the name, address and contact telephone number of each such witness.

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### 3.8.4.7 Meeting Procedures

Meetings are to be conducted to standard guidelines, which are detailed in the following section and include:

- a. that a quorum be present
- b. that appropriate notice is given
- c. that business on the agenda is properly conducted
- d. That correspondence and minutes are recorded.

#### 3.8.4.7.1 A Quorum

This refers to the minimum number of members who must be attendance to conduct business.

Council regulations state:

- a. A quorum will consist of one half of the total number of elected members plus one;
- b. If a quorum is not present within half an hour after the appointed starting time, the meeting will be adjourned to a time fixed by the President; or those present can hold an informal meeting to discuss matters. However, any decisions taken by the committee are not recognised until a meeting has ratified them where a quorum is present.

#### 3.8.4.7.2 Agenda

The agenda is an organised list of headings of all the major items, in order, that will be discussed at the meeting. A copy of the agenda is distributed to all the committee members at the commencement of the meeting, or before if it is possible. Late matters can be added to the agenda at the opening of the meeting as the chairperson calls for discussion on the agenda.

Each time business to be discussed at the meeting needs to be put on the agenda. Unfinished business and report on actions taken since previous meetings are included in the agenda under "Business arising from previous minutes". If any items on the agenda are not discussed due to limitations of time, they are carried over to the next meeting agenda.

#### 4.7.3 Conduct of Business Disclosure of Interest

The Committee is a Committee of Council and, as such, Chapter Fourteen (Honesty and Disclosure of Interests) of the Local Government Act 1993 applies to all its members. A Pecuniary Interest is one of financial benefit by a Committee person or other person with whom the person is associated (that is, spouse, de-facto partner or relative of a Committee person) from an interest that a Committee person has in a Council matter. It does not exist where the interest is so remote or insignificant that it could reasonably be regarded as unlikely to influence any decision. The obligation to disclose is a strict duty, and the person's motives for participation are irrelevant if an interest is said to exist.

It is the responsibility of members of committees (who are not Councillors or designated persons):

- To disclose to the meeting any pecuniary interest in a matter before the meeting;
- Not to participate in the discussion of the matter before the committee in which the member has a pecuniary interest;
- Not to vote on the matter before the Community Committee meeting in which the member has a pecuniary interest.

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### 3.8.34.7.4 *Conduct of Business*

Each item of business is discussed in the order in which it appears on the agenda. Allow adequate time for discussion on important issues. Ensure all relevant information on the matter under discussion is available at the meeting.

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### 3.8.44.7.5 *Correspondence*

A list of correspondence received (inwards) is presented at the Committee meeting by the Secretary. This action is to inform members of any new issues that may have arisen and to report on letters received in response to matters raised at previous meetings. A list of correspondence sent out (Outwards) is provided to inform the members of any action taken on their behalf. All correspondence will be suitably filed together for future reference.

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### 3.8.54.7.6 *Election of Committee*

At the AGM all members of the committee stand down and their positions are declared vacant. A Returning Officer, appointed at the meeting, takes the chair and calls for nominations for the positions of office bearers (also known as the Executive) and committee members.

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### 3.8.64.7.7 *Procedure for Election*

Nominations can be accepted in two ways:

- in writing, duly seconded, and signed by nominee, prior to the AGM; or
- verbally from the floor to the Returning Officer

If two or more persons are nominated for a single position a vote must be taken. Persons nominated for election are entitled to vote for themselves. If a tied ballot occurs, the name of each candidate is written on a separate, identical piece of paper and drawn "from the hat" by the Returning Officer (or an impartial observer). The first name drawn is the elected member.

A list of duly elected office bearers / executive and committee members must be recorded together with the names of nominators and seconders. Minutes of the AGM with the list of duly elected committee members must be sent to Council for approval within 5 working days.

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### 3.8.74.7.8 *Voting*

Voting allows members to express their agreement or disagreement. Voting can be conducted in one of three ways.

- Vote verbally**  
The chairperson asks people to say "for" or "against" and then decides which group is the largest.
- Vote by show of hands**  
The chairperson asks people in favour of the decision to raise their hands, firstly those in favour, counts hands and announces the total, and does the same for those against.
- Vote by secret ballot**  
Members vote on paper and put into general pool, the secretary and member not standing for any position, count the votes. (Requests by members for secret ballots cannot be denied).

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For all motions, the committee needs to have an agreement concerning the way the vote will be decided, eg for the vote to be carried, you will need a simple majority (more than half); for changes to the Constitution, you will need two-thirds majority of those present.

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## 5 OPERATIONAL ISSUES

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### 4.15.1 Financial Support

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Financial Support for Council's Section 355 Committee is subject to annual budget allocations and is outlined in Council's Donations Grants Policy.

### 4.25.2 Requirements

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Section 355 Committees are required to comply with and adhere to the procedures polices and requirements outlined in Council's Section 355 Committee manual.

### 4.35.3 Legal Issues

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From a legal perspective it is important for Committees of Council to be aware that they are in fact acting on Council's behalf. Legally, the committee is "Council" and any action, which the committee undertakes, is Council's responsibility.

Committees sometimes believe that they are responsible in their own right and that their actions are independent of Council. This is not the situation. Council has delegated its authority to the committee to act on Council's behalf and Council can withdraw this delegation if it is deemed to be necessary.

#### 4.3.15.3.1 Records of the Committee

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Most of the records of Council committees should be kept for a minimum of seven years and in the case of records relating to operations ie minutes and correspondence – 20 years. In particular the committee needs to be aware of the importance of minutes due to their legal status and their liabilities to subpoena in court cases.

#### 4.3.25.3.2 Pecuniary Interest (Refer Appendix 6)

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Pecuniary Interest may be defined as an interested that a committee person has in a matter, as a member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other persons includes the spouse or de-facto partner or relative of the committee person.

#### Disclosure of Pecuniary Interest

—If

- ~~) a committee member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting; or~~
- ~~) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of a matter;~~

~~The member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the meeting.~~

~~a. A committee must ensure—~~



- ~~i) Particulars of any disclosure made under this clause are recorded in the minute book kept for the purpose; and  
That book is kept open at all reasonable hours to inspection by any person.~~

~~a. After a member of a committee has disclosed the nature of any interest in any matter, the member must not;~~

- ~~)- Be present during any deliberation of the committee with respect of that matter.  
)- Take part in any decision of the committee in respect of that matter.~~

~~a. For the purposes of the making of a determination by a committee under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not~~

- ~~)- Be present during any deliberation for the purpose of making the determination.~~

#### 4.45.4 Correspondence

Correspondence from the committee is effectively correspondence from the Council as the committee acts on Council's behalf. Therefore stringent conditions are required to ensure that appropriate use of Council's name.

##### 4.4.25.4.1 Letterhead

- a. There are some occasions where Council letterhead may be used on behalf of the committee. In these instances, the letter must be approved and signed by the Council's General Manager.
- b. The use of separately designed letterhead is limited to those Council committees and areas of activities which:

- ~~ii) )~~ may have a benefit in being identified in a slightly different way to normal Council activities and where a separate image or presentation may be appropriate, and
- ~~iii) ii) )~~ May be strongly community based.

~~e-c. )~~ In all instances the letterhead design must be approved by Council and indicate that the function is a committee of Bland Shire Council.

##### 4.4.35.4.2 Purpose of Correspondence

Usage is limited to the activities of each specific authorised functional area and specifically limited to:

- provision and seeking of information
- extension of invitations
- thank you's
- seeking of sponsorship (after approval of General Manager)
- General correspondence not committing the Council or making comment.

##### 4.4.45.4.3 Filing

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Copies of all correspondence from the Committee **under Council's letterhead** must be placed in Council's filing system within one day of the letter being sent. Copies of all other correspondence is to be attached to the copies of the minutes and forwarded with the annual financial statement to Council annually.

#### 4.4.5.5.4.4 Signatures

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The signing of correspondence is limited to the Mayor, General Manager, a member of staff duly authorised by the General Manager, or the chairperson of the committee duly authorised by Council.

#### 4.5.5 Sub Committees

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The committee may appoint working groups to report back to the committee. These "sub-committees" have no legal standing and must recommend back to the committee for ratification.

Members of sub-committees must be duly appointed members of the community committee and will be covered in accordance with this policy.

#### 4.6.6 Clerical Support

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It is not normal practice for Council to provide clerical support to community committees. A committee may however apply for support and the General Manager will make a determination on whether assistance will be forthcoming.

As a rule, clerical support will only be offered if a Council employee is a member of the committee and the assistance is an extension of the employee's duties.

If support is offered, the level of assistance will be subject to negotiation between the committee and the Council and strict duties established. Council supports the principle that a committee should be self-reliant and provide its own office-bearers.

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## 6 FINANCIAL MANAGEMENT

### 6.1 Financial Issues

Section 355 Committees are given authority to operate by Council and are subject to the same rules and regulations. ~~These rules are set out in the Local Government Act, Local Government Regulations and Accounting standards, and must be adhered to.~~

~~Committees appointed under Section 355(b) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.~~

Section 355 Committees are established to benefit the community and are made up of members of the community. Funds raised, received or spent are subject to public scrutiny, just the same as Council. The concept of public accountability involves a responsibility to ensure that committee funds are used in the manner for which they were intended and that a clear and full disclosure of the committee's financial activities is available.

#### Accounting

Council requires the following conditions to be met by all Section 355 committees:

- A Cheque Account must be opened at any branch of a recognised financial institution within Bland Shire. Such account will be in the name of the committee.
- All monies received by the committee must be banked within one week of receipt.
- The committee is authorised to draw on its account for such sums as it may require in the performance of delegated function but under no circumstances will the account be overdrawn.
- A suitable cash book, receipt book, bank deposit book and petty cash will be maintained and kept up to date.
- Receipts, in the name of the Committee, will be issued for all monies received and duplicates of all receipts will be retained for audit.
- Payment will be made by crossed Cheque and relevant documentation will be attached to payment records.
- ~~The committee shall operate a dual signature bank account in the name as listed in Item 1 of the Schedule. Three members of the Committee's executive shall be designated as signatories with cheques to be signed by any two signatories provided that the signatories are not from the same family. An additional signatory must be an authorised officer of Bland Shire Council.~~
- ~~The Committee may authorise its president, treasurer and one other person to sign on its behalf on the basis that two signatures are required on each Cheque.~~
- All records and books will be made available for inspection whenever required by any inspector of local government accounts, Council's auditor or an authorised officer of Council.
- The Committee will be entitled to spend all monies raised in the management of the facilities under their control, provided that all such monies together with the Committee on their operations will be expended

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strictly in accordance with any conditions imposed by the Council and only upon the facility of the Council for which the Community Committee has been constituted.

- Submission to Council of audited Financial Statements for the financial year ended on 30 June, by 31 August each year. A sample of a Statement of Financial Position (Balance Sheet) and a Statement of Financial Performance (Profit and Loss Statement), which form the Financial Statements, ~~is provided in Appendix 9.~~
- ~~With the introduction of the Goods and Services Tax effective from 1 July 2000, all Section 355 Committees are obliged to comply with the new tax system.~~
  - ~~All committees are covered under Council's Australian Business Number.~~
  - ~~Committees are responsible for administering the requirements of GST Legislation that is, charging GST on taxable supplies and correctly identifying input tax credits claimable from ATO.~~
  - ~~Accordingly, each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council's monthly Business Activity Statements (BAS).~~
  - ~~Compliance with this request will ensure Council's obligation is met on time and will avoid any interest or penalty chargeable by Australian Taxation Office.~~
- Submission of the Income Reporting Return by the 10th day of each month, accompanied by a Committee cheque covering any GST component applicable to the received income. This return shows totals of all categories of income received during the previous month and is used to support the Council BAS Statement. If no income was received within the reporting period a **NIL RETURN must be supplied.** (Sample shown at Appendix 9.)
- When the Committee has expenditure with a significant GST content, payment of the relevant tax invoice can be dealt with as follows:

Council will pay the full amount of the tax invoice on the Committee's behalf, providing a Committee cheque, payable to Bland Shire Council for the amount owing, excluding the GST, is received at Council's office with the tax invoice concerned. The Committee will have the discretion to pay tax invoices with minor amounts of GST and thereby forgo the amount of GST paid.

Any invoices to be paid by the Council (i.e. those with a significant amount of GST) must show the name "Bland Shire Council" in addition to the name of the committee and be received at Council's offices early enough for the Council's payment to comply with the supplier's trading terms. The Committee must also certify the invoice that the goods or services being claimed have actually been received.

### Financial Support

Council will provide a budget allocation per year for funding for the various Section 355 Committees of Council. To be eligible to receive a share of this funding Section 355 Committees shall sign and commit to Council's 'Section 355 Committees and Volunteer Management Manual' and by 31 August each year provide to Council: -

- Financial statements for the previous year ending 30 June; and
- ~~Minutes of the committee meetings held during the past 12 months; and~~
- ~~The date of the last Annual General Meeting and all committee meeting minutes not previously provided;~~ and
- The names of all current committee members and office bearers; and
- A copy of the Volunteer Attendance Registers

The number of Section 355 Committees that comply with the above criteria will share equally in the annual budget allocation and payment ~~is to will~~ be made by 30 September each year.

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## 7 MAINTENANCE OF FACILITY

### 7.1 General

The Committee has responsibility for the overall cleanliness and maintenance of any facilities under their control.

### 7.2 Purchasing

The Section 355 Committee is able to take advantage of Council's purchasing power. It is essential that all items purchased are related to the use of Council's facility or function.

### 7.3 Contracting

Should Committees need to engage the services of a contractor (eg a plumber or cleaner) you MUST contact Bland Shire Council Technical Services department for a list of approved contractors prior to works being undertaken.

### 7.4 Volunteer Labour

#### Projects Involving Voluntary Labour

To ensure that projects involving the use of voluntary labour are not unnecessarily jeopardised, the following procedure will apply:

At commencement of the improvement project all works and materials should be defined along with the sources of financial, material and labour inputs.

Council's financial involvement is to be clearly defined, and if Council is required to contribute, written agreement of the Council contribution. Major items may be ordered by Council.

These matters are to be discussed at a joint meeting between Council officers and responsible members of the particular organisation.

A Risk Assessment of intended activity to be carried out prior to commencement. Council can assist in this process.

The names of any volunteers must be recorded and signed on a log prior to any work being carried out.

The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer. The volunteers MUST sign a "Volunteer Attendance Register" on each day they are so engaged.

All volunteers carrying out any work on, or associated activities in relation to, the Committee are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council's Public Liability and Personal Accident Insurance.

### 7.5 Annual Maintenance Advice

#### 7.5.1 Submission for Annual Maintenance and Improvements

The Council is required to ensure that all funds are used effectively in the provision of community works and services. In setting priorities, Council identifies service needs, which are then funded in an annual budget.

In respect to community facilities, Council provides funds for:

- Urgent repairs due to damage, excessive wear, safety or security;
- Licensing or statutory requirements; and
- Periodic maintenance

A Community committee can make a written request to Council to undertake upgrades or improvements. Such requests are to be forwarded to Council by February each year for consideration in the budget process.

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7.5.2 Minor Repairs

The Committee will generally be responsible for minor repairs (eg less than \$1,000)

7.5.3 Advice to Council Regarding Necessary Works

Liaison between the Committee and Council is essential so that the facility is appropriately maintained.

Please contact Council regarding any necessary works outside the financial capacity of the Committee.

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## **8.6 RISK MANAGEMENT**

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Bland Shire Council is committed to implementing a systematic Risk Management approach in order to control all areas of risk within the organisation.

Protection for people, property and equipment under Council's insurance policies comes with responsibilities to act safely, undertake risk assessments where necessary, to sign in as a volunteer before commencing work and to report all injuries, near misses or damage to property and equipment as soon as they occur.

~~Bland Shire Council's Risk Management Policy – Appendix 10.~~

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### **8.1.6.1 INSURANCE**

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#### **Property Insurance**

All council facilities are covered for risks such as fire, theft and malicious damage. Committees should be aware of the excess applicable to these policies.

#### **Public Liability**

The committee is covered by the public liability of Council (currently \$50 million). This insurance does not preclude the committee from due diligence and all council policies must be adhered to.

#### **Personal Accident**

**Committee members are covered under certain circumstances if injured whilst undertaking duties relating to their role on the committee. The Volunteer Attendance Register must be completed by each volunteer for every meeting and activity they are involved in. The Volunteer Tool and Protective Equipment Register must also be completed when activities requiring the use of tools and personal protective equipment are used. (Refer Appendix 14)**

In the event of an accident or near miss it is vital that a report is made to Council with 24 hours of the incident, as soon as possible. ~~An Incident Reporting form is included (Refer Appendix 15)~~

#### **Motor Vehicle**

In the event that a committee member utilises a Council vehicle, the motor vehicle policy of Council will provide cover.

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## **8.2 6.2 EVENT MANAGEMENT**

If you are planning an event contact Council's Community Relations Officer and Work Health and Safety Officer. They will be able to assist you to organise a safe and successful event and will be able to provide advice and assistance on how to best run the event.

~~An Event Management Manual has been provided as Appendix 17.~~

### ~~iii) 8.2.1 Safe and Successful~~

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It is essential that everyone involved in the organisation of an event, no matter how big or small, understands the need to eliminate or reduce and control the foreseeable risks involved in conducting an event. Event organisers and participants have to recognise that having Public Liability insurance cover

does not absolve their obligations to provide a safe and secure event, activities, services and facilities. Everyone attending your event is entitled to enjoy all the benefits of attendance without risk to their health, safety and welfare.

Council Committees, such as Section 355 Committees, as they are acting on behalf of Council, are responsible for the provision of safe facilities, activities and services, even though they are acting in a voluntary capacity. Section 355 Committees are performing a function of Council when carrying out the functions delegated to them by Council, and thus are covered by the Public Liability cover obtained by Council; however that coverage also has inherent responsibilities for risk minimisation and compliance with Work Health and Safety legislative requirements.

### **8.2.2** *Duty of Care*

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Event organisers have to be aware that they have a "Duty of Care" to patrons of the event, and others in the vicinity, to ensure that all reasonable care has been taken to avoid acts or omissions that may adversely affect their health, safety and welfare.

For event organisers, Duty of Care requires all reasonable actions to be taken to prevent any foreseeable risk of injury, loss or harm to people directly affected by or involved in the event. This includes staff, volunteers, performers, patrons and members of the public in surrounding areas.

Some of the main areas of risk to be identified and assessed are:

**Administration:** the working conditions and management of staff and volunteers must minimise the risks to their health, safety and welfare and consequent possible loss of profit for the event organisers.

**Marketing and PR:** ensure that all advertising material portrays the content and activities of the upcoming event accurately, to avoid any patron disappointment and adverse comment or actions.

**Health and Safety:** ensure things such as food sanitation, responsible service of alcohol, safe access and egress to the venue, traffic management plans, risks involved in activities to be performed or undertaken.

**Crowd management and security:** ensure that the venue can safely and comfortably accommodate the expected number of patrons. Access to adequate clean and tidy amenities and provision for access control of emergency vehicles if relevant.

**Transport:** ensure that transport arrangements to and from the event are controlled, public-parking arrangements are properly organised and if necessary, access for delivery or official vehicles is planned and controlled.

### **8.2.3** *Event Risk Assessment*

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A Risk Assessment of all the foreseeable hazards must be performed and documented during the planning phase of any event to be conducted by a Section 355 Committee. The Risk Assessment process is described above and an Event Management Risk Assessment Form will be provided by Council upon application.

## **8.3 6.3** **WORK HEALTH and SAFETY**

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Section 355 Committee members are volunteers of Council. Committee members and volunteers are required to register as volunteers through the completion of the form in Appendix 12, sending the form to Council and signing on and off the Volunteer Attendance Register on each occasion you volunteer.

The Secretary of the group is required to ensure that all volunteers are registered and that a copy of the Volunteer Attendance Register is sent to Council on an annual basis.

Council will retain a record of each registered volunteer and will also retain copies of the Volunteer Attendance Register.

~~Bland Shire Council's Occupational Health & Safety Policy – Appendix 11.~~

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## **9 7 STATEMENT OF COMMITMENT - VOLUNTEERS**

Bland Shire Council is committed to providing a healthy and safe environment for Shire residents and volunteers and volunteer committees.

Council is very conscious of the need to protect the health and safety of its volunteers. Volunteers provide an invaluable service to the community of Bland Shire in particular, and to visitors and the travelling public in general.

Volunteers are community members who are motivated to undertake some form of service or activity, for no financial reward or recompense. Their contributions undoubtedly benefit the community as a whole. These contributors may either be individuals who spontaneously undertake a task or organised groups within the community or Council. There are also well-established independent groups that are nationally rather than community based.

Formal volunteering is an activity, which takes place in not-for-profit organisations or Projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion;
- for no financial payment; and,
- In designated volunteer position only.

Council recognises that a volunteer contracts to perform a specific job with certain responsibilities and in return is entitled to certain rights. Both the volunteer and Council has mutual obligations to each other. Council has an implied duty of care towards its volunteers under both the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011, where volunteers perform tasks either directly for Council, or indirectly on or at Council controlled property, facilities or activities.

In order to fulfil the obligations of both Council and volunteers, and to promote excellence in service and maximise the quality of the volunteers' experience, Bland Shire Council will:

- Recognise volunteers as valuable team members, with opportunities to participate in relevant organisational decisions.
- Ensure that all voluntary work is undertaken on a voluntary basis and without coercion.
- Ensure that volunteers' work supplements, humanises and enhances, but in no way competes with the work of paid personnel.
- Offer volunteers work opportunities appropriate to their skills, experience and aspirations.
- Provide volunteers with orientation to their work and the organisation and, where appropriate, with clear duty statements.
- Empower volunteers to meet their own and Council needs through Council's provision to them, of appropriate resources, information, support and feedback.
- Offer training and support for volunteers to achieve personal and work goals.
- Implement procedures and provide personal protective equipment to safeguard volunteer's safety and well being, including appropriate volunteer insurance.
- Protect volunteers from unfair discrimination and from sexual harassment by adhering to Equal Employment Opportunity principles and recognising ethnic and cultural diversity.
- Where appropriate, offer reimbursements or other compensation to cover out-of-pocket expenses (eg. Fares, lunches, etc.).
- Provide mechanisms to acknowledge the value of contributions made by volunteers.
- Provide written information about the Council and/or Section 355 Committee policies, procedures and operations as appropriate.

This Statement of Commitment has application to the following volunteers:

- Section 355 Committee members.

- All individuals performing voluntary tasks with Council
- Work experience students
- All individuals and organisations undertaking tasks on Council controlled property or facilities, but not under direction from or by Council, i.e. Service Clubs, Clean Up Australia, Sports and Recreation Clubs and Groups, Landcare Groups, Showground Trusts and non-organised groups or individuals.

Council recognises the need for formalised roles, responsibilities and procedures to ensure that Council can fulfil its duty of care to all staff and volunteers involved in Council operations, and also has an obligation to its Insurers to minimise risk.

Manuals and other documented procedures that detail how Section 355 Committees and other groups of volunteers are to be managed support this Statement of Commitment.

CONSULTATION DRAFT

**BLAND SHIRE COUNCIL  
MEMORANDUM OF UNDERSTANDING (MoU)  
FOR CUSTODIAL\* SPORTING USE (FORM  
MoUB) OF WEETHALLE RECREATION  
GROUND**

***WEETHALLE SPORT & RECREATION COMMITTEE – A SECTION 355  
COMMITTEE OF BLAND SHIRE COUNCIL***

**1 Purpose**

- 1.1 Bland Shire Council (known as “the Council”) will enter into a Memorandum of Understanding (known as “MoU”) with user groups to ensure that both user groups and the Council have a clear understanding of their rights and obligations in relation to the facilities.
- 1.2 The breakup of the obligations regarding the main maintenance items are outlined in schedule 2.

**2 Use of Facility**

- 2.1 Council grants the Weethalle Section 355 Committee – Weethalle Sport & Recreation Ground Committee (known as “the Occupant”) the right to maintain the Weethalle Village (known as “the facility”). The name and address of the Occupant are to be shown in Schedule 1.
- 2.2 The Occupant acknowledges that Council may also permit use of the facility (when the Occupant is not using the facility).
- 2.3 Council will not allow access to another party in relation to the recreation ground without first informing the Occupant in writing, except in the case of emergency.

**3 Term of MoU**

- 3.1 This MoU is in force until the Occupant ceases to exist as an organisation or until it is terminated by the Occupant or the Council.

**4 Standard Conditions**

- 4.1 The Occupant must comply with all relevant conditions in the attached Standard Conditions.
- 4.2 The Occupants particular attention is drawn to the health provisions in the Standard Conditions.

**5 Bookings**

- 5.1 All bookings for the ground(s) are to be handled by the Section 355 Committee

**6 Insurance and Indemnity**

- 6.1 The Occupant should insure its own contents or other assets which are located in or on the facility from time to time.
- 6.2 The Occupant shall not do anything or allow anything to be done which might result in any insurance relating to the facility becoming void or voidable.

**7 Termination**

- 7.1 The Occupant may terminate this MoU by giving one weeks notice in writing to the Council of its intention to terminate.
- 7.2 The Council may withdraw the right to occupy at any time (hence terminate this MoU), subject to giving three weeks’ notice in writing to the Occupant.
- 7.3 This MoU may be terminated upon receipt of a notice in the event of a breach.

**8 Authorisation**

8.1 Signed as an agreement between Bland Shire Council and Weethalle Sport & Recreation Committee, A Section 355 Committee of Bland Shire Council.

**WEETHALLE SPORT & RECREATION GROUND COMMITTEE**

Name	Position	Signature	Date

Name	Position	Signature	Date

Name	Position	Signature	Date

**Bland Shire Council**

Name	Position	Signature	Date

(\* **Custodial** – Occupants who have use of a Facility incorporating buildings for an extended period)



SCHEDULE 1

**ITEM 1: Name and Addresses of “The Occupant”**

Weethalle Sport & Recreation Ground Committee:.....

.....  
**ITEM 2:        Period of Custodial Use**

Annual.....

**ITEM 3:        Special Conditions and/or Requirements**

None.....

.....  
.....  
.....

**SCHEDULE 2**

**MAIN MAINTENANCE ITEMS**

<b>MAINTENANCE ITEM</b>	<b>OCCUPANT'S RESPONSIBILITY</b>	<b>COUNCIL'S RESPONSIBILITY</b>
Garbage services	Put out garbage bins for collection	Provision of bins
Mains supply of gas and electricity (other than the playing field lights)	Pays invoices sent by Council	Pays all bills
Building alterations	Determine and document specific needs of the building relating to any requests to Council for building alterations. Submit approved works DA if	Assess all requests submitted and, if approved by Council and if monies are available, ensure satisfactory completion of work by responsible parties.

	required	Process DA if required
Curtains, blinds and window fittings, solar film	Installation, if required	No responsibility
Fixtures and appliances not installed by the Council	Regular cleaning and repair	No responsibility
Ceilings	Regular cleaning and repairs due to misuse	Major repair and/or replacement due to structural faults, age, etc. as monies are made available
Doors (incl. cupboard doors, door fittings, closers and screens)	Regular cleaning and repair due to misuse (with the same hardware)	Replacement due to age or structural fault
Electrical wiring and fittings in building	Repair and replacement due to misuse – must be undertaken by licensed electrical contractor	All building wiring from main supply to and including switchboard, power points, switches and light fittings
Fire extinguishers	Fill when discharged due to misuse	Testing, maintenance and replacement due to age
Fire panel	No responsibility, report any faults	Testing, maintenance and rectification of any problems
Floor surfaces and coverings	All regular cleaning and minor maintenance	Replacement due to age or compliance
Window glass and flyscreens	Clean and replace internal breakages, with compliant glass and wire	Replace externally, if breakages occurs due to vandalism
Vandalism	No external responsibility, report any issues	Removal of graffiti from external areas and undertake necessary repairs
Keys and locks	Responsible for keys issued by Council – no copying of keys	Purchase, install and maintain all locks
Pest inspection	Internal inspection and treatment of any infestation as required	Annual internal and external inspection if required
Fences	Report damage or misuse	Maintain and replace when necessary
Light globes and fittings (external)	Replacement of general lighting globes	Replacement and maintenance of security lighting where installed by Council
Accessible light globes (internal)	Replacement	No responsibility
Plumbing and fixtures	Internal repairs and any add-on fixtures not standard in the building, leaking taps and cisterns, replacement of washers	Repair and renewal of all external plumbing, leaking pipes
Plumbing waste pipes,	Keep clear of foreign	General maintenance,

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drains and storm water pits	objects, mud etc. and clear if blocked by these materials	stormwater and sewer blockages/facility drains
Other permanent fixtures	Regular cleaning of all fixtures and repair/or replace due to misuse	Handrails/disability access fixtures
Hygiene	To keep all areas in a clean and hygienic state	No responsibility
Painting	Internal painting if damaged through misuse, to match existing	Internal and external painting as per manufacturers recommendations as needed
Roofs, guttering and skylights	Regular gutter cleaning	All maintenance and repair as required
Walls	Regular cleaning and repair of damage through misuse or wear and tear	Structural maintenance
Building external	Keep clean and small maintenance works	General major maintenance
Food handling areas and equipment	To comply with relevant health legislations and maintain equipment required by legislation	No responsibility
Lawns, yards and gardens	Prune trees to ensure they do not overhand roof or pathways, mow lawns, maintain gardens <u>and keep site tidy</u> Removal of any rubbish	No responsibility
Sporting fields	Repair all damage. For example damage to fences, gates, seats, plant materials, and score board. Must conduct a safety check before use. Must have an emergency action plan. Must ensure no glass is allowed on the surface	No responsibility
Facilities	Ensure that facilities are neat and tidy at all times. Must use the facilities in accordance with the law	Maintenance of permanent structures
Storage	Council undertakes no responsibility for the property of any user which is placed or stored on/in the facilities	No responsibility
Access	Must allow the Council of its employees of	No responsibility



	contractors or Council approved persons, right of entry at all times including inspection of the facilities, buildings to any other premises, and carrying out maintenance or building works	
Toilets (not showground)	Must keep in a clean and hygienic state. Must report to Council all defects	Supply cleaning products. Maintain buildings and ancillary attachments. Look after septic systems
Toilets (showground)	Must keep all areas in a clean and hygienic state. Maintain all ancillary attachments and wall painting. Clean out septic tank	Structural maintenance of buildings
New trees	Water and maintain	Plant as appropriate and within budget
General town maintenance	Complete all small maintenance issues required on Council property. Report to Council any major issues	Repair major issues on Council property within budget. Mow public areas and town entries. Major pruning of trees and shrubs as needed
Cemetery and Landfill	No responsibility	Maintenance and operation

Internal Audit Section 355 Committee Recommendations

Audit Recommendation	Council action/response
1. The Council's Operational Manual for Section 355 Committees Handbook and the Terms of Reference for individual Committees be reviewed at least once during each Council term.	Completed as part of review process
2. When copies of the Manual and Terms of Reference are provided to community members of these Committees, an acknowledgement be provided to Council to attest to the fact that the community members have received these documents.	To be incorporated into Committee Induction Process
3. At the expiration of the Council term, review operations of all Section 355 Committees to ensure they continue to be fit for purpose, and their functions and expenditures align with the goals of the incoming Council's Delivery Program.	To be completed as part of post-Council election process
4. At the expiration of the Council term and upon the community members of Council's Section 355 Committees ceasing to hold office, Council publicly invite expressions of interest from persons interested in becoming members of these Committees with the decision on who to appoint to these Committees being made at an open Council Meeting.	To be completed as part of post-Council election process
5. The proceedings of meetings of all Section 355 Committees be minuted with copies of the minutes of all of these meetings being presented to the Council at a formal Council Meeting.	Completed as part of review process
6. A briefing be scheduled preferably soon after the appointment of community members of the Council's Section 355 Committees to provide these community members with guidance on the operation of the Committees and to confirm the Council's expectations for the Committees with particular emphasis on the Code of Conduct.	To be incorporated into Committee Induction Process
7. An appropriately experienced staff member be nominated as the point of contact for Section 355 Committees.	Completed as part of review process
8. In relation to those Section 355 Committees that operate financial accounts in respect of Council facilities (a) procedures be implemented to ensure that these documents are submitted to Council, either audited or for audit, to facilitate lodgement of Council's BAS and for inclusion in Council's financial statements; and	Completed as part of review process

Audit Recommendation	Council action/response
<p>(b) Council impress upon these Committees the importance for them to provide advice of any proposed amendments to their fees and charges in sufficient time for Council staff to be able to include this information in Council's Schedule of Fees and Charges when the Council's Annual Budget is being formulated.</p>	
<p>9. Copies of Council's Code of Conduct and any other relevant Council policies and procedures be provided to all community members of Council's Section 355 Committees with these community members to provide an acknowledgement that they have received these documents.</p>	<p>To be incorporated into Committee Induction Process</p>
<p>10. The community members of Council's Section 355 Committees be reminded of the need for them to appropriately declare any conflicts of interest that may occur during meetings of these Committees with the minutes of those meetings to record any such disclosures.</p>	<p>To be incorporated into Committee Induction Process</p>
<p>11. Appropriate arrangements be introduced by Council to enable it to review the performance of its Section 355 Committees.</p>	<p>No formalised review to be implemented. Effectiveness and need for committees to be incorporated into the post-Council election process to allow for alignment with Council/Community needs.</p>



## POLICY STATEMENT

### SECTION 355 COMMITTEE POLICY

**POLICY ADOPTED:** 4 February 2015

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#### **Introduction**

This policy confirms the delegated authority of Council's Section 355 Committees and outlines their functions and operations.

The Council cannot perform all the tasks necessary to provide a high standard of services and facilities for the community and the volunteers in the Shire provide an invaluable service to the community. Council has a responsibility to protect the health and safety of these volunteers, but also has legislative requirements to oversight the operation of volunteer committees, especially in regard to financial recording and reporting and comply with taxation rulings.

#### **Legislative Basis**

##### *Local Government Act 1993*

The Local Government Act 1993, Section 24 – Provision of goods, services and facilities and carrying out of activities, states the following:

“A council may provide goods, services and facilities, and carrying out activities, appropriate to the current and future needs within its local community and of the wider public, subject to this Act, the regulations and any other law”.

##### *Delegation of Function*

Under the Local Government Act 1993 Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

Under Section 355 of the Local Government Act 1993 a function of a council may be exercised:

- “(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) by a committee of the council, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a Voluntary Regional Organisation of Councils of which the councils concerned are members), or

(e) by a delegate of the council (which may, for example, be a Voluntary Regional Organisation of Councils of which the council is a member).”

## **Committees and Delegations**

Council's Section 355 Committees and their delegations are outlined below

### **Barmedman Community Centre**

- The care, control and management of the Barmedman Community Centre being both the hall and the property formerly the Court House, Barmedman.
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility
- To maintain the facility to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Arrange the repair and maintenance of the facility and grounds, either by voluntary labour or otherwise.

### **Barmedman Sports and Recreation Committee**

- The care, control and management of the Barmedman Sport and Recreation Ground
- To recommend charges, subject to Council approval, for the use of the grounds
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee

- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

### **Barmedman Tidy Towns Committee**

- To submit entries for Barmedman in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Barmedman by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Barmedman.

### **Mirrool Silo Kick Challenge Committee**

- To make recommendations to council in relation to works and programs to improve and enhance the amenity of Mirrool.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Mirrool by voluntary labour and otherwise subject to the Council's prior approval of each project.
- Facilitate and co-ordinate the various sections of our community
- Promotion of Mirrool and District generally
- Liaise and lobby within local and state bodies and organisations.
- Monitor and advise of effectiveness of services provided to Mirrool and District.
- To retain, promote and where possible upgrade business in Mirrool and District.

- To encourage and assist in developing a strong sense of pride within the town
- To retain and promote community involvement within the communities services and amenities

### **Ungarie Showground, Racecourse and Recreation Reserve Committee**

- The care, control and management of the Ungarie Showground, Racecourse and Recreation ground
- To recommend charges, subject to Council approval, for the use of the facilities
- Collect any charges and fees fixed by Council for the use of the facilities, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facilities were originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

### **Ungarie Advancement Committee**

- To make recommendations to council in relation to works and programs to improve and enhance the amenity of Ungarie
- To research and publish the history of Ungarie and District
- The care, control and management of the Ungarie Museum
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council

- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility
- To maintain the facility to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.
- Arrange the repair and maintenance of the facility and grounds, either by voluntary labour or otherwise.
- To carry out works to beautify Ungarie by voluntary labour and otherwise subject to the Council's prior approval of each project.
- Facilitate and co-ordinate the various sections of our community
- Promotion of Ungarie and District generally
- Liaise and lobby within local and state bodies and organisations.
- Monitor and advise of effectiveness of services provided to Ungarie and District.
- To retain, promote and where possible upgrade business in Ungarie and District.
- To encourage and assist in developing a strong sense of pride within the town
- To retain and promote community involvement within the communities services and amenities

### **Ungarie Retirement Village**

- To promote and undertake or assist in promoting and undertaking benevolent assistance for aged, frail and disabled persons and their spouses, together with such other persons as may be approved from time to time by the Australian Government irrespective of creed, class or colour, and without in any way limiting the generality of the foregoing provision, shall have the power to do or to assist in doing any or all of the following things, namely:
  - To establish and maintain living units, hostels and/or nursing homes for the accommodation and care of aged, frail and disabled persons;
  - To provide benevolent relief to aged, frail and disabled persons by establishing and maintaining a club or clubs;
  - To promote and assist the general good of all aged, frail and disabled persons in the Bland Shire Council Local Government area by assisting the work of statutory authorities and voluntary organisations engaged in respect of such persons in providing facilities for physical



and mental recreation, developing physical improvement, furthering health and comfort, relieving poverty, distress or sickness, or in pursuing any objects which are benevolent.

- To promote the above purposes by co-operation with other authorities and organisations and to that end bring together representatives of the authorities and organisations engaged in the furtherance of the above purposes or any of them.
- To assist any benevolent body or bodies in the furtherance of the above purposes or any of them.
- To promote and carry out or assist in promoting and carrying out surveys relating to the needs of aged, frail and disabled persons and to arrange for forwarding to the proper authorities and organisations the relevant facts regarding such cases and causes of distress as it appears to be within the power of those authorities and organisations to alleviate.
- To arrange for or join in arranging or providing for the holding of exhibitions, meetings, lectures and classes in furtherance of the objects of the Association or any of them.

### **Weethalle Tidy Towns Committee**

- To submit entries for Weethalle in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Weethalle by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Weethalle.

### **Weethalle Recreation Ground Committee**

- The care, control and management of the Weethalle Recreation Ground.
- To recommend charges, subject to Council approval, for the use of the grounds
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the grounds available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.

- Recommend to Council any improvement works required
- Arrange the repair and maintenance of the grounds, either by voluntary labour or otherwise.

#### **West Wyalong Tidy Towns Committee**

- To submit entries for Wyalong/West Wyalong in the Keep Australia Beautiful – Tidy Towns Competition.
- To raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To carry out works to beautify Wyalong and West Wyalong by voluntary labour and otherwise subject to the Council's prior approval of each project.
- To make recommendations to Council in relation to works and programs to improve and enhance the amenity of Wyalong and West Wyalong.

#### **Wyalong School of Arts and Hall Committee**

- The care, control and management of the Wyalong School of Arts and Wyalong Hall
- To recommend charges, subject to Council approval, for the use of the facility
- Collect any charges and fees fixed by Council for the use of the facility, to raise funds for the purpose and objectives of the Committee and to expend those funds together with such funds as the Council may from time to time vote to the Committee
- To make the facility available to and safe for all members of the public consistent with the purpose for which the facility was originally constructed. Any restriction to this availability is to be approved by Council
- To meet any charges which may be made from time to time for electricity, water and any other service charges in respect to the operation of the facility
- To maintain the facility in accordance with Council's Code of Management and to the satisfaction of the General Manager
  - Structural alterations and permanent installations require relevant Council building and planning approval prior to commencement of work
  - Council approval is to be obtained for major maintenance, improvements or extensions to the facility prior to issuing the contract for the commencement of any such work. Such works are to be to the satisfaction of the General Manager
- To permit authorised Council officers to enter the premises at any reasonable hour for the purpose of carrying out work or inspections at times of emergency when entry is necessary, and to supply a set of keys to Council for these purposes.

- Arrange the repair and maintenance of the grounds and building, either by voluntary labour or otherwise.

### Financial Support

Financial Support for Council's Section 355 Committee is subject to annual budget allocations and is outlined in Council's Donations Grants Policy

### Requirements

Section 355 Committees are required to comply with and adhere to the procedures, polices and requirements outlined in Council's Section 355 Committee manual.

### Authorisation:

<b>Status</b>	<b>Committee</b>	N/A	
	<b>Manex</b>	N/A	
<b>Owner</b>	<b>Director Corporate, Community &amp; Development Services</b>		
<b>EDRMS Doc. ID</b>	453391		
<b>Superceded Policy</b>			
<b>Date of Adoption/ Amendment</b>	<b>Revision Number</b>	<b>Minute Number</b>	<b>Review Date</b>
15 April 2008	0	11/4/08	
4 February 2015			February 2020

<b>Related Council Policy / Procedure</b>
<i>Bland Shire Council Code of Conduct</i>

## 8.8 Endorsement Of The Draft Adverse Event Plan



**Our People - A Strong, healthy, connected and inclusive community**

*DP3.1 Develop and support a strong sense of community providing advice and support to community groups*

**Author:** Director Corporate and Community Services

### **Introduction**

In November 2019, Bland Shire Council was advised it was one of 122 councils which had been allocated an additional \$1 million by the Australian Government under the Drought Community Programme – Extension. Unlike previous allocations, this round required Council to develop an Adverse Event Plan as a condition of receiving the funds. In accordance with this requirement, this report presents the Draft Adverse Event Plan (**Attachment 1**) for Council's endorsement for further consultation with the community.

### **Financial Implications**

While there may be additional costs to Council during the implementation phase of the Adverse Event Plan, these have not yet been quantified. It is anticipated that should there be costs identified beyond Council's current budget, a further report will be prepared and presented to Council. At this stage, the only cost implication is for the purposes of advertising the draft document for community input.

### **Summary**

Guidelines issued by the Australian Government to support Councils applying for funds under the Drought Community Programme – Extension stipulated the purpose and requirements for projects which would be considered eligible for funding. One of those eligible projects was the development of an Adverse Event Plan with the guidelines describing this plan as:

*“A plan developed in consultation with local stakeholders which aims to build local leadership and community capacity to adapt and cope with chronic stresses and acute shocks. The plan should look to improve preparation, management and recovery from those events. Planning for drought should consider water supply and quality, projects to buoy the local economy and maintain community cohesion and drought support coordination.”*

The draft document before Council has been developed in consultation with Riverina Joint Organisation member Councils, representatives from Department of Regional NSW, the Rural Financial Counselling Service, Murrumbidgee Local Health District and Murrumbidgee Primary Health Network. Council does have existing documentation that could, individually, meet some of the requirements of an Adverse Event Plan and they have been identified within this document.

While the Adverse Event Plan primarily takes the form of referencing relevant Council Business and Risk Management Plans and Policies as they relate to certain projects, it also contains detail on roles and responsibilities, stakeholder and consultation points as well as risks and mitigation strategies. It is not the intention that the Adverse Event Plan would override existing Council Plans and Policies but to act as a point of reference for dealing with adverse events as they occur.

The Plan has been developed with reference to a number of external documents prepared by agencies well versed in providing advice and support to communities impacted by adverse events. These documents have been detailed in the literature review contained within the draft plan.

Although there has been consultation held with a number of agencies throughout the development process, given the local context of the plan it would be prudent for Council to seek further input and commentary on the plan's elements prior to formal adoption.

**Recommendation:**

**That Bland Shire Council:**

- 1. Endorses the Draft Adverse Events Plan and places the document on Public Exhibition in accordance with Section 160 of the Local Government Act;**
- 2. Should submissions be received on the Draft Adverse Events Plan that a further report be brought back to Council addressing such submissions; and**
- 3. Should there be no submissions received on the Draft Adverse Events Plan that the plan be formally adopted and implemented.**

**BLAND SHIRE COUNCIL**  
**ADVERSE EVENT PLAN**  
September 2020



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## Purpose

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The purpose of this document is to establish a framework to provide guidance and establish mechanisms to mitigate and prepare for periods of adverse conditions within Bland Shire Council. The document has been created with reference to similar publications from other jurisdictions and in collaboration with other Councils within the Riverina Joint Organisation.

The Plan aims to build local leadership and community capacity to adapt and cope with chronic stresses and acute shocks. The plan should look to improve preparation, management and recovery from those events. Planning for drought should consider water supply and quality, projects to buoy the local economy and maintain community cohesion and drought support coordination.

The Adverse Event Plan is not designed to replace existing Council plans or policies but work in conjunction with those existing documents to inform the strategies which are adopted.

## Principles

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The guiding principles for this plan are consistent with the National Principles for Disaster Recovery<sup>1</sup>:

1. Understanding the context
2. Recognising complexity
3. Using community-led approaches
4. Ensuring coordination of all activities
5. Employing effective communication
6. Acknowledging and building capacity
7. Recovery assistance should be considered in the context of relevant national principles and complement existing ongoing assistance measures
8. In the case of recovery support, assistance will be considered in the context of ongoing State and Federal Government services that assist communities, primary producers and businesses prepare for adverse events

## Definitions

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**Adverse Event:** Adverse events may include events such as fire, flood, severe weather and disease or other adverse events such as drought and/or sudden and unforeseen trade restrictions resulting from an adverse event, such as disease outbreak.

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<sup>1</sup> Australian Institute for Disaster Resilience



**Catastrophic Disaster**<sup>2</sup>: A catastrophic disaster is what is beyond our current arrangements, thinking, experience and imagination (i.e. that has overwhelmed our technical, non-technical and social systems and resources, and has degraded or disabled governance structures and strategic and operational decision-making functions). It should be noted that severe to catastrophic disasters differ from emergencies in that they exceed business as usual emergency management systems and capability design parameters.

**Community**: A social group with a commonality of association and generally defined by location, shared experience or function, and with a number of things in common such as culture, heritage, language, ethnicity, pastimes, occupation or workplace.

**Community-led recovery**: Recovery from disaster is best led by the affected community where it takes responsibility for and drives recovery efforts, with all three tiers of Government supporting the approach. Recovery needs vary according to the scope of the adverse event and will change and evolve over time. Therefore, recovery activities will be directed by ongoing needs assessment with the community and supporting agencies.

**Disaster**: A serious disruption to community life which threatens or causes death or injury in that community and/or damage to property which is beyond the day-to-day capacity of the prescribed statutory authorities and which requires special mobilisation and organisation of resources other than those normally available to those authorities.

**Emergency**: An emergency is an unexpected, unpredictable and difficult or dangerous situation, especially an accident, which happens suddenly and requires quick action to deal with it.

**Natural Disaster (COAG definition)**: Serious disruption to a community or region, rapid onset, threatens or causes death, injury or damage to property/ environment, requires significant and coordinated multi-agency and community response. (Examples of Natural Disasters: bushfire, earthquake, flood, storm, cyclone, storm surge, landslide, tsunami, meteorite strike, tornado).

**Shared responsibility**: When governments from all tiers, communities, business and individuals take an active approach to prevention, preparation, response and recovery.

**Recovery**: The coordinated process of supporting affected communities in reconstruction of the physical and social infrastructure and restoration of emotional, social, economic and physical wellbeing.

**Resilience**: The ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management.

**Response**: Actions taken in anticipation of, during, and immediately after an adverse event to ensure that its effects are minimised, and that people affected are given immediate relief and support.

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<sup>2</sup> Australian Disaster Preparedness framework

## Key Stakeholders and Consultation Points

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Council has a number of key consultation points that it will utilise in the event of an adverse event. These points assist council to co-ordinate and communicate responses to adverse event, allowing for better response outcomes.

The following have been identified:

- Emergency Services Committee
- NSW Police
- Red Cross
- Salvation Army
- Vinnies
- NSW Health
- Churches
- Education facilities
- Rural Financial Counselling Service
- Interagency
- Murrumbidgee Primary Health Network
- Murrumbidgee Local Health District
- Local Land Service

## Supporting Documents for the Plan

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The preparation of an Adverse Event Plan is consistent with the guiding principles for councils set out in the Local Government Act 1993. The guiding principles contained in Section 8A of the Act include: -

- *“Section 8A (1) (a) - Councils should provide strong and effective representation, leadership, planning and decision-making.”*

Section 8C of the Act sets out the integrated planning and reporting principles that apply to councils including the following: -

- *“Section 8C (h) - Councils should manage risks to the local community or area or to the council effectively and proactively.*
- *Section 8C (i) - Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.”*

The Bland Shire Community Strategic Plan 2017-2027 (CSP) sits above all other council plans and policies in the planning hierarchy. The CSP was developed in consultation with the community and identifies the community's main priorities and aspirations for the future, and strategies to achieve them. The CSP has four broad themes or key directions as follows: -

- A. Our People - A strong, healthy, connected and inclusive community
- B. Our Places - Maintain & improve the Shire's assets & infrastructure

C. Our Leadership - A well run Council acting as the voice of the community

D. Our Prosperity - Growing our population and jobs

While the preparation of an Adverse Event Plan aligns with each of these themes, the most relevant would be the aspiration of “a strong, healthy, connected and inclusive community” and the strategies contained therein.

As well as the CSP, the following Council documents support this Plan (NB. This is not an exhaustive list of Council documents and can be updated as required):

- Local Emergency Management Plan
- Business Assistance Policy
- Business Continuity Plan
- Communication Policy
- Community Grants Donations Policy
- Financial Hardship Policy
- Risk Management Policy
- Guide to Management of Roadside Vegetation
- Sewer Management Plan
- Stormwater Management Plan

## Roles and Responsibilities

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### Role of Local Government

The role of councils within the community has been stipulated by the Local Government Act which sets out the guiding principles for councils<sup>3</sup>. These principles are designed to guide a Council to exercise its functions, make decisions and engage with the community. Some of the key principles for exercising a Council’s function include:

- providing strong and effective representation, leadership, planning and decision-making
- providing the best possible value for residents and ratepayers
- provision of effective and efficient services and regulation to meet the diverse needs of the local community
- working co-operatively with other councils and the State government to achieve desired outcomes for the local community
- managing assets so that current and future local community needs can be met
- working with others to secure appropriate services for local community needs
- acting fairly, ethically and without bias

In the context of an Adverse Event, such as extended periods of drought, Council’s role will be on of coordination and facilitation of specific activities and events as identified through the implementation of the Adverse Event Plan.

### Role of the Australian Government<sup>4</sup>

The Australian Government is responsible for:

- funding and delivering a time-limited household support payment based on individual and farming family needs including:
  - reciprocal obligations that encourage resilience

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<sup>3</sup> LOCAL GOVERNMENT ACT 1993 - SECT 8A

<sup>4</sup> Australian Government Drought Response, Resilience and Preparedness Plan

- case management to support reciprocal obligation requirements
- establishing and operating a Future Drought Fund, to enhance drought preparedness and resilience
- providing continued access to incentives that support farming businesses' risk management, including taxation concessions, the Farm Management Deposits Scheme and concessional loans
- improving and maintaining national, regional and local predictive and real-time drought indicator information, drawing on the Bureau of Meteorology's observation network and forecasting.

### Shared roles and responsibilities

The Commonwealth, states and territories are responsible for:

- developing, designing, implementing and funding drought preparedness, response and recovery programs that are consistent with the NDA, encourage robust risk management and seek to avoid market distortions
- developing capability-building programs, tools and technologies to inform and improve farming businesses' decision-making and promote resilience
- provision of rural financial counselling services
- support to mitigate the effects of drought on the health and wellbeing of farming families and farming communities
- encouraging the delivery and uptake of capability-building programs to improve farming businesses' skills and decision-making that are flexible and tailored to farming businesses' needs
- ensuring animal welfare and land management issues are managed during drought.
- sharing, coordinating, collaborating and communicating information on drought preparedness, response and recovery policies and programs being developed and implemented
- ensuring information on assistance for drought preparedness, response and recovery is accessible and readily available
- ensuring consistency of drought policy and reform objectives and complementarity of drought preparedness, response and recovery programs
- contributing to the development of quality, publicly available data, including but not limited to – weather, seasonal and climate forecasts
  - regional and local predictive real-time drought indicator information
  - a consistent early warning system for drought
  - an improved understanding of fodder crops and holdings across Australia.

### Role of industry & farm businesses

Industry organisations and leaders are responsible for:

- providing information to farmers and rural and regional communities, on and increasing awareness of
  - farm management practices for drought preparedness, management and recovery
  - business literacy and skill development opportunities, including peer review boards or similar
  - drought support measures provided by government and non-government bodies

- working with governments to assess the effectiveness of government drought programs.

Farm businesses are responsible for:

- preparing their businesses for drought
- preparing family and employees for drought
- developing and maintaining a drought plan
- informing themselves of new measures and approaches that may be available to build resilience.

### Role of the community

Members of the community, while not having a specific role during periods of drought, can provide support to others within drought affected communities by supporting local businesses and organisations such as the Foundation for Rural and Regional Renewal, Rural Financial Counselling Service as well as charitable organisations such as Vinnies, Red Cross and Salvation Army.

## Managing an Adverse Event

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Each adverse event will vary in terms of:

- Seriousness of the event
- Numbers of people involved
- Risk exposure
- Financial impacts
- Media interest
- Need to involve other stakeholders

Therefore, the response to each adverse event should be proportionate to its scale, scope and complexity. Each event will be assessed using Bland Shire Council's Risk Management Framework (in development).

The framework sets out the steps of the risk management process;

Step 1	Hazard Identification
Step 2	Risk Assessment
Step 3	Identification and Control/Elimination of the Risk
Step 4	Allocation of Responsibilities
Step 5	Monitoring and Review

Where a Project Management Plan is required, reference should be made to the following resources;

- Project Management Plan (template in development)
- Risk Management Plan (template in development)

These will assist in providing staff, when required, with a template to manage an Adverse Event where contracts are needed to be put in place to manage necessary works.

## Adverse Event Risk Areas and Mitigation Strategies

The requirements for an Adverse Event Plan under the Drought Communities Programme – Extension guidelines (section 6.1) are that Eligible Councils must develop an Adverse Event Plan which meets the needs of their community, and give consideration to the following:

- natural resource management (i.e. managing water supply, ground cover, trees, erosion, biodiversity)
- economic diversification and community resilience (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership), and
- communication and coordination (i.e. how to let people know what's available – now, and in the future; how do you communicate in hard times and for recovery)

These elements have been individually addressed in the following table.

### Natural Resource Management

Area of Concern	Risks	Mitigation Strategy
Water Supply and availability	<ol style="list-style-type: none"> <li>1. Drought</li> <li>2. Dam water used to Fight Fires</li> <li>3. Urban water used to fight fires</li> <li>4. Contamination of Water Supplies</li> </ol>	<ol style="list-style-type: none"> <li>1. Water restrictions brought in</li> <li>2. Dam water replaced on request by RFS</li> <li>3. Communication protocols established between RFS and water utilities to choose the best source of water</li> <li>4a. Additional water testing for contamination in line with Drinking Water Management Plan</li> <li>4b. Alternative sources for drinking water identified</li> <li>4c. Liaise with NSW Health on water testing and health</li> </ol>
Ground Cover, trees and soil erosion	<ol style="list-style-type: none"> <li>1. Floods wash away ground cover</li> <li>2. Erosion undermines loses ground cover</li> <li>3. Stability of trees are undermined</li> </ol>	<ol style="list-style-type: none"> <li>1. Implement Stormwater Management Plan</li> <li>2. Implement Flood Mitigation Strategy</li> <li>3. Work with LLS to control Roadside Grazing Permits</li> </ol>
Biodiversity Impacts	<ol style="list-style-type: none"> <li>1. Movement of equipment and machinery in response to adverse event increases risk of</li> </ol>	<ol style="list-style-type: none"> <li>1a. Work with LLS to raise awareness of the issue</li> </ol>

Area of Concern	Risks	Mitigation Strategy
	<p>spread of pests, disease and weeds</p> <p>2. Loss of biodiversity as an outcome of the adverse event such as fire or drought</p>	<p>1b. Community education on the importance of maintaining biodiversity</p> <p>2a. Implement Council's Biodiversity Plan</p> <p>2b. Work with wildlife rescue organisations on relocation of threatened animals in an adverse event</p>

### Economic Diversification and Community Resilience

Area of Concern	Risks	Mitigation Strategy
Infrastructure planning	<p>1. Unable to complete projects or activities</p> <p>2. Workforce availability constraints</p>	<p>1. Outsource to labour hire or contractors to address lost time.</p> <p>2a. Support campaigns to encourage a better population mix</p> <p>2b. Implement a "Grow your Own" workforce</p>
Tourism investment	<p>1. Visitor economy collapses as a result of adverse event</p>	<p>Implement Tourism Development Strategy</p> <p>Implement Economic Development Strategy</p> <p>Work with Regional Tourism groups to build and promote product post the event e.g. <i>Rediscover your Backyard</i></p>
Diversifying local industries	<p>Lack of diversity impacts on ability to recover</p>	<p>Identify alternative providers of services</p> <p>Implement Council's Economic Strategy to build business growth</p> <p>Support <i>Buy from the Bush</i> campaigns</p>
Capacity building for local leadership	<p>Lack of capacity to provide leadership</p>	<p>Utilise Communications team to help construct messaging</p> <p>Training for senior management and leaders re communication in crisis.</p>
Public Health	<p>Mental Health issues arise in response to event</p>	<p>Liaise with Murrumbidgee LHD and Primary Health Network on programs to address mental health.</p>

Area of Concern	Risks	Mitigation Strategy
	Impacts to sanitation and hygiene services	<p>Council runs community events that bring people affected together.</p> <p>Liaising with health</p> <p>Provision of water for personal use.</p> <p>Alternative power sources to run sanitation and water services</p> <p>Implementing strategies for “safe fails” to minimise impacts.</p>
Economic Impacts	Loss of Household/Farm /Business Income	<p>Councils look for opportunities for part-time/casual work for residents</p> <p>Advocacy to State and Federal</p> <p>Council promotes “Buy Local” to keep money in the local economy</p> <p>Raise awareness of income support opportunities</p>

Communication and Coordination

Area of Concern	Risks	Mitigation Strategy
Communicating adverse events	<p>Residents not aware of where to obtain information</p> <p>Non-English-speaking residents may not understand communications</p>	<p>Communications strategy that runs all year around advising residents of where to find information in an adverse event.</p> <p>Communications are delivered in other languages</p>
Communicating emergencies	<p>Residents not aware of where to obtain information</p> <p>Non-English-speaking residents may not understand communications</p>	<p>Communications strategy that runs all year around advising residents of where to find information in an adverse event.</p> <p>Communications are delivered in other languages</p>



Area of Concern	Risks	Mitigation Strategy
Community recovery	Community slow to recover	<p>Council works with Recovery Officer where one has been appointed.</p> <p>Council works in partnership with State and Federal agencies to support community recovery.</p>
Telecommunications	<p>Telecommunication services are lost during an event</p> <p>Telecommunications services not integrated RFS used different Communications to everyone else</p>	<p>Satellite phones purchased in case of emergency.</p> <p>Satellite wifi is made available</p> <p>Create a regional pool of satellite phones that could be accessed by councils during an event.</p> <p>Utilise radio networks to provide communication</p>

## Review and Evaluation

The Bland Shire Council and its Local Emergency Management Committee (LEMC) will review this Plan every four (4) years, or following any:

- activation of the Plan in response to an adverse event; or
- legislative changes affecting the Plan.

## Literature Review

To support the development of this Adverse Event Plan, a review of existing documentation from a range of organisations was undertaken. This review provided insight into some additional elements which may be incorporated into an Adverse Event Plan depending on local conditions. The following provides a summary of each of the documents reviewed during this process:

Document Owner	Document Title	Summary
<b>Australian Institute for Disaster Resilience</b>	<i>National Principles For Disaster Recovery</i>	<p>The Australian Institute for Disaster Resilience maintains that working with communities recovering from disasters is complex and challenging. The National Principles for Disaster Recovery provide a way to guide efforts, approaches, planning and decision-making. The relationship between the principles:</p> <p>While all the principles are equally critical to ensure effective recovery, understanding the local and broader context and recognising complexity are foundational. The descriptions included within the document provide further guidance for working with communities in disaster recovery.</p>
<b>Commonwealth of Australia</b>	<i>Agricultural Competitiveness White Paper - Stronger Farmers Stronger Economy</i>	<p>Through the White Paper the Federal Government's aim was to further to set the environment needed to drive better returns for farmers. Better returns will see increased investment, job creation, stronger regional communities and economic growth. The vision was to build a more profitable, more resilient and more sustainable agriculture sector to help drive a stronger Australian economy.</p> <p>The Government is focused on agricultural policies with the Government committing to five key priorities:</p> <ol style="list-style-type: none"> <li>1) <b>A fairer go for farm businesses</b>, to keep families on the farm as the cornerstone of agriculture, by creating a stronger business environment with better regulation, healthier market competition, more competitive supply chains and an improved tax system.</li> <li>2) <b>Building 21st century water, transport and communications infrastructure</b> that supports efficient movement of our produce, access to suppliers and markets, and production growth.</li> <li>3) <b>Strengthening our approach to drought and risk management</b>, including providing the tools to facilitate more effective risk management by farmers and a long-term approach to drought that incorporates provision of enhanced social and community support for farming families and rural</li> </ol>

Document Owner	Document Title	Summary
		<p>communities, and business initiatives for preparedness and in-drought support.</p> <p>4) <b>A smarter approach to farming</b> based on a strong research and development system that underpins future productivity growth; and effective natural resource policy that achieves a cleaner environment as part of a stronger Australia.</p> <p>5) <b>Access to premium markets</b> through the availability of a large number of premium export markets open to our produce and a strong biosecurity system that maintains our favourable plant and animal health status.</p>
<b>Commonwealth of Australia</b>	<i>Drought in Australia - Australian Government Drought Response, Resilience and Preparedness Plan</i>	<p>This document provides a list of Government measures and programs to support resilience and preparedness for drought as well as an overview of water infrastructure and the commitments which have been made for capital programs.</p> <p>The plan encompasses immediate actions, what support is available for the wider communities affected by the drought and long-term resilience and preparedness strategies.</p>
<b>Commonwealth of Australia</b>	<i>Drought in Australia - Coordinator-General for Drought's advice on a Strategy for Drought Preparedness and Resilience</i>	<p>Providing a number of recommendations to learn from the lessons of previous droughts, academic research, and advice from farmers' representative groups tell us that preparing for drought rather than responding to it is the best approach. The Coordinator-General for Drought outlines the strategy which has five priority areas being:</p> <ol style="list-style-type: none"> <li>1. Stewardship of important natural resources</li> <li>2. Incentives for good practice</li> <li>3. Improving planning and decision making</li> <li>4. Building community resilience</li> <li>5. Information farmers, communities and governments</li> </ol> <p>Each of these priority areas are enhanced with further recommendations and actions to "give direction to the 2018 National Drought Agreement's objectives. It should draw on lessons from the current drought and support the transition that is underway. It should acknowledge the impact of the changing climate. No significant shifts in the Australian Government's approach are needed. Rather a strategy should refine existing settings and programs. It would help to prepare Australia's agricultural sector and rural communities for what is ahead. It should emphasise the importance of information to underpin preparation and risk management. It should seek to avoid reactive, often late, crisis responses."</p>

Document Owner	Document Title	Summary
<b>Commonwealth of Australia</b>	<i>National Climate Resilience and Adaptation Strategy</i>	The Strategy sets out how Australia is managing the risks of a variable and changing climate. It identifies a set of principles to guide effective adaptation practice and resilience-building, and outlines the Australian Government's vision for a climate-resilient future. The principles of the strategy include: <ol style="list-style-type: none"> <li>1. Shared responsibilities</li> <li>2. Factoring climate risk into decisions</li> <li>3. Assistance to the vulnerable</li> <li>4. Evidence-based risk management approach</li> <li>5. Collaborative values-based choices</li> <li>6. Revisiting decisions and outcomes over time.</li> </ol>
<b>Commonwealth of Australia</b>	<i>National Disaster Risk Reduction Framework</i>	The Framework is a multi-sector collaboration led by the National Resilience Taskforce within the Department of Home Affairs. While the drivers for action are geared primarily for rapid onset disaster situations, the purpose of the document is to guide a whole-of-society approach to risk reduction in order to minimise loss and suffering caused by disasters. The Risk Reduction Goals articulated within the document transcend disaster or adverse event classifications and could easily be adopted to prepare and manage drought as they would a natural disaster.
<b>Council of Australian Governments</b>	<i>Intergovernmental Agreement On A National Water Initiative</i>	The Agreement established a nationally-compatible, market, regulatory and planning based system of managing surface and groundwater resources for rural and urban use that optimised economic, social and environmental outcomes. It was signed by all CoAG members.
<b>Council of Australian Governments</b>	<i>National Strategy for Disaster Resilience</i>	This strategy stipulates the role of Government, Business, Individuals and non-government organisations as a collective responsibility for resilience. It outlines the need for changes, what a resilient community looks like and what actions can be taken to achieve the desired outcome.
<b>Emergency Management Australia.</b>	<i>AUSTRALIAN DISASTER PREPAREDNESS FRAMEWORK - A guideline to develop the capabilities required to manage severe to catastrophic disasters</i>	The Australian Disaster Preparedness Framework (the Framework) will support Australia to develop the required capability to effectively prepare for and manage severe to catastrophic disasters. Such disasters could be the result of a single event or the cumulative effect of a number of events. Severe to catastrophic disasters do not accord to jurisdictional boundaries and, because of their scale and consequences, require the ability to draw on capabilities that exist nationally and internationally. These capabilities are not necessarily confined to those owned by governments and include capabilities

Document Owner	Document Title	Summary
		that could be drawn from the private, non- government and community sectors.
<b>Government of South Australia - Primary Industries and Regions SA</b>	<i>Adverse Events Recovery Framework for Primary Production - A Guide to preparing for and recovering from adverse events</i>	The Adverse Events Recovery Framework (the framework) guides the Primary Industries and Regions SA (PIRSA) approach to preparing for and implementing recovery activities in response to adverse events that severely affect primary production, viability and profitability. This document is perhaps the closest guide to the required Adverse Events Plan by establishing a community-led process to determine the recovery needs for primary production and associated communities as a result of a given event. It suggests the approach to be taken in partnership and collaboration with primary producers, industries and other agencies to return primary industry businesses to normal operations as quickly as possible, noting the new normal may be different.
<b>National Climate Change Adaptation Research Facility</b>	<i>National Climate Change Adaptation Research Plan - Primary Industries</i>	The purpose of a NARP is to identify priority needs over the next few years in developing knowledge on how governments, businesses and communities can best adapt to climate change risks. They provide a national blueprint for research investment by research organisations and knowledge user stakeholders. The 2013 document provides an overview of research which has been undertaken to understand and expand the adaptive capacity of primary industry.
<b>National Services Scotland</b>	<i>Adverse Events Management Policy</i>	While specifically for the management of health related adverse events, this policy does provide detail including six stages for adverse events management being: <ol style="list-style-type: none"> <li>1. Risk assessment and prevention</li> <li>2. Identification and immediate actions following an adverse event</li> <li>3. Initial reporting and notification</li> <li>4. Analysis, risk assessment and categorisation</li> <li>5. Review</li> <li>6. Improvement planning and monitoring</li> </ol>
<b>Republic of Sudan</b>	<i>National Adaptation Plan</i>	The Sudanese National Adaptation Plan is a blueprint for the nation to prepare itself to exist into a future impacted by changing climate. As a result of the threat posed by climate change, the need for effective adaptation is increasingly becoming a recurring theme in long-term policy dialogues in Sudan. As one of the world's Least Developed Countries (as classified by the United Nations), long-term planning was undertaken by the Sudanese Government to contextualise the challenges faced and identify partners and activities to meet these challenges in a country which has direct dependence on the natural environment for survival. The framework adopts the integration of climate risks into all national

Document Owner	Document Title	Summary
		development planning processes to ensure effective mainstreaming of adaptation strategies.
<b>United Nations</b>	<i>NATIONAL ADAPTATION PLANS - Technical guidelines for the national adaptation plan process -</i>	Developed for those countries identified as Least Developed, the guidelines provide a step by step process for addressing climate change challenges to create clearly designed adaptation programs for their nations.
<b>United Nations</b>	<i>Transforming Our World: The 2030 Agenda for Sustainable Development</i>	The 17 Sustainable Development Goals and 169 targets of the United Nations General Assembly resolution were developed to stimulate action over the next 15 years in areas of critical importance for humanity and the planet. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.
<b>World Economic Forum</b>	<i>The Global Risks Report 2018</i>	The report lists Extreme Weather Events and Natural Disasters as the top two in terms of likelihood and the top three in terms of impact. Failure of climate change mitigation and adaptation was in the top five for both likelihood and impact. The report discusses many themes however the risks associated with the prevalence of monoculture production and change weather patterns further highlight the need for increased diversity within the agricultural sector.

## External Reference documents

Australian Institute for Disaster Resilience	National Principles For Disaster Recovery	2018
Australian Securities & Investments Commission	Climate risk disclosure by Australia's listed companies	2018
Commonwealth of Australia	Agricultural Competitiveness White Paper - Stronger Farmers Stronger Economy	2015
Commonwealth of Australia	Drought in Australia - Australian Government Drought Response, Resilience and Preparedness Plan	2019
Commonwealth of Australia	Drought in Australia - Coordinator-General for Drought's advice on a Strategy for Drought Preparedness and Resilience	2019
Commonwealth of Australia	National Climate Resilience and Adaptation Strategy	2015
Commonwealth of Australia	National Disaster Risk Reduction Framework	2018
Commonwealth of Australia -	Australia's Fourth Biennial Report	2019
Council of Australian Governments	Intergovernmental Agreement On A National Water Initiative	2004
Council of Australian Governments	National Strategy for Disaster Resilience	2011
Emergency Management Australia.	AUSTRALIAN DISASTER PREPAREDNESS FRAMEWORK - A guideline to develop the capabilities required to manage severe to catastrophic disasters	2018
Government of South Australia - Primary Industries and Regions SA	Adverse Events Recovery Framework for Primary Production - A Guide to preparing for and recovering from adverse events	2018
International Council on Mining and Metals	Adapting to a Changing Climate - Building resilience in the mining and metals industry	2019
National Services Scotland	Adverse Events Management Policy	2015
Republic of Sudan	National Adaptation Plan	2016
United Nations	UN International Strategy for Disaster Reduction (UNISDR) Secretariat Evaluation - Final Report	2010
United Nations	NATIONAL ADAPTATION PLANS - Technical guidelines for the national adaptation plan process -	2012
United Nations	Transforming Our World: The 2030 Agenda for Sustainable Development	2015
United Nations	United Nations Framework Convention On Climate Change	1992
World Economic Forum	The Global Risks Report 2018	2018

## Section 3 – Technical Services

### 8.9 Local Heritage Assistance Funding – 19 – 23 Church Street, West Wyalong



**Our Prosperity - Growing our population and jobs**

*DP14.2 Attract a diverse range of visitors to the Shire*

**Author:** Manager Development and Regulatory Services

#### **Introduction**

An application for Local Heritage Assistance Funding has been received from Ben Ackland, the owner of 19 – 23 Church Street, West Wyalong (former Souden's Premises). The proposal includes conservation of the building with restoration of the verandah, and replacement of the northern shed with a fenced yard.

The aim of the Heritage Assistance funding is to provide incentive funding to assist property owners in the restoration and conservation of their heritage house or business premises.

The works consists of restoration to the existing posts provide traditional lighting off the wall plate. The preferred option is to re-use the existing framing and double up members where required. The roof sheeting, gutters and downpipes are to be replaced. Painting will be carried out using a sympathetic colour scheme.

The proposed works will include the demolition of the shed on the northern lane, replacing it with suitable fencing.

The premises are listed as a heritage item under the Bland Local Environmental Plan 2011. The following is an extract from the NSW State Heritage Inventory:

#### ***Statement of Significance:***

*Three retail premises with traditional verandah and face brick façade which retain their distinctive character and contribute to the streetscape. Some original ceramic tiles remain. Suitable heritage colours and retention of façade and verandahs recommended.*

The applicant has met with the Heritage Advisor to discuss the scope of works and the applicant is seeking funds for the proposed painting works totalling \$6,886.00, quotations provided. The proposed cost for the painting works are:

Painting – External    \$6886.00

The applicant is seeking a grant of \$3443.00 which is 50 per cent of the total cost of \$6,886.00.

The owner has lodged a development application for the demolition of shed and erection of new fencing. It is proposed that the project will be completed in the next 12 months.



**Financial Implications**

There is currently \$26,500.00 of unallocated funds in the Local Heritage Grants budget. Should this application be approved there will be \$23,057.00 remaining in the budget for Local Heritage Grants.

**Summary**

The project is consistent with the Local Heritage Fund Guidelines. The maximum funding under the guidelines is fifty per cent of the project cost to a maximum of \$3,500 and it is recommended that Council allocate an amount of \$3443.00 for the project which is fifty per cent of the total cost of project.

**Recommendation:**

**That Council approve funding of \$3443.00 to Ben Ackland towards the external painting of 19-23 Church Street, West Wyalong.**

## **Section 4 – Reports for Information**

**Recommendation:**

**That the following reports, provided for information only be received and noted:**

- **8.10 - Economic Development & Tourism Report – October 2020**
- **8.11 - Community Services Report**
- **8.12 - Bland Shire Library Monthly Update**
- **8.13 - Children’s Services Monthly Update**
- **8.14 - Assets & Engineering Services Report**
- **8.15 - Development Services Activity Report – September 2020**

## 8.10 Economic Development & Tourism Report – October 2020



### Our Prosperity - Growing our population and jobs

*DP14.2 Attract a diverse range of Visitors to the Shire*  
*DP15.2 Continue ongoing engagement and communication with the Shire's existing industry and business including support for diversification and alternate industry or business*  
*DP15.3 Lobby for and work with industry, government and education providers to ensure Bland Shire residents and businesses have access to competitive telecommunication services*  
*DP16.2 through partnerships with stakeholders foster our education, learning and training industry and increase employment opportunities within the Shire*

**Author:** Ray Smith and Marina Uys

**Introduction:** Economic Development and Tourism Initiatives September 2020

**Financial Implications:** Nil

### Economic Development

#### Why Leave Town Statistics

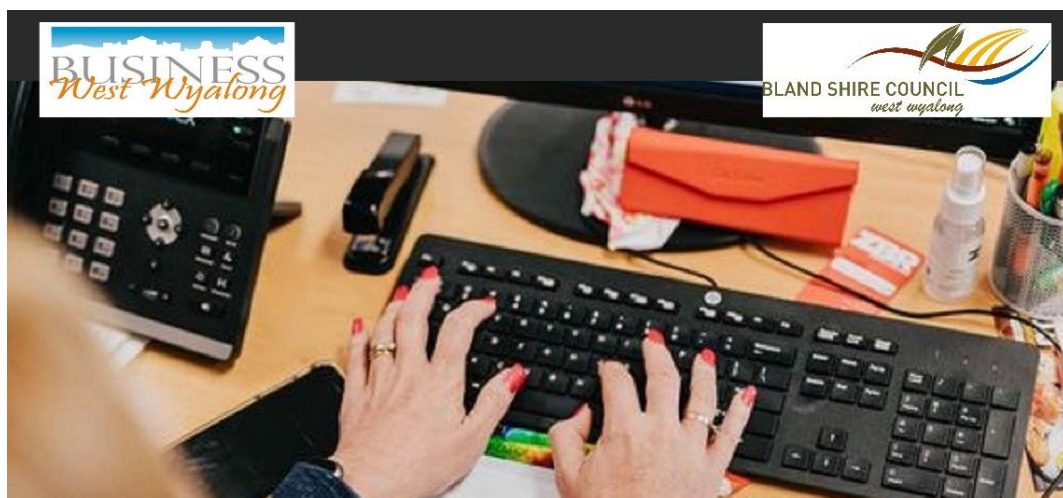
	Jan 20	Feb 20	Mar 20	Apr 20	May 20	June 20	June 20	Jul 20	Aug 20	Sept 20	Oct 19 - Sep 20
<b>Total Program</b>											
Number of Loaded Cards	17	40	64	284	16	12	427	860	543	54	1,725
Load Value	\$1,010	\$3,100	\$2,330	\$7,275	\$510	\$1,095	\$21,590	\$36,910	\$22,571	\$3,746	\$79,929
Number of Redemptions	71	57	42	21	36	81	151	459	206	189	912
Value of Redemptions	\$2,564	\$2,340	\$1,532	\$788	\$981	\$2,253	\$4,985	\$15,444	\$6,706	\$6,320	\$31,767

Why Leave Town also launched a Best Why Leave Town card design with towns competing against each other in different rounds. The Bland Shire Card won our round and have been placed in the semi-finals. This initiative is to promote the awareness of the Why Leave Town card and motivating locals to spend their money locally to support small businesses.



## Small Business Month – October 2020

Bland Shire Council were successful in their application for a \$2000 grant towards Small Business Month. Bland Shire Council together with Business West Wyalong are providing zoom and face-to-face events to all the businesses in the Bland Shire on the 21<sup>st</sup> and 27<sup>th</sup> October 2020.



## SMALL BUSINESS MONTH EVENTS

WED 21ST OCT & TUES 27TH OCT

To celebrate small business month, Business West Wyalong has organised a series of online webinars featuring guest speakers covering the topics of "Your Team & You" & "Financial Foundations"

There will be two sessions each night commencing at 5.30pm & 6.40pm  
Whilst they will be streamed online, we are also screening the sessions at the Bland Shire Council Chambers, where light refreshments will be provided.

**FINDEX**

### Rachelle Nowland - Partner

Presenting two sessions,  
Rachelle will cover  
JobKeeper 2.0  
&  
Employee  
Superannuation .



### Tina Cooper - Lawyer

Tina will be covering the  
topic of employment  
related legal matters.



### Raylene Spackman - Head Teacher Retail

Raylene will cover topics  
such as Customer Service,  
Online Trading, Business  
to Business & Staff  
Training over two  
sessions.

All sessions are free to Business West Wyalong members - \$10 for non members. To receive the web link or RSVP to attend any sessions, please email [Businesswestwyalong@gmail.com](mailto:Businesswestwyalong@gmail.com) Or call Barb Last 0428 617 756

## Small Business Month

1 - 31 October 2020



## Tourism

### The Bland Bulletin:

The Visitors Information Centre have been distributing The Bland Bulletin in September. With events starting back, we are happy to distribute this information to the community and accommodation outlets so they can share with visitors to the Bland Shire.

#### Library events for School Holidays

**Bland Shire Library**

### Christmas Cookie Decorating with Dagmar

Wednesday 30th Sept. 2020 10.30 am – 12 pm  
 Wednesday 30th Sept. 2020 2 pm – 3.30 pm  
 Thursday 8th October 2020 10.30 am – 12 pm  
 \*\*Thursday 8th October 2020 2 pm – 3.30pm

(\*This session is for middle-school aged children - more techniques)

All sessions will be held in the Bland Shire Council Chambers  
**BOOKING ESSENTIAL - LIMITED PLACES PER SESSION**  
 \$20 per child

Child must attend school and children aged 7 years and younger must be accompanied by an adult  
 For further information or to book a place contact Bland Shire Library on 6979 0272

### Marbleous Mugs

Pick up your kit from Bland Shire Library and learn how to decorate a mug with nail polish.

Cost: \$2.00 per kit (limited kits)

Watch the video for instructions on Riverside Regional Library's YouTube channel



## Other community events

**OKTOBERFEST** – Sat 10 October at 3PM. White Tank Hotel – Dress up, enjoy German fare, music and taste some White tank beer brewed onsite. Keep checking the White Tank Hotel Facebook page for information on purchasing tickets.

**SATURDAY MARKETS** – the West Wyalong markets are on and more popular than ever! Upcoming dates are: Saturdays – 26th of September, 10th of October and 24th of October.

**WHY LEAVE TOWN COMPETITION** – go to Why Leave Town Promotions Facebook page and vote with a 🍌 emoji. There are some great gift cards to be won!

**LAKE COWAL WILDFLOWER WALK** – Wednesday 23rd September. Meet at the Lake Cowal Conservation Centre at 10am. Take a walk with the LCCC to find native orchids, daisies, lilies, pea flowers and more around Lake Cowal. Call Mal at 0418370927 to book. Cost for the day – \$10.





September - October 2020

UPCOMING



September

It's time for some fun!

**SCHOOL HOLIDAYS:** Despite Covid-19, there is so much on offer these school holidays. Everything from an outdoor movie, a scavenger hunt, cookie decorating and probably the most exciting of all – the opening of Holland Park Pool. We even have a long weekend to look forward to. So while it's been tough these last few months, Bland Shire Council is pulling out all the stops to keep people motivated during these tricky times.

Bland Shire Visitors Information Centre  
 6 Shire Street, West Wyalong, NSW, 2671  
 Tel. 6979 0272



## Dirty Dancing

Movie Screening of 'Dirty Dancing'

Thursday 24 September

McAlister Oval West Wyalong

Gates open 6:30pm for 7pm start

- ◆ Free entry ◆ Free popcorn ◆ Lucky door prizes
- ◆ BYO chair/blanket ◆ BYO Snacks ◆ BYO Drinks
- ◆ BYO Bug Repellent

Please note - Covid safety protocols will be in place

## BLANDS BIG Scavenger Hunt

Tuesday 29 September | 10am - 1pm

Start/Finish - McCaern Park

Lunch provided

Ages - 10+

Make your way around West Wyalong in groups of 2-4 people to find as many items as you can. Great prizes on offer for the winning team!

Register online at [www.blandshire.nsw.gov.au/Community/Youth-Services/Youth-Activities](http://www.blandshire.nsw.gov.au/Community/Youth-Services/Youth-Activities) or contact Council on 6972 2266 to book.

Note: Teams must have a device to capture images

24th

## JETFLYERS NSW

JETFLYERS NSW will be hosting their BEST in West Wyalong competition from Friday the 25th of September to Sunday the 27th of September at the Airport in West Wyalong. Go along to show your support and watch some seriously amazing planes



29th

25th – 27th

**BLANDS BIG SCAVENGER HUNT** – Children and teenagers aged 10 and above are invited to the BLANDS BIG SCAVENGER HUNT! Join a team and get Hunting! There are wonderful prizes to be won and it's a great event for the school holidays!

29th

October



YES .. WE ARE OPENING

3.10.2020

SATURDAY



**BUSINESS HOURS**  
 6:30 - 8 AM & 11AM - 8 PM  
 MONDAY TO FRIDAY  
 10AM - 8 PM  
 WEEKENDS & PUBLIC HOLIDAYS

PROUDLY OPERATED ON BEHALF OF THE BLAND SHIRE COUNCIL BY



3rd

**HOLLAND PARK POOL OPENING** – YES, IT'S TRUE! Holland Park Pool will be re-opening in time for the long weekend! Bring your swimming gear, bring your pool games and bring your family. Keep checking their Facebook page for updates on Covid-19 restrictions so that we can all keep safe. FB: [facebook.com/hollandparkswimmingpool](https://facebook.com/hollandparkswimmingpool)

7th - 8th

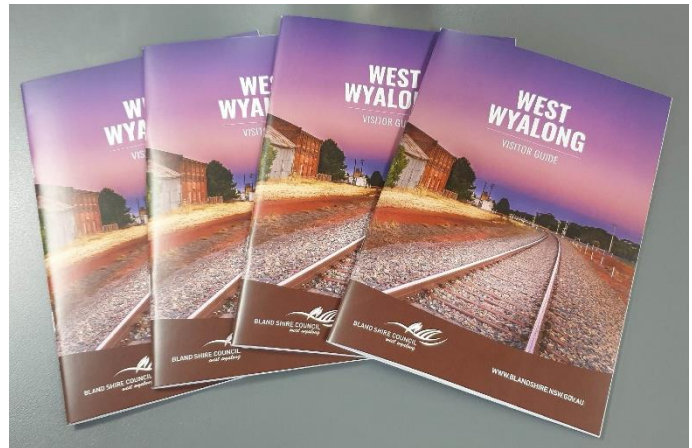
25th – 27th

**3X3 COMMUNITY HUSTLE** – Basketball NSW and the Bland Shire Council invite all youth, aged from 6 to 18, to "hustle for your 30" – at fun and free Basketball Clinics being held on the 7th and 8th of October at West Wyalong Stadium. Register at [bns.com.au/3x3-community-hustle/](http://bns.com.au/3x3-community-hustle/)

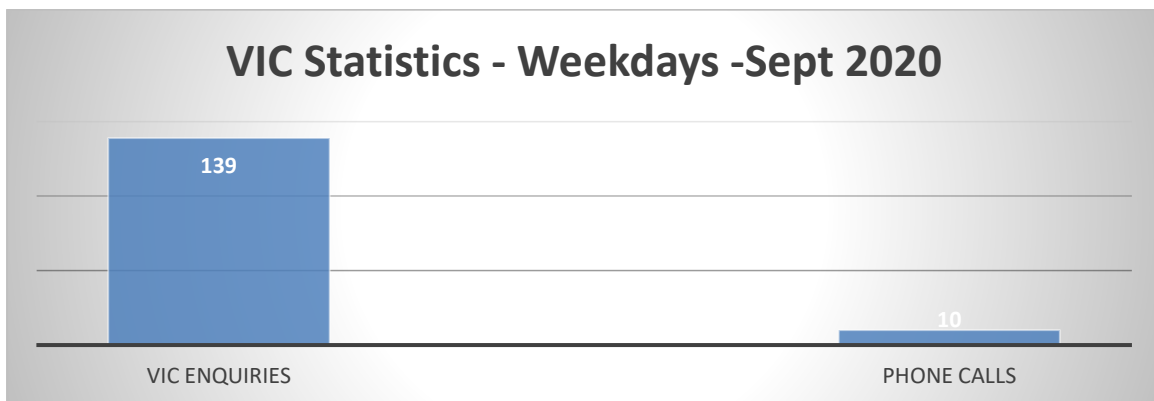
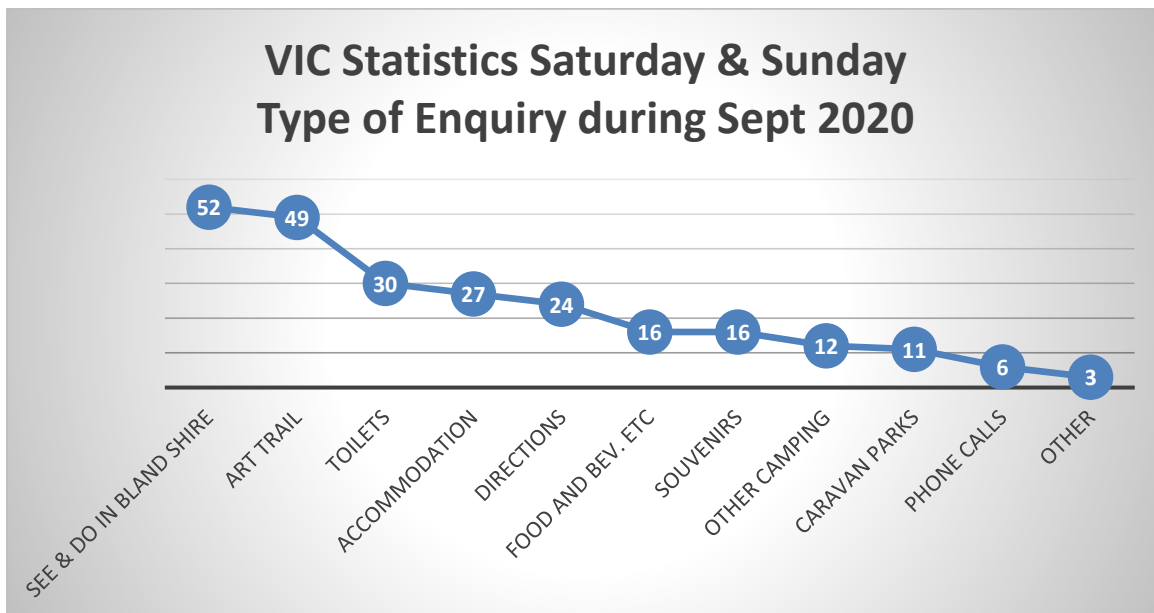
7th - 8th

## West Wyalong Visitor Guide

Our new Visitor Guide has arrived representing the entire Bland Shire with lots of information and beautiful images. The visitor centre are holding a launch on the 20<sup>th</sup> October at 5.30pm in the Council Chambers. We would like to thank everyone who had an input in making this brochure possible that includes people from the community that sent in photo's, proof-readers, layout and content.



**Visitor Centre Statistics:**



## The Riverina:

Member Council Facebook posts on The Riverina page.

From conversations with visitors to the Visitor Centre it has become apparent that the visitors already know about the Bland Shire attractions before they visit the Bland Shire or have already visited the attractions before they came to the Visitor Centre. This is due to the promotions on The Riverina and Visit West Wyalong Facebook page during the past 11 months.

Below the reach for Bland Shire Council as part of the 9 member Councils for The Riverina Facebook page

09/30/2020 8:40 PM		With your extra day off this weekend, enjoy the outdoors! Take the family, or go solo, and find a relaxing picnic spot or if you're			837		17 27			
09/29/2020 9:40 PM		Explore the rich cultural heritage of Gundagai, a picturesque country town in the beautiful Riverina. You'll find the famous Dog			764		4 37			
09/28/2020 10:01 PM		Meet "Agro" the Murray Cod and learn about how Fisheries Centre scientists and staff support the native species of the			923		44 19			
09/27/2020 9:00 PM		☺ Little Rustic Pantry ☺ One of the local coffee spots in @visitcoolamonshire! Serving up coffee, cakes, breakfast and			867		31 17			
09/26/2020 10:01 PM		Bishop's Lodge is an extraordinary 1888 iron house in Hay, designed by architect John Sulman with the first Anglican Bishop			1.2K		21 43			
09/25/2020 8:55 PM		#Repost @glenleimages * * * * * LOCKHART When you google "Lockhart NSW" it states that Lockhart is a town in the			383		2 16			
09/24/2020 9:59 PM		👉👉👉 The Wiradjuri Windows 🏡🏡🏡 . The Mirriyuula Story 🏡🏡🏡 Long, long ago, high in a cave in the Bethungra Range, lived			601		15 14			
09/23/2020 8:30 PM		The Lachlan River Walking Trail (1200m) in Hillston offers a tranquil atmosphere for a stroll beside the Lachlan River. Look			995		10 48			
09/22/2020 9:15 PM		🎬🎬🎬 Temora Town Hall Theatre is open and showing all your favourite classic films. From An Affair to Remember to Pretty			879		12 23			
09/21/2020 9:10 PM		Exclusive Hot Glass in West Wyalong specialises in creating one of a kind hand-made glass art pieces, including plates, platters,			2.2K		192 120			
09/20/2020 8:49 PM		"Because two mates wanted to create great beer!" 🍺 That's how @trbc started and that they do! Tumut River Brewing Co is			1.1K		17 34			
09/19/2020 9:25 PM		It's Canola season in the Riverina and it's beauty speaks for itself - with the help of the brilliant photography of @galpix .			1.7K		52 116			
09/18/2020 10:00 PM		**ART DECO HERITAGE WALKING TOUR** Many of Leeton's buildings were constructed or renovated during the two wars,			1.9K		44 59			
09/17/2020 10:53 PM		The Snowy Valleys are waiting for you!			1.1K		21 10			
09/17/2020 4:00 PM		The sun is shining, the canola is blooming and it's time to get outdoors and enjoy that fresh country air! Our Spring newsletter			785		24 47			
09/16/2020 8:20 PM		The weather is warming up in The Riverina and it wont be long before it will be essential to be beside the pool - and speaking			1.3K		174 43			
09/15/2020 9:15 PM		🏡 Going on Holiday? Why not choose West Wyalong or any of the villages in the Bland Shire for your next destination? 🏡			4.2K		723 181			
09/14/2020 9:30 PM		Wilgro Orchards in Batlow have reopened for spring, with hours Friday to Monday 9am - 4pm. With delicious #Batlow apples,			2.1K		38 78			
09/13/2020 9:05 PM		Take the Two Foot Heritage Walk in Narrandera and learn about the amazing architecture in the town. A self-guided tour map can			1.6K		23 43			
09/12/2020 9:20 PM		#Repost @visitlockhartshire * * * * * Fields of gold! 🌾🌾🌾 Now is the best time to #visitlockhartshire like @yellowfivephotos did			1.6K		15 53			
09/11/2020 8:30 PM		Make sure you tune in to Channel 10 tomorrow for Taste of Australia with Hayden Quinn as he takes a "Murrumbidgee River			2.4K		86 61			
09/10/2020 8:43 PM		Bland.... not Dull and far from Boring			1.6K		43 18			
09/10/2020 7:59 PM		Looking for a road trip that will take you off the beaten path? Chris from Tom's Outdoors presents the journey from Canberra			1.3K		22 13			
09/09/2020 7:45 PM		Flash Jacks Luxury Boutique Hotel Flash Jacks of Gundagai is about Comfort, Style and Relaxation. If you are looking for a			2.1K		39 42			
09/08/2020 8:50 PM		Time to plan a weekend away? Temora has some beautiful B&Bs to choose from and is a great place to base yourself for			1.9K		52 25			
09/07/2020 8:30 PM		🎒 School Holiday Planning 🎒🎒🎒 School holidays are just around the corner - and the crazy critters at Altina WildLife Park			3.2K		148 94			
09/06/2020 4:30 PM		HAPPY FATHERS DAY! 🎉 Sleep under the stars at Rocky Water Holes, Narrandera 🌌 Though you may not be able to			1.8K		40 43			
09/05/2020 10:05 PM		🐦 Birdwatcher's Delight 🐦 Leeton Shire is home to the internationally recognised Fivebough Wetlands which provide			1.5K		14 24			
09/04/2020 9:45 PM		Dreaming of an escape from the city? Check out these beautiful shots of the Hay Plains in western Riverina by			1.5K		34 39			
09/03/2020 9:30 PM		☺ Father's Day Activities ☺ Explore Coolamon Shire by walking, running or riding a variety of tracks. You'll find tracks			1.8K		35 40			
09/02/2020 9:45 PM		☺ The Bland Shire's best kept secret ☺ The Wetlands is a spectacular and peaceful environmental and passive			1.5K		43 54			
09/01/2020 10:00 PM		☺ Father's Day Activities ☺ This Sunday why not check out the amazing Riverina Outdoor Art Trail with the father figures in			8.7K		394 267			



## 8.11 Community Services Report



### Our People - A Strong, healthy, connected and inclusive community

*DP3. Nurture a strong sense of community and enrich the cultural life for the residents of the Bland Shire*

**Author:** Community Relations Officer and Community Development Officer

#### Community Movie Night

Council held a hugely successful screening of the cult classic 'Dirty Dancing' at its movie night on Thursday 24 September 2020. The Rotary Club of West Wyalong assisted in making the event such a great success with the provision of their movie trailer for the event. The family friendly night was extremely well attended despite the cold weather with well over 100 people in attendance.

A number of lucky door prizes were given out at the event with What's Cooking engaged to make delicious grazing platters to be enjoyed by winners on the night.

Covid Safety protocols were in place during the event and all attendees did a wonderful job of adhering to social distancing requirements as necessary.

The free community event was thoroughly enjoyed by those in attendance with a huge number of requests to run similar events in the future.



#### Bland's Big Scavenger Hunt

Council hosted the inaugural Bland's Big Scavenger Hunt on Tuesday 29 September with over 70 young people taking part in the event. The hunt which kicked off in McCann Park, saw the young people break into small groups and make their way around Wyalong and West Wyalong to track down a number of locally themed items which they were required to photograph. All teams put in a fantastic effort during the event, with many able to capture images of the majority of items on the list. A favourite on the day was the requirement to capture an image of team members with the Mayor, which saw most groups eagerly head into the chemist to capture their image.

The event was extremely well received by participants and the extended community with great feedback received from those taking part and also a number of community members who took great pleasure in seeing young people out and about and enjoying the event. There were many requests for Council to hold a similar event in the future.

Following the scavenger hunt participants were able to wind down in the park and enjoy a delicious lunch provided by Council.



### **Defibrillator Installation at Wyalong**

In response to community requests, Council has recently installed a defibrillator at Wyalong Hall for the use of the community. The Defib is located on the outside of the Hall in a lockbox with a code to ensure it is protected, yet accessible at all times should the community require it. The code has been provided to key community members to ensure the community can utilise the Defib in the event of an emergency.

### **3 x 3 Hustle Basketball Clinic**

Council teamed up with Basketball NSW to host a two-day 3 x 3 basketball clinic at the West Wyalong Stadium on Wednesday 7 & Thursday 8 October 2020. Skills and games were held on Wednesday over 3 sessions to enable all ages to participate, with a 3 x 3 basketball competition, shoot out competitions and a slam dunking competition held on Thursday. More than 100 young people participated in the event making it one of the most popular youth events Council has ever held. Lunch was provided for all participants with prizes also supplied by Council for the winners of each division of the competitions.

The event was thoroughly enjoyed by all who attended with lots of games and fun activities happening during the two sessions.

A huge thanks must be extended to Leesa Matthews and her team of helpers for coordinating the skills based events and competition so well.



## 8.12 Bland Shire Library Monthly Update



**Our People - A Strong, healthy, connected and inclusive community**

*DP3.4 Foster a community learning culture optimising our physical and virtual spaces*

**Author:** Library Services Coordinator

### **NSWPLA Annual Conference Cancelled**

The Executive of the NSW Public Library Association moved on Thursday 3 September to cancel SWITCH 2020, which was scheduled to be held in Albury 24 – 27 November. The decision was made in the best interest of members' health and wellbeing, based on the current uncertain COVID-19 situation and Public Health orders.

The NSWPLA Annual General Meeting, which is normally held the Friday following the conference, will now be held Thursday 3 December 2020 utilising Zoom or a similar platform.

### **Library Subsidy 2020-21**

Bland Shire Library has submitted its annual Library Subsidy and Local Priority Grant applications to the State Library.

As part of its submission, the Library is required to allocate a minimum 30 per cent of Council's subsidy adjustment payment towards a project. Hence \$18,000 has been allocated towards technology for the purpose of upgrading and purchasing equipment to 1) aid the elderly, disabled and visually impaired and 2) enhance programs targeting children and young people with the outcome being an increase in people through the door and increased membership.

The Library previously (ie. 2019-20) allocated \$18,000 towards technology purchasing a smartboard with electronic trolley plus video conferencing kit; and a digital StorytimePOD for the children's area.

### **Australian Reads**

In November, Australians of all ages and from all walks of life are invited to share and celebrate the joys of reading.

Australia Reads is a collaborative project between many Australian organisations aimed at lifting literacy rates and improving reading participation. Previously known as the Australian Reading Hour, the campaign has been rebranded Australia Reads to allow a greater and more diverse coverage of activities. However, Thursday 12 November is the main event – the Australian Reading Hour – where people are invited to stop what they're doing for an hour, pick up a book and read to themselves or their children.

Due to current Covid-19 restrictions, Bland Shire Library will be asking residents to simply register for the event either online or by visiting the library. As an incentive, all registered names will be entered into a draw (one for adults and one for children) to win some prizes.

### **School Holiday Program**

Despite Covid-19 restrictions, the library held another successful school holiday program. Local baker and cake decorator Dagmar McIntyre conducted four sessions, all held in the Council Chambers, with a total of 60 children attending (15 per session). The children decorated biscuits, which featured a Christmas theme. One of the four sessions was allocated for middle school aged students, where they were shown more techniques. The library also provided twenty Marbleous Mug kits (kits included a white ceramic mug, nail polish to decorate and instructions), which children could collect and take home for a small fee. All twenty kits were taken.



### **Summer Reading Club 2020-21**

Bland Shire Library will launch its annual Summer Reading Club Program the week starting Monday 23 November 2020. The free program, which officially runs from December 1, 2020 – January 31, 2021 aims to encourage children and young people to read over the long summer break with incentives provided to help them reach their goal.

Last year, the library revamped its SRC program making it a 40-day challenge. This moved the emphasis from counting books to days spent reading, making participation more achievable for all involved. As a result, 65 children completed the 2019-20 SRC challenge. So how does it work? Participants receive a reading log. Bland Shire Library rewards the child for every 10 consecutive days that they read, up to 40 days. All they have to do to receive their reward is present their reading log at the library and have it stamped by a staff member. However, all entries in their reading log must be validated — that is, signed by a parent or guardian. While it is recommended that the child read for at least 10 – 20 minutes per session, this is only a guideline and is not compulsory.

The theme this year is Myths, Fairy tales and Legends. Additional activities based around the theme will be on offer for registered members to participate in during the school holidays. The Library is currently seeking sponsors to help provide or fund prizes for the program.

### **Author Visit 2021**

Author Oliver Phommavanh has officially been booked for a five-day residency from 11 – 15 October 2021. This will be Oliver's second visit to the Bland Shire. He was engaged as a speaker back in 2016 and proved exceptionally popular. Oliver, who is from Western Sydney and has a Vietnamese background, is a trained teacher, comedian, and in more recent times celebrated children's author. As in previous years, all nine schools located within the Bland Shire, as well as home-educated families will be invited to participate.

### **Knit and Knatter Supporting Dolly Blanket Fairy**

The Dolly Blanket Fairy is a new project – initiated by local businesswoman Val Burgess – aiming to bring joy and a smile to local children with a Be Kind West Wyalong movement. The project involves delivering a free blanket to a child – for their doll or teddy – to say thank you

for doing something kind. Val recently addressed the Library's Knit & Knatter group, who were more than happy to support the project and volunteer their time to make blankets for the children.

### **Innovation in Outreach Services Awards**

Bland Shire Library has submitted an entry into the Innovation in Outreach Services Awards (formerly known as MAPLs or Marketing Awards for Public Libraries), which provide recognition for the high-quality outreach programs and services provided by public libraries across New South Wales. The Awards are administered by the NSW Public Libraries Association and under normal circumstances would be announced at the annual SWITCH Conference. Bland Shire Library has in the past been successful in winning the category: population under 10,000 – most notably in 2017.

The Library's entry this year is centred around its annual author visit. While author visits are not new, the point of difference is that Bland Shire Library's annual author visit has been running for more than twenty years despite the cost almost tripling since its inception. More important, the annual author visit encompasses the whole of the Bland LGA, that is, the program reaches out to nine schools – 800 plus students and teaching staff – as well as home-educated families, from Barmedman to Naradhan.

The Library's annual author visit, which has become a highlight on the school calendar, has consistently met its objectives with significant benefits and positive outcomes.

### **Statistics – August 2020**

The library remains committed to ensuring that the Bland Shire remains Covid free by following the NSW Health Covid-19 Safety Plan for Libraries. Consequently, this has impacted on the library's day-to-day operations and ensuing statistics.

- 99 Information Requests
- 159 Customer Service Requests – this figure includes 34 technology assists
- 86 Computer Usage
- 10 requests for Wi-Fi (ie. mobile device users)
- 149 Visitor Information Requests – this figure relates to normal library opening hours only and includes 10 telephone requests
- 60 children utilised the StorytimePOD in the library during September
- 8 members of the library's Day Book Club group met in September at What's Cookin
- 18 members of the library's Knit and Knatter group met in September in the Council Chambers

*NB. The above statistics are collected manually and may not be exact. However, the above figures are deemed a fair and reasonable indicator.*

- 2190 people through the door
- 1326 library items issued
- 53 library items reserved
- 4 new members

*NB. The above statistics are collected electronically via Libero (LMS) and RFID Technology and are deemed accurate.*

## 8.13 Children's Services Monthly Update



**Our People - A Strong, healthy, connected and inclusive community**

*DP4.2 Provide quality, accredited and affordable Education and Care Services within Bland Shire and surrounds (Bland Preschool, Family Day Care, Mobile Resources Unit, Vacation Care and Toy Library services)*

**Author:** Children Services Coordinator

### General

- On Wednesday 30<sup>th</sup> September, a Department of Education and Communities Authorised Officer visited the Mobile Resource Unit Ungarie venue in regards to the approval of the recently submitted Venue Management Plan application. The Authorised Officer was pleased and only had a few suggestions to assist the quality of the service.
- On Tuesday 15<sup>th</sup> September, a Department of Education and Communities Authorised Officer visited Bland Preschool to conduct a compliance check. The Authorised Officer was pleased and only had a few suggestions to assist the quality of the service.
- 2021 Enrolments: Our administration team has been extremely busy preparing for the upcoming enrolment week starting Monday 12<sup>th</sup> October. All services handbooks, forms and folders have been updated to reflect individual service logos and colour scheme. Due to Covid-19 restrictions and being unable to hold the traditional open classroom during enrolment week, Bland Preschool engaged Tracey Robertson Videography to film a publicity video to showcase Bland Preschool and encourage enrolments.

### Recruitment

Recruitment for a School Based Trainee from Ungarie High School to join staff at Ungarie Preschool was completed, with the Trainee to commence on Thursday 15<sup>th</sup> October.

### Staff Training

- Vacation Care Educators continue to complete the OSHC Quality Development Program (training).
- All Children Services Unit Educators completed part of the Pyramid Teacher Training presented by Kurrajong Therapy Plus – Wagga on Wednesday 9<sup>th</sup> September. From this training session, Educators have implemented class meetings to identify developmental and learning needs of children, devise and implement plans and actions.
- An Additional Needs Educator completed an Autism Webinar delivered by Tony Attwood.
- The Mobile Resource Unit Play Session Leader completed LGNSW Bullying and Harassment training.
- The Coordinator and FDC Support Officer participated in the Child Safe Organisation Local Government Forum.
- Individual classroom meetings were held during weeks 9 and 10 of Term 3.

### **It Takes A Village**

- The Toy Library enrolment form has been updated. These have been included in all Children Services Unit enrolment packs.
- The September Resource Pack theme was Spring. These have been popular within the community.
- The Toy Library Catalogue has been updated. A mini stock take is planned for October due to inconsistencies between items in Toy Library and borrowing cards.
- The ITAV Play Session Leader is researching a scanner and printer for Toy Library for the purpose of easily tracking items, borrowers and avoiding loss.
- The Toy Library/ITAV Covid-19 Safety Plan has been updated. ITAV will start visiting villages to deliver Resource Packs and a Toy Library exchange during Term 4.
- The ITAV Facebook page continues with weekly updates.

### **Mobile Resource Unit**

- Ungarie Preschool/LDC and Friday Preschool children celebrated Father's Day in September by creating a special card and gift.
- Each class participated in Fire Drill Week during the first week of September. The children were given different scenarios that were relatable to their community, e.g. snakes, accidents or fires, to practice.
- Preschool Friday class Educators are liaising with an Occupational Therapist and Speech Pathologist to assist the learning and development of additional needs children in each classroom.
- Developmental screeners are finalised for children attending primary school in 2021.
- As the children are becoming aware of the changing seasons, Educators are implementing more learning opportunities to support sun safety. This includes the sun smart app for children to see a visual reading of the uv rating as well as providing a hands on approach to apply sunscreen and wearing appropriate clothing.
- The Friday Preschool classes participated in 'Talk like a Pirate' day on Friday 18<sup>th</sup> September. Children and Educators came dressed as pirates, read pirate stories, played pirate games and donated a gold coin. Mobile Resource Unit raised \$96 for Childhood Brain Cancer.
- Families and Educators agree that the new COVID safe arrival and pick up procedure of transitioning at the service gate is working well.
- Mobile Resource Unit applied for a NSW Department of Education Quality Learning Environment Program Grant to upgrade and add playground structures.

### **Playgroup**

- Families are enjoying the Virtual Playgroup available for enrolled playgroup families.
- Families are receiving a YouTube link via text message and collecting readily available craft packs found at the Children Services Unit gates. Short promotional videos are available for families to view on Facebook.

### **Bland Preschool**

#### **Preschool Incursions / Events**

- Father's day gifts were sent home during Week 7 of Term.
- Yoga sessions with Balance Yoga were held via Zoom meeting during Week 9 of Term.
- Splatter Gallery excursions on 8th, 9th and 16th September – Cancelled due to Covid-19.
- Water Safety incursions during Week 9 of Term – Cancelled due to Covid-19.



- Excursion to Lake Cowal Conservation Centre and Evolution Mine – Cancelled due to Covid-19.

#### **Bland / Temora Family Day Care**

- The FDC Support Officer is providing support and advice on strategies for managing challenging behaviours in children.
- A Service Profile for Bland/Temora Family Day Care has been devised for the Inclusion Support funding body, Gowrie.
- Continuing to support an Educator studying her Cert III in Early Childhood Education and Care
- An Expression of Interest has been advertised on the Council website to recruit additional FDC Educators.
- An Educator Workplace Safety Audit was conducted in Temora.
- All service forms have been reviewed, updated and the new logo inserted. .

#### **Vacation Care**

Vacation Care Educators have been preparing and planning each day's session in preparation for the school holidays. The program consists of lots of hands on experiences such as craft, construction play, physical activities, science experiments and cooking.

## 8.14 Assets & Engineering Services Report



**Our Places - Maintain & improve the Shire's assets & infrastructure**

*DP9.1 Responsibly manage asset renewal and maintenance for current and future generations*  
*DP9.4 Maintain parks, ovals and recreational facilities to approved standards*

**Author:** Director Technical Services

### 1. Council Road Crew Locations Week Commencing 7.9.2020

- Graders
  - Hollands Lane
  - Naradhan Road
  - Buddigower Road
  - Wilshires Lane
  - Girral Road Area
- Gravel Carting
  - Deans Pit
- Maintenance Crews (Bobcat/Backhoe)
  - Shire Roads

### 2. Council Road Crew Locations Week Commencing 21.9.2020

- Graders
  - Hollands Lane
  - Naradhan Road
  - Fishers Lane
  - Fire Breaks
- Gravel Carting
  - Deans Pit
- Maintenance Crews (Bobcat/Backhoe)
  - Shire Roads

### 3. Council Road Crew Locations Week Commencing 28.9.2020

- Graders
  - Bowlands Lane
  - Younga Plains Road
  - Quiltys Corner
  - Fishers Lane
  - Fire Breaks
  - Girral Road Area
- Gravel Carting
  - Deans Pit
- Maintenance Crews (Bobcat/Backhoe)
  - Shire Roads

### 4. Village maintenance

- All parks mown and tidied
- Village main streets swept and rubbish removed
- Trees trimmed and fallen branches picked up
- Village entrances and streets mown and trimmed

- All village park play grounds inspected for safety
- Irrigation checks repairs carried out at Barmedman, Tallimba, Ungarie and Mirrool

#### **5. Park maintenance**

- McCann Park, Barnado Park and small parks and areas mown, trimmed and maintained
- Council Chambers lawns and gardens maintained and sprinklers repaired
- Maintenance to Herridge Park, Cooina Park and Wyalong Court House
- Lawn and monument cemetery maintenance works carried out
- Public amenities cleaned and maintained
- Playground inspections completed
- Rotary Park bin surround installed
- Graves back filled at cemetery and tanks pumped out
- Irrigation valves cleaned out at the rose garden
- Broad leaf spraying parks as required
- Repairs to Barnado Park fence after damage
- Closed aerodrome for the Jet flyers

#### **6. Ovals maintenance**

- Maintenance to sporting ovals and surrounds
- Irrigation checks carried out on all ovals and surrounds
- Preparation for movie night at Park Street recreation ground
- Broad leaf weeds sprayed at all sports grounds
- Drainage repairs at Park Street rec ground
- Line marking village sports grounds

#### **7. Town maintenance**

- Star Lane cleaned and tidied
- Town areas mown and trimmed
- Town trees trimmed and watered as needed
- Main street gardens weeded and watered
- Small pot holes repaired in roads
- Clean out town drains
- Aerodrome slashing inspections and maintenance work carried out
- Back filled low areas on nature strips
- Street sweeper operating in town and villages
- Pre-school maintenance carried out
- Water leak repaired at Ungarie Show Ground
- Area compaction at caravan park
- Dog Park levelling and excavation
- Spraying aerodrome and town areas

## 8.15 Development Services Activity Report – September 2020



*Our Leadership - A well run Council acting as the voice of the community*

*DP17 Lead the community by example with sustainable, effective, efficient and customer focused practices*

**Author:** Manager Development & Regulatory Services

### Planning and Building Activities Update

#### Development Applications

The Council has received the following Development Applications during September 2020:

Application No	Address	Development
DA2021/0021	82 Ungarie Road, West Wyalong	Subdivision including new road
DA2021/0022	Lot 2 Alleena Road, Alleena	Rural storage shed
DA2021/0023	28 Lady Mary Drive, West Wyalong	Residential single storey dwelling
DA2021/0024	41-43 Kings Lane, West Wyalong	Above ground swimming pool
DA2021/0025	53 Bellarwi Road, West Wyalong	Retrospective Development application outdoor fire place
DA2021/0026	56-58 Wootten Street, West Wyalong	Residential single storey dwelling & storage shed
DA2021/0027	19-21 Church Street, West Wyalong	Commercial demolition of existing shed, construct new boundary fence & restoration & painting of verandah
DA2021/0028	25 Operator Street, West Wyalong	New amenities block
DA2021/0031	10 Kurrajong Street, West Wyalong	Alterations & additions to storage shed
DA2021/0032	90 Church Street, West Wyalong	Retrospective Development application alterations to dwelling
DA2021/0033	15 Grenfell Street, West Wyalong	Concrete slab half tennis court, fence & lighting

The following DA applications were approved during September 2020:

Application No	Address	Development	Approval Date
DA2021/0010	71 Main Street, West Wyalong	Alterations & additions to a commercial building	3/9/2020
DA2021/0011	80-84 Main Street, West Wyalong	Commercial change of use	10/9/2020
DA2021/0012	24 Hope Street, Barmedman	Three (3) bay garage	17/9/2020
DA2021/0013	33 Conway Street, Wyalong	Garage/Storage Shed/Carport	18/9/2020
DA2021/0014	67 Court Street, West Wyalong	Demolition of existing garage & construct new storage shed	11/9/2020

DA2021/0016	29 Perseverance Street, West Wyalong	Storage shed	21/9/2020
DA2021/0017	9 Garyowen Place, West Wyalong	Residential single storey dwelling, storage shed & swimming pool	24/9/2020
DA2021/0018	37 Bellarwi Road, West Wyalong	Residential single storey dwelling, storage shed & swimming pool	14/9/2020
DA2021/0019	48 Yiddah Drive, Wyalong	Triple garage with awning	8/9/2020
DA2021/0023	28 Lady Mary Drive, West Wyalong	Residential single storey residential dwelling & storage shed	30/9/2020
DA2021/0024	41-43 Kings Lane, West Wyalong	Above ground swimming pool	30/9/2020
DA2021/0025	53 Bellarwi Road, West Wyalong	Retrospective consent for outdoor fire place	25/9/2020

### Building Inspections

The following inspections were carried out by Council during September 2020:

Inspection Type	Number
Pre-Lodgement	6
Site	18
Pier Holes	6
Strip Footings	3
Slab/Coping	17
Frame	5
Wet Areas	1
Drainage/Plumbing	10
Stormwater	4
Final	9

### Regulatory Activities Update

#### Dog Attacks

There were no dog attacks reported during September 2020.

#### Companion Animal Seizure and Impound Activities September 2020

Seizure Activities:	Dogs	Cats
Seized	2	2
Returned to Owner	1	0

Impounding Activities:	Dogs	Cats
Animals in pound at start of month	1	0
Incoming Animals		
Transferred from Seizure Activities	1	2
Dumped at Pound	1	7
Surrendered	0	0
<b>Total Animals in Pound</b>	<b>3</b>	<b>9</b>

<b>Outgoing Animals</b>		
Released to Owner	0	0
Euthanased	0	1
Rehoused	1	6
Sold	0	0
Died at Pound	0	0
Stolen	0	0
Escaped	0	0
<b>Total Animals Leaving Pound</b>	<b>1</b>	<b>7</b>
Animals in Pound at end of Month	2	2

## **NOTICES OF MOTIONS / QUESTIONS WITH NOTICE**

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