

Meeting Date: Tuesday 16 May 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 18 April 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/5/2 - BP17/433

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Finance and Governance Committee 3/17, held on 18 April 2017, be confirmed.

ATTACHMENTS

- 1 MINUTES - Finance and Governance Committee Meeting - 18 April 2017**

ITEM 1 (continued)

ATTACHMENT 1

**Finance and Governance Committee
MINUTES OF MEETING NO. 3/17**

Meeting Date: Tuesday 18 April 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 6.00pm

Councillors Present: Councillors Maggio (Chairperson), Laxale, Pendleton, Perram, Stott and Yedelian OAM.

Apologies: Councillors Etmekdjian and Simon.

Note: In the absence of Councillor Etmekdjian the Deputy Chairperson – Councillor Maggio chaired the meeting.

Staff Present: Acting General Manager, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Director – City Works and Infrastructure, Acting Chief Financial Officer, General Counsel, Manager – Risk Audit and Governance, Manager – Operations, Manager – Library Services, Manager – Community Services, Manager – Business Infrastructure, Acting Manager – Communications, Customer Service and Events, Tenders and Contracts Manager, Senior Projects Manager, Senior Coordinator – Property, Manager Project Development, Senior Coordinator – Parks and Recreation, Parks Officer, Senior Coordinator – City Activation, Risk Audit and Governance Coordinator and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee
Meeting held on 21 March 2017**

RECOMMENDATION: (Moved by Councillors Perram and Stott)

That the Minutes of the Finance and Governance Committee 2/17, held on 21 March 2017, be confirmed.

Record of the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

2 INVESTMENT REPORT - March 2017

RECOMMENDATION: (Moved by Councillors Perram and Yedelian OAM)

That Council endorse the Investment Report – March 2017.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

3 DRAFT 2017/2021 FOUR YEAR DELIVERY PLAN INCLUDING DRAFT 2017/2018 ONE YEAR OPERATIONAL PLAN

RECOMMENDATION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council, pursuant to Sections 404 and 405 of the Local Government Act 1993, endorse the document titled "Draft Four-Year Delivery Plan 2017/2021 including One-Year Operational Plan 2017/2018", inclusive of the 2017/2018 Draft Budget, Fees and Charges and Capital Works Program and as detailed in this report.
- (b) That the Draft Four-Year Delivery Plan 2017/2021 including One-Year Operational Plan 2017/2018 be publicly exhibited for a period of not less than 28 days from 2 May 2017 to 30 May 2017.
- (c) That following the public exhibition period detailed in part (b), Council consider all public submissions at its meeting to be held on Tuesday, 20 June 2017 prior to formally adopting its Four-Year Delivery Plan 2017/2021 including the One-Year Operational Plan 2017/2018.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 1 (continued)

ATTACHMENT 1

4 COUNCIL'S SUBSIDIES AND DISCOUNTS IN SERVICES AS AT 30 JUNE 2016

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Stott)

- (a) That Council note the current estimated Community Service Obligation (CSO) provided by the City of Ryde through its Fees and Charges is \$11.67 million;
- (b) That Council note the estimated total annual Community Service Obligations (CSOs), including cost shifting costs, CSOs from Fees and Charges and other sponsorships, community grants and subsidies provided by the City of Ryde and as detailed in the report, is estimated at \$20.56 million annually.
- (c) That Council maintain the current level of Community Service Obligations across its operations for the 2017/18 financial year.
- (d) That Council endorse Option 1, as outlined in this report, with respect to improving the level of CSO's as they relate to Council's fee related services.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

5 STRENGTHENING RYDE - Update March 2017

RECOMMENDATION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council note the progress and status of each project within the Strengthening Ryde initiative.
- (b) That Council note any ongoing initiatives will be reported to Council separately.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

ITEM 1 (continued)

ATTACHMENT 1

LATE REPORT

11 CITY OF RYDE LOCAL GOVERNMENT ELECTION - 9 SEPTEMBER 2017

RECOMMENDATION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council allocate a budget of \$660,000, funded from the Election Reserve, for the conduct of the September 2017 Local Government Election.
- (b) That this adjustment be made as part of the draft 2017/2018 Operational Plan.

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

Record of the Voting:

For the Motion: Councillors Laxale, Maggio, Perram, Stott and Yedelian OAM

Against the Motion: Councillor Pendleton

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

CLOSED SESSION

ITEM 6 - PAYMENT PORTAL AND PAYMENT GATEWAY eBUSINESS PROJECT - UPDATE ON NEGOTIATIONS AND WAY FORWARD

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 1 (continued)

ATTACHMENT 1

ITEM 7 - COR-RFP-11/16 FOR THE MANAGEMENT AND OPERATION OF THE RYDE COMMUNITY AND SPORTS CENTRE

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 8 - COR-RFT-01/17 ELOUERA RESERVE PLAYGROUND AND LANDSCAPE WORKS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 9 - PROPERTY MATTER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ITEM 10 - ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Committee resolve into Closed Session to consider the above matters.

Record of the Voting:

For the Motion: Unanimous

Note: The Committee closed the meeting at 6.16pm. The public and media left the chamber.

**6 PAYMENT PORTAL AND PAYMENT GATEWAY eBUSINESS PROJECT -
UPDATE ON NEGOTIATIONS AND WAY FORWARD**

RECOMMENDATION: (Moved by Councillors Maggio and Yedelian OAM)

That consideration of this matter be deferred until the Council meeting on 26 April 2017, to allow the General Manager to distribute additional information as discussed in the Committee.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

**7 COR-RFP-11/16 FOR THE MANAGEMENT AND OPERATION OF THE RYDE
COMMUNITY AND SPORTS CENTRE**

RECOMMENDATION: (Moved by Councillors Maggio and Stott)

- (a) That pursuant to clause 178 (3) (e) of the Local Government (General) Regulation 2005 (**Regulation**):
- (i) Council does not accept any of the tenders; and
 - (ii) Council enter into negotiations with any person (whether or not the person submitted a proposal) with a view to entering into a contract in relation to the management and operation of the Ryde Community and Sports Centre (RCSC) situated in ELS Hall Park.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That pursuant to clause 178 (4) of the Regulation, the Council's reasons for declining to invite fresh tenders or applications as referred to in resolution (a) (i) above and to enter into negotiations with any person, for the management and operation of the Ryde Community and Sports Centre are due to the minimal number of responses received and the resultant difficulties in the ability to adequately test the market.
- (c) That, if agreement is reached as a result of the negotiations referred to in resolution (a) (ii) above, the statutory advertising of the lease occur and should any written submissions objecting to the lease be received, a further report is to be provided to Council.
- (d) That subject to the requirements of resolution (c) above and (e) below, the Acting General Manager be delegated authority to enter into the negotiations referred to in resolution (a) (ii) above and to subsequently execute all relevant documents to effect any agreement that is reached with respect to those negotiations.
- (e) That a further report be provided to Council on the options for use of the synthetic turf sports field for community sports programs.
- (f) That all respondents are advised of Council's decision.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

8 COR-RFT-01/17 ELOUERA RESERVE PLAYGROUND AND LANDSCAPE WORKS

RECOMMENDATION: (Moved by Councillors Stott and Yedelian OAM)

- (a) That Council accept the tender from Glascott Landscape and Civil for the Elouera Reserve Playground and Landscape Works to the amount of \$1,287,855.45 excluding GST as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Glascott Landscape and Civil on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That Council advise all the respondents of Council's decision.

Record of the Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

9 PROPERTY MATTER

RECOMMENDATION: (Moved by Councillors Perram and Stott)

- (a) That Council endorses the proposal to divest this surplus site;
- (b) That, consistent with the recently adopted City-wide Property Strategy, net funds from this divestment are directed to the new Property Investment Fund (which is being established to support the Property Investment Portfolio); and
- (c) That the General Manager is delegated appropriate authority, as outlined in this report to undertake the divestment of the surplus property.

Record of the Voting:

For the Motion: Councillors Maggio, Pendleton, Perram, Stott and Yedelian OAM

Against the Motion: Councillor Laxale

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

10 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Stott and Perram)

That the report of the General Counsel be received.

On being put to the Meeting, Councillor Maggio abstained from the voting and accordingly his vote was recorded Against the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of the Voting:

For the Motion: Councillors Laxale, Pendleton, Perram, Stott and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **26 APRIL 2017** in accordance with the Finance and Governance Committee Terms of Reference in Council's Code of Meeting Practice.

OPEN SESSION

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Committee resolve itself into open Council.

Record of the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 6.57pm.

The meeting closed at 6.57pm.

CONFIRMED THIS 16TH DAY OF MAY 2017.

Chairperson

2 INVESTMENT REPORT AS AT 30 APRIL 2017

Report prepared by: Acting Chief Financial Officer
File No.: FIM/07/6/4 - BP17/449

REPORT SUMMARY

This report details Council's performance of its investment portfolio for April 2017 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, and an update on Council's legal action against various parties.

Council's financial year to date return is 3.01%, which is 1.18% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$4.6M, \$421K above revised budget projections. A proposed budget adjustment as part of the 2017 March Quarterly Budget Review will bring to account the vast majority of this additional income.

RECOMMENDATION:

That Council endorse the Investment Report – April 2017.

ATTACHMENTS

1 P10 Investment Report April 2017 - Attachment

Report Prepared By:

Jifeng Huang
Acting Chief Financial Officer

Report Approved By:

Steven Kludass
Acting Director - Corporate and Organisational Support Services

ITEM 2 (continued)

Discussion

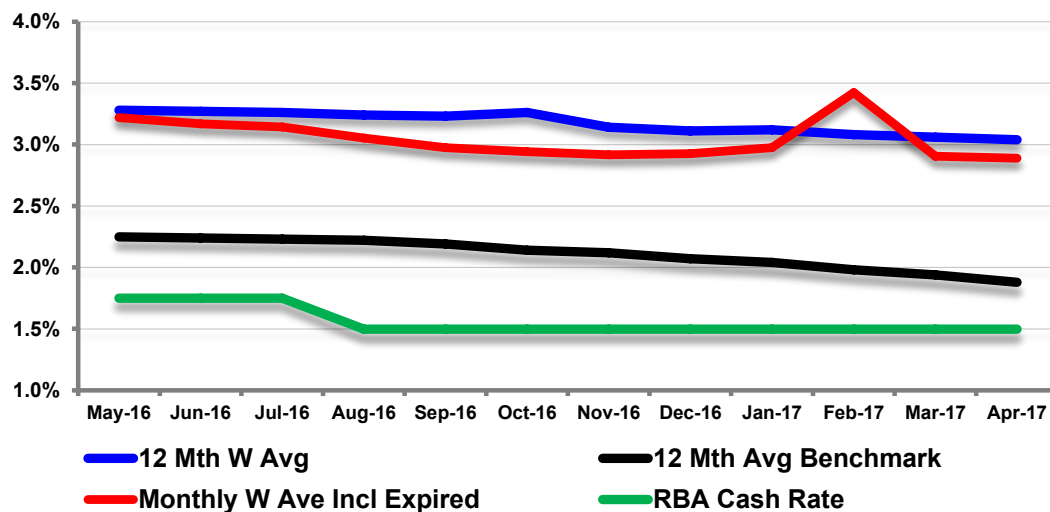
Council's Responsible Accounting Officer, is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for April 2017 and the past 12 months are as follows:

	Apr	12 Mth	FYTD
Council Return	2.89	3.04	3.01
Benchmark	1.82	1.88	1.83
Variance	1.07	1.16	1.18

Performance - All Investments



ITEM 2 (continued)

Council's investment portfolio as at 30 April 2017 was as follows:

Cash/Term Deposits	\$127.4M	68.3%
Floating Rate Notes	\$48.1M	25.8%
Fixed Bonds	\$11.0M	5.9%
Total Cash Investments	\$186.5M	
Investment Properties	\$141.4M	
Total Investments	\$327.9M	

Council's investment properties, updated as at 30 June 2016, are shown in **ATTACHMENT 1**.

The valuations listed have been undertaken in accordance with the revaluation process to 'best use' by an independent valuer, in compliance with the Australian Accounting Standards.

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 180 days maturity) where more competitive rates are available.

Whilst Council has moved some of its investment portfolio out to longer terms, to lock in future returns, it should be noted that there is approximately \$83 million of Council's funds held in Internal Reserves.

Should Council consider utilising its Internal Reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on capital projects or maintenance.

Council's income from investments is above the revised projections, due mainly to Council receiving more funds from Developer (Section 94) Contributions, with investment income for General Revenue remaining steady.

Legal Issues

There are no legal issues, as they relate to investments, to report for the month of April 2017.

ITEM 2 (continued)

Loan Liability

Council's loan liability as at 30 April 2017 was \$3.3 million which represents the balance of:

1. \$6.8M 15 year loan drawn down in 2004 at 90 Day BBSW + 20 basis points for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. The interest rate for this loan is reset every quarter;

There is no advantage to Council in changing the arrangements or repaying the loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying in interest on this loan.

The following two loans were established under the Local Infrastructure Renewal Scheme (LIRS). Council receives a 3% interest subsidy payment from the OLG twice a year.

2. \$1.5M 10 year loan drawn down 31 January 2014 at 180 day BBSW +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months;
3. \$1.5M 10 year loan drawn down 1 September 2014 at 4.95% for Phase 2 of the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 3.

ITEM 2 (continued)

INVESTMENT SUMMARY AS AT 30 APRIL 2017

Issuer	Investment Name	Investment Rating	Invested at 30-Apr-17 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2016	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Westpac	1. Westpac At Call	AA-	458	0.59	0.80	0.74	0.25	458	100.00%
Westpac	2. Westpac Term Deposit	AA-	4,000	2.56	2.62	2.62	2.14	4,000	100.00%
Bank of Queensland	3. Bank of Queensland TD	A-	2,000	2.68	2.91	2.86	1.07	2,000	100.00%
CBA	4. Bankwest Term Deposit	AA-	2,000	2.63	2.69	2.65	1.07	2,000	100.00%
NAB	5. NAB Term Deposit	AA-	4,000	2.67	2.75	2.74	2.14	4,000	100.00%
Westpac	6. Westpac Term Deposit	AA-	4,000	3.55	3.55	3.55	2.14	4,000	100.00%
NAB	7. NAB Term Deposit	AA-	2,000	2.85	2.85	2.85	1.07	2,000	100.00%
AMP	8. AMP TD	A	1,000	3.00	2.98	3.00	0.54	1,000	100.00%
MyState Bank	9. MyState Bank TD	BBB+	1,000	2.62	2.89	2.87	0.54	1,000	100.00%
NAB	10. NAB Term Deposit	AA-	2,000	2.70	2.84	2.78	1.07	2,000	100.00%
CBA	11. Bankwest TD	AA-	1,000	2.62	2.56	2.56	0.54	1,000	100.00%
CBA	12. Bankwest TD	AA-	2,000	2.53	2.75	2.53	1.07	2,000	100.00%
NAB	13. NAB Term Deposit	AA-	2,000	2.65	2.72	2.65	1.07	2,000	100.00%
Defence Bank	14. Defence Bank TD	BBB+	1,000	3.10	3.10	3.10	0.54	1,000	100.00%
QBank	15. Qbank	BBB	1,000	3.00	3.00	3.00	0.54	1,000	100.00%
Bendigo and Adelaide Bank	16. Bendigo Bank TD	A-	1,000	2.80	2.77	2.78	0.54	1,000	100.00%
Hunter United Credit Union	17. Hunter United Credit Union TD	Unrated	1,000	2.82	2.86	2.86	0.54	1,000	100.00%
CUA	18. Credit Union Australia TD	BBB+	1,000	2.75	3.04	3.03	0.54	1,000	100.00%
Peoples Choice CU	19. Peoples Choice CU	BBB+	1,000	2.80	2.93	2.91	0.54	1,000	100.00%
Australian Defence Credit Union	20. Australian Military Bank	Unrated	1,000	2.76	2.76	2.76	0.54	1,000	100.00%
Banana Coast CU	21. Bananacoast CU TD	Unrated	500	2.70	2.97	2.94	0.27	500	100.00%
CBA	22. Bankwest Term Deposit	AA-	2,000	2.62	2.70	2.64	1.07	2,000	100.00%
IMB	23. IMB TD	BBB+	1,000	2.62	2.74	2.72	0.54	1,000	100.00%
Auswide Bank	24. Auswide Bank TD	BBB	1,000	2.82	2.91	2.90	0.54	1,000	100.00%
Maitland Mutual	25. Maitland Mutual Bldg Soc TD	Unrated	1,000	2.95	2.99	2.98	0.54	1,000	100.00%
AMP	26. AMP Business Saver	A	1,022	2.06	2.14	2.10	0.55	1,022	100.00%
Newcastle Perm Bldg Soc	27. Newcastle Perm Bldg Soc	BBB+	1,000	3.10	3.10	3.10	0.54	1,000	100.00%
Greater Bldg Soc	28. Greater Bldg Soc TD	BBB	1,000	3.00	3.00	3.00	0.54	1,000	100.00%
Police CU (SA)	29. Police CU - SA	Unrated	1,000	2.77	3.05	3.04	0.54	1,000	100.00%
AMP	30. AMP TD	A	1,000	2.77	2.83	2.83	0.54	1,000	100.00%
CBA	31. CBA TD	AA-	1,000	4.15	4.15	4.15	0.54	1,000	100.00%
Heritage Bank	32. Heritage Bank	A-	1,000	2.52	3.17	3.15	0.54	1,000	100.00%
Rabobank	33. Rabodirect At-call	AA	5	1.80	1.90	1.85	0.00	5	100.00%
Me Bank	34. ME Bank At Call Account	BBB	827	1.77	2.01	1.95	0.44	827	100.00%
Bendigo and Adelaide Bank	35. Delphi Bank TD	Unrated	250	6.05	6.05	6.05	0.13	250	100.00%
Bendigo and Adelaide Bank	36. Rural Bank TD	A-	2,000	2.70	2.84	2.83	1.07	2,000	100.00%
Bank of Queensland	37. Bank of Queensland TD	A-	1,000	5.15	5.15	5.15	0.54	1,000	100.00%
Bank of Queensland	38. Bank of Queensland TD	A-	2,000	2.66	2.85	2.79	1.07	2,000	100.00%
BoQ Specialist	39. BoQ Specialist	BBB+	250	6.15	6.15	6.15	0.13	250	100.00%
ING	40. ING Floating Rate TD	A-	1,000	4.15	4.23	4.17	0.54	1,000	100.00%
Bank of Queensland	41. Bank of Queensland TD	A-	2,000	3.55	3.55	3.55	1.07	2,000	100.00%
NAB	42. NAB TD	AA-	4,000	2.80	2.80	2.80	2.14	4,000	100.00%
Me Bank	43. ME Bank TD	BBB+	1,000	2.66	2.97	2.95	0.54	1,000	100.00%
Bendigo and Adelaide Bank	44. Bendigo Bank TD	A-	1,000	2.80	2.81	2.81	0.54	1,000	100.00%
Bendigo and Adelaide Bank	45. Bendigo & Adelaide Bank FRN	A-	1,000	3.01	3.08	3.03	0.54	1,000	100.04%
CBA	46. CBA TD	AA-	1,000	3.75	3.75	3.75	0.54	1,000	100.00%
NAB	47. NAB TD	AA-	1,000	2.72	2.74	2.73	0.54	1,000	100.00%
NAB	48. NAB Term Deposit	AA-	2,000	2.80	2.82	2.80	1.07	2,000	100.00%
NAB	49. NAB Term Deposit	AA-	2,000	2.74	2.74	2.74	1.07	2,000	100.00%
AMP	50. AMP Term Deposit	A+	2,000	2.96	3.24	3.23	1.07	2,000	100.00%
Bank of Queensland	51. Bank of Queensland TD	A-	2,000	3.75	3.75	3.75	1.07	2,000	100.00%
NAB	52. NAB TD	AA-	2,000	2.57	2.79	2.57	1.07	2,000	100.00%
Bendigo and Adelaide Bank	53. Bendigo and Adelaide Bank FRN	A-	2,000	3.08	3.15	3.10	1.07	2,016	100.78%
Newcastle Perm Bldg Soc	54. Newcastle Perm Bldg Soc	BBB+	1,000	3.03	3.03	3.03	0.54	1,000	100.00%
Banana Coast CU	55. Bananacoast CU TD	Unrated	1,000	2.80	2.83	2.80	0.54	1,000	100.00%

ITEM 2 (continued)

Issuer	Investment Name	Investment Rating	Invested at 30-Apr-17 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2016	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Bank of Queensland	56. Bankwest TD	AA-	1,000	2.62	2.60	2.60	0.54	1,000	100.00%
Bank of Queensland	57. Bank of Queensland FRN	A-	1,000	2.83	2.92	2.85	0.54	1,003	100.33%
AMP	58. AMP Notice Account	A+	1,080	2.17	2.29	2.24	0.58	1,080	100.00%
NAB	59. NAB TD	AA-	2,000	2.75	2.81	2.77	1.07	2,000	100.00%
Police Bank	60. Police Bank FRN	BBB+	1,000	2.91	2.98	2.92	0.54	1,000	100.03%
Newcastle Perm Bldg Soc	61. Newcastle Perm Bldg Soc TD	BBB+	1,000	3.50	3.50	3.50	0.54	1,000	100.00%
Bendigo and Adelaide Bank	62. Bendigo Bank TD	A-	2,000	2.70	2.73	2.72	1.07	2,000	100.00%
CUA	63. CUA TD	BBB+	1,000	2.81	2.99	2.98	0.54	1,000	100.00%
Newcastle Perm Bldg Soc	64. Newcastle Perm Bldg Soc	BBB+	1,000	2.77	2.79	2.80	0.54	1,000	100.00%
P&N Bank	65. P&N Bank	BBB	1,000	3.17	3.17	3.17	0.54	1,000	100.00%
ANZ	66. ANZ FRN	AA-	2,000	2.65	2.72	2.67	1.07	2,007	100.34%
Me Bank	67. ME Bank FRN	BBB+	2,000	2.80	2.87	2.82	1.07	2,003	100.14%
NAB	68. NAB TD	AA-	2,000	2.70	2.70	2.70	1.07	2,000	100.00%
CBA	69. Bankwest TD	AA-	2,000	2.53	2.71	2.59	1.07	2,000	100.00%
Bendigo and Adelaide Bank	70. Rural Bank TD	A-	2,000	2.65	2.72	2.65	1.07	2,000	100.00%
QT Mutual Bank	71. Queensland Teachers Mutual Bank FRN	BBB+	1,000	2.88	2.97	2.90	0.54	1,001	100.09%
Teachers Mutual Bank	72. Teachers Mutual Bank	BBB+	1,000	2.87	2.95	2.89	0.54	1,001	100.09%
Auswide Bank	73. Auswide Bank TD	BBB	1,000	2.70	2.70	2.70	0.54	1,000	100.00%
MyState Bank	74. MyState Bank TD	BBB+	1,000	2.87	2.92	2.88	0.54	1,000	100.00%
CBA	75. Bankwest TD	AA-	4,000	2.57	2.57	2.57	2.14	4,000	100.00%
CBA	76. Bankwest TD	AA-	2,000	2.53	2.74	2.66	1.07	2,000	100.00%
Westpac	77. Westpac FRN	AA-	2,000	2.70	2.84	2.77	1.07	2,011	100.53%
Macquarie Bank	78. Macquarie Bank FRN	A	750	2.93	3.00	2.94	0.40	752	100.27%
Newcastle Perm Bldg Soc	79. Newcastle Perm Bldg Soc FRN	BBB+	1,000	3.18	3.29	3.22	0.54	999	99.86%
Heritage Bank	80. Heritage Bank FRN	BBB+	1,000	2.95	3.02	2.98	0.54	1,001	100.09%
Bendigo and Adelaide Bank	81. Bendigo Bank TD	A-	2,000	3.05	3.05	3.05	1.07	2,000	100.00%
CBA	82. CBA FRN	AA-	2,000	2.70	2.85	2.78	1.07	2,011	100.55%
Westpac	83. Westpac FRN	AA-	1,000	2.69	2.81	2.76	0.54	1,004	100.37%
CBA	84. CBA TD	AA-	2,000	2.71	2.65	2.61	1.07	2,000	100.00%
Bendigo and Adelaide Bank	85. Bendigo Bank FRN	A-	1,000	2.91	2.97	2.93	0.54	1,002	100.19%
NAB	86. NAB TD	AA-	2,000	2.75	2.87	2.82	1.07	2,000	100.00%
NAB	87. NAB Snr FRN	AA-	3,982	2.78	2.86	2.80	2.14	4,006	100.15%
CBA	88. CBA FRN	CBA	2,000	2.57	2.73	2.65	1.07	2,008	100.40%
Suncorp-Metway	89. Suncorp FRN	A+	800	3.05	3.20	3.13	0.43	808	101.02%
NAB	90. NAB FRN	AA+	2,000	2.88	2.96	2.91	1.07	2,019	100.97%
ANZ	91. ANZ Floating TD	AA-	4,000	3.31	3.38	3.34	2.14	4,000	100.00%
AMP	92. AMP FRN	A+	1,600	2.93	3.03	2.96	0.86	1,606	100.37%
CBA	93. CBA TD	AA-	2,000	2.74	2.76	2.73	1.07	2,000	100.00%
ANZ	94. ANZ Flexi TD	AA-	4,000	3.28	3.39	3.32	2.14	4,000	100.00%
CBA	95. CBA FRN	AA-	1,985	2.96	3.12	3.04	1.06	2,011	100.55%
CUA	96. CUA FRN	BBB+	2,000	3.44	3.55	3.47	1.07	2,006	100.28%
Newcastle Perm Bldg Soc	97. NPBS FRN	BBB+	1,000	3.44	3.55	3.47	0.54	1,006	100.60%
ANZ	98. ANZ FRN	AA-	4,000	3.00	3.12	3.04	2.14	4,049	101.23%
NAB	99. NAB Fixed Bond	AA-	2,987	3.15	3.12	3.12	1.60	3,006	100.19%
CBA	100. Bankwest 11am Account	AA-	3,016	2.01	2.07	2.04	1.62	3,016	100.00%
Westpac	101. Westpac MTN	AA-	3,991	3.19	3.18	3.18	2.14	4,073	101.82%
Suncorp-Metway	102. Suncorp FRN (Covered)	AAA	4,000	2.93	2.97	2.97	2.14	4,027	100.66%
Newcastle Perm Bldg Soc	103. Newcastle Perm Bldg Soc FRN	BBB+	994	3.41	3.44	3.44	0.53	999	99.86%
ANZ	104. ANZ Fixed Bond	AA-	3,986	2.92	2.90	2.90	2.14	3,976	99.40%
Defence Bank	105. Defence Bank TD	BBB+	1,000	2.85	2.85	2.85	0.54	1,000	100.00%
Bendigo and Adelaide Bank	106. Bendigo and Adelaide Bank TD	A-	2,000	2.70	2.70	2.70	1.07	2,000	100.00%
Me Bank	107. ME Bank FRN	BBB+	1,001	3.23	3.21	3.21	0.54	1,003	100.32%
Westpac	108. WBC Floating TD	AA-	4,000	3.01	3.01	3.01	2.14	4,000	100.00%
Greater Bldg Soc	109. Greater Building Society FRN	BBB	1,000	3.26	3.27	3.27	0.54	1,000	100.00%
Banana Coast CU	110. Bananacoast CU TD	Unrated	1,000	2.95	2.95	2.95	0.54	1,000	100.00%
CUA	111. CUA FRN	BBB+	2,000	3.13	3.13	3.13	1.07	1,997	99.86%
			186,484	2.89	2.95	2.91	100	186,817	

ITEM 2 (continued)

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

	<u>Apr</u>	<u>12 Mth</u>	<u>FYTD</u>
Weighted Average Return	2.89	3.04	3.01
Benchmark Return: AusBond Bank Bill Index (%)	1.82	1.88	1.83
Variance From Benchmark (%)	<u>1.07</u>	<u>1.16</u>	<u>1.18</u>

Investment Income

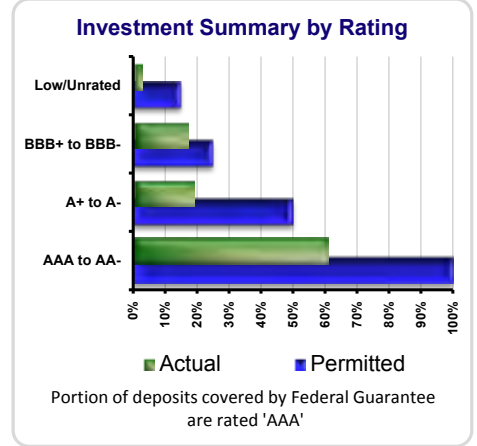
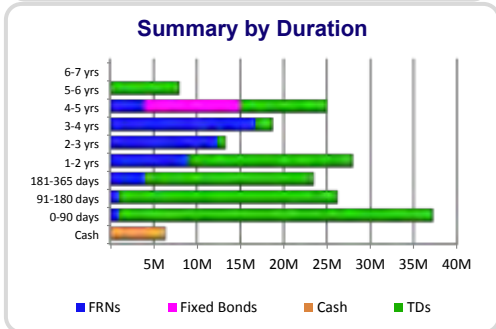
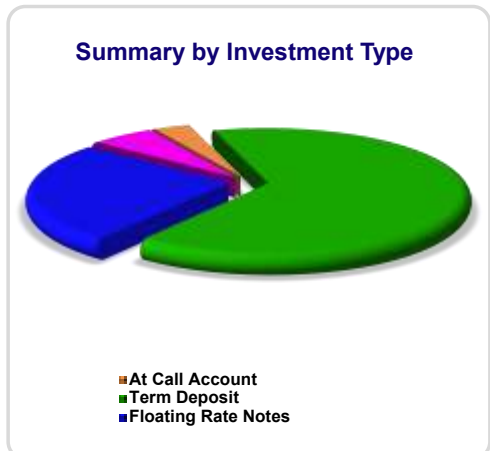
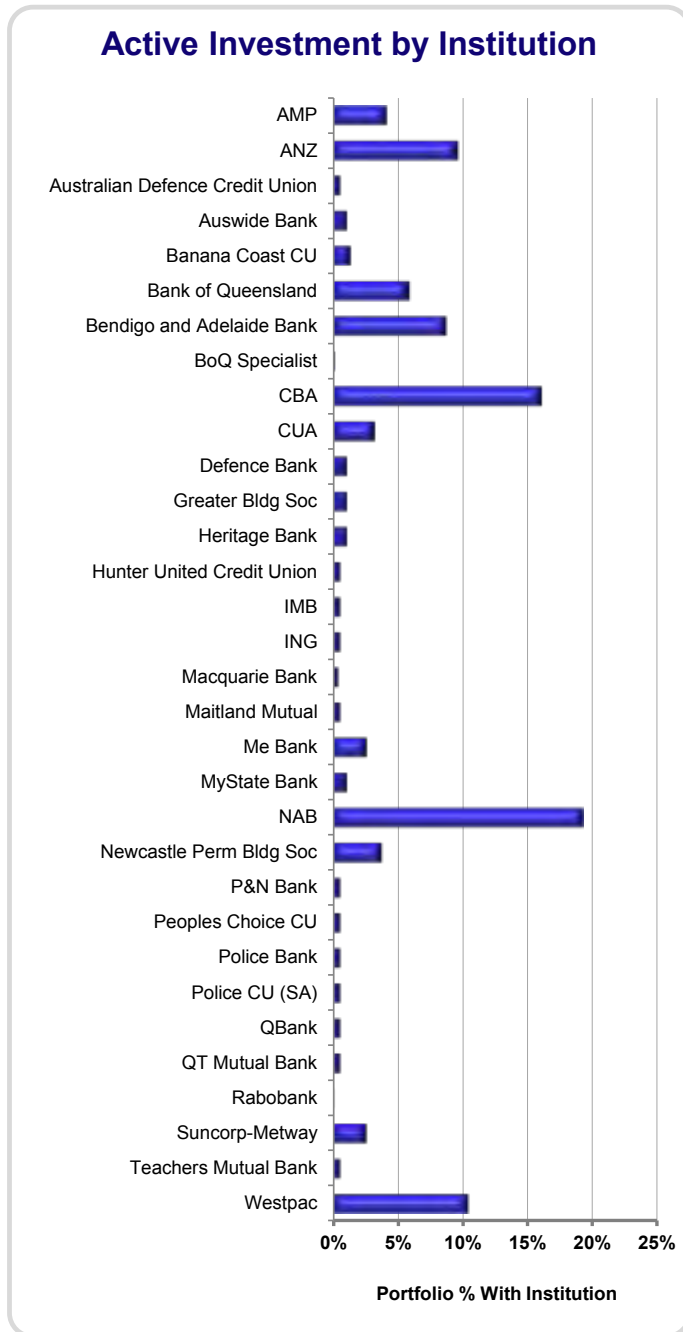
	<u>\$000's</u>
This Period	444
Financial Year To Date	4,554
Budget Profile	<u>4,133</u>
Variance from Budget - \$	<u>421</u>

Analysis of investments

The following graphs show analysis of the total cash investments by:

- Type of investment
- Institution
- Duration
- Rating

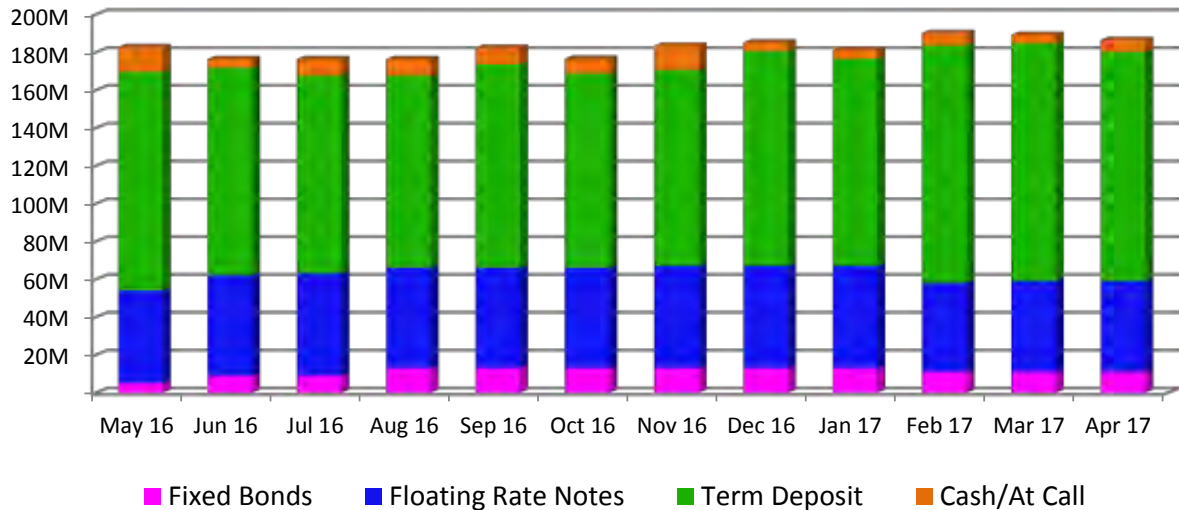
ITEM 2 (continued)



	<365 days	>365 days
Cash/TDs	\$87.4M	\$40.0M
FRNs	\$6.0M	\$42.1M
Fixed Bonds	\$0.0M	\$11.0M
	\$93.4M	\$93.1M

ITEM 2 (continued)

Total Funds Invested



Financial Implications

Income from interest on investments and proceeds from sales of investments totals \$4.6M, being \$421K above revised budget projections (noting that an adjustment of \$800K was made in the December Quarterly Budget Review, with a further increase of \$300K foreshadowed in the March Quarterly Budget Review). The increase in interest is due mainly to Council receiving significantly more funds from Developer (Section 94) Contributions than anticipated. Interest earned on Developer (Section 94) Contributions is restricted to Section 94 Reserves.

Summary

Council’s financial year to date return is 3.01%, which is 1.18% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$4.6M and continues to exceed budget expectations. An adjustment is proposed in the 2017 March Quarterly Budget Review to bring the vast majority of this additional income to account.

The recommendation in this report is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Councils.

ITEM 2 (continued)

Certificate of the Acting Chief Financial Officer (Responsible Accounting Officer)

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

Jifeng Huang
Acting Chief Financial Officer

ITEM 2 (continued)

ATTACHMENT 1

Council's Property Investment Portfolio

The following properties were held as part of Council's Property Investment portfolio;

Property	\$' M
1A Station St, West Ryde	0.90
2 Dickson Ave, West Ryde	1.10
8 Chatham Rd, West Ryde	1.37
202 Rowe Street, Eastwood	3.09
226 Victoria Rd, Gladesville	0.35
7 Anthony Road, West Ryde	5.10
7 Coulter Street, Coulter St Car Park, Gladesville	21.88
6-12 Glen Street, Glen Street Car Park, Eastwood	35.52
2 Pittwater Road, John Wilson Car Park, Gladesville	8.30
150 Coxs Road, Cox Rd Car Park, North Ryde	1.45
33-35 Blaxland Road, Argyle Centre, Ryde	5.45
19-21 Church Street and 16 Devlin Street, Ryde	10.63
6 Reserve Street, West Ryde	3.55
Herring Road Air Space Rights	0.50
741-747 Victoria Road, Ryde (Battery World)	7.06
53-71 Rowe Street, Eastwood	6.90
Total Investment Properties as per the Financial Statements	113.16
1 Constitution Road, Operations Centre, Ryde ⁽¹⁾	28.25
PROPERTIES HELD FOR RE-SALE	141.41

(1) The value for this is currently held in Non-Current Assets in Note 9, and once vacated by Council; it will be transferred to Investment Properties within the Financial Statements.

(2) The above figures refer to the land only as valued at "best use", and do not include the value of any structures.

Benchmark

The Bloomberg Ausbond Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days.

A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

ITEM 2 (continued)

ATTACHMENT 1

Types of Investments

The following are the types of investments held by Council:

At Call refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.

A Floating Rate Note (FRN) is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

A Fixed Rate Bond is a debt security issued by a company with a fixed interest rate over the term of the bond.

Credit Rating Information

Credit ratings are generally a statement as to an institution's credit quality. Ratings ranging from AAA to BBB- (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

- AAA: the best quality companies, reliable and stable
 - AA: quality companies, a bit higher risk than AAA
 - A: economic situation can affect finance
 - BBB: medium class companies, which are satisfactory at the moment
 - BB: more prone to changes in the economy
 - B: financial situation varies noticeably
 - CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments
 - CC: highly vulnerable, very speculative bonds
 - C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
 - D: has defaulted on obligations and it is believed that it will generally default on most or all obligations
- Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

ITEM 2 (continued)

ATTACHMENT 1

Council's Investment Powers

Council's investment powers are regulated by Section 625 of the Local Government Act, which states:

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Council's investment policy requires that all investments are to be made in accordance with;

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of the Minister) dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- Local Government (Financial Management) Regulation 1993
- Investment Guidelines issued by the Department of Local Government

Reserve

Please find attached transactions in the former Financial Security Reserve. Court action is taking longer than anticipated and with minimal anticipated proceeds the balance was returned to the Investment Property Reserve, from which the funds were originally taken to create this reserve.

ITEM 2 (continued)

ATTACHMENT 1

Starting Balance	8,000,000.00	10 Oct 2008
Write off Constellation	(1,000,000.00)	10 Oct 2008
Write off Rembrandt	(1,000,000.00)	10 Oct 2008
Write off Palladin	(2,000,000.00)	10 Oct 2008
Write off Alpha	(1,000,000.00)	30 Jun 2010
Write off Covent Garden	(2,000,000.00)	30 Jun 2010
Write off Oasis	(1,000,000.00)	30 Jun 2010
FY2009 and FY2010		
Interest Payments		
Default of Constellation - Residual	21,615.62	10 Oct 2008
Default of Palladin - Residual	-	28 Oct 2008
Default of Rembrandt - Residual	68,393.78	27 Oct 2008
FY2010		
Interest Payments	50,334.01	
FY2011		
Starting balance 1 July 2010	140,343.41	
Sale of Flinders	301,000.00	12 Aug 2010
Quartz Maturity	209,626.75	20 Oct 2010
Sale of Glenelg	160,000.00	29 Dec 2010
Interest on Grange IMP Sept	31,561.37	
Interest on Grange IMP Dec	24,731.75	
Interest on Grange IMP Mar	10,310.63	
Interest on Grange IMP June	16,092.08	
Interest on Oasis	81,758.10	
Interest on Alpha	12,534.80	
Interest on Covent Garden	16,521.58	
Default of Covent Garden	-	29 Mar 2011
Closing balance FY 2011	1,004,480.47	
FY2012		
Interest on Oasis	42,942.41	
Interest on Alpha	4,837.56	
Interest on Grange IMP Sept	9,862.09	
Interest on Grange IMP Dec	129.02	
Maturity of Alpha	1,001,974.90	20 Mar 2012
Interest on Grange IMP March	123.38	
Closing Balance FY 2012	2,064,349.83	
FY2013		
Interest on Oasis FY2013	20,215.91	
Sale of Oasis	219,266.42	23 Jan 2013
Grange Settlement -Beryl	559,966.39	25 Feb 2013
Grange Settlement -Zircon	192,383.73	25 Feb 2013
Rembrandt Settlement	381,695.85	04 Apr 2013
Closing Balance FY 2013	3,437,878.13	
FY2016		
Lehman 1st Dividend	39,365.19	11-Sep-15
CBA Settlement (Oasis)	836,436.27	18 Dec 2015
LGFS Payment Matter Settlement	1,835.50	14 Jan 2016
S&P Settlement	413,956.71	27 May 2016
S&P Settlement	46,773.09	30 Jun 2016
Lehmans Distribution	409,425.81	01 Jul 2016
Closing Balance FY2016	5,185,670.70	
Tier to Investment Property Reserve	(5,185,670.70)	
FY2017		
Lehman Second Interim Dividend	16,479.00	8-Mar-17
Closing Balance FY2017	16,479.00	

3 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2016-2020 AND 2016/2017 OPERATIONAL PLAN

Report prepared by: Acting Chief Financial Officer
File No.: FIM/07/6/2/6/6/3 - BP17/443

REPORT SUMMARY

Council's Four Year Delivery Plan 2016-2020 and One Year Operational Plan 2016/2017 set out the strategic and financial objectives for the year. They also detail the goals and various performance measures for Council's seven key outcome areas, as well as the services and projects that Council plans to deliver in 2016/2017.

The attached Quarterly Report includes details for each of the seven Outcome areas and the 21 Program areas, detailing the targets adopted by Council and the performance to date in achieving those targets by 30 June 2017. Also shown is a financial performance summary for each key Outcome area and a progress status report on all Capital and Non-Capital Projects (by Program Area) that is being undertaken in 2016/2017.

As a result of the March Quarterly Review, Council has further improved its financial position with a \$0.37 million increase in Council's Working Capital. This will result in Council's available Working Capital increasing to \$4.82 million. This review also brings to account additional income received from Developer (Section 94) Contributions, VPA contributions, Building and Land Use Enforcement fees, DA fees and additional Investment income and savings of \$0.88 million from Employee Salaries and Wages due largely to vacant positions held by Council. The employee salaries and wages savings represent approximately 2% of the total employee salaries and wages budget.

In addition, it is proposed that \$1 million be transferred to the Investment Property Reserve to fund future property redevelopment.

The majority of corporate indicators are on track or have exceeded target, with an improvement being shown in relation to completion of project milestones. Any projects that are proposed to be deferred or cancelled are also listed in this report for Council's consideration.

RECOMMENDATION:

- (a) That the report of the Acting Chief Financial Officer dated 31 March 2017 on the March Quarterly Review Report - Four Year Delivery Plan 2016-2020 and One Year Operational Plan 2016/2017, *Quarter Three, January – March 2017* be received and endorsed.

ITEM 3 (continued)

- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.37 million to Council's Working Capital for a projected balance as at 30 June 2017 of \$4.82 million, be endorsed.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$8.61 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 01 May 2017 be endorsed.
- (e) That the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over, as detailed in this report, be endorsed.

ATTACHMENTS

- 1 Quarterly Review Report - Quarter 3 - January 2017 to March 2017 - CIRCULATED UNDER SEPARATE COVER
- 2 Reserve Listing
- 3 Quarterly Changes
- 4 Two Page Summary - Budget Reviews - detailed

Report Prepared By:

Jifeng Huang
Acting Chief Financial Officer

Report Approved By:

Steven Kludass
Acting Director - Corporate and Organisational Support Services

ITEM 3 (continued)

Discussion

As required under section 407 of the Local Government Act, 1993 the quarterly review of the One Year Operational Plan 2016/2017 as at 31 March 2017 is presented to Council.

This Quarterly Review reports on the performance of Council in undertaking its Principal Activities in terms of its stated objectives and financial position.

The following sections are included in the document, *Quarterly Review Report, Four Year Delivery Plan 2016-2020 including One Year Operational Plan 2016/2017, Quarter Three, January – March 2017* (**ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**);

- General Manager's Overview, Financial Management and Corporate Performance Overview - provides a 'snapshot' of Council's performance in the quarter relative to several high profile activities.
- Outcome Area Reports – including overview, operational indicators, financial outcome and graphical representation of performance measures.
- Capital and Non Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Capital and Non Capital Expenditure projects.
- Base Budget Quarterly Status Report.
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from Reserves and proposed additional transfers to/from Reserves, with a projected balance as at 30 June 2017. **Appendix A**
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2016/2017 budget. **Appendix B**
- Consolidated Income and Expenditure Estimates 2016/2017, summary of the budget in two pages, showing the original budget and quarterly changes. **Appendix C**

Report

The 2017 March Quarterly Review has been completed and is submitted to Council for its consideration.

ITEM 3 (continued)

The key points to note in this Review are:-

Income

- \$7.50 million in Developer (Section 94) Contributions received, which is to be transferred to the Section 94 Reserves for future works;
- \$0.45 million reduction in Restoration income due to the significant amount of utility work being undertaken as contestable work by developers, delays in the finalisation of public domain works, and Ausgrid electing to undertake its own work in projects such as Wentworth Street;
- \$0.36 million additional Development Assessments income, Subdivision fees and Pre-lodgement fees received;
- \$0.30 million additional Investment income, with \$0.25 million relating to Section 94 (Restricted to Reserve) and \$0.05 million to General Revenue; and
- \$0.20 million additional Environmental Enforcement Levy;

Expenses

- \$0.88 million reduction for Employee Salaries and Wages budget due largely to the number of vacant positions held by Council;
- \$0.50 million reduction in 2016 Election project, due to no Council Election taking place in September 2016;
- \$0.45 million reduction of operating expenditures in Restoration Program due to the significant amount of utility work being undertaken as contestable work by developers, delays in the finalisation of public domain works, and Ausgrid electing to undertake its own work in projects such as Wentworth Street;
- \$0.25 million increase for Sportsfield Renewal & Upgrade Renewal, funded by Section 94 Reserve;
- \$0.23 million increase for Town Centre Upgrade Implementation Renewal, funded by Section 94 Reserve; and
- \$0.21 million increase for purchase of Porters Reserve as per Council Resolution dated 15 December 2015.

Reserves

- \$7.50 million increase for Developer (Section 94) Contributions received, transferred to Reserve;
- \$1.00 million be transferred to the Investment Property Reserve to fund future property redevelopment;
- \$0.50 million reduction from the Election Reserve for the 2016 Election project, as the Election project has been confirmed to occur in September 2017. These funds have been returned to the Election Reserve;

ITEM 3 (continued)

- \$0.25 million increase from Section 94 to fund additional costs for Sportsfield Renewal & Upgrade Renewal Capital Program;
- \$0.25 million to be transferred to Section 94 Reserve for additional investment income received;
- \$0.23 million increase from Section 94 for fund additional costs for Town Centre Upgrade Implementation Renewal; and
- \$0.21 million increase from Domestic Waste Management Reserve to fund purchase of Porters Reserve as per Council Resolution dated on 15 December 2015.

Working Capital Summary

Following the completion of the Financial Statements, Council had a Working Capital of \$4.517 million, as at 30 June 2016. The 2016/2017 Operational Plan was developed utilising \$0.285 million of Working Capital. In the 2017 March Quarterly Review, the proposed budget adjustments will result in a net increase to Council's Working Capital of \$0.366 million to \$4.816 million as at 30 June 2017.

Opening Working Capital	3,286
End of Year Changes	1,231
Final Opening Working Capital	4,517
Delivery Plan	(285)
Revised Working Capital	4,232
September Adjustments	(155)
December Adjustments	373
March Adjustments	366
Carryover Adjustments	
June Adjustments	
Closing Working Capital	4,816

Overview of March Review

Council's projected available Working Capital of \$4.82 million is a result of the proposed budget adjustments contained within the 2017 March Quarterly Review.

The following are the proposed major changes to be made, with a complete listing provided in the circulated document (**Appendix B**), and more detailed explanations in each Outcome area of that document.

ITEM 3 (continued)

Operating Budget

- The budget is projected to increase operating income by \$8.23 million (6.22%) with the main areas being as follows:-

Increase

- \$7.50 million in Developer (Section 94) Contributions received, which is to be transferred to the Section 94 Reserve for future works;
- \$0.36 million additional Development Assessments income, Subdivision fees and Prelodgement fees received;
- \$0.30 million additional Investment income, with \$0.25 million relating to Section 94 (Restricted to Reserve) and \$0.05 million to General Revenue;
- \$0.20 million additional Environmental Enforcement Levy;
- \$0.13 million additional VPA contributions received;
- \$0.10 million additional RMS grant received for project Pedestrian Infrastructure Safety Around Schools Program;
- \$0.09 million additional contribution received from Frasers in relation to Shop Ryde Community Bus Service project; and
- \$0.05 million additional RMS grant for Meadowbank Precinct project.

Reduction

- \$0.45 million reduction in Restoration income due to the significant amount of utility work being undertaken as contestable work by developers, delays in the finalisation of public domain works, and Ausgrid electing to undertake its own work in projects such as Wentworth Street; and
 - \$0.05 million reduction for Home Modification and Maintenance Grant offset by a reduction in funding for Home Modification and Maintenance Program.
- The budget is projected to decrease operating expenses by \$1.68 million (-1.73%) with the main areas being as follows:-

Increase

- \$0.13 million additional funding for the cost associated with RALC Pensioner entry;
- \$0.10 million additional Internal Audit resource and consultant costs relating to unforeseen investigations;
- \$0.10 million additional funding required for Passive Parks & Streetscapes Maintenance Program, offset by savings made in Commercial Buildings Maintenance Program;

ITEM 3 (continued)

- \$0.09 million additional funding for Shop Ryder Community Bus Service project; offset by additional contribution from Frasers received;
- \$0.06 million additional funding for new Compliance Officer position recruited from September 2016 and funded from additional income received;
- \$0.05 million additional funding required for the design of the Lachlan's Line Community Facility; funded by the VPA Reserve;
- \$0.04 million additional funding for Devlin Street Traffic Study project as per Council Resolution dated on 26 April 2017;
- \$0.04 million additional funding for Illegal Dumping Surveillance & Reduction project, funded from Better Waste & Recycling Grant; and
- \$0.03 million additional funding required for Sportsgrounds, Parks & Gardens Maintenance Program, offset by savings made in Sportsfield & Upgrade Maintenance Program.

Reduction

- \$0.88 million reduction for Employee Salaries and Wages budget due largely to the number of vacant positions held by Council;
- \$0.50 million reduction in 2016 Election project, due to no Council Election taking place in September 2016;
- \$0.45 million reduction in Restoration income due to the significant amount of utility work being undertaken as contestable work by developers, delays in the finalisation of public domain works, and Ausgrid electing to undertake its own work in projects such as Wentworth Street;
- \$0.13 million reduction budget for Aquatic Entry Program, as a result of the increase in RALC Pensioner entry;
- \$0.10 million reduction for Commercial Building Maintenance Program, with savings to be transferred to Passive Parks Streetscapes Maintenance Program;
- \$0.06 million reduction for Community Forums Project, as project is recommended to be cancelled;
- \$0.05 million reduction for Home Modification & Maintenance;
- \$0.04 million reduction for Community Grants Program and saving to be transferred to Community Grants Reserve;
- \$0.04 million reduction for Perception Survey Program as Perception Survey will not be undertaken this financial year due to pending merger proposal; and
- \$0.04 million reduction for Community Perception Study Project, as project is recommended to be cancelled and funds returned to the Reserve.

In total, a projected increase in Operating Surplus of \$9.91 million, most of which is being utilised for Capital or transferred to Reserves.

ITEM 3 (continued)

Capital Budget

- The capital budget is projected to increase its capital expenses over budget by \$0.88 million (1.54%), with the main areas being as follows:-

Increase

- \$0.25 million increase for Sportsfield Renewal & Upgrade Renewal Capital Program relating to Meadowbank Park Fields 7 and 8 project, funded by the Section 94 Reserve;
- \$0.23 million increase for Town Centre Upgrade Implementation Renewal Capital Program relating to construction costs on Rowe Street project, funded by Section 94 Reserve;
- \$0.21 million additional funding for Purchasing of Porters Reserve as per Council Resolution dated on 15 December 2015, funded by Domestic Waste Management Reserve;
- \$0.15 million additional funding for Civic Centre- Essential Renewal project relating to maintenance works for the Civic Hall as per Council Resolution dated on 26 April 2017, funded by the Assets Replacement Reserve;
- \$0.11 million increase for Stormwater Improvement Works Renewal Capital Program relating to Eastwood Culvert project , offset by savings made in Stormwater Asset Replacement Renewal Capital Program;
- \$0.10 million additional funding for Pedestrian Infrastructure Safety Around Schools Program, funded by additional RMS Grant;
- \$0.10 million additional funding for Meadowbank Precinct project; 50% funded by RMS Grant and 50% funded by Section 94 Reserve;
- \$0.07 million increase for Playground Renewal & Construction Renewal Capital Program relating to the construction cost at Mulhall Park Playground project, funded by the Assets Replacement Reserve; and
- \$0.04 million reduction for Gladesville Litter Reduction Project.

Reduction

- \$0.11 million reduction in Stormwater Asset Replacement Renewal Capital Program;
- \$0.10 million reduction for development of 33-35 Blaxland Road due to work being deferred pending report to Office of Local Government;
- \$0.05 million reduction for Intranet Upgrade project, as project is recommended to be cancelled ;
- \$0.05 million reduction for Porters Creek Precinct Project resulting from a reduced scope of works and awaiting response from external work parties; and
- \$0.04 million reduction for Gladesville Litter Reduction project.

ITEM 3 (continued)

Reserve Movements

- Transfers from Reserve's budget is projected to decrease by \$0.03 million, (-0.04%) the main areas being as follows:-

Increase

- \$0.25 million increase from Section 94 to fund for Sportsfield Renewal & Upgrade Renewal Capital Program relating to Meadowbank Park Fields 7 and 8 project;
- \$0.23 million increase from Section 94 to fund Town Centre Upgrade Implementation Renewal Capital Program relating to construction costs on Rowe Street project;
- \$0.21 million increase from the Domestic Waste Management Reserve to fund purchasing of Porters Reserve as per Council Resolution date 15 December 2015;
- \$0.15 million increase from the Assets Replacement Reserve to fund Civic Centre- Essential Renewal for maintenance works for the Civic Hall as per Council Resolution dated on 26 April 2017;
- \$0.07 million increase from the Assets Replacement Reserve to fund Playground Renewal & Construction Renewal relating to construction of Mulhall Park Playground project;
- \$0.06 million increase from the Domestic Waste Management Reserve for DWM Landfill operation expenses;
- \$0.05 million increase from the VPA Reserve to fund Lachlan's Line - Community Facility project;
- \$0.05 million increase from the Section 94 Reserve to fund Traffic Study at Meadowbank Station project; and
- \$0.04 million increase from Better Waste & Recycling Fund Unspent Grant Reserve to fund Illegal Dumping Surveillance & Reduction.

Reduction

- \$0.50 million reduction in 2016 Election project, due to no Council Election taking place in September 2016;
- \$0.43 million decrease for adjustment of Home Modification & Maintenance Unspent Grant Reserve;
- \$0.05 million decrease from the Domestic Waste Management Reserve for Porters Creek Precinct project as works deferred pending finalisation of land acquisition;

ITEM 3 (continued)

- \$0.05 million decrease from the Investment Property Reserve for development of 33-35 Blaxland Road project resulting from a reduction in the scope of the project and awaiting response from external work parties;
 - \$0.04 million decrease from the Merger Reserve for Community Perception Study project, as the project is recommended to be cancelled;
 - \$0.04 million decrease from the Community Grants Reserve; and
 - \$0.04 million decrease from the Better Waste & Recycling Fund Unspent Grant Reserve for Gladesville Litter Reduction project.
- Transfers to Reserve's budget is projected to increase by \$8.58 million (13.96%), the main areas being as follows:-

Increase

- \$7.50 million increase for Developer (Section 94) Contributions received, transferred to reserve;
- \$1.00 million to be transferred to the Investment Property Reserve to fund future property redevelopment;
- \$0.25 million to be transferred to Section 94 Reserve for additional investment income received;
- \$0.13 million to be transferred to Ryde Aquatic Leisure Centre Reserve due to the increase of RALC Pensioner entry; and
- \$0.13 million increase for VPA contribution received, transferred to reserve.

Reduction

- \$0.43 million decrease for adjustment of Home Modification & Maintenance Unspent Grant Reserve.

Projects recommended to be cancelled, deferred, put on hold or to carryover

The following projects are listed in the March Quarterly Review and are recommended to be cancelled, deferred, or put on hold for the reasons indicated, with budget adjustments included

- 2016 Election - It is recommended that this project is cancelled in this Q3 review. The reason for this is that there is no election in this financial year. This project will be included in 2017/2018 Council's Draft Budget to accommodate the new Election date of 9 September 2017;

ITEM 3 (continued)

- Community Perception Study - It is recommended that this project be cancelled in this Q3 review. The reason is this project will not occur this financial year due to the pending merger proposal. This project may take place once an announcement has been made on mergers;
- Community Forums - It is recommended that this project is cancelled in this Q3 review. This project may take place once an announcement has been made on mergers; and
- Intranet upgrade - It is recommended that this project is cancelled in this Q3 review. This project may take place once an announcement has been made on mergers.

The following projects/programs are currently earmarked as potential carryover projects that will require some of its funding to be carried over to the 2017/2018 financial year. Budget adjustments for these will be done as part of a Carryover Report to Council on 20 June 2017, noting that carry over estimates and explanations will be included in that report.

The proposed carry over projects are:

- Affordable Housing Calculator
- Civic Centre- Essential Renewal
- Community Buildings Renewal
- Construction of Skate Facilities within City of Ryde
- Development of the Olympic Park Strategic Plan and Master Plan
- Gladesville Clocktower Monument Conservation
- Implementation of Children Play Plan -P2
- Information Technology Renewals
- ITS Implementation
- Macquarie Park, Waterloo Road
- Multi Function Poles in Macquarie Park
- Office Fitout - North Ryde and Ryde Business Centre
- Playground Renewal & Upgrade
- RALC Multi-Purpose Centre - Solar
- Roundabout Monash/Buffalo Roads
- Ryde Town Centre Monuments
- Shrimptons Creek Corridor Embellishment
- Sportsfield Floodlighting Renewal
- Sportsfield Renewal & Upgrade
- Street Tree Planting Program
- Synthetic Playing Surfaces Expansion

ITEM 3 (continued)

- Terry Creek Walking Trail
- Town Centre Upgrade Renewal
- West Ryde Plaza
- Eastwood Transport Management and Access Plan
- Passive Parks Improvement and Expansion
- Pedestrian Accessibility & Mobility Plan
- Road Kerb Renewal
- Seawall/Retaining Walls Refurbishment
- Stormwater Improvement Works Renewal

Staff turnover

The turnover rate has decreased this Quarter from 11.88% to 10.77%. Similarly, Council's vacancy rate has decreased slightly from 12.3% to 12.2%.

Critical Dates

The following deadlines are required to be met;

- In accordance with Section 407 of the Local Government Act 1993, the General Manager must report to the Council within 2 months after the end of each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Chief Financial Officer as Council's Responsible Accounting Officer, in accordance with the Part 2 Clause 7 of the Local Government (Financial Management) Regulation 1999 is required to certify whether the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

Financial Implications

Council's available Working Capital is projected to increase by \$0.37 million to approximately \$4.82 million as at 30 June 2017. Council's Capital Works Program is projected to increase by \$0.88 million as outlined in the report.

ITEM 3 (continued)

Certificate

In accordance with the Local Government (Financial Management) Regulation 1999, Part 2, Clause 7, I report that the financial position of the Council was satisfactory as at 31 March 2017 having regard to the original estimates of income and expenditure.

Variations in total income, operating and capital expenditure as at 31 March 2017 are of a quantum and nature that overall end of year financial targets will be achieved.



Jifeng Huang
Acting Chief Financial Officer
Responsible Accounting Officer

01 May 2017

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City of Ryde
Reserves Listing Report

Natural Account	Description	16/17 Opening Balance	Budget To Reserve	Budget From Reserve	16/17 Budget Result	Review To Reserve	Review From Reserve	16/17 Review Result
93001 - Internally Restricted Revenues								
8301	Stockland Creche Contribution	178,666.90		-178,667.00	-0.10			-0.10
8302	Voluntary Planning Agreement Reserve	9,105,191.77	1,893,297.00	-140,000.00	10,858,488.77	127,530.00	-50,000.00	10,936,018.77
8303	Accommodation Reserve	15,419,068.14	4,270,880.00	-5,767,788.00	13,922,160.14			13,922,160.14
8304	Asset Replacement Reserve	19,292,894.75	7,568,290.00	-9,343,104.00	17,518,080.75		-215,000.00	17,303,080.75
8305	Plant Replacement Reserve	3,374,630.07	2,718,490.00	-3,432,210.00	2,658,910.07			2,658,910.07
8306	Ryde Aquatic Leisure Centre Reserve	2,786,729.86	4,055,080.00	-4,047,288.00	2,794,521.86	133,980.00		2,928,501.86
8307	Financial Security Reserve							
8308	Public Art Reserve	10,179.00			10,179.00			10,179.00
8309	Council Election Reserve	533,306.27	150,000.00	-450,000.00	233,306.27		500,000.00	733,306.27
8310	Risk Rebate Reserve	111,797.49	30,840.00		142,637.49			142,637.49
8311	Investment Property Reserve	18,367,215.52		-3,452,400.00	14,914,815.52	1,000,000.00	50,000.00	15,964,815.52
8312	Civic Hub Precinct Reserve	617,682.21	1,000,000.00	-786,033.00	831,649.21			831,649.21
8313	Community Grants Reserve	228,958.00		-228,958.00			40,000.00	40,000.00
8314	Carryover Works Reserve	1,208,800.33		-1,208,801.00	-0.67			-0.67
8317	Merger and Transition Reserve	5,267,183.13		-1,285,000.00	3,982,183.13		26,700.00	4,008,883.13
8318	Porters Creek Reserve	199,348.89			199,348.89			199,348.89
8319	Insurance Fluctuation Reserve	799,341.19			799,341.19			799,341.19
8320	WHS & Injury Management Reserve	155,071.55	31,840.00		186,711.55			186,711.55
8321	Public Domain Plan Reserve	138,602.00			138,602.00			138,602.00
8322	Planning Proposal Reserve	234,089.15		-50,000.00	184,089.15			184,089.15
8323	Macquarie University VPA Reserve	273,053.67			273,053.67			273,053.67
8324	Fit For The Future Reserve							
Total Internally Restricted Revenues		78,301,809.89	21,716,517.00	-30,370,249.00	69,648,077.89	1,261,510.00	351,700.00	71,261,287.89
93002 - Internally Restricted Liabilities								
8327	Employee Leave Entitlements Reserve	3,154,680.41			3,154,680.41			3,154,680.41
8328	Refundable Deposits Reserves	12,607,788.13			12,607,788.13			12,607,788.13
8329	Interest on Refundable Deposits Reserve	377,366.19			377,366.19			377,366.19
Total Internally Restricted Liabilities		16,139,834.73			16,139,834.73			16,139,834.73
93003 - Section 94 Contribution Reserves								
8351	Community & Cultural Facilities Reserve	10,382,189.61	2,770,366.00	-2,277,031.00	10,875,524.61	1,607,768.00	-233,000.00	12,250,292.61
8352	Open Space & Recreation Facilities Reserve	44,720,396.21	3,922,526.00	-10,314,522.00	38,328,400.21	5,280,570.00	-250,000.00	43,358,970.21
8353	Roads & Traffic Management Facilities Reserve	2,780,845.71	411,350.00	-2,885,499.00	306,696.71	639,605.00	-50,000.00	896,301.71

ITEM 3 (continued)

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City of Ryde
Reserves Listing Report

Natural Account	Description	16/17 Opening Balance	Budget To Reserve	Budget From Reserve	16/17 Budget Result	Review To Reserve	Review From Reserve	16/17 Review Result
8354	Stormwater Management Facilities Reserve	6,401,506.31	161,326.00	-2,126,778.00	4,436,054.31	193,187.00		4,629,241.31
8355	Section 94 Plan Administration Reserve	231,248.45	20,286.00	-240,820.00	10,914.45	27,040.00		37,954.45
Total Section 94 Contribution Reserves		64,516,186.29	7,285,854.00	-17,844,450.00	53,957,590.29	7,748,170.00	-533,000.00	61,172,760.29
93004 - Other External Restrictions								
8376	Domestic Waste Management Reserve	6,976,833.84	19,300,370.00	-18,482,263.00	7,784,940.84		-215,231.00	7,569,709.84
8377	External Drainage Works Contribution Reserve							
8378	Macquarie Park Corridor Special Rate Reserve	1,163,711.12	1,339,310.00	-2,014,580.00	488,441.12			488,441.12
8379	Stormwater Management Service Charge Reserve	1,053,025.64	1,034,310.00	-1,002,526.00	1,084,809.64			1,084,809.64
8381	Affordable Housing Contribution	138,910.00			138,910.00			138,910.00
8382	Infrastructure Special Rate Reserve	20,182.00	5,156,350.00	-5,147,120.00	29,392.00			29,392.00
Total Other External Restrictions		9,352,642.60	26,830,340.00	-26,656,488.00	9,526,493.60		-215,231.00	9,311,262.60
93005 - Unexpended Grants Reserves								
8401	U/Exp Grant - Home Modification & Maintenance	153,689.83	434,010.00	-427,770.00	159,929.83	-434,010.00	430,870.00	156,789.83
8403	U/Exp Grant - Volunteer Referral Agency	46,185.37	50,060.00		96,245.37			96,245.37
8404	U/Exp Grant - Library Local Priority							
8405	U/Exp Grant - Library Subsidy		248,920.00	-248,910.00	10.00			10.00
8408	U/Exp Grant - Urban Sustain Program - Looking Glass							
8413	U/Exp Grant - Sydney North/Sydney West Tussock P							
8418	U/Exp Grant - Macquarie Park Master Plan	30,000.00			30,000.00			30,000.00
8433	U/Exp Grant - Liberty Swing Dunbar Park							
8434	U/Exp Grant - Sport Development Program	542.76			542.76			542.76
8435	U/Exp Grant - WASIP	29,640.86			29,640.86			29,640.86
8438	U/Exp Grant - Parramatta River Catchments Floodpla	2,918.72			2,918.72			2,918.72
8439	U/Exp Grant - Vacation Care Program Grant	5,253.73			5,253.73			5,253.73
8440	U/Exp Grant - Crime Prevention Plan Grant							
8443	U/Exp Grant - Curzon St/ Smith St Pedestrian (RTA)	765.05			765.05			765.05
8446	U/Exp Grant - Vimiera Road Traffic Facilities Renew (1,959.22			1,959.22			1,959.22
8447	U/Exp Grant - M2 Advertising Public Benefit (RMS)	62,101.00			62,101.00			62,101.00
8451	U/Exp Grant - Rowe St Eastwood Traffic Calming	9,725.16			9,725.16			9,725.16
8455	U/Exp Grant - Planning for Ageing Population	4,560.00			4,560.00			4,560.00
8458	U/Exp Grant - Macquarie Park - Property	6,000,000.10		-6,000,000.00	0.10			0.10
8459	U/Exp Grant - Restoring Blue Gum High in Denistone	1,725.01			1,725.01			1,725.01
8460	U/Exp Grant - Restoring Blue Gum High in Darvall Pa							
8461	U/Exp Grant - Better Waste & Recycling Fund	242,507.58	259,260.00	-591,786.00	-90,018.42			-90,018.42
8462	U/Exp Grant - Agincourt and Balaclava Rd TCS	8,039.11			8,039.11			8,039.11

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City of Ryde
 Reserves Listing Report

Natural Account	Description	16/17 Opening Balance	Budget To Reserve	Budget From Reserve	16/17 Budget Result	Review To Reserve	Review From Reserve	16/17 Review Result
8463	U/Exp Grant - Ivanhoe Estate Collective Impact	20,000.00			20,000.00			20,000.00
8464	U/Exp Grant - CDAT	3,100.00			3,100.00			3,100.00
8465	U/Exp Grant - Blaxland Road SUP - Stage 3 (RMS)	3,463.39			3,463.39			3,463.39
8466	U/Exp Loan - LIRS Phase 1	6,175.23			6,175.23			6,175.23
8467	U/Exp Loan - LIRS Phase 2	870,468.43		-870,468.00	0.43			0.43
8468	U/Exp Grant - Ryde Remembers (ANZAC)	16,223.59		-16,224.00	-0.41			-0.41
8469	U/Exp Grant - NSW Youth Council Conference		30,000.00		30,000.00			30,000.00
8470	U/Exp Grant - Shrimptons Creek Corridor Embellishment		4,500,000.00		4,500,000.00			4,500,000.00
Total Unexpended Grants Reserves		7,519,044.14	5,522,250.00	-8,155,158.00	4,886,136.14	-434,010.00	430,870.00	4,882,996.14
Internal Loans								
8901	Internal Loan - RALC Reserve	-2,161,869.23	63,000.00		-2,098,869.23			-2,098,869.23
Total Internal Loans		-2,161,869.23	63,000.00		-2,098,869.23			-2,098,869.23
TOTAL RESERVES		173,667,646.42	61,417,961.00	-83,026,346.00	152,059,263.42	8,575,670.00	34,339.00	160,669,272.42

ITEM 3 (continued)

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City of Ryde - 2016/2017 Quarterly Changes Report

		Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments	
Strategic City program						
1011912	CCS - Group Management Charge/Recovery	Op Exp	(461,860)	(242,252)	-461,860	To realign the budget with actual
1111505	Corporate Reporting Unit	Op Exp	112,680	82,384	(8,900)	Salaries and Wages saving due to vacant positions
4130728	Lachlan's Line - Community Facility	NCP Exp			50,000	ET resolved to allocate \$50,000 for the design of the Lachlan's Line Community Facility at its meeting of 25 January 2017
4130728	Lachlan's Line - Community Facility	From Res			(50,000)	ET resolved to allocate \$50,000 for the design of the Lachlan's Line Community Facility at its meeting of 25 January 2017
Total Strategic City program					-452,960	

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ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Organisational Development program

2211001	Organisational Development Administration	Op Exp	225,006	156,606	(16,000)	Salaries and Wages saving due to vacant positions
2211533	Workforce Culture Administration	Op Exp	71,266	40,253	(13,700)	Salaries and Wages saving due to vacant positions
Total Organisational Development program					(26,700)	

ITEM 3 (continued)

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City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Risk Management program

1611139	Internal Audit	Op Exp	54,600	103,264	100,000	Additional Internal Audit resource and consultant costs relating to unforeseen investigations
1711001	Procurement Administration	Op Exp	62,520	39,873	(6,000)	Salaries and Wages saving due to vacant positions
2711012	Audit & Compliance	Op Exp	299,050	324,402	64,800	Adjusted salaries and wages budget to reflect the actual
4410003	Stores Management OPEX	Op Exp	507,130	155,798	(144,358)	Salary expenditure transfers to PortersCreek CC to align with new organisation structure
Total Risk Management program					14,432	

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ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
Community and Cultural program						
681127	Home Modification & Maintenance	Op Inc	(262,160)	(263,414)	25,000	Reduce the budget to reflect the actual
681127	Home Modification & Maintenance	Op Inc	(171,850)	(145,998)	25,000	Reduce the budget to reflect the actual
6311577	Community Grants	Op Exp	346,508	123,296	(40,000)	Reduce the budget to reflect the actual and unspent funding to be transferred to Community Grant Reserve
6410000	Events- Community	Op Exp	55,630	27,012	0,000	Increase budget as per Council Resolution dated at 25 Oct 2016
6411001	Events Administration	Op Exp	306,970	270,231	10,000	Adjusted salaries and wages budget to reflect the actual
681127	Home Modification & Maintenance	Op Exp	165,120	77,510	(50,000)	Reduce the budget to reflect the actual
6311577	Community Grants	From Res	(127,008)		40,000	Reduce the budget to reflect the actual and unspent funding to be transferred to Community Grant Reserve
681127	Home Modification & Maintenance	From Res	(427,770)		430,870	Adjust funding to reflect the actual
6811444	Home Modification	To Res	262,160		(262,160)	Consolidate accounts within the Home Modification & Maintenance program
6811445	Home Maintenance	To Res	171,850		(171,850)	Consolidate accounts within the Home Modification & Maintenance program
Total Community and Cultural program					18,850	

ITEM 3 (continued)

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City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Customer and Community Relations program

2011481	Perception Survey	Op Exp	43,450		(43,450)	Survey will not undertaken this financial year due to pending merger proposal
1830550	Community Forums	NCP Exp	50,653		(52,653)	Recommend to cancel this project as it will not occur this financial year due to pending merger proposal
2030708	Community Perception Study	NCP Exp	35,000		(35,000)	Recommend to cancel this project as it will not occur this financial year due to pending merger proposal
2030708	Community Perception Study	From Res	(35,000)		35,000	Recommend to cancel this project as it will not occur this financial year due to pending merger proposal
Total Customer and Community Relations program					(106,103)	

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ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

		Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Open Space, Sport & Recreation program

7610001	Open Space - Administration	Op Exp	65,000		(55,000)	Realign the budget as result of the organisation structure changes
7610001	Open Space - Administration	Op Exp	1,260		(1,260)	Realign the budget as result of the organisation structure changes
7611001	Parks Open Space - Administration	Op Exp	358,450	355,813	(35,839)	Realign the budget as result of the organisation structure changes
7711001	Parks Sports & Recreation Administration	Op Exp	1,190	133	65,260	Realign the budget as result of the organisation structure changes
7711001	Parks Sports & Recreation Administration	Op Exp	276,910	302,359	35,639	Realign the budget as result of the organisation structure changes
54012	Maint - Sportsfield & Upgrade	Op Exp	31,290		(31,210)	Transfer from Maint-Sportsfield & Upgrade to Maint-Sportsground, Parks & Gardens
54110	Maint - Passive Parks & Streetscapes	Op Exp	1,316,970	512,266	(60,000)	Transferring from Maint -Commerical Buildings to Maint-Passive Parks Streetscapes to avoid backlog in tree maintenance and continue with programmed works
54114	Maint - Sportsgrounds, Parks & Gardens	Op Exp	2,857,300	771,021	31,210	Transfer from Maint-Sportsfield & Upgrade to Maint-Sportsground, Parks & Gardens
50012	Sportsfield Renewal & Upgrade Renewal	Cap Exp	1,842,286	915,579	750,000	Additional fill material required (for Meadowbank Park Fields 7 and 8) to be sourced from external suppliers due to the unsuitability of material at Porters Creek and funded by Section 94
50012	Sportsfield Renewal & Upgrade Renewal	From Res	(1,798,841)		(250,000)	Additional fill material required (for Meadowbank Park Fields 7 and 8) to be sourced from external suppliers due to the unsuitability of material at Porters Creek and funded by Section 94
50016	Playground Renewal & Construction Renewal	Cap Exp	700,600	463,843	65,000	Increase budget due to latent conditions on site for the construction of Mulhall Park Playground. Site is on a hill which required scope changes impacting costs
50016	Playground Renewal & Construction Renewal	From Res	(700,600)		(65,000)	Increase budget due to latent conditions on site for the construction of Mulhall Park Playground. Site is on a hill which required scope changes impacting costs
7811009	Aquatic Entry	Op Exp	(116,020)	(195,979)	(133,980)	Increase in RALC Pensioner entry
7811009	Aquatic Entry	To Res	1,255,500		133,980	Increase in RALC Pensioner entry
Total Open Space, Sport & Recreation program					100,000	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Centres and Neighbourhood program

411259	Voluntary Planning Agreement Capital Income	Cap Inc	(1,893,297)	(2,020,827)	(127,530)	Contribution received from developer in relation to property 115 Church Street, Ryde
411259	Voluntary Planning Agreement Capital Income	To Res	1,893,297		127,530	Contribution received from developer in relation to property 115 Church Street, Ryde
50023	Town Centre Upgrade Implementation Renewal	Cap Exp	1,892,031	1,453,060	233,000	Additional funding for construction costs on Rowe Street Project
50023	Town Centre Upgrade Implementation Renewal	From Res	(1,892,031)		(233,000)	Additional funding for construction costs on Rowe Street Project
Total Centres and Neighbourhood program						

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Internal Corporate Services program

1211142	Investment Income	Op Inc	(1,740,000)		(250,000)	Additional investment income received due to additional Section 94 income VPA contribution received
1211142	Investment Income	Op Inc	(393,810)	(1,150,048)	(50,000)	Increase the budget to reflect the actuals.
1011109	GM - Finance Controlled Items	Op Exp	9,800		(9,800)	Salaries savings due to vacant positions
1111001	Corporate Services Administration	Op Exp	494,780	387,280	(3,300)	Salaries and Wages saving due to vacant positions
111109	CS - Finance Controlled Items	Op Exp	150,425		(150,425)	Salaries and Wages saving due to vacant positions
1211001	Finance Administration	Op Exp	83,600	65,620	15,000	Salaries saving due to vacant position and unspent funding to be transferred to Consultant costs for reviewing LTFP
121109	Finance Controlled Items	Op Exp	436,030		(436,030)	Salaries and Wages saving due to vacant positions
1211464	Finance - Management Accounting - Administration	Op Exp	396,440	267,488	(15,000)	Salaries saving due to vacant position and unspent funding to be transferred to consultant costs for reviewing LTFP
1211506	Investment - Administration	Op Exp	57,410	23,660	(10,600)	Salaries and Wages saving due to vacant positions
2211375	Office of the General Manager	Op Exp	5,910	5,041	-517	Adjustment to reflect new organisation structure
2211376	Corporate & Organisational Support Services	Op Exp	92,860	24,608	(45,252)	Adjustment to reflect new organisation structure
2211377	City Planning & Development	Op Exp	57,850	24,439	(5,684)	Adjustment to reflect new organisation structure
2211378	City Works and Infrastructure	Op Exp	123,460	157,990	10,638	Adjustment to reflect new organisation structure
2211379	Customer & Community Services	Op Exp	36,990	39,659	39,797	Adjustment to reflect new organisation structure
2211530	Corporate Training & Development Administration	Op Exp	112,090	74,503	(8,000)	Salaries and Wages saving due to vacant positions
2311519	Workers Compensation and Injury Management	Op Exp	87,630	55,491	(4,000)	Salaries and Wages saving due to vacant positions
2411560	IT Corporate Application Administration	Op Exp	695,520	336,119	(19,300)	Salaries and Wages saving due to vacant positions
4311109	PW - Finance Controlled Items	Op Exp	91,000		(91,000)	Salaries and Wages saving due to vacant positions
6211109	CL - Finance Controlled Items	Op Exp	44,900		(44,900)	Salaries and Wages saving due to vacant positions

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments	
6211312	Group Management Charge/Recovery	Op Exp			(461,860)	To realign the budget with actual	
1130670	Fit For The Future	NCP Exp			8,300	To cover costs associated with merger proposal	
2430716	Long Term Financial Plan LG Solution Model	NCP Exp	16,250		(16,250)	Consolidate projects	
2440811	LG Solution Software - Templates and Models	Cap Exp	43,500		16,250	Consolidate projects	
6541869	Intranet Upgrade	Cap Exp	50,000		(50,000)	Recommend to cancel this project as it will not occur this financial year due to pending merger proposal	
1130670	Fit For The Future	From Res			(8,300)	To cover costs associated with merger proposal	
2430716	Long Term Financial Plan LG Solution Model	From Res	(16,250)		16,250	Consolidate projects	
2440811	LG Solution Software - Templates and Models	From Res	(43,500)		(16,250)	Consolidate Projects	
1211109	Finance Controlled Items	To Res			1,000,000	Transfer salaries and wages saving (due to vacant positions) to Investment Property Reserve	
1211142	Investment Income	To Res	1,740,000		250,000	Additional investment income received due to additional Section 94 Income VPA contribution received	
Total Internal Corporate Services program						(369,215)	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Governance and Civic program:

1811001	Governance Administration	Op Exp	303,690	218,751	(11,000)	Salaries and Wages saving due to vacant positions
1811053	Governance Contributions	Op Exp	116,020	195,445	133,980	Increase in RALC Pensioner entry
1911039	Council Meeting Support	Op Exp	167,000	96,446	(17,400)	Salaries and Wages saving due to vacant positions
1830498	Election 2017	NCP Exp	500,000		(500,000)	No Election this financial year
1830498	Election 2017	From Res	(500,000)		500,000	No Election this financial year
Total Governance and Civic program					105,580	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
Land Use Planning program						
4111001	Strategic Planning Administration	Op Exp	982,860	756,733	(34,500)	Salaries and Wages saving due to vacant positions
411125	Heritage - Policy	Op Exp	25,580	0	(17,000)	Salaries and Wages saving due to vacant positions
4111520	Urban Design OPEX	Op Exp	66,480		(23,500)	Salaries and Wages saving due to vacant positions
4111221	Section 94 Capital Income-Roads	Cap Inc	(411,350)	(1,348,369)	(639,605)	Income received to date
4111221	Section 94 Capital Income-Roads	Cap Inc	(1,030,366)	(2,420,419)	(1,357,768)	Income received to date
4111221	Section 94 Capital Income-Roads	Cap Inc	(161,326)	(361,961)	(193,187)	Income received to date
4111221	Section 94 Capital Income-Roads	Cap Inc	(3,922,526)	(9,309,060)	(5,280,570)	Income received to date
4111221	Section 94 Capital Income-Roads	Cap Inc	(20,286)	(47,923)	(27,040)	Income received to date
4111221	Section 94 Capital Income-Roads	To Res	1,030,366		1,357,768	Transfer Section 94 contribution to Reserve
4111221	Section 94 Capital Income-Roads	To Res	3,922,526		5,280,570	Transfer Section 94 contribution to Reserve
4111221	Section 94 Capital Income-Roads	To Res	411,350		639,605	Transfer Section 94 contribution to Reserve
4111221	Section 94 Capital Income-Roads	To Res	161,326		193,187	Transfer Section 94 contribution to Reserve
4111221	Section 94 Capital Income-Roads	To Res	20,286		27,040	Transfer Section 94 contribution to Reserve
Total Land Use Planning program					(76,000)	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

			Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
Regulatory program						
2811081	Development Assessments	Op Inc	(1,845,040)	(1,840,425)	(200,000)	Increase budget to reflect actual income received
2811236	Subdivisions	Op Inc	(23,580)	(72,765)	(60,000)	Increase budget to reflect actual income received
2811236	Subdivisions	Op Inc	(5,870)	(29,850)	(20,000)	Increase budget to reflect actual income received
3011134	Information Services	Op Inc	(47,260)	(63,612)	(15,000)	Increase budget to reflect actual income received
3511001	Building & Land Use Enforcement Administration	Op Inc	(753,140)	(991,347)	(150,000)	Better than predicted construction monitoring income
3511001	Building & Land Use Enforcement Administration	Op Inc	(100,580)	(144,083)	(50,000)	Better than predicted hoarding construction income
4211191	Prelodgement	Op Inc	(23,580)	(46,596)	(15,000)	Increase the budget to reflect the income received
4211250	Urban Design Review Panel	Op Inc	(11,840)	(59,314)	(50,000)	Increase the budget to reflect the income received
3511001	Building & Land Use Enforcement Administration	Op Exp	170,560	183,298	60,000	Increase budget for new Compliance Officer position recruited from September 2016 and funded from additional income
3911156	Macquarie Park Parking Scheme	Op Exp	169,150	120,738	(137,810)	Transfer from Parking Control
3911181	Parking Control	Op Exp	137,810		(137,810)	Transfer to Macquarie Park Parking Scheme
4011555	Illegal Dumping Administration	Op Exp	130,240	81,012	(10,000)	Salaries and Wages saving due to vacant positions
Total Regulatory program					(510,000)	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Detachment program

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
5141853 Gladesville Litter Reduction	Cap Exp	201,786	(19,300)	Funded from Better Waste & Recycling Fund. Total amount of fund \$259,300 was deposited against the Gladesville Catchment Litter Collection & Prevention Program, which should have only had \$220,000. \$39,300 will be transferred to Illegal Dumping Surveillance & Reduction
50008 Stormwater Asset Replacement Renewal	Cap Exp	1,476,836	878,865	Transfer from Stormwater Asset Replacement Renewal to Stormwater Improvement Works Renewal for additional condition based repairs Eastwood Culvert.
50008 Stormwater Asset Replacement Renewal	From Res	(1,469,526)	(10,000)	Transfer from Stormwater Asset Replacement Renewal to Stormwater Improvement Works Renewal for additional condition based repairs Eastwood Culvert.
5141853 Gladesville Litter Reduction	From Res	(201,786)	19,300	Funded from Better Waste & Recycling Fund. Total amount of fund \$259,300 was deposited against the Gladesville Catchment Litter Collection & Prevention Program, which should have only had
50022 Stormwater Improvement Works Renewal	Cap Exp	1,487,571	(10,000)	Transfer from Stormwater Asset Replacement Renewal to Stormwater Improvement Works Renewal for additional condition based repairs Eastwood Culvert.
50022 Stormwater Improvement Works Renewal	From Res	(1,426,778)	(10,000)	Transfer from Stormwater Asset Replacement Renewal to Stormwater Improvement Works Renewal for additional condition based repairs Eastwood Culvert.
Total Catchment program				

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ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Traffic & Transport program

3130238	Shop Ryder Community Bus Service	NCP Inc	(81,880)	(90,000)	Additional contribution received from Frasers
3130238	Shop Ryder Community Bus Service	NCP Exp	110,000	50,000	Additional funding required and offset by additional contribution received
4930729	Devlin Street Traffic Study	NCP Exp		38,000	Council resolved on 26 April 2017 to allocate funding to undertake a traffic survey analysis of vehicles turning right from Devlin Street to Blaxland Rd and Parkes Street
4940004	Traffic Calming Devices	Cap Inc	(583,523)	(50,000)	Grant for traffic study at Railway Pde, Meadowbank Station as part of the Meadowbank Precinct project
4942671	Pedestrian Infrastructure Safety Around Schools Program	Cap Inc		(100,000)	RMS Funding for Traffic & Transport program 16/17 Council meeting 1/17 held on 28/2/17 - School raised crossing at Winbourne & Badajoz
4940004	Traffic Calming Devices	Cap Exp	1,120,787	700,000	\$100,000 increase to match \$50,000 funding from RMS for the Traffic Study at Meadowbank Station
4942671	Pedestrian Infrastructure Safety Around Schools Program	Cap Exp		100,000	RMS Funding for Traffic & Transport program 16/17 Council meeting 1/17 held on 28/2/17 - School raised crossing at Winbourne & Badajoz
4940004	Traffic Calming Devices	From Res	(533,944)	(50,000)	50% funding to match RMS Grant for the Traffic Study at Meadowbank Station
Total Traffic & Transport program				38,000	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Waste and Recycling program

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments	
5810408 DWM Landfill OPEX	Op Exp	242,710	230,270	59,390	Transfer salary expenditure from Operations to Porters Creek to align with the new organisation structure
6010409 Construction Recycling OPEX	Op Exp		12,122	145,468	Transfer salary expenditure from Operations to Porters Creek to align with the new organisation structure
6130726 Illegal Dumping Surveillance & Reduction	NCP Exp			19,300	Funded from Better Waste & Recycling Fund. Total amount of fund \$259,300 was deposited against the Gladesville Catchment Litter Collection & Prevention Program, which should have only had
5840033 Porters Creek Precinct	Cap Exp	300,000		(50,000)	Reduced the scope of project and awaiting response from external work parties
5810408 DWM Landfill OPEX	From Res	(374,590)		(5,300)	Transfer salary expenditure from Operations to Porters Creek to align with the new organisation structure
5840033 Porters Creek Precinct	From Res	(300,000)		50,000	Reduced the scope of project and awaiting response from external work parties
6130726 Illegal Dumping Surveillance & Reduction	From Res			(19,300)	Funded from Better Waste & Recycling Fund. Total amount of fund \$259,300 was deposited against the Gladesville Catchment Litter Collection & Prevention Program, which should have only had
Total Waste and Recycling program				145,468	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

				Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
Property Portfolio program:							
54019	Maint - Commercial Buildings	Op Exp	542,010	140,226	(100,000)		Transferring from Maint -Commercial Buildings to Maint-Passive Parks Streetscapes to avoid backlog and continue with programmed works
5540810	Civic Centre- Essential Renewal	Cap Exp	1,763		(50,000)		Council resolved on 26 April 17 that \$150k would be allocated as a contingency amount for essential maintenance works for the Civic Hall
5641785	33-35 Blandland Road	Cap Exp	150,000		(50,000)		Reduced the scope of project and awaiting response from external work parties
5641785	33-35 Blandland Road	Cap Exp	(150,000)		50,000		Reduced the scope of project and awaiting response from external work parties
5641785	33-35 Blandland Road	Cap Exp	300,000		(100,000)		Reduced the scope of project and awaiting response from external work parties
5642665	Purchase of Porters Reserve	Cap Exp		205,841	205,841		The sale of Porters Creek Reserve (Barton Reserve-R61079), however, is to be undertaken through compulsory acquisition process- (Lot 16 DP841065) adjoining Council's Porters Creek Waste Transfer Facility at Macquarie Park from the Department of Primary Industries -Lands (15/12/2015 - Council Meeting No 21/15)
5540810	Civic Centre- Essential Renewal	From Res	(1,763)		(150,000)		Council resolved on 26 April 17 that \$150k would be allocated as a contingency amount for essential maintenance works for the Civic Hall
5641785	33-35 Blandland Road	From Res	(150,000)		50,000		Reduced the scope of project and awaiting response from external work parties.
5642665	Purchase of Porters Reserve	From Res			(205,841)		The sale of Porters Creek Reserve (Barton Reserve-R61079), however, is to be undertaken through compulsory acquisition process- (Lot 16 DP841065) adjoining Council's Porters Creek Waste Transfer Facility at Macquarie Park from the Department of Primary Industries -Lands (15/12/2015 - Council Meeting No 21/15)
Total Property Portfolio program						(150,000)	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

		Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments	
Roads program						
4710227	Restoration Management OPEX	Op Inc	(271,700)	(73,894)	100,000	Decrease in work for Council to undertake due to (a) Significant amount of utility work is being done as contestable for developers, and not finalising until the development public domain works are done (b) allowing residents to do own laybacks (c) Asugrid electing to do own work for Wentworth Street project
4710227	Restoration Management OPEX	Op Inc	(1,179,820)	(476,232)	350,000	Decrease in work for Council to undertake due to (a) Significant amount of utility work is being done as contestable for developers, and not finalising until the development public domain works are done (b) allowing residents to do own laybacks (c) Asugrid electing to do own work for Wentworth Street project
4710227	Restoration Management OPEX	Op Exp	250,000		(250,000)	Decrease in work for Council to undertake due to (a) Significant amount of utility work is being done as contestable for developers, and not finalising until the development public domain works are done (b) allowing residents to do own laybacks (c) Asugrid electing to do own work for Wentworth Street project
4710227	Restoration Management OPEX	Op Exp	345,460	48,755	(200,000)	Decrease in work for Council to undertake due to (a) Significant amount of utility work is being done as contestable for developers, and not finalising until the development public domain works are done (b) allowing residents to do own laybacks (c) Asugrid electing to do own work for Wentworth Street project
Total Roads program						

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
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Paths and Cycleways program

53003	Oper - Footpaths & Nature Strips	Op Exp	783,330	560,434	(11,630)	Combined the Oper-Road Nature Strips to Oper-Footpaths & Nature Strips
53012	Oper - Road Nature Strips	Op Exp	113,530		(113,530)	Combined the Oper-Road Nature Strips to Oper-Footpaths & Nature Strips
54003	Maint - Footpaths & Nature Strips	Op Exp	1,399,610	595,405	(500,490)	Transfer salary expenditure to Porters Creek cost centres to align with the new organisation structure
Total Paths and Cycleways program					(60,490)	

ITEM 3 (continued)

ATTACHMENT 3

City of Ryde - 2016/2017 Quarterly Changes Report

	Approved Budget 2016/2017	Actual 2016/2017	Proposed Changes 2016/2017	Comments
GRAND TOTAL			(416,208)	

ITEM 3 (continued)

ATTACHMENT 4



Consolidated Income & Expenditure Estimates 2016/2017														
Includes all Special Rates & Levies														
	Original Budget 2016/2017 \$'000	C/Over Budget 2016/2017 \$'000	TOTAL Original Budget 2016/2017 \$'000	Sep Changes 2016/2017 \$'000	Dec Changes 2016/2017 \$'000	Mar Changes 2016/2017 \$'000	Jun Carryovers 2016/2017 \$'000	Jun Changes 2016/2017 \$'000	PROPOSED Budget 2016/2017 \$'000	ACTUAL YTD 2016/2017 \$'000	APPROVED Budget 2016/2017 \$'000	VARIANCE TO ACTUAL 2016/2017 \$'000	Revised YTD Actual Estimate (up to 30/09/2016)	%
PROJECTED OPERATING RESULT														
OPERATING REVENUE														
Rates & Annual Charges	76,133		76,133	850	245				77,228	77,516	77,228	(288)	77,516	100%
User Charges & Fees	13,774		13,774	2,123	378	60			16,335	13,943	16,275	2,332	13,943	85%
Interest	4,083		4,083	782		300			5,178	4,284	4,876	892	4,284	83%
Other Operating Revenue	8,488		8,488	632	(148)	50			9,002	7,269	8,952	1,734	7,269	81%
Operating Grants & Contributions	6,907	137	7,134	186	32	40			7,392	5,475	7,352	1,917	5,475	74%
TOTAL OPERATING REVENUE	109,465	137	109,602	3,792	1,290	460			115,134	108,488	114,684	6,546	108,488	94%
OPERATING EXPENSES														
Employee Costs	45,558	972	46,530	31	(687)	(1,065)			44,790	33,943	45,674	10,847	33,943	76%
Materials & Contracts	30,998	957	31,955	330	(1,648)	(575)			30,072	21,098	30,647	8,974	35,163	117%
Borrowing Costs	172		172						172	107			107	62%
Other Operating Expenses	20,935	229	21,164	(1,022)	40	(21)			20,160	14,835	20,182	5,325	18,544	92%
TOTAL OPERATING EXPENSES	97,663	2,168	99,831	(662)	(2,294)	(1,681)			95,194	69,983	96,676	26,212	87,786	92%
Operating Result Before Capital Amounts	11,802	(2,031)	9,771	4,454	3,584	2,131			19,939	38,505	17,808	(18,586)	20,731	104%
Capital Grants & Contributions	6,058	1,228	7,286	7,577	2,594	7,776			25,232	22,736	17,457	2,497	22,736	90%
In-kind Contributions														
Net Gain / (Loss) on Disposal of Assets										366		(366)	366	
Total Capital Income	6,058	1,228	7,286	7,577	2,594	7,776			25,232	23,101	17,457	2,131	23,101	92%
Operating Result Before Depreciation	17,860	(804)	17,057	12,030	6,178	9,907			45,172	61,607	35,265	(16,435)	43,833	97%
Depreciation & Impairment	15,897		15,897						15,897	1,329	15,897	14,568	1,329	
Operating Result	1,963	(804)	1,160	12,030	6,178	9,907			29,275	60,278	19,368	(31,003)	42,504	145%

ITEM 3 (continued)

ATTACHMENT 4



Consolidated Income & Expenditure Estimates 2016/2017														
Includes all Special Rates & Levies														
	Original Budget	C/Over Budget	TOTAL Original Budget	Sep Changes	Dec Changes	Mar Changes	Jun Carryovers	Jun Changes	PROPOSED Budget	ACTUAL YTD	APPROVED Budget	VARIANCE TO ACTUAL	Revised YTD Actual Estimate (up to 30/09)	%
OPERATING RESULT	1,963	(804)	1,160	12,030	6,178	9,907			29,275	60,278	19,368	(31,003)	42,504	145%
Funding	15,897		15,897						15,897	1,329	15,897	14,568	1,329	8%
ADD (Non-Cash) - Depreciation														
ADD (Non-Cash) - ELE Accruals														
ADD (Non-Cash) - Interest on Security Deposits - Accruals														
ADD Book Value of Assets Disposed	900		900						900	611	900	289	611	68%
Cash Available to Fund Capital Expenditure	16,760	(804)	17,957	12,030	6,178	9,907			46,072	62,218	36,165	(16,147)	44,444	
CAPITAL EXPENDITURE														
City Planning and Development	2,740	8,576	11,316	392	(264)	233			11,677	2,583	11,444	9,094	3,229	28%
City Works and Infrastructure	33,853	6,812	40,665	7,187	(4,066)	532			44,117	29,356	43,586	14,761	36,695	83%
Customer and Community Services	970	147	1,116	100	(50)	(50)			1,166	528	1,216	638	690	57%
Corporate and Organisational Support Services	872	606	1,481	(16)	(558)	166			1,073	209	907	865	261	24%
TOTAL CAPITAL EXPENDITURE	38,435	15,944	54,379	7,662	(4,888)	881			58,034	32,676	57,153	25,358	40,845	70%
Cash Flow to Fund	(19,676)	(16,748)	(36,422)	4,368	11,065	9,025			(11,962)	29,542	(20,989)	(41,506)	3,650	
Financed by:														
Opening Working Capital	3,289	1,231	4,517						4,517	4,517	4,517		4,517	
Borrowings														
New Borrowings	350		350		(150)	(50)			150		200	150		
Less: Loan Repayments	(887)		(887)						(887)	(832)	(887)	(55)	(832)	
Net Loan Funds (Payments/Receipts)	(537)		(537)		(150)	(50)			(737)	(832)	(687)	95	(832)	
Reserves	19,826	16,748	36,674	(4,523)	(10,543)	(8,610)			12,998	1,206	21,608	11,790	12,998	
Closing Working Capital	3,001	1,231	4,232	(165)	373	366			4,816	34,437	4,450	(29,621)	20,283	

4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION - Councillors and Mayoral fees for 2017/2018

Report prepared by: Senior Coordinator - Governance
File No.: CLR/07/8/24 - BP17/19

REPORT SUMMARY

This report is presented to Council to advise of the recent determination made by the Local Government Remuneration Tribunal with respect to Councillor and Mayoral fees.

In determining the Councillor and Mayoral fee increase, the Tribunal has undertaken a review of the existing categories and has renamed the categories. The Tribunal has determined that the City of Ryde remain in the "Metropolitan Centre", now renamed "**Metropolitan Medium**" category.

This report recommends that Council endorse the maximum Councillor and Mayoral fees and confirms that there are sufficient funds in the 2017-2018 Budget for this increase.

RECOMMENDATION:

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2017:

- (a) 2.5% increase to Councillor fees from \$23,950 to \$24,550 per annum.
- (b) 2.5% increase to Mayoral fees from \$63,640 to \$65,230 per annum; in addition to the Councillor fees.

ATTACHMENTS

- 1 2017 Annual Determination of the Local Government Remuneration Tribunal

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Context

Sections 239 and 241 of the Local Government Act 1993 (the Act) states that the Local Government Remuneration Tribunal will determine the category of each Council and the fees to be paid to Councillors and the Mayor. The Tribunal reviews and determines the category of each Council and Councillor fees annually.

At its meeting on 24 May 2016, Council resolved to adopt the maximum fees payable to Councillors for the period of 2016/2017.

Discussion

Categorisation of Councils

The “Annual Report and Determination of the Local Government Remuneration Tribunal” dated 12 April 2017 is **ATTACHED**.

Since the making of the 2016 determination, a number of Councils have been amalgamated resulting in the creation of 20 new Councils (replacing 44 former Councils). The impact of those structural changes is an overall reduction in the number of Councils in New South Wales from 152 to 128. This significant change prompted the Tribunal to undertake a review of the existing categories and the allocation of Councils into each of those categories.

The Tribunal has renamed the categories and has determined that the City of Ryde will remain categorised as a “Metropolitan Centre” Council, now renamed to “**Metropolitan Medium**”.

Review of Mayoral and Councillors Fees

The Tribunal is required to have regard to the Government’s wages policy when determining the increase to apply to the maximum and minimum fees that apply to the Councillors and Mayors. The public sector wages policy currently provides a cap on increases of 2.5%.

Having reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and having regard to budgetary limitations imposed by the Government’s policy of rate pegging, the Tribunal has determined that the full increase of 2.5% is warranted. The 2.5% increase will apply to the minimum and the maximum of the ranges for all existing categories.

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The table below provides a summary of the minimum and maximum fees determined by the Tribunal.

Tribunal Fee Range for 2017/18

	Minimum Fee Determined by the Tribunal	Maximum Fee Determined by the Tribunal	CoR 2016/17 Current Annual Fee
Councillor fee (per annum)	\$13,150	\$24,550	\$23,950
Mayoral additional fee (per annum)	\$27,940	\$65,230	\$63,640

The Mayor receives a Mayoral fee in addition to the Councillor fee.

In previous years, Council has resolved to endorse the maximum fees payable to Councillors and the Mayor.

Based on the table above, the total cost of paying the maximum Councillor and Mayoral fees will be \$359,830. There is provision for this amount in the 2017/18 Budget.

Critical Dates

The new fees are payable as from 1 July 2017.

Financial Impact

There is adequate provision in the 2017/18 Budget to fund the maximum fees.

Policy Implications

Under Sections 239 and 241 of the Local Government Act 1993, the Local Government Remuneration Tribunal determines the category of each Council and the fee range for Councillors and the Mayor. Within that range, Council then determines the fee which will be paid.

Other Options

The following options are available:

1. That Council adopt a no fee increase to the Councillors fees and Mayoral fee.
2. That Council adopt a partial fee increase to the Councillors fees and Mayoral fee.

ITEM 4 (continued)

3. That Council adopt a fee reduction to the Councillors and Mayoral fees.
4. That Council adopt the full fee increase to the Councillors fees and Mayoral fee.

Based on Council's previous resolution on this matter, this report recommends that Council endorse the maximum Councillor and Mayoral fees, noting that there are sufficient funds in the 2017/18 Budget.

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ATTACHMENT 1

Local
Government
Remuneration
Tribunal

Annual Report
and
Determination

*Annual report and determination under sections 239
and 241 of the Local Government Act 1993*

**12 April
2017**

[NSW Remuneration Tribunals website](#)

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Local Government Remuneration Tribunal

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ITEM 4 (continued)

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

Categories

Since the making of the 2016 determination a number of councils have been amalgamated resulting in the creation of 20 new councils. The impact of those structural changes is an overall reduction in the number of councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of councils and Local Government NSW. Having regard to that information the Tribunal has determined a categorisation model which differentiates councils primarily on the basis of their geographic location. Other factors which differentiate councils for the purpose of categorisation include population, the sphere of the council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993* (LG Act) the categories of general purpose councils are determined as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. Each council is allocated into one of the categories based on the criteria outlined on pages 12 to 15 of the report.

Fees

The majority of councils will receive an increase of 2.5 per cent only which is consistent with the government's wages policy. Six existing councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.

The 20 new councils have been placed in one of the existing or new categories. These 20 councils replaced 44 former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

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Local Government Remuneration Tribunal

Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
4. The Tribunal's determinations take effect from 1 July in each year. The Tribunal's Report and Determination of 2016, made on 29 March 2016, provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
5. Since the making of the 2016 determination there has been a reduction in the number of councils in NSW from 152 to 128. In response to this significant change the Tribunal will review the categories and the allocation of each council and mayoral offices into those categories, pursuant to section 239 of the LG Act.

Section 2 Local Government Reform

Update on council amalgamations

6. The NSW Government has been working with local councils since 2011 to create stronger councils and strengthen local communities.
7. On 12 May 2016 the NSW Government announced the formation of 19 new councils. The proclamation of the new Bayside Council occurred on 9 September 2016 following

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ATTACHMENT 1

Local Government Remuneration Tribunal

the conclusion of legal action in the Court of Appeal. This took the total number of new councils created in 2016 to 20.

8. The decision to create new councils follows four years of extensive community and industry consultation and independent research and analysis which found a strong case for reform.
9. Detailed information on the reform process and progress to date can be found on the [Fit for the Future](#) and [Stronger Councils](#) websites.
10. On 14 February 2017, the Government announced that all merged councils in NSW will remain in place and the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings. However, there will be no further regional council mergers.

Amendments to the Local Government Act 1993

11. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

- (1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.*
- (2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.*
- (3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).*
- (4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.*

12. The impact of these amendments to the LG Act is outlined in section 4 of this report.

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Local Government Remuneration Tribunal

Section 3 Review of Categories

Scope of review

13. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2015 annual review.

14. Since the making of the 2016 determination there has been an overall reduction in the number of councils from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of councils into each of those categories.

15. In determining categories the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

“240 (1)

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- *such other matters as may be prescribed by the regulations.”*

16. The Tribunal is tasked with determining a categorisation model in which councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward as each council has challenges and issues which are unique.

17. The existing categories group councils primarily on the basis of their geographic location (predominantly metropolitan or rural). Categories are then further differentiated on other factors including population, the sphere of the council's economic influence and the council's degree of regional servicing.

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Local Government Remuneration Tribunal

18. The Tribunal reviewed this model having regard to a large amount of statistical material, including population and financial data, demographic indicators and indicators of regional significance. The Tribunal found that while the existing criteria continue to provide an equitable and transparent model by which to differentiate councils for the purposes of determining remuneration, there existed some scope to refine these criteria to address a number of categorisation anomalies and to better reflect the composition of councils post amalgamations.
19. In considering a new model the Tribunal sought to improve consistency and transparency in the determination of categories and the allocation of councils into each of those categories. Having considered the existing and new councils, the Tribunal identified a number of councils that specifically warranted either recategorisation into an existing category or a new category.
20. The current model provides for the councils of Newcastle, Wollongong, Central Coast (former Wyong and Gosford) and Lake Macquarie to be grouped with councils in the Sydney Metropolitan Area. These councils are not located in what is generally defined as the Sydney Metropolitan Area and the categorisation did not adequately reflect their regional status. Having assessed the characteristics of these councils the Tribunal was of the preliminary view that the categories should differentiate metropolitan and non-metropolitan councils. On that basis two new categories were proposed for the regional group to accommodate these councils.
21. In respect of the larger metropolitan councils, amalgamations in the Sydney metropolitan area have resulted in a significant number of councils with populations of greater than 200,000. The 2016 determination provided for the Council of the City of Parramatta to be categorised in the same category (Metropolitan City) as Newcastle and Wollongong City Councils. The proposal to move Newcastle and Wollongong into the non-metropolitan group necessitated a re-think of the categorisation for Parramatta City Council having regard to its status in the metropolitan region. The Tribunal found that Parramatta City Council was significantly differentiated from other large metropolitan councils on the basis of its secondary CBD status as recognised by the State Government. On this basis a new category of Major CBD was proposed for Parramatta City Council.
22. Prior to seeking the views of Local Government NSW (LGNSW) and councils the Tribunal's preliminary view was that most of the existing categories should be retained but there

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should also be some new categories to reflect the evolving shape of local government in NSW. The proposed model was as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Major
- Metropolitan Centre
- Metropolitan

Regional

- Regional City
- Regional Strategic Centre
- Regional Rural
- Rural

23. To test this model the Tribunal wrote to all mayors in November 2016 advising of the commencement of the 2017 Annual Review. In doing so the Tribunal advised councils of its intention to revise the existing categorisation model following examination of the list of existing and new councils. To assist councils in making their submissions the Tribunal outlined its preliminary thinking on a proposed model for metropolitan and non-metropolitan councils as follows:

“Metropolitan

Five metropolitan categories are proposed. The existing Principal City category is proposed to be retained for Sydney City Council and renamed Principal CBD. Major City is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal’s preliminary thinking is that this category will be titled Major CBD. The existing Metropolitan Major, Metropolitan Centre and Metropolitan categories will be retained for the new and remaining existing councils.....

Non-metropolitan

Four non-metropolitan categories are proposed. A new Regional City category will be created for Newcastle and Wollongong City Councils. A new Regional Strategic Centre category will be created for Central Coast and Lake

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Macquarie Councils. The existing Regional Rural and Rural categories will be retained for other new and remaining councils.....

County Councils

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.”

24. The Tribunal also outlined its approach to the criteria for categorising councils into the proposed metropolitan and non-metropolitan categories as follows:

“The Tribunal’s 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.”

25. The Tribunal invited submissions on the proposed categorisation model, criteria for the allocation of councils into the categories, fees for the proposed categories and any other matters.
26. The Tribunal also wrote to the President of LGNSW in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal wishes to place on record its appreciation to the President and Chief Executive for meeting with the Tribunal.

Submissions received - categorisation

27. In response to this review the Tribunal received 28 submissions from individual councils and a submission from LGNSW. A summary of the key points is below.

Categorisation

28. Approximately half of the submissions (46 per cent) supported the proposed categories with no variation or supported the proposed categories with variations to titles or the number of categories. The balance of the submissions (54 per cent) did not express a view in respect to the proposed categorisation model.

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29. In respect to variations put forward in submissions, the LGNSW requested that the proposed “Major CBD” and “Metropolitan Major” be merged and called “Metropolitan Major” and an additional category be created called “Special/Interim”. The “Metropolitan Major” category would include councils with a population of at least 250,000 and/or that met other specified indicators that set them apart from other metropolitan councils. The “Special/Interim” category would apply on an interim basis to councils that demonstrate special attributes/circumstances that are out of the ordinary, for example high population growth.
30. Council submissions requested additional categories such as a “Metropolitan Growth Centre” or “Metropolitan Major – Growth Centre” for councils dealing with high growth; “Metropolitan Gateway” for councils that connect the regions to metropolitan areas; and “Peri-Urban” for councils that interface between urban and rural areas.

Criteria

31. A number of submissions referred to the criteria provided in section 240 of the LG Act, either noting or stating the criteria remain relevant (18 per cent) or suggesting that additional criteria to those provided in section 240 is required (50 per cent). Other submissions explained how their individual council performed against the section 240 criteria (29 per cent). The balance of the submissions did not express a view in respect to the criteria for categorisation (18 per cent).
32. The LGNSW suggested that the criteria need to be expanded to include a wider range of factors such as the level of disadvantage an area suffers, annual growth rate of an area (relative to population) and expenditure of an area.
33. Council submissions suggested additional criteria such as status as a NSW Evocity; the nature of a council’s business, for example some do not provide water and sewerage services; level of economic activity in a local government area; specific population thresholds; resident/councillor ratio and planning significance in terms of Government targets.
34. Councils were also asked to provide submissions on the matter of fees. Comments relating to fees are outlined in section 4.

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Local Government Remuneration Tribunal

Findings - categorisation

35. The Tribunal is appreciative of the number of submissions received and the effort made in those submissions to comment on the proposed categorisation model and to provide further suggestions for consideration. Given the broad support the Tribunal will determine the categories as proposed with a number of minor variations which in part reflect the feedback received.
36. Since seeking the views of councils the Tribunal has reconsidered the titles of the former metropolitan categories being Metropolitan Major, Metropolitan Centre and Metropolitan. The Tribunal found that these titles did not adequately describe the characteristics of the councils in those groups or articulate the difference between them. The Tribunal has determined that the three categories will be retained but that they will be re-titled Metropolitan Large, Metropolitan Medium and Metropolitan Small. The primary determinant for categorisation into these groups will be population.
37. The Tribunal also considers that the title of Regional Strategic Centre is more appropriately titled Regional Strategic Area. The two councils to be categorised into this group are local government areas which represent a large number of townships and communities of varying scale.
38. The revised model which will form the basis of this determination is as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Regional City
- Regional Strategic Area
- Regional Rural
- Rural

39. The criteria for each of the categories are outlined below. As with the previous categories the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria

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have relevance when population alone does adequately reflect the status of one council compared to others with similar characteristics. In some instances the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.

40. There is no significant change to the categorisation of county councils. A proclamation was published in the NSW Government Gazette No 52 of 22 June 2016 dissolving the Richmond River County Council and Far North Coast and the transferring their functions and operations to Rous County Council with effect 1 July 2016. County councils continue to be categorised on the basis of whether they undertake water and/or sewerage functions or administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

Criteria for categories

The following criteria will apply to each of the categories:

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

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Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As an secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety has been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum population of 200,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

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Local Government Remuneration Tribunal

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum population of 100,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

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Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Rural

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Noxious Weeds Act 1993*.

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41. These criteria will be included in future determinations as an appendix to ensure they are readily accessible.

Allocation of council into categories

42. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in the determination under section 6.

43. In determining the allocation of councils into these categories the Tribunal found that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include Camden and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.

Section 4 Fees

Scope of review

44. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.

45. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the Industrial Relations (Public Sector Conditions of Employment) Regulation 2014 (the Regulation). The effect of the Regulation is that public sector wages cannot increase by

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more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

46. The LG Act was amended in July 2016 to insert sub-clauses (3) and (4) into section 242A to clarify the intent of the impact of the government's wages policy on a determination which may change the category of a council as follows:

242A Tribunal to give effect to declared government policy on remuneration for public sector staff

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

(3) This section does not apply to a determination by the Remuneration Tribunal that changes the category of a council or mayoral office (whether or not the effect of the change is to increase the range of amounts payable to the councillors and mayor of a council).

(4) To avoid doubt, this section extends to a determination of the minimum and maximum amounts payable for a category in existence when the determination is made.

47. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Submissions received - Fees

48. A number of submissions supported an increase in fees either by no less than 2.5 per cent or by an unspecified amount (25 per cent of responses). Several submissions suggested an alternative fee model (11 per cent) or made other general comments (29 per cent). The balance of submissions did not express a view in respect to fees (36 per cent).

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

49. The LGNSW submitted that the Tribunal must increase fees by no less than 2.5 per cent being of the view that fees have already fallen behind comparable roles. Also, that the fee structure fails to recognise the work of councillors and is often inadequate to attract and retain people with the necessary skills and expertise. The LGNSW also made reference to the changes to the LG Act that have expanded the role of the governing body (section 223) and mayors and councillors (sections 226 and 232). These points were also put forward in several council submissions along with requests that fees account for additional duties performed as members of a joint organisation.
50. In respect to alternative fee models several councils requested the Tribunal to consider a fee model similar to those applying to local governments in Victoria or Queensland; that fees are calculated as a percentage of the salary payable to members of the NSW Parliament; or that fees be benchmarked against the remuneration for the Principal CBD category.

Findings - Fees

51. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
52. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.
53. The new categories have their remuneration ranges determined for the first time in this determination. As an initial determination the ranges for the new categories are not subject to the wages policy, however any future increase will be impacted in accordance with section 242A(4) of the LG Act.
54. The minimum and maximum fees for the new categories have been determined having regard to the relativities that exist between the existing groups.
55. For the category of Major CBD the maximum councillor fee is set at approximately 85 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

approximately 50 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Metropolitan Large.

56. For the category of Regional City the maximum councillor fee is set at approximately 80 per cent of maximum councillor fee for Principal CBD. The maximum mayoral fee is set at approximately 45 per cent of the maximum mayoral fee for Principal CBD. The minimum fees for both councillors and mayors are set at the same as that determined for the Regional Strategic Area.
57. The minimum and maximum fees payable to the category of Regional Strategic Area will be the same as those payable to Metropolitan Large.

Impact of fee increase and new categories

58. The majority of councils will receive an increase of 2.5 per cent only.
59. Six councils will be eligible for increases of more than 2.5 per cent as those councils have been categorised into a higher or new category on the basis of the revised criteria.
60. The twenty new councils have been placed in one of the existing or new categories. These twenty councils replaced forty-four former councils. The scale of the new councils means that the majority of these new councils will be eligible for fees that are higher than those paid to the former entities. However, the significant reduction in the number of councils from 152 to 128 has resulted in an estimated maximum saving on the overall cost of councillor fees in NSW of approximately \$2.5M.

Section 5 Other matters

Fees for Deputy Mayors

61. Several council submissions requested that the Tribunal review the remuneration payable to Deputy Mayors (14 per cent). It was suggested that the remuneration be increased to reflect the additional duties undertaken or that elected deputy mayors receive an allowance based on a percentage of the councillor fee.
62. Councils have raised the matter of separate fees for Deputy Mayors on previous occasions and the Tribunal notes that it has previously determined that there is no provision in the

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

LG Act to empower the Tribunal to determine a separate fee or fee increase for Deputy Mayors. The method for determining separate fees, if any, for a Deputy Mayor are provided in section 249 of the LG Act as follows:

249 Fixing and payment of annual fees for the mayor

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Conclusion

63. The Tribunal's determinations have been made with the assistance of the two Assessors - Mr Ian Reynolds and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, is outlined in Determination No. 2.

64. On 14 February 2017, the Government announced that the proposed formation of a further five new councils in Sydney would proceed, subject to the outcome of court proceedings.

65. The Tribunal may need to consider the categorisation of further new councils following the conclusion of legal action. Should this occur prior to the making of the 2018 determination the Minister may direct the Tribunal to make a special determination(s) in accordance with section 242 of the LG Act.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

Section 6 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2017

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

Table 2: General Purpose Councils - Non-Metropolitan

Regional City (2)	Regional Strategic Area (2)	
Newcastle	Central Coast	
Wollongong	Lake Macquarie	

Regional Rural (37)	Rural (57)	
Albury	Balranald	Kyogle
Armidale	Bellingen	Lachlan
Ballina	Berrigan	Leeton
Bathurst	Bland	Liverpool Plains
Bega	Blayney	Lockhart
Blue Mountains	Bogan	Moree Plains
Broken Hill	Bourke	Murray River
Byron	Brewarrina	Murrumbidgee
Cessnock	Cabonne	Muswellbrook
Clarence Valley	Carrathool	Nambucca
Coffs Harbour	Central Darling	Narrabri
Dubbo	Cobar	Narrandera
Eurobodalla	Coolamon	Narromine
Goulburn Mulwaree	Coonamble	Oberon
Griffith	Cootamundra-Gundagai	Parkes
Hawkesbury	Cowra	Snowy Valleys
Kempsey	Dungog	Temora
Kiama	Edward River	Tenterfield
Lismore	Federation	Upper Hunter
Lithgow	Forbes	Upper Lachlan
Maitland	Gilgandra	Uralla
Mid-Coast	Glen Innes Severn	Walcha
Mid-Western	Greater Hume	Walgett
Orange	Gunnedah	Warren
Port Macquarie-Hastings	Gwydir	Warrumbungle
Port Stephens	Hay	Weddin
Queanbeyan-Palerang	Hilltops	Wentworth
Richmond Valley	Inverell	Yass
Shellharbour	Junee	
Shoalhaven		
Singleton		
Snowy Monaro		
Tamworth		
Tweed		
Wagga Wagga		
Wingecarribee		
Wollondilly		

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

Table 3: County Councils

Water (5)	Other (7)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Mid-Coast	Hawkesbury River
Riverina Water	New England Tablelands
Rous	Southern Slopes
	Upper Hunter
	Upper Macquarie

ITEM 4 (continued)

ATTACHMENT 1

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2017 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils – Metropolitan	Principal CBD	26,310	38,580	160,960	211,790
	Major CBD	17,540	32,500	37,270	105,000
	Metropolitan Large	17,540	28,950	37,270	84,330
	Metropolitan Medium	13,150	24,550	27,940	65,230
	Metropolitan Small	8,750	19,310	18,630	42,120
General Purpose Councils – Non-metropolitan	Regional City	17,540	30,500	37,270	95,000
	Regional Strategic Area	17,540	28,950	37,270	84,330
	Regional Rural	8,750	19,310	18,630	42,120
	Rural	8,750	11,570	9,310	25,250
County Councils	Water	1,740	9,650	3,730	15,850
	Other	1,740	5,770	3,730	10,530

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 12 April 2017

5 REVIEW OF CODE OF CONDUCT POLICY AND ASSOCIATED DOCUMENTS

Report prepared by: Governance Coordinator

File No.: CLR/07/8/9/8/3 - BP16/1419

REPORT SUMMARY

Council's regular review of the City of Ryde Code of Conduct policy and associated documents is addressed within this report, including discussion of advice sought from the Office of Local Government on issues of inconsistency between the *Public Interest Disclosures Act 1994*, the *Local Government Act 1993*, the Public Interests Disclosures (PID) Model Internal Reporting Policy (Local Government), and the Local Government Model Code of Conduct. The Office of Local Government is currently undertaking a review of the Model Code of Conduct, and these issues have been resubmitted as part of Council's input to this review.

This report recommends that one amendment be made to the City of Ryde Code of Conduct to address a change made to the Local Government Model Code of Conduct in December 2015, following the commencement of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*. This change will ensure that Council's Code reflects the current Local Government Model Code of Conduct.

It should be noted that a proposal to change Council's Code of Conduct does not require a call for submissions or a public exhibition process.

RECOMMENDATION:

That Council adopt the four draft Code of Conduct documents (**ATTACHED**)

- Code of Conduct April 2017 – Policy
- Code of Conduct April 2017 – Standards of Conduct
- Code of Conduct April 2017 – Complaints Procedure
- Guideline on the Interaction between Councillors and Staff

ATTACHMENTS

- 1 Draft Code of Conduct Policy - April 2017
- 2 Draft Code of Conduct Standards - April 2017
- 3 Draft Code of Conduct Complaints Procedure - April 2017
- 4 Draft Guideline on Interaction Between Councillors and Staff - April 2017
- 5 Letters to OLG and Minister regarding inconsistency between PID Act and Code of Conduct - December 2015

ITEM 5 (continued)

- 6 OLG Circular 15-41 - Councillor Misconduct and Performance Amendment Act - December 2015
- 7 Letter to OLG regarding November 2015 change to Model Code of Conduct - April 2016
- 8 OLG Circular 16-42 Model Code of Conduct Review and call for submissions - November 2016
- 9 Ryde Council submission on review of Model Code of Conduct - December 2016

Report Prepared By:

Lorie Parkinson
Governance Coordinator

Report Approved By:

John Schanz
Manager - Risk, Audit and Governance

Steven Kludass
Acting Director - Corporate and Organisational Support Services

ITEM 5 (continued)

Background

On 19 February 2013, the City of Ryde adopted a new Code of Conduct to commence on 1 March 2013. This Code reflected the Model Code of Conduct as published by the Office of Local Government (OLG) in December 2012, with some additional clauses specific to the City of Ryde. A few revisions have been made since 2013, with the current Code being adopted by Council on 24 November 2015.

The most recent OLG Model Code of Conduct was released in December 2015, with only a small change from the 2013 version. This report recommends that an amendment be made to the City of Ryde's Code of Conduct to address this change while also explaining in the first instance why this addition has been delayed until this time.

The City of Ryde's Code of Conduct is made up of four documents:

- Code of Conduct – Policy (**ATTACHMENT 1**)
- Code of Conduct – Standards of Conduct (**ATTACHMENT 2**)
- Code of Conduct – Complaints Procedure (**ATTACHMENT 3**)
- Guideline on Interaction between Councillors and Staff (**ATTACHMENT 4**)

The change to the Model Code requires a change in the Code of Conduct – Standards of Conduct.

Chronology of Events

24 Nov 2015	Adoption of current Code of Conduct. Council considered the inconsistency between the management of PID complaints in the Model Code and the PID Model Internal Reporting Policy, and resolved to write to Minister for Local Government and OLG raising this issue and seeking advice on when an updated Model Code would be released.
8 Dec 2015	Council letters sent to OLG and Minister for Local Government, as per Council resolution of 24 November 2015.
17 Dec 2015	Release of updated Model Code of Conduct to address the commencement of <i>Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015</i> (Circular 15-41). It was noted that the new subsection 4.29(b) in the Model Code actually relates to non-pecuniary interests, whereas the change made to the <i>Local Government Act 1993</i> as a result of the <i>Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015</i> , relates to pecuniary interests.

ITEM 5 (continued)

13 April 2016	Council sent a letter to the OLG raising the inconsistency between the Act and the Code, and seeking advice on when an updated Model Code would be released. Council officers were of the opinion that a further addition was required to ensure that the City of Ryde Code addressed the new legislative requirements regarding pecuniary interests.
3 Nov 2016	OLG advised Council that they were commencing a review of Model Code of Conduct (Circular 16-42) and requested comments
2 Dec 2016	Council made a submission on the Model Code and included the two above-mentioned letters.
28 April 2017	OLG advises that the Model Code update will be published in September 2017 at the earliest.
May 2017	This report recommends that the City of Ryde Code of Conduct be updated to reflect the change made to Model Code on 17 December 2015.

Discussion

Councillors may recall that in 2015, Council officers identified an inconsistency between the Public Interests Disclosures (PID) Model Internal Reporting Policy (Local Government) - published by the NSW Ombudsman, and the Model Code of Conduct - published by the OLG.

The point of inconsistency was whether there was a need for a complainant to identify that their report was being made as a public interest disclosure – as required in the Model Code - in order for it to be treated as a PID, and thus for the complainant to receive the protections of the *Public Interest Disclosures Act 1994* (PID Act). The Ombudsman confirmed this inconsistency advising that the PID Act did not require a reporter to state they were making a PID. The Ombudsman also said that they had written to the OLG to ensure that the next revision of the Model Code of Conduct for Local Councils in NSW was made consistent with the PID Act and PID Model Internal Reporting Policy.

At the Council meeting of 24 November 2015, Council resolved to write to both the Minister for Local Government and the OLG, to seek advice on when the Model Code of Conduct would be revised to address this inconsistency. These letters were sent on 8 December 2015 (**ATTACHMENT 5**).

Subsequently on 17 December 2015, Council was advised by the OLG (Circular 15-41) (**ATTACHMENT 6**), that the Model Code had been updated. Unfortunately, this update did not address the identified inconsistency between the PID Act and PID Model Internal Reporting Policy, and the Model Code of Conduct.

The 17 December 2015 update to the Model Code was in response to the commencement of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*.

ITEM 5 (continued)

More specifically, prior to the Amendment Act, Councillors were allowed to participate in the consideration of changes to a planning instrument that applied to the whole or a significant part of the local government area, even though they may have had a pecuniary interest in the matter. This amendment limited this provision, resulting in Councillors being able to participate in the consideration of these matters if their conflict was only due to their interests in their own or related persons' principal place of residence.

However when preparing to make the amendment to the City of Ryde Code of Conduct, Council officers noted that the new subsection 4.29(b) in the Model Code actually related to non-pecuniary interests, whereas the change made to the *Local Government Act 1993* as a result of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*, related to pecuniary interests.

Therefore another letter (**ATTACHMENT 7**) was sent to the OLG on 13 April 2016, as Council officers were of the opinion that another addition needed to be made to ensure the City of Ryde Code addressed the new legislative requirements regarding pecuniary interests.

In response to both queries the OLG agreed that there were inconsistencies, and that these would be addressed in the next publication of the Model Code. The OLG also noted that if Councillors were acting in accordance with the relevant legislative requirement as described above, they would be acting lawfully.

Review of the Model Code and call for Submissions

Councillors will recall that the OLG issued circular 16-42 (**ATTACHMENT 8**) on 3 November 2016 advising that they had commenced a review of the Model Code of Conduct and were seeking comments. Council made a submission to this review on 2 December 2016 (**ATTACHMENT 9**), and included, amongst other suggestions, copies of the two above-mentioned letters. The resubmission of these letters was intended to facilitate the resolution of inconsistencies between the OLG's Model Code of Conduct, the NSW Ombudsman's PID model internal reporting policy, the *Public Interest Disclosures Act 1994* and the *Local Government Act 1993*.

Council officers have recently made enquiries of the OLG as to when the revised Model Code is expected to be released. Initial advice is that the update will not be available until September at the earliest.

ITEM 5 (continued)

City of Ryde Code of Conduct – April 2017

Rather than waiting for the next update of the Model Code of Conduct, it is now proposed that the change made to the December 2015 Model Code should now be included in the City of Ryde Code of Conduct – Standards of Conduct. This amendment will ensure that Council is acting in accordance with OLG instruction (Circular 15-41, 17 December 2015), and that Council's Code incorporates the provisions of the Model Code, as is prescribed by section 440 of the Local Government Act, 1993.

The addition to the Model Code, which will be reflected exactly in the City of Ryde Code of Conduct – Standards of Conduct, is shown below in ***bold, italic***, as subsection 4.29(b).

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

No other change to the City of Ryde Code of Conduct documents is recommended.

It should be noted that a proposal to change Council's Code of Conduct does not require a call for submissions or a public exhibition process.

Financial Implications

Adoption of the recommendations will have no financial impact.

ITEM 5 (continued)

ATTACHMENT 1

CODE OF CONDUCT - POLICY
April 2017



Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council's Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

The City of Ryde Code of Conduct – **November 2016**, is the Model Code of Conduct and Procedures as *initially* issued by the Office of Local Government in December 2012, *then amended in November 2015 following the commencement of the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*. The City of Ryde Code also includes additions that reflect City of Ryde other relevant policies.

The City of Ryde Code of Conduct – **November 2016, commences xxx 2016**.

Purpose

The City of Ryde Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including "Councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council".

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the Local Government Act 1993. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

Draft Code of Conduct – Policy – April 2017		
Owner – Risk, Audit and Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D16/15053	Review date: April 2018	Adopted: xx 2017

ITEM 5 (continued)

ATTACHMENT 1

CODE OF CONDUCT - POLICY
April 2017



Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

Key Principles and Values

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Council Officers' understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

<p>Integrity You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.</p>	<p>Accountability You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. <i>This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.</i></p>
<p>Selflessness You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i></p>	<p>Leadership You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i></p>
<p>Impartiality You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i></p>	<p>Honesty You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. <i>This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.</i></p>
<p>Openness You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. <i>This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.</i></p>	<p>Respect You must treat others with respect at all times. <i>This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.</i></p>

Draft Code of Conduct – Policy – April 2017		
Owner – Risk, Audit and Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D16/15053	Review date: April 2018	Adopted: xx 2017

ITEM 5 (continued)

ATTACHMENT 1

CODE OF CONDUCT - POLICY
April 2017



Questions to Guide Council Officials

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with City of Ryde policy, objectives and Code of Conduct
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics and Professionalism*
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Seeking advice

You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Office of Local Government, the NSW Ombudsman's Office, and/or the Independent Commission Against Corruption.

Draft Code of Conduct – Policy – April 2017		
Owner – Risk, Audit and Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D16/15053	Review date: April 2018	Adopted: xx 2017

ITEM 5 (continued)

ATTACHMENT 1

**CODE OF CONDUCT - POLICY
April 2017**



Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

Attachments

Document Title	Trim Reference
Code of Conduct – Standards of Conduct – April 2017	D16/15070
Code of Conduct – Complaints Procedure – April 2017	D16/15060
Guideline on Interaction between Councillors and Staff – April 2017	D16/15133

Draft Code of Conduct – Policy – April 2017		
Owner – Risk, Audit and Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D16/15053	Review date: April 2018	Adopted: xx 2017

ITEM 5 (continued)

ATTACHMENT 2

**CODE OF CONDUCT -
STANDARDS OF CONDUCT
April 2017**



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Draft Code of Conduct – Standards of Conduct – April 2017		
Owner: Risk, Audit and Governance	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D16/15070	Review date: April 2018	Adopted by Council: Xx 2017

ITEM 5 (continued)

ATTACHMENT 2

**CODE OF CONDUCT -
STANDARDS OF CONDUCT
April 2017**



PART 1 INTRODUCTION

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

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

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

PART 2 PURPOSE OF THE CODE OF CONDUCT

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

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

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

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: Prevention of Discrimination, Bullying and Harassment Policy 2014).

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Development decisions

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

Binding caucus votes

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

Lobbying

- 3.13 If you are being lobbied about the making of a decision you should:
- (a) observe the provisions of the relevant Council policies;
 - (b) be alert to the motives and interests of those who seek to lobby;
 - (c) be aware of which person, organisation or company a lobbyist is representing;
 - (d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
 - (e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;
 - (f) keep records of all meetings with Lobbyists and if possible have another person attend the meetings or take notes;
 - (g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices
 - (h) include details of these meetings in Council's Lobbyist Contact Register (Reference: City of Ryde Ethical Lobbying Policy, 2013)

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Drugs and Alcohol

3.14 The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.

3.15 The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: City of Ryde Alcohol and Other Drugs Procedure)

Health, Wellbeing and Safety

3.16 The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.

3.17 Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: City of Ryde Work, Health and Safety Policy 2016).

Gender Equity

3.18 On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:

"We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decisions-making environments that encourage and value a wide range of views".

Public Comment

3.19 The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council's associated Policies. (Reference: Council's Media Policy, July 2014).

On social media, ie Council's Twitter and Facebook accounts, the Communication and Media Team are generally the spokesperson on all Council business. Other staff can apply to use these sites if a particular project warrants it.

If Council officials make comment on Council business using their personal social media accounts, they are to ensure it is clear that it is a personal opinion not the official position of City of Ryde. (References: Social Media Policy, and Procedure on Representing City of Ryde on Social Media)

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Sponsorship

3.20 Any sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.

All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy 2012.

Public Interest Disclosures

3.21 Council has an adopted Public Interest Disclosures Internal Reporting Policy, December 2013. The handling of public interest disclosures is to be undertaken in accordance with this Policy.

3.22 Council Officials who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged, which supports the City of Ryde values.

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PART 4 CONFLICT OF INTERESTS

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

What is a pecuniary interest?

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

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What are non-pecuniary interests?

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

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

Managing non-pecuniary conflict of interests

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

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

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

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

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

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

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

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

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

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

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

Loss of quorum as a result of compliance with this Part

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

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- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and**
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

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

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Personal dealings with council

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

Political support and community participation

4.33 Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

4.34 If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Council officials and future employment

4.35 Councillors and employees should not use their position to obtain opportunities for future employment.

4.36 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials

4.37 You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.

4.38 Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

Voluntary Declarations by Council Officials

4.39 Declarations by Councillors or staff are to be made on the specified form.

4.40 Declarations by the Mayor or Councillors are to be signed by the General Manager. Declarations by the General Manager are to be signed by the Mayor. Declarations by staff are to be signed by the General Manager or relevant Director.

4.41 All emergent declarations will be held in the Disclosure of Interest Register. This is a public document accessible in accordance with the GI(PA) Act provisions.

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Declarations as part of recruitment or tendering processes

- 4.42 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in a recruitment panel. This is to be undertaken in accordance with the relevant City of Ryde recruitment and selection policies and procedures.
- 4.43 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in procurement processes. This is to be undertaken in accordance with the City of Ryde procurement framework.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation. (Reference: City of Ryde Gifts and Benefits Policy, 2013)

Gifts and benefits

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

Token gifts and benefits

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

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Gifts and benefits of value

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

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

5.5 You must not:

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

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

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. This must be done in accordance with City of Ryde's Gifts and Benefits Policy, 2013.

5.8 In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined in accordance with Council's adopted Gifts and Benefits Policy, 2013 and a declaration form completed. No gift or benefit should be personally retained by a Council official.

Improper and undue influence

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

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

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PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Councillors or administrators:

- a) can expect all staff to be courteous to councillors at all times.
- b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable
- c) can contact the General Manager regarding Council matters, Directors regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request. (Reference: City of Ryde Guideline on Interaction between Councillors and Staff)

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

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

Inappropriate interactions

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

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City of Ryde Charter of Respect

6.8 This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

As a Councillor of the City of Ryde, I will:-

Read reports and maintain confidentiality (as required) when making decisions
Evaluate and constructively challenge our performance
Strategically set the City's future direction and set clear priorities
Professionally deal with staff and create a non threatening culture by;
 1. Debating the issue without denigrating staff (play the ball not the person)
 2. Respecting that staff are bound by Council's policies and procedures
 3. Telling us what is required not how to do it
Expect responses within realistic timeframes and utilise the helpdesk for my requests
Commit to representing the aspirations and needs of our Community whilst acting with dignity
Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the Executive Team of the City of Ryde I will be:-

Receptive and responsive to Community concerns and Council's decisions
Ethical and apolitical in carrying out my duties
Supportive of Councillor requests and requirements
Professional in managing and optimising Council's resources and knowledge
Equal in my interactions with and treatment of all Councillors
Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff
Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them
 Ethical – includes honest and without prejudice or political bias, fair/impartial/independent
 Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

City of Ryde Guideline on Interaction between Councillors and Staff

6.9 This Guideline provides a protocol for Council officials to use to determine the most appropriate method of communication; to clarify obligations and expectations; and to ensure information flows are not interrupted. It is an enforceable part of the Code of Conduct standards.

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PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

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

Use of certain council information

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

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Use and security of confidential information

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

Personal information

- 7.11 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998*
 - b) *the Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) council's privacy management plan
 - e) the Privacy Code of Practice for Local Government
 - f) *Government Information (Public Access) Act 2009* and Regulation

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. (Reference: Council's Use of Assets and Facilities Policy, 2007 and the Mobile Telephone Use Policy, 2011).
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

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

Information Contact Officers

- 7.23 To ensure that appropriate information access processes are followed, Council has nominated particular officers to the following roles in accordance with the relevant legislation.
- **Privacy Contact Officer – General Counsel**
Manages Council's obligations under *Privacy and Personal Information Protection Act 1998*
 - **Public Officer – General Counsel**
Manages requests from public on affairs of Council, assist with enquiries or requests for access to information.
 - **Right to Information – Information Access Officer**
Assists with enquiries or requests for access to information, and receives and co-ordinates formal requests for information under *Government Information (Public Access) Act 2009*.

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PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

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

Complaints made for an improper purpose

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

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

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

Detrimental action

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

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

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

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Compliance with requirements under this code

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

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

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

Complaints alleging a breach of this part

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

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
corrupt conduct	is the dishonest or partial exercise of official functions by a public official. For example, this could include: <ul style="list-style-type: none"> • the improper use of knowledge, power or position for personal gain or the advantage of others • acting dishonestly or unfairly, or breaching public trust • a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.
council committee	a committee established by resolution of council
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

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designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the <i>Local Government (General) Regulation 2005</i>

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

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

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PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

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

PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

"the Act"	the <i>Local Government Act 1993</i>
"administrator"	an administrator of a council appointed under the Act other than an administrator appointed under section 66
"code of conduct"	a code of conduct adopted under section 440 of the Act
"code of conduct complaint"	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
"complainant"	a person who makes a code of conduct complaint
"complainant councillor"	a councillor who makes a code of conduct complaint
"complaints coordinator"	a person appointed by the general manager under these procedures as a complaints coordinator

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"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 committee"	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
"councillor"	a person elected or appointed to civic office and includes a Mayor
"council official"	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
"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
"the Office"	the Office of Local Government, Department of Premier and Cabinet
OLG	the Office of Local Government
"investigator"	a conduct reviewer or conduct review committee
"the Regulation"	the <i>Local Government (General) Regulation 2005</i>
"subject person"	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

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PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.

The City of Ryde has entered into such an arrangement with other Councils through the Northern Sydney Region of Councils (NSROC).

- 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 member of a panel of conduct reviewers, 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, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - 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 be eligible to be a member of the panel of conduct reviewers 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

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- 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 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 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.

Where a Council has appointed an incorporated or other entity to its panel of Conduct Reviewers, the Complaints Coordinator must ensure that any person proposed to undertake conduct review work for the council on behalf of the entity also meets the selection and eligibility criteria given above. (OLG Circular 14-09: 9 April 2014: Practice Direction 1 (Revised)).

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The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 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*.

At City of Ryde the General Manager has appointed the Manager – Risk, Audit and Governance as Council’s Complaints Coordinator, and the Director, Corporate and Community Services as the alternate.

- 3.16 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 or conduct review committee,
 - c) liaise with the Office of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

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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 alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 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 council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds 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?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 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.
- 4.7 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.
- 4.8 The general manager 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.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 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.
- 4.12 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.
- 4.13 The Mayor 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.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.

The General Manager must advise all Councillors in writing if a complaint about a senior staff member has been received and, where appropriate, the nature of the complaint. The General Manager is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council in a confidential Council report.

- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.

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- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur 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.
- 5.5 Sanctions for 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 and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.
- 5.7 Where the general manager decides not to make enquiries into 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.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees 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,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.

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- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, 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 council's code of conduct that the alleged conduct is in breach of) must be put to the person 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 5.9.

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

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Office for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Office as a result of its consideration of a code of conduct complaint about a conduct reviewer.

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

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.15 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?

- 5.16 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 of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.40.

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- 5.17 Where the general manager refers a complaint to the Office under clause 5.16, the general manager must notify the complainant of the referral in writing.
- 5.18 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 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.
- 5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 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.
- 5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Office under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

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

- 5.21 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 of the Act,
 - b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - c) complaints the subject of a special complaints management arrangement with the Office under clause 5.40.
- 5.22 Where the Mayor refers a complaint to the Office under clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

The Mayor must advise all Councillors in writing that a complaint about the General Manager has been received and, where appropriate, the nature of the complaint. The Mayor is to advise all Councillors of the intended course of action, and subsequently report the complaint handling plan to Council as a confidential Mayoral minute.

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5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor 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.

5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Office under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Office, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

5.29 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 or conduct review committee 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.

5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.

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- 5.31 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.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee 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

- 5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* 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.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 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.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, 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*.

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Special complaints management arrangements

- 5.39 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.
- 5.40 Where the Office receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where 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.
- 5.41 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.
- 5.42 The Office may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 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 these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing OLG Officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, 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.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Office shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

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PART 6 PRELIMINARY ASSESSMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a 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 Chief Executive of the Office.

In accordance with clause 6.2(b), the OLG has approved the Internal Audit Bureau (IAB) as an alternate provider of conduct reviewers. (Office of Local Government Circular 14-02, 4 February 2014).

- 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 a Council has appointed an incorporated or other entity to their panel of Conduct Reviewers, the Complaints Coordinator must ensure that any person proposed to undertake conduct review work for the council on behalf of the entity also meets the selection and eligibility criteria given above. (OLG Circular 14-09: 9 April 2014: Practice Direction 1 (Revised)).

- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests 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 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 cumulative value that exceeds \$100K, or
 - d) at the time of the referral, they or their employer are the council's legal service providers 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 interests 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 4.1 of the Model Code of Conduct).

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- 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.
- 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.

Preliminary assessment by a conduct reviewer

- 6.9 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.
- 6.10 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, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - 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, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.

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- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Office any complaints referred to him or her that should have been referred to the Office under clauses 5.16 and 5.21.
- 6.15 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.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, 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.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened 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, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.
- 6.20 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.
- 6.21 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.

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Referral back to the general manager or Mayor for resolution

- 6.22 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.
- 6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, 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.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, 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.

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Complaints assessment criteria

- 6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:
- a) whether the complaint is a "code of conduct complaint",
 - b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
 - c) whether the complaint discloses prima facie evidence of a breach of the code,
 - d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
 - e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
 - f) 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 or apology,
 - g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
 - h) whether the conduct complained of forms part of a pattern of conduct,
 - i) whether there were mitigating circumstances giving rise to the conduct complained of,
 - j) the seriousness of the alleged conduct,
 - k) the significance of the conduct or the impact of the conduct for the council,
 - l) how much time has passed since the alleged conduct occurred, or
 - m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers 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 Chief Executive of the Office.

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- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.

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- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
 - 7.16 The conduct review committee may only conduct business in the absence of the public.
 - 7.17 The conduct review committee must maintain proper records of its proceedings.
 - 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
 - a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
 - 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
 - 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

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PART 8 INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (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.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or 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.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, 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) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 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 subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.

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- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 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 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, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person 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.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person 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 subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 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.
- 8.19 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

- 8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft 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 or apology, 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 or apology, or
 - c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Office or the Police.
- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 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.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.

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8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.

8.24 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 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

8.25 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.

8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.

8.27 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 28 days or such other reasonable period specified by the investigator.

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

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

8.30 Where the subject person 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.

8.31 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.

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Final investigation reports

- 8.32 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 8.22.
- 8.33 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.
- 8.34 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.
- 8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
 - c) that the subject person be counselled for their conduct,
 - d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
 - e) that findings of inappropriate conduct be made public,
 - f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - h) 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 Act, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the Act.
- 8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies or procedures,
 - b) that a person or persons undertake any training or other education.

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8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

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

- a) a description of the allegations against the subject person,
- 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 conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

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- 8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.
- 8.40 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.
- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), 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. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), 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.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.

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- 8.46 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 interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral 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.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 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 by the Office in relation to the report.
- 8.51 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.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.

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- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the Act.
- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 9 RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Office.

Practice rulings

- 9.2 Where a subject person 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).

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- 9.3 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.
- 9.4 Where the Office makes a practice ruling, all parties are to comply with it.
- 9.5 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.

Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 9.7 A review under clause 9.6 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 the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Office may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Office may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 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.
- 9.12 Where a person requests a review under clause 9.6, 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.

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- 9.13 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.
- 9.14 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.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or Mayor must consider the Office's recommendation in doing so.
- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, 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.
- 9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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PART 10 PROCEDURAL IRREGULARITIES

- 10.1 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.
- 10.2 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 11 PRACTICE DIRECTIONS

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

PART 12 REPORTING ON COMPLAINTS STATISTICS

- 12.1 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,
 - b) the number of code of conduct complaints referred to a conduct reviewer,
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
 - d) the number of code of conduct complaints investigated by a conduct reviewer,
 - e) the number of code of conduct complaints investigated by a conduct review committee,
 - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
 - g) the number of matter reviewed by the Office and, without identifying particular matters, the outcome of the reviews, and

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h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

12.2 The council is to provide the Office with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13 CONFIDENTIALITY

13.1 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.

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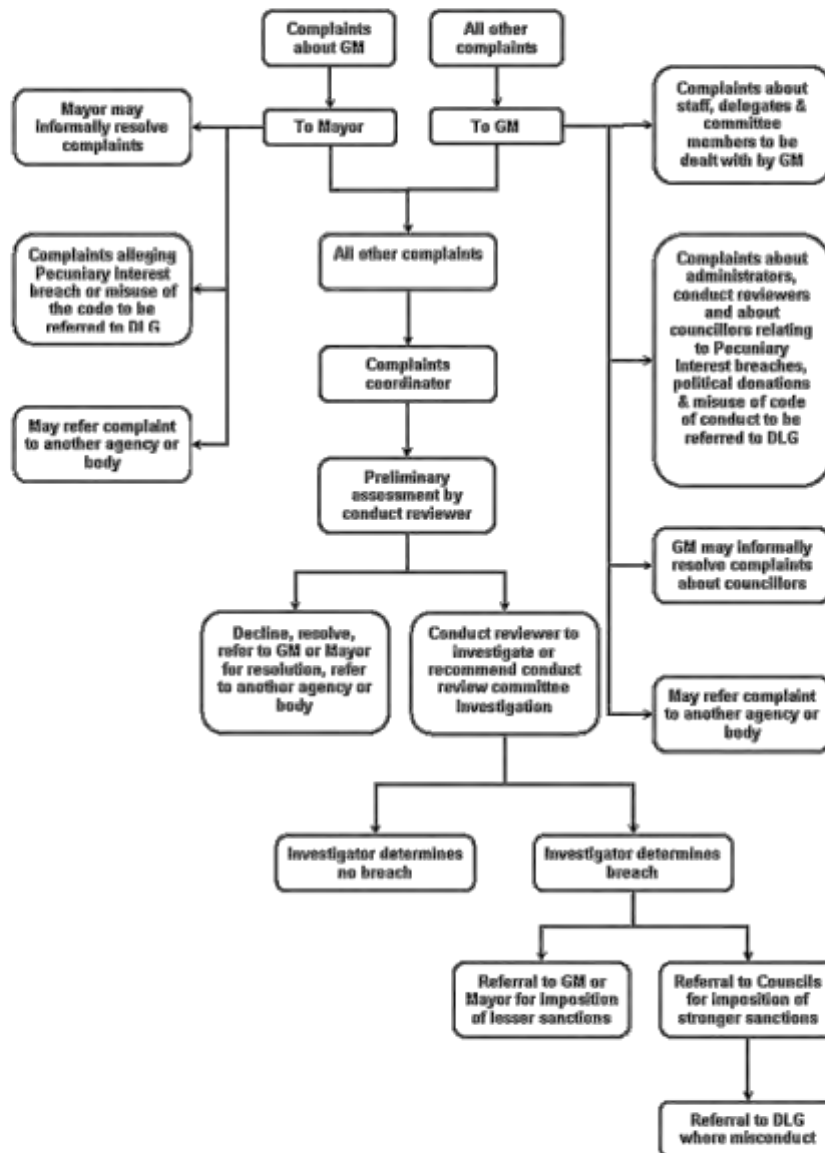
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MODEL CODE PROCEDURE FLOWCHART



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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



Related Policy

This guideline is part of Council's Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team, and to define appropriate Councillor contacts with other Council officers.

Scope

The City of Ryde Council acknowledges that Councillors require access to Council information and staff in order to exercise their civic duties under the *Local Government Act, 1993* (The Act). Interactions between Councillors and staff are necessary to facilitate well-formed policies and decisions and to provide optimum service delivery.

The Act requires Councillors and staff to:

- Act honestly and responsibly when carrying out their functions.
- Not take advantage of their position by unduly influencing Councillors or staff in the performance of their duties or functions.
- Not use their position to obtain, either directly or indirectly, an advantage for them or any other person.

Council's Code of Conduct provides that "Councillors must not 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" (Standards: Clause 6.2c).

This Guideline governs the interaction of Councillors and Council staff, and as such is an enforceable part of the Code of Conduct.

Objectives

The objectives of this Guideline are to:

- Ensure that Councillors receive advice to assist them in the performance of their civic duty in an orderly, courteous and regulated manner.
- Ensure Councillors have adequate access to information in order for them to exercise their statutory roles.
- Ensure Councillors have clarity on which staff they can communicate with and the processes for contacting staff.

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- Ensure staff understand their obligations with regard to providing information to Councillors and the set service standards.
- Maintain transparent decision making and governance arrangements.

The aim of this Guideline is to facilitate a positive working relationship between Councillors as elected representatives of the community and the staff employed to administer the operations of Council.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Introduction

Good governance and effective service delivery are dependent on a good relationship between the elected members and the organisation, and an understanding of the roles and responsibilities of both groups.

Good governance requires clear and effective communication protocols for Councillors and senior staff which provide for courteous and respectful communication.

Both Councillors and senior staff should strive for a work-life balance between their work commitments and their personal, community and cultural responsibilities, interests and obligations.

This Guideline addresses interaction between Councillors and Staff with regard to:

- *Appropriate Staff contacts*
- *Personal Interaction between Councillors and Staff*
- *Councillors' HelpDesk*
- *Emails*
- *Phone Calls and messaging*
- *Social Media*
- *Accessing Information*
- *Personal Enquiries*

It also provides a table of service standards with regard to Councillor and Staff interactions.

Interactions that are not conducted in accordance with these Guidelines may be inappropriate.

Councillors are encouraged to advise the General Manager where an interaction is inappropriate.

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Staff are empowered to advise Councillors where an interaction is inappropriate and to refer them to these Guidelines. Alternatively, staff should inform their Manager of any inappropriate actions.

Appropriate Staff contacts

The General Manager authorises the following staff interaction:

- Contact between Councillors and Directors is appropriate for matters specific to that Director's area of individual responsibility.
- Contact with HelpDesk staff is appropriate for all Councillor service requests and enquiries.
- Contact with other specific staff is appropriate as part of a Councillor's role on an Advisory Committee, at Council events or meetings, and similar situations.
- In some instances, a Director or the General Manager will direct individual staff to contact Councillors to provide specific information or clarification relating to a specific matter.

Apart from the instances above, all communication with Councillors is to be made via the General Manager or relevant Director.

Personal Interaction between Councillors and Staff

While this Guideline, and the Code of Conduct, governs the interactions between Councillors and staff, it does not prevent Councillors and staff from communicating generally. From time to time, Councillors and staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to council business.

Councillors' HelpDesk

The Charter of Respect requires that Councillors make service requests to staff through the Councillors' HelpDesk.

The HelpDesk allows Councillors to:

- Make service requests for information and/or actions,
- Seek updates on Council's operations; and
- Forward queries and complaints received from residents.

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All requests from Councillors to the HelpDesk are logged and then sent to the relevant Council officer for a response. All Councillor requests to the HelpDesk are acknowledged by email (with a reference number).

The service standard for an initial response to a Councillor is five (5) working days, with HelpDesk responses to include the name and details of the relevant Director. Reports regarding the performance of the HelpDesk will be provided to Councillors each month through the Councillor Information Bulletin. In addition, Councillors will be surveyed annually to measure satisfaction levels regarding the HelpDesk and areas for improvement.

In the case of enquiries regarding Development Applications, planning matters and procurement processes, responses will be provided to all Councillors each week through BoardVantage. This is to promote openness, transparency and accountability in what is considered a high risk area of Council's operations.

Where a Councillor's request requires the allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion.

If a Councillor would like staff to contact and update a resident directly, they should indicate this in their request. When sending a service request to the HelpDesk, Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them.

The HelpDesk is provided for Councillors only and emails should not be copied to residents. The HelpDesk provides support to Councillors with the responses provided for the information of Councillors only.

Staff will endeavor to indicate to Councillors if a response contains confidential information and it is not in the public interest to circulate to residents.

Any requests that are not sent via the HelpDesk will be forwarded or redirected to the HelpDesk by staff. This may impact upon the time taken to respond.

Documents such as the Executive Team Minutes and Minutes of the Mayor's Meeting with the Executive Team will be provided to all Councillors by the HelpDesk using BoardVantage.

While it is acknowledged that the procedures relating to the conduct of the Councillor HelpDesk are an operational matter to be determined by the General Manager, Councillors will be consulted on any proposed changes.

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**GUIDELINE ON INTERACTION
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Emails

The following email protocols apply to Councillors and staff:

Reply to all – This function is to be used with discretion. Think about whether "all" really need to be aware of your reply to conduct business.

Attachments – Where possible limit the size and number of attachments. Instead consider providing links to websites or BoardVantage as this reduces the message size.

Provision of Information – Information provided to Councillors is to assist them in the conduct of their civic duties. Care should be given prior to forwarding information and regard must be given to the potential confidentiality requirements regarding information.

Circulation of resident correspondence – Correspondence will be circulated only when the author has specifically requested it be forwarded to all Councillors or specific Councillors.

BoardVantage – The circulation of information to Councillors will be done through BoardVantage as it is the preferred method to provide information.

Phone Calls and SMS messaging

(a) Councillors contacting staff

It is acknowledged that Councillors will require personal contact with Senior Staff, including the General Manager, when an urgent matter arises and an immediate response is required. In these circumstances, Councillors are requested to contact the Senior Staff member, Customer Service or the Councillor HelpDesk as follows:

- *During Office hours (Monday to Friday: 8.30am to 4.45pm):*

Calls to any member of the Executive Team during these times will be answered by either the relevant staff member or an assistant. On rare occasions it may be necessary for Councillors to leave a message. This will be returned as soon as practicable.

- *Outside Office hours (Monday to Friday: 7.30am to 8.30am and 4.45pm to 8pm):*

Councillors can contact members of the Executive Team on their mobile phone numbers. Should it be necessary to leave a message, the Councillor can expect a return call as soon as possible.

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Owner: Manager, Risk, Audit and Governance	Accountability: Governance Framework	Adopted by Council: Xx 2017
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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



- *Other times*

At any other time Councillors should only contact a member of the Executive Team by phone or SMS in a genuine emergency.

It is noted that some events are conducted outside of work hours and phone calls or messages regarding these specific events may be appropriate.

- *Customer Service 9952 8222 and After Hours Requests*

Councillors can contact 9952 8222 at any time. The City of Ryde has an on-call officer available at all times to respond to urgent matters. When a Council request or complaint is received after hours, a call centre operator at "Well Done Services" refers the request/complaint to the relevant on-call Council Officer via SMS if appropriate.

In addition, the request or complaint is emailed to Council's after hours email address by "Well Done Services". These emails are reviewed and replied to, as appropriate, by Council's Customer Service Centre the next working day. All request/complaints are then registered with Council's Customer Request Management (CRM) System – Merit.

Where Councillors identify themselves as such, this will be specifically recorded and the Councillor will receive a follow up email or phone call.

- *Councillor HelpDesk*

Calls to the Councillor HelpDesk during office hours will be answered by a member of the Governance Section. Outside office hours, Councillors can leave a message. Messages will be checked every weekday morning and phone calls will be returned.

In addition, if a Councillor leaves a message and their phone number, the request will be identified as a Councillor request and recorded in the Councillor HelpDesk.

- *SMS messages*

SMS messages from Councillors requesting information or service will be forwarded to the HelpDesk to be acknowledged and actioned.

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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



(b) Staff contacting Councillors

It is acknowledged that staff will be required, on occasion to contact Councillors. In these circumstances, staff will follow these protocols:

- **Calls to Councillors**

Staff will attempt to limit calls to Councillors. Calls will be made in response to a request or where an email is considered inappropriate.

Staff will not call Councillors outside office hours unless it is urgent, in response to a request to call or a message left. Staff will endeavour to contact Councillors using their preferred method of contact whether it be email or phone call, and to their preferred location, whether it be home, office or mobile.

- **During Office hours (Monday to Friday: 8.30am to 4.45pm):**

Calls to Councillors during office hours will be limited unless it is in response to a particular query or message from a Councillor.

- **Outside Office hours (Monday to Friday: 7.30am to 8.30am and 4.45pm to 8pm):**

Calls or SMS messages to Councillors during these hours will be limited to responses to requests or messages, or matters of urgency.

- **Other times**

At any other time staff will only contact Councillors by phone or SMS in the case of a genuine emergency.

It is noted, that some events are conducted outside of work hours and phone calls or messages regarding these specific events may be appropriate.

(c) Phone Calls – Residents

Residents seeking assistance should be directed to Council's Customer Service Centre on 9952 8222 between Monday to Friday 8am to 5.30pm. All calls outside these hours to Council, that is Monday to Friday 5.30pm to 8am and all day Saturday and Sunday, are directed to Council's after hours service by contacting 9952 8222.

It is not appropriate for Councillors to provide residents with a staff member's direct contact details. Similarly, staff will not provide residents with Councillors contact details, other than the details which Councillors have designated for public use.

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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



Social Media

Councillors and staff should be mindful of the following issues when using Social Media:

- Privacy
- Confidentiality
- Discrimination, Bullying and Harassment
- Misrepresentation of City of Ryde
- Improper interactions between Councillors and staff
- Seeking or obtaining advantage or preferential treatment because of their position or role

Councillors and staff should refer to the *Social Media Policy and Procedure on Representing City of Ryde on Social Media*.

Accessing Information

The General Manager and the Public Officer are responsible for ensuring that members of the public, Councillors and administrators can gain access to documents under the *Government Information (Public Access) Act 2009*.

Where the General Manager and/or the Public Officer determine to refuse access to a document or information sought by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor to perform his or her civic duty. The General Manager or the Public Officer must state to the Councillor the reasons for the decision if access is refused.

Councillors can appeal the decision for refusal by contacting either the NSW Information Commissioner on 1800 194 210 and/or the Administrative Decisions Tribunal on 9223 4677. It should be noted that the *Government Information (Public Access) Act* only allows appeal to these bodies if an initial *Formal Access to Information Application* has been made and a *Request for Review* of determination sought.

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice is confidential they should contact the relevant Director or Councillor HelpDesk for clarification prior to releasing the information.

Where possible, staff will clearly identify information which is confidential to assist Councillors in the appropriate handling of such information.

Interaction Between Councillors and Staff Guideline – April 2018		
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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



From time to time, it may be necessary to have specific protocols for access to information and Councillors and staff are expected to respect and adhere to these protocols. This is particularly the case for sensitive and confidential information where information management protocols are required to allow Council to protect and monitor confidential documents while balancing the need to assist Councillors and staff in the performance of their duties.

Personal Enquiries

Councillors and staff must follow the same process as all other members of the public if they require information, action or advice in relation to a personal or private matter.

Councillors and staff should be mindful of the public perception of their request and direct all general enquiries to the Councillors' HelpDesk or the Customer Service Centre as appropriate.

If a staff member receives a request from a Councillor which is not considered relevant to the Councillor's civic duties, the General Manager is entitled to require the Councillor to demonstrate how the request relates to the Councillor's civic duties.

If the General Manager is not satisfied that the request relates to the Councillor's civic duties, the General Manager is entitled to refuse to action the request or advise the Councillor of the normal process for members of the public to make such requests.

Examples of Appropriate Interactions

- Informal briefings and Councillor Workshops are opportunities for staff who are experts in their area to convey and disseminate information to Councillors. Staff can seek feedback from Councillors and Councillors are encouraged to ask questions from staff. In this 'relaxed' environment, care must be taken to ensure that both parties show respect and courtesy to each other.
- Councillors and staff present a positive and united front in public forums.
- Care must be taken to ensure that Councillors and staff do not discuss individual or operational staff matters other than broader workforce policy issues.
- Staff must ensure that information provided to one Councillor is available to all Councillors so that there is equity and transparency in the distribution of information.
- Council staff must contact Councillors within the provisions of this Guideline and must refrain from providing ad hoc advice to Councillors. Staff must ensure that information provided to Councillors is valid, up-to-date and impartial.

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ATTACHMENT 4

**GUIDELINE ON INTERACTION
BETWEEN COUNCILLORS AND STAFF**



Service Standards

Item	Standard
Councillor HelpDesk Requests: Acknowledged	Within 1 working day
Councillor HelpDesk Requests: Response	Within 5 working days
Councillor Requests: Not through the HelpDesk	No service standard will apply
Councillor HelpDesk Requests (Development Applications and Planning Matters)	Weekly update to all Councillors regarding all requests
Phone Calls to Directors during Office Hours	Office phone will be attended by either the Director or their assistant. Messages will be returned by a staff member the same day.
Phone Calls to the HelpDesk during Office Hours	HelpDesk phone will be attended by Governance staff. Messages left during office hours will be returned the same day.
Phone Calls to the HelpDesk outside Office Hours	Messages left will be returned the next working day.

Important Note – Code of Conduct

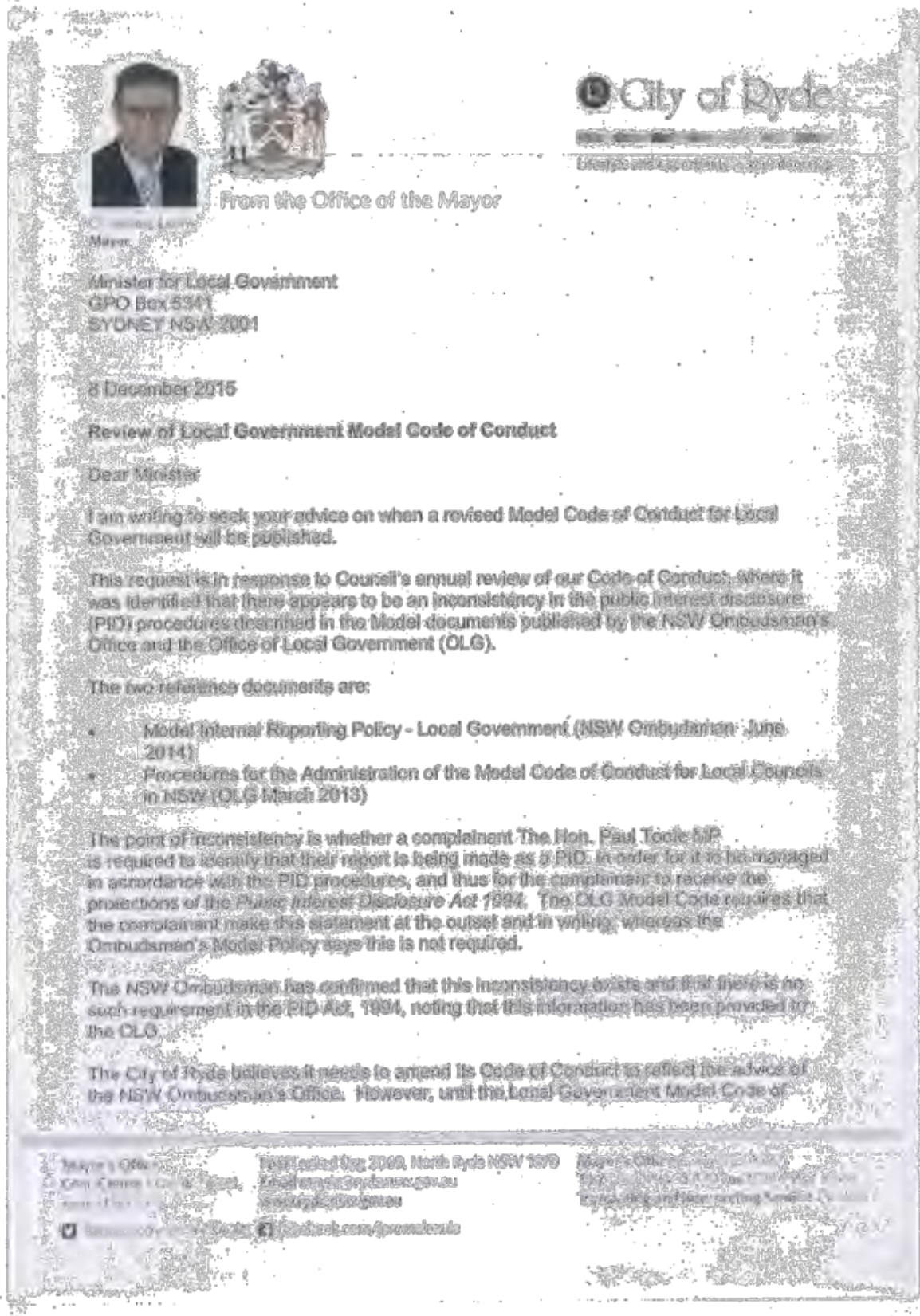
The General Manager will retain responsibility for enforcing and delegating the decision to provide or refuse to provide information. This will be subject to the decisions of Council and will be in accordance with the Code of Conduct, particularly Part 6 of the Standards of Conduct – Relationship Between Council Officials.

In addition, this Guideline governs the interaction of Councillors and Council staff and as such is an enforceable part of the Code of Conduct. Accordingly, complaints regarding breaches of this Guideline will be handled in accordance with the Code of Conduct Complaints Procedure.

Interaction Between Councillors and Staff Guideline – April 2018		
Owner: Manager, Risk, Audit and Governance	Accountability: Governance Framework	Adopted by Council: Xx 2017
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ATTACHMENT 5



ITEM 5 (continued)

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Conduct is amended, this change cannot be brought into effect as it would result in Council's Code of Conduct being in conflict with the Model Code.

Therefore, it is requested that you advise my Council of when this amendment will be made to the Model Code of Conduct and when all Councils will be advised of this revision.

Your urgent attention to this matter would be appreciated.

Please contact me on 9952 8332 should you require any further information in relation to this matter.

Yours sincerely



Councillor Jerome Laxale
Mayor

ITEM 5 (continued)

ATTACHMENT 5



Tim Hurst
Acting Chief Executive
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

8 December 2015

Review of Local Government Model Code of Conduct

Dear Mr Hurst

I am writing to seek your advice on when a revised Model Code of Conduct for Local Government will be published.

This request is in response to Council's annual review of our Code of Conduct, where it was identified that there appears to be an inconsistency in the public interest disclosure (PID) procedures described in the Model documents published by the NSW Ombudsman's Office and the Office of Local Government (OLG).

The two reference documents are:

- Model Internal Reporting Policy - Local Government (NSW Ombudsman June 2014)
- Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (OLG March 2013)

The point of inconsistency is whether a complainant is required to identify that their report is being made as a PID, in order for it to be managed in accordance with the PID procedures, and thus for the complainant to receive the protections of the *Public Interest Disclosure Act 1994*. The OLG Model Code requires that the complainant make this statement at the outset and in writing, whereas the Ombudsman's Model Policy says this is not required.

The NSW Ombudsman has confirmed that this inconsistency exists and that there is no such requirement in the PID Act, 1994, noting that this information has been provided to the OLG.

ITEM 5 (continued)

ATTACHMENT 5



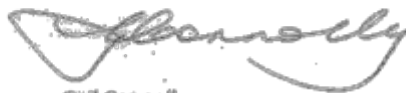
The City of Ryde believes it needs to amend its Code of Conduct to reflect the advice of the NSW Ombudsman's Office. However, until the Local Government Model Code of Conduct is amended, this change cannot be brought into effect as it would result in Council's Code of Conduct being in conflict with the Model Code.

Therefore, it is requested that you advise the City of Ryde of when this amendment will be made to the Model Code of Conduct and when all Councils will be advised of this revision.

Your urgent attention to this matter would be appreciated.

Please contact me on 9952 8052 should you require any further information in relation to this matter.

Yours sincerely



Gail Connolly
General Manager

ITEM 5 (continued)

ATTACHMENT 6



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

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

What's new or changing

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

What this will mean for your Council

Councillors and General Managers must note the following:

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

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

Strengthening local government

ITEM 5 (continued)

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

Complaints coordinators must note the following:

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

Other key changes

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

Where to go for further information

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



Tim Hurst
Acting Chief Executive
Office of Local Government

ITEM 5 (continued)

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

More effectively deter and address Councillor misconduct by:

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

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

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

Promote community confidence in Council planning decisions by:

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

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

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

ITEM 5 (continued)

ATTACHMENT 6

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

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

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

More effectively address Council maladministration by:

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

ITEM 5 (continued)

ATTACHMENT 7



Tim Hurst
Acting Chief Executive
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

13 April 2016

Our Ref: D16/22753

Dear Mr Hurst

Review of Local Government Model Code of Conduct

I am writing to seek your advice on the November 2015 update of the Model Code of Conduct, which was made in response to the recent amendments to the *Local Government Act 1993*.

Council has received your Circular 15-41 of 17 December 2015 which advises of changes as a result of the legislative amendments, including an addition to Section 4.29 of the Model Code of Conduct.

However in preparing the update to the City of Ryde Code of Conduct, Council has noted that the addition of Section 4.29(b) to the Model Code relates to non-pecuniary interests, whereas the change made to Section 451(a1) of the *Local Government Act 1993* relates to pecuniary interests.

More specifically, Section 451(a1) of the *Local Government Act 1993* allows Councillors who have a pecuniary interest in a matter that proposes the making of or a change to principal environmental planning instrument to participate in the consideration of that matter, but only if the pecuniary interest arises due to Councillors (or their relatives) interest in their principal place of residence.

Council also notes that no change has been made to Section 4.7 of the Model Code, which is where the actions required of Councillors when they identify and disclose a pecuniary interest is addressed, and which currently says that Councillors should not participate in any matter in which they have a pecuniary interest (s4.7b). It is considered that it is this part of the Model Code that is most affected by the addition of Section 451(a1) to the *Local Government Act 1993*.

ITEM 5 (continued)

ATTACHMENT 7

The City of Ryde believes it needs to make a further amendment to its Code of Conduct in Section 4.7 to accurately reflect the new Section 451(a1) to the *Local Government Act 1993*.

Council is mindful that this would result in the City of Ryde Code of Conduct being in conflict with the Model Code. However to not make this amendment would result in the Code of Conduct being in conflict with the *Local Government Act 1993*.

Therefore, it is requested that advice be provided as to when a further update of the Model Code of Conduct will be published, and steps that Council should take in the meantime to address this inconsistency.

Your urgent attention to this matter would be appreciated.

Please contact Council's Manager – Risk, Audit and Governance, John Schanz on 9952 8022 should you require any further information in relation to this matter.

Yours sincerely


Gail Connolly
General Manager

ITEM 5 (continued)

ATTACHMENT 8



Circular Details	Circular No 16-42 / 3 November 2016 / A515866
Previous Circular	16/30 Local Government Amendment (Governance and Planning) Act 2016
Who should read this	Councillors / General Managers / Complaints Coordinators/ Conduct Reviewers
Contact	Council Governance Team – 02 4428 4100
Action required	Response to OLG

Review of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct

What's new or changing

- The recent amendments to the *Local Government Act 1993* (the Act) will see the pecuniary interest provisions of the Act and the *Local Government (General) Regulation 2005* incorporated into the *Model Code of Conduct for Local Councils in NSW* (the Model Code).
- Once commenced, these reforms will consolidate all ethical standards for council officials into a single statutory instrument. They will also mean that breaches of pecuniary interest obligations by councillors are treated as misconduct under the Act and will be subject to the "three strikes" misconduct rules.
- As part of the process of incorporating the pecuniary interest obligations in the Act and Regulation into the Model Code, the Office of Local Government is undertaking an implementation review of the Model Code and the associated *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).
- The Office is also undertaking a review of the requirements for the disclosure of interests by councillors and designated persons in returns of interests currently submitted under section 449 of the Act

What this will mean for your council

- The Office is seeking the assistance of councils and conduct reviewers in undertaking its review. In particular, the Office is seeking suggestions for improvement from councils and conduct reviewers in relation to the following:
 - The ethical standards prescribed under the Model Code.
 - The operation of the Procedures.
 - Requirements for the disclosure of interests by councillors and designated persons in returns of interests currently submitted under section 449 of the Act.

Key points

- Submissions may be made by email to olg@olg.nsw.gov.au.
- Submissions should be labelled "code of conduct review" and marked to the attention of the Office's Council Governance Team.
- Council complaints coordinators should bring this circular to the attention of their council's conduct reviewers so that they may make submissions.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
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Strengthening local government

ITEM 5 (continued)

ATTACHMENT 8

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- Submissions should be made before **2 December 2016**.

Where to go for further information

- For further information, contact the Office's Council Governance Team on 02 4428 4100.



Tim Hurst
Chief Executive

ITEM 5 (continued)

ATTACHMENT 9



Tim Hurst
Chief Executive
Office of Local Government
Locked Bag 3015
NOWRA NSW 3015

By email: olg@olg.nsw.gov.au

Attention: Council Governance Team

2 December 2016

Reference: D16/160771

Dear Mr Hurst,

Code of Conduct Review

Thank you for the opportunity to make a submission into the Office's Review of the Model Code of Conduct. The City of Ryde would like to offer the following comments and suggestions:

1. Expansion of coverage of the Code to include volunteers, independent contractors and temporary agency staff etc. This will ensure that all people conducting activities on behalf of Council, or having access to Council facilities and information etc, have the same expectations and obligations.

City of Ryde recommends the inclusion of the following statement which is drawn from the Brisbane City Council Code of Conduct..

(https://www.brisbane.qld.gov.au/sites/default/files/20150212_-_code_of_conduct.doc)

All City of Ryde Council workers, regardless of their employment status, role or position must be familiar with and follow the spirit and content of the Code of Conduct.

City of Ryde Workers are:

- *Employees of Council who are permanent, temporary or casual employees. This includes executives, managers, supervisors, team leaders, temporary or contract specialist and professional employees, apprentices and trainees, team members and individuals, regardless of whether they work full-time, part-time, casually or on any other employment arrangement*
- *Contractors, consultants, and labour hire workers who perform work for Council under a contract for services (commercial contract), even though they are not employees of Council*
- *Employees of other organisations or agencies who are working in Council on a secondment arrangement*
- *Students doing unpaid work experience or unpaid placements*
- *Volunteers.*

ITEM 5 (continued)

ATTACHMENT 9

2. Provision of guidance on which positions, or persons, are "designated persons".

This recommendation is made, given there is a large disparity between individual councils on the types of positions being identified as "designated persons".

This guidance would supplement the definition given in Section 441 of the *Local Government Act 1993* as given below, thus facilitating consistency between Councils, while still providing the General Manager with the flexibility to make such determinations based on the local situation.

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.*

3. Clause 8.47 of the *Procedures for the Administration of the Model Code of Conduct*, states (in part) :

Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council.

While this provision is acknowledged to be in place to allow natural justice for all parties, this requirement is open to manipulation. For example, the subject person could delay consideration of a matter by applying for a leave of absence.

It is suggested therefore that some form of qualified time limit be imposed, for example the next available Council meeting after receipt of the final investigation report. This opportunity should be limited in all cases to a maximum of two Council meetings, which would then enable resolution even in the situation when the subject Councillor has already been granted a leave of absence.

Additionally, should the Councillor who is the subject of the complaint not attend the meeting, he/she would forfeit this opportunity to make an oral submission prior to the imposition of a sanction.

ITEM 5 (continued)

ATTACHMENT 9

4. Amendment of the current Model Code Procedure Flowchart to incorporate timing/deadlines.
5. Extension of this flowchart to further detail the investigation procedures.
6. The City of Ryde welcomes the inclusion of both pecuniary and non-pecuniary conflicts of interest into a single statutory instrument. This will resolve the confusion that has existed previously due to the Model Code and the *Local Government Act, 1993*, not being aligned. Council raised this concern with the OLG in its letter of 13 April 2016 (ATTACHMENT 1).
7. Additionally, Council would like to highlight the inconsistency between the public interest disclosure (PID) procedures within the *Model Internal Reporting Policy – Local Government (NSW Ombudsman June 2014)* which reflects the *PID Act 1994*, and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (OLG March 2013). Council raised this concern with the OLG in its letter of 8 December 2015 (ATTACHMENT 2), and were advised that this would be corrected later in 2016.
8. Council would also like to advise the Office of additions it has made to the Code of Conduct - Standards of Conduct that may be appropriate to include in the revised Model. Council's Code is attached (ATTACHMENT 3), with additions highlighted in yellow. Of particular note are additions relating to bullying, lobbying, WHS and former Council officials.

As evidence of the City of Ryde's focus on these issues, bullying and harassment in the workplace and the potential for personal liability, is being emphasised in our December 2016 Code of Conduct refresher training for Councillors.

It is noted that Council is awaiting feedback from Councillors on this submission and if any further items are raised, Council will provide an amended submission.

Should you have any queries regarding the content of this submission, please direct these in the first instance to Lorie Parkinson, Governance Coordinator on 9952 8063 or Amanda Janvrin, Senior Coordinator – Governance on 9952 8026.

Yours sincerely,



Roy Newsome
Acting General Manager

ITEM 5 (continued)

ATTACHMENT 9

ATTACHMENT 1



Tim Hurst
Acting Chief Executive
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

13 April 2016

Our Ref: D16/22753

Dear Mr Hurst

Review of Local Government Model Code of Conduct

I am writing to seek your advice on the November 2015 update of the Model Code of Conduct, which was made in response to the recent amendments to the *Local Government Act 1993*.

Council has received your Circular 15-41 of 17 December 2015 which advises of changes as a result of the legislative amendments, including an addition to Section 4.29 of the Model Code of Conduct.

However in preparing the update to the City of Ryde Code of Conduct, Council has noted that the addition of Section 4.29(b) to the Model Code relates to non-pecuniary interests, whereas the change made to Section 451(a1) of the *Local Government Act 1993* relates to pecuniary interests.

More specifically, Section 451(a1) of the *Local Government Act 1993* allows Councillors who have a pecuniary interest in a matter that proposes the making of or a change to principal environmental planning instrument to participate in the consideration of that matter, but only if the pecuniary interest arises due to Councillors (or their relatives) interest in their principal place of residence.

Council also notes that no change has been made to Section 4.7 of the Model Code, which is where the actions required of Councillors when they identify and disclose a pecuniary interest is addressed, and which currently says that Councillors should not participate in any matter in which they have a pecuniary interest (s4.7b). It is considered that it is this part of the Model Code that is most affected by the addition of Section 451(a1) to the *Local Government Act 1993*.

ITEM 5 (continued)

ATTACHMENT 9

The City of Ryde believes it needs to make a further amendment to its Code of Conduct in Section 4.7 to accurately reflect the new Section 451(a1) to the *Local Government Act 1993*.

Council is mindful that this would result in the City of Ryde Code of Conduct being in conflict with the Model Code. However to not make this amendment would result in the Code of Conduct being in conflict with the *Local Government Act 1993*.

Therefore, it is requested that advice be provided as to when a further update of the Model Code of Conduct will be published, and steps that Council should take in the meantime to address this inconsistency.

Your urgent attention to this matter would be appreciated.

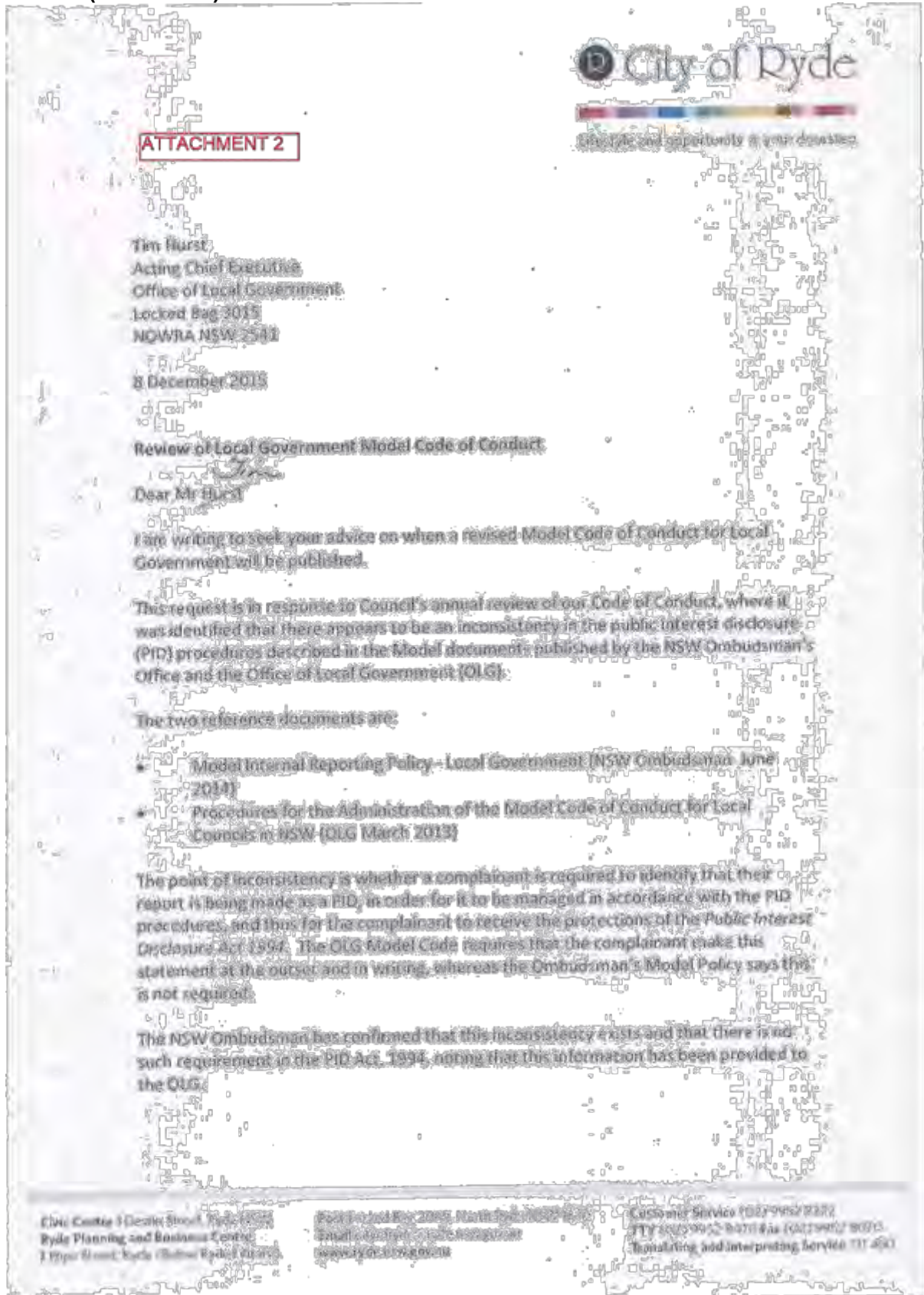
Please contact Council's Manager – Risk, Audit and Governance, John Schanz on 9952 8022 should you require any further information in relation to this matter.

Yours sincerely


Gail Connolly
General Manager

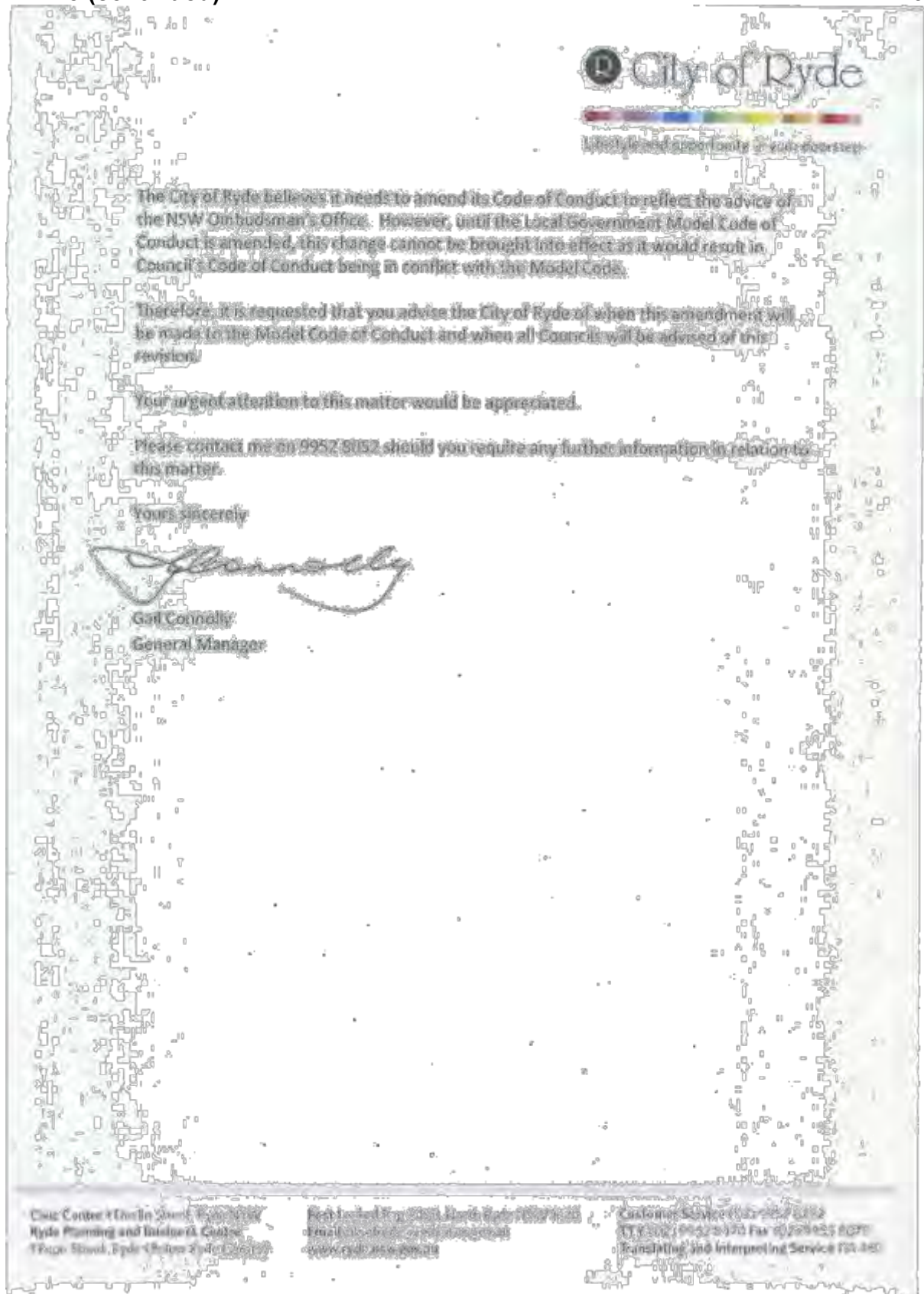
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ATTACHMENT 9



ITEM 5 (continued)

ATTACHMENT 9



ITEM 5 (continued)

ATTACHMENT 9

ATTACHMENT 3

**CODE OF CONDUCT -
 STANDARDS OF CONDUCT
 November 2015**



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ATTACHMENT 9

**CODE OF CONDUCT -
STANDARDS OF CONDUCT
November 2014**

PART 1 INTRODUCTION

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

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

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

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

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

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

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**CODE OF CONDUCT -
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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

Harassment and discrimination

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

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: Prevention of Discrimination, Bullying and Harassment Policy 2013).

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Development decisions

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

Binding caucus votes

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

Lobbying

- 3.13 If you are being lobbied about the making of a decision you should:
- (a) observe the provisions of the relevant Council policies;
 - (b) be alert to the motives and interests of those who seek to lobby;
 - (c) be aware of which person, organisation or company a lobbyist is representing;
 - (d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
 - (e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;
 - (f) keep records of all meetings with Lobbyists and if possible have another person attend the meetings or take notes;
 - (g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices
 - (h) include details of these meetings in Council's Lobbyist Contact Register [Reference: City of Ryde Ethical Lobbying Policy, 2013]

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Drugs and Alcohol

3.14 The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.

3.15 The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: City of Ryde Alcohol and Other Drugs Procedure)

Health, Wellbeing and Safety

3.16 The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.

3.17 Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: City of Ryde Work, Health and Safety Policy 2013).

Gender Equity

3.18 On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:

"We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals."

"We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decisions-making environments that encourage and value a wide range of views".

Public Comment

3.19 The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council's associated Policies. (Reference: Council's Media Policy, July 2014).

On social media, ie Council's Twitter and Facebook accounts, the Communication and Media Team are generally the spokesperson on all Council business. Other staff can apply to use these sites if a particular project warrants it.

If Council officials make comment on Council business using their personal social media accounts, they are to ensure it is clear that it is a personal opinion not the official position of City of Ryde. (References: Social Media Policy, and Procedure on Representing City of Ryde on Social Media)

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Sponsorship

3.20 Any sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.

All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy 2012.

Public Interest Disclosures

3.21 Council has an adopted Public Interest Disclosures Internal Reporting Policy, December 2013. The handling of public interest disclosures is to be undertaken in accordance with this Policy.

3.22 Council Officials who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged, which supports the City of Ryde values.

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**CODE OF CONDUCT -
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PART 4 CONFLICT OF INTERESTS

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

What is a pecuniary interest?

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

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What are non-pecuniary interests?

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

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

Managing non-pecuniary conflict of interests

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

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

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

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

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

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

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4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

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

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

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

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

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

Loss of quorum as a result of compliance with this Part

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

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- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

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

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Personal dealings with council

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

Political support and community participation

4.33 Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

4.34 If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Council officials and future employment

4.35 Councillors and employees should not use their position to obtain opportunities for future employment.

4.36 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials

4.37 You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.

4.38 Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

Voluntary Declarations by Council Officials

4.39 Declarations by Councillors or staff are to be made on the specified form.

4.40 Declarations by the Mayor or Councillors are to be signed by the General Manager. Declarations by the General Manager are to be signed by the Mayor. Declarations by staff are to be signed by the General Manager or relevant Director.

4.41 All emergent declarations will be held in the Disclosure of Interest Register. This is a public document accessible in accordance with the GI(PA) Act provisions.

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Declarations as part of recruitment or tendering processes

- 4.42 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in a recruitment panel. This is to be undertaken in accordance with the relevant City of Ryde recruitment and selection policies and procedures.
- 4.43 Declarations regarding conflicts of interest will be required to be made by Council Officials participating in procurement processes. This is to be undertaken in accordance with the City of Ryde procurement framework.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation. (Reference: City of Ryde Gifts and Benefits Policy, 2013)

Gifts and benefits

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

Token gifts and benefits

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

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Gifts and benefits of value

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

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

5.5 You must not:

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

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

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. This must be done in accordance with City of Ryde's Gifts and Benefits Policy, 2013.

5.8 In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined in accordance with Council's adopted Gifts and Benefits Policy, 2013 and a form completed. No gift or benefit should be personally retained by a Council official.

Improper and undue influence

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

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

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PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

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

Councillors or administrators:

- a) can expect all staff to be courteous to councillors at all times.
- b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable
- c) can contact the General Manager regarding Council matters, Directors regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

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

- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

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City of Ryde Charter of Respect

6.8 This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

As a Councillor of the City of Ryde, I will:-

Read reports and maintain confidentiality (as required) when making decisions
Evaluate and constructively challenge our performance
Strategically set the City's future direction and set clear priorities
Professionally deal with staff and create a non threatening culture by:
1. Debating the issue without denigrating staff (play the ball not the person)
2. Respecting that staff are bound by Council's policies and procedures
3. Telling us what is required not how to do it
Expect responses within realistic timeframes and utilise the helpdesk for my requests
Commit to representing the aspirations and needs of our Community whilst acting with dignity
Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the Executive Team of the City of Ryde I will be:-

Receptive and responsive to Community concerns and Council's decisions
Ethical and apolitical in carrying out my duties
Supportive of Councillor requests and requirements
Professional in managing and optimising Council's resources and knowledge
Equal in my interactions with and treatment of all Councillors
Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff
Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them
Ethical – includes honest and without prejudice or political bias, fair/impartial/independent
Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

City of Ryde Guideline on Interaction between Councillors and Staff (November 2015)

6.9 This Guideline provides a protocol for Council officials to use to determine the most appropriate method of communication; to clarify obligations and expectations; and to ensure information flows are not interrupted. It is an enforceable part of the Code of Conduct standards.

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PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

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

Use of certain council information

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

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Use and security of confidential information

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

Personal information

- 7.11 When dealing with personal information you must comply with:
- a) *the Privacy and Personal Information Protection Act 1998*
 - b) *the Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) council's privacy management plan
 - e) the Privacy Code of Practice for Local Government
 - f) *Government Information (Public Access) Act 2009* and Regulation

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. (Reference: Council's Use of Assets and Facilities Policy, 2007 and the Mobile Telephone Use Policy, 2011).
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

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- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- the purpose of assisting your election campaign or the election campaign of others, or
 - for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

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

Information Contact Officers

7.23 To ensure that appropriate information access processes are followed, Council has nominated particular officers to the following roles in accordance with the relevant legislation.

- Privacy Contact Officer – General Counsel
Manages Council's obligations under Privacy and Personal Information Protection Act 1998
- Public Officer – General Counsel
Manages requests from public on affairs of Council, assist with enquiries or requests for access to information.
- Right to Information – Information Access Officer
Assists with enquiries or requests for access to information, and receives and co-ordinates formal requests for information under Government Information (Public Access) Act 2009.

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PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

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

Complaints made for an improper purpose

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

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

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

Detrimental action

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

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

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

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Compliance with requirements under this code

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

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

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

Complaints alleging a breach of this part

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

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PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
corrupt conduct	is the dishonest or partial exercise of official functions by a public official. For example, this could include: <ul style="list-style-type: none"> • the improper use of knowledge, power or position for personal gain or the advantage of others • acting dishonestly or unfairly, or breaching public trust • a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.
council committee	a committee established by resolution of council
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

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designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the <i>Local Government (General) Regulation 2005</i>

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

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

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6 ADVISORY COMMITTEE MEMBERSHIP

Report prepared by: Senior Coordinator - City Activation
File No.: URB/08/1/39 - BP17/364

REPORT SUMMARY

Council has received expressions of interest to join Council's Economic Development Advisory Committee (EDAC) and the Macquarie Park Forum (Forum).

As per the Terms of Reference of EDAC and the Forum (2013), new members must be endorsed by Council.

RECOMMENDATION:

- (a) That Council endorse Ms Cate Sinclair and Mr Yadaei being appointed members of the Economic Development Advisory Committee (EDAC);
- (b) That Council endorse Mr Lochtenberg being appointed a member of the Macquarie Park Forum.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

John Brown
Senior Coordinator - City Activation

Report Approved By:

Lexie Macdonald
Acting Manager - City Planning

Liz Coad
Acting Director - City Planning and Development

ITEM 6 (continued)

Background

Council has received expressions of interest to join Council's Economic Development Advisory Committee (EDAC) and the Macquarie Park Forum (Forum).

As per the Terms of Reference of EDAC and the Forum (2013), new members must be endorsed by Council.

Noted below is background information regarding the candidates and their expressions of interest.

Discussion

Mr Michael Lochtenberg

Council has received an expression of interest from Mr. Michael Lochtenberg to join the Macquarie Park Forum. Mr Lochtenberg is currently Director of Leasing and Development with Colliers International.

Mr Lochtenberg states he has over 20 years' experience in commercial property development in both the private and public sector. Mr Lochtenberg is currently working with a number of key stakeholders within the precinct, including, Macquarie University.

Mr Lochtenberg noted that membership of the Forum will provide an opportunity to keep abreast of changes occurring in Macquarie Park and to better understand the views of key stakeholders represented on the Forum.

Mr Lochtenberg believes he can make a valuable contribution to the Macquarie Park Forum as it navigates the continued development of Macquarie Park as a vibrant and significant commercial precinct.

As per the Terms of Reference of the Macquarie Park Forum, Mr Lochtenberg would represent the 'commercial landowners' sector within Macquarie Park.

Mr Attila Yadaei

Council has received correspondence from Mr Attila Yadaei a resident of the City of Ryde, expressing an interest in joining Council's Economic Development Advisory Committee (EDAC).

ITEM 6 (continued)

Mr Yadaei states he holds qualifications in Economics and Finance as a Financial Advisor and expressed a specific interest in assisting Council plan for the future. Mr Yadaei highlighted he has recently undertaken demographic research titled, 'Retirement Funding Gap – Impact on Councils' which considers the economic impact of ageing on service delivery.

As a local resident, Mr Yadaei is keen to make a contribution in his community and assist City of Ryde achieves its economic and social goals. Mr Yadaei said he would welcome the opportunity to join EDAC and make a contribution in his community.

As per the Terms of Reference of EDAC, Mr Yadaei would represent the 'community' sector on the Committee.

Ms Cate Sinclair

Council has received an expression of interest from Ms Cate Sinclair, Executive Officer, The Northern Centre (formerly Ryde Family Services) to join EDAC.

Ms Sinclair has previously attended EDAC as a guest and presenter, and is now seeking endorsement from Council to join the Committee.

Ms Sinclair believes she brings extensive experience in stakeholder management, in particular, within the Not for Profit sector. Ms Sinclair is keen to assist City of Ryde stay at the forefront of delivering a livable and inclusive community.

As per the Terms of Reference of EDAC, Ms Sinclair would represent the interests of the 'community' on the Committee.

7 SHOP RYDER COMMUNITY BUS SERVICE

Report prepared by: Senior Coordinator - Environment
File No.: GRP/09/6/10 - BP17/142

REPORT SUMMARY

This report considers the on-going viability of the Shop Ryder Community Bus Service (the Service) and recommends the Service be continued beyond 30 June 2017.

The Service connects 5 key centres of Ryde namely Top Ryde, Meadowbank, West Ryde, Eastwood and Gladesville and continues to enjoy high community acceptance and high customer satisfaction. The Route map for this service can be found in **(ATTACHMENT 1)**.

Over 46,000 passenger movements are expected in 2016/17, up 10% on 2015/16 numbers. The Customer Satisfaction Survey results for 2015/16 showing over 95% customer satisfaction can be found in **(ATTACHMENT 2)**. The 2016/17 survey period was carried out over March 2017 and the survey results will be reported to Councillors separately when the analysis is completed.

The Service has existed since July 2008 and originally ran as a 6 day per week service before Council resolved on 24 June 2014 to reduce the Service to 4 days per week mainly for funding reasons.

The Service is free to users and continues to be regarded as a feeder service to the railway stations, main bus services, major shopping centres and support services such as hospitals. The buses are also used to promote waste management messaging, with both buses fully wrapped in specific advertising livery.

Currently the Service costs Council in the order of \$137k per annum to deliver. With indexation and likely increased maintenance costs on the buses, this cost is expected to rise to \$145k in 2017/18 if the Service is extended.

The Service is fully funded by Council, however the overall costs are partially offset by income of \$109,560 received from a business contract Council has with Frasers, the developers of Putney Hill Village. For this Council is contracted to provide a weekly private shuttle service to Kissing Point Wharf for residents of Putney Hill, during the morning and afternoon peak times.

This contract has been ongoing for over 12 months however Frasers have verbally advised that they are unlikely to extend the contract beyond 31 December 2017 as they will no longer be at the property from 2018.

ITEM 7 (continued)

Whilst efforts to offset the cost to Council will be ongoing, the Service has now reached a level of maturity and community acceptance that it should not continue to be reliant on an external funding to determine whether or not the Service is continued.

It is recommended that the Service is continued however should Council decide to cease the Service then it is recommended that the Service be funded to 31 December 2017 to enable a 6 months transition period for users to identify other transport arrangements.

RECOMMENDATION:

- (a) That Council continue the current operating level (four days per week) of the Shop Ryder Community Bus Service (the Service) beyond 1 July 2017 with funding of up to \$145k per annum indexed being allowed to fund the Service and that funding be split equally from General Revenue and the domestic waste management charge whilst-ever the buses are used for advertising waste messaging otherwise to be fully funded from General Revenue.
- (b) That any replacement buses required for the Service from 2018/19, or sooner as required, be funded from the Council's Plant Reserve.
- (c) The Service is reviewed on a quarterly basis and reported annually under the Council's adopted Corporate Reporting Standards to ensure it continues to meet agreed key performance indicators.

ATTACHMENTS

- 1 Shop Ryder Community Bus Timetable
- 2 Top Ryder Bus Service Survey Results 2016

Report Prepared By:

Kylie McMahon
Senior Coordinator - Environment

Report Approved By:

Sam Cappelli
Manager - Environment, Health and Building

Liz Coad
Acting Director - City Planning and Development

ITEM 7 (continued)

History

Overview of the Service

Councillors will recall the Shop Ryder (originally the Top Ryder) Community Bus service was first introduced in 2008 ostensibly to satisfy community concerns expressed during the Top Ryde City Shopping Centre development approval process and the shutdown and rebuild of the Centre. The developers at the time were required to consider how they were going to maintain access to essential services in and around the Top Ryde shopping precinct to other shopping centres during the development period.

The developers agreed to fully fund 2 small Mitsubishi Rosa buses both to satisfy relevant development consent conditions and assist the Council in its vision at the time to support the development of practical long term community transport initiatives to improve connectivity between the town centres of the City of Ryde, discourage use of cars for short trips and complement existing public and active transport, in line with the Ryde Integrated Transport and Land Use Strategy 2007.

The Shop Ryder is a free community bus service linking key centres across Ryde. The Service currently operates Wednesdays to Saturdays between 8:30am to 2pm. The 2 buses run in opposite directions linking Top Ryde, Gladesville, Putney, Meadowbank, West Ryde and Eastwood.

An analysis of the Shop Ryder service is conducted annually. Community feedback has indicated that the Service is meeting community demand.

The Service has proven to be an important community service helping to transport many elderly and less mobile passengers along routes not well serviced by public transport.

Customer Numbers and Satisfaction

Since its introduction the Shop Ryder has proved very popular. When it was first introduced it operated six days per week and transported approximately 60,000 passengers per annum. The service was scaled down to four days per week in 2014 (due to financial reasons). In 2015/16 the Service transported 41,508 passengers. In the first three quarters of 2016/17, the Service has already transported 35,171 passengers. Total passenger numbers for 2016/17 are likely to increase to exceed 46,000 passengers, a 4,500 increase from last year.

ITEM 7 (continued)

Shop Ryder bus user surveys have been conducted for the service since 2011. The survey results have consistently demonstrated a high level of user satisfaction. In 2016, the results found over 95% user satisfaction with the Service. This year's survey was conducted in March and results will be compiled and reported to Councillors through the Councillor Information Bulletin in June. The results of the 2015/16 survey can be found in (**ATTACHMENT 2**).

History of Funding the Service

When the service commenced in 2008 it cost approximately \$232k per annum to operate. Council's contribution to the service before 2013 was capped at \$100k per annum with the shortfall being made up from sponsors and from a business arrangement with Optus which had been in place for 3 years prior. However, this business arrangement ended in 2013 which resulted in a funding shortfall.

On the 24th of June 2014 Council resolved to reduce the service to four days per week and to cap Council's contribution to the service at \$150k per annum. Council also resolved to continue to seek sponsorship opportunities and advise users that unless funding became available the service would cease from 1 July 2015.

In December 2014 Council held meetings with potential sponsors, including representatives from local chambers of commerce and shopping centres to determine their level of interest in sponsoring the bus service. A sponsorship package was presented, outlining various levels of sponsorship. However, no sponsorship arrangements eventuated from these meetings.

On 28 April 2015 Council considered the future of the Shop Ryder service. A report was prepared highlighting various funding opportunities which had been explored including waste advertising, outsourcing, Section 94 funding and charging a passenger fare. The report identified waste advertising as the most viable option.

The Council resolved to continue the current level of service (four days per week) for a 12 month period to 30 June 2016 with \$75k of funding provided by Council's Domestic Waste Management Levy and \$75k from general revenue. Following this both buses were fully wrapped with waste management and minimisation messaging and advertising.

The Council also resolved that in the event that additional funding was received from external sources (either from sponsorship, advertising or fee for service), the funding required from general revenue would be decreased accordingly.

ITEM 7 (continued)

In August 2015 Council entered into a business arrangement with Frasers Putney Pty Ltd (Frasers) to operate a private shuttle bus service for residents of Putney Hill Village. The service operates 5 days per week, morning and afternoon, transporting residents of the Putney Hill development to and from Kissing Point Wharf where they can catch the ferry into the city. The service is designed to alleviate some of the traffic problems associated with this major development.

The revenue from this arrangement less expenses is being used to partly fund the Shop Ryder. However, Frasers indicate that this arrangement is unlikely to be extended into calendar year 2018 as they had nearly sold out of residences in Putney Hill Village and were about to depart from the site, but that there was a possibility they fund the Putney Hill service up to the end of 2017 calendar year.

Existing Funding Arrangements for 2016/17

The table below indicates the existing funding and costs of running the Shop Ryder Service, including income and expenditure for the Putney Village Shuttle contract.

	Frasers ¹	Waste Levy ²	Putney Shuttle Operational ³	Shop Ryder operational ⁴	Running costs (both buses) ⁵
Income p/a	109,560				
Waste Levy p/a		75,000			
Costs p/a			34,860	81,850	55,614 (Shop Ryder Service only)

- 1 This is the estimated income to be paid by Frasers to Council in 2016/17 to deliver the private Putney Village Bus Shuttle for Frasers.
- 2 This the annual funding received from the Domestic Waste Management Levy to fully wrap both buses in waste management messaging and related advertising.
- 3 This is the 2016/17 contracted cost of running the private Putney Village Bus Shuttle for Frasers. This amount is separate to the cost of running the Shop Ryder Community Bus Service and will not be payable when the Putney Village Shuttle contract ends.
- 4 This is 2016/17 contracted cost of running the Shop Ryder Community Bus Service, not including the contracted cost of the Putney Village Service.
- 5 This is the estimated running and maintenance cost to run both buses in delivering the Shop Ryder Community Bus Service only in 2016/17. Add \$17k in 2016/17 to cover running costs of Putney Village Shuttle.

Note: Total cost to deliver Shop Ryde Community Bus Service (not including the Putney Village Shuttle) in the order of \$137k for 2016/17

ITEM 7 (continued)

Discussion

Funding Options for 2017/18

Many external funding options were explored in 2014 and 2015 (see Council reports dated 24 June 2014 and 28 April 2015) including sponsorship, Section 94 contributions and charging a passenger fare. These options were not considered viable and so are not reviewed again in this report.

The option of fully outsourcing has been revisited. Council currently owns both buses and performs its own servicing and maintenance.

These buses are over 9 years old and whilst the km's travelled for each bus are not high (<400,000 km's each) compared to the age of the buses and the generally accepted distance these buses can travel of up to 1,000,000 km's each, this is not based on the operation of a stop and start bus service where the impact on the buses is much greater. Council's Plant Maintenance Staff have indicated that the buses should be able to provide 1-2 more years of service under current operating condition before some major maintenance will be necessary.

Beyond next year, any decision to extend the service would definitely need to consider the purchase of two buses for approximately \$317k and this decision would need to be made whether Council becomes a merged entity or not or sooner if the route is extended in any merged entity.

Currently, the provision of drivers is outsourced to a transport management company, EBS Global. Indicative costing was obtained from EBS Global on the option of outsourcing the entire service (provision of buses, drivers, fuel, servicing and maintenance) under current operating conditions. This would cost \$1,140 per day (excl. GST) or \$231,420 per year under the current level of service.

Council also entered into discussions with Ryde Hunters Hill Community Transport (RHHCT). RHHCT is a commonwealth funded community transport organisation which provides services to people over 65 years of age and those with disabilities.

Although RHHCT was open to the idea of running the Shop Ryder for Council, and entering into discussions about how it could work, this type of service would not fall under their funding guidelines and would need to be fully funded by Council. As such this scenario would not be expected to yield any cost savings to Council.

In March of this year, Council once again contacted RHHCT and the situation remains as before.

ITEM 7 (continued)

Service Options for 2017/18

Council needs to decide whether to continue or cease the Shop Ryder service at its current level.

Option 1 – Discontinue the service

Council could discontinue the service from 1 July 2017 and allow a 6 month transition period for users to identify other transport arrangements. This transitional period will allow enough time for patrons of the Service to make alternative transport arrangements while the Service is being phased out.

Option 2 – Council to continue operating the Service under current operating conditions beyond 30 June 2017 funded wholly by Council up to \$145k per annum indexed. Should Council choose this option, both aging buses would also need to be replaced in 2018/19, or sooner, if the Service is expanded under a merger.

Scenario Under A Merged Entity

If the City of Ryde is merged with Lane Cove and Hunters Hill Councils this may present some changes for the Shop Ryder Bus Service in terms of ensuring a delivery of service that was fair and equitable across a much larger local government area.

Currently, Lane Cove and Hunters Hill Councils do not have their own Council run community bus services. A full review of the Service, including route and timetabling, would need to be conducted to determine whether the whole community of a merged entity see benefit, need or want the Service to continue and be expanded.

In the past there have been several requests from Hunters Hill residents to extend the Gladesville route of the Shop Ryder into the Hunters Hill LGA. The pending amalgamation will enable this to be explored.

If the Service was expanded this would change Council's running and operational costs and the replacement of the current aging bus fleet would likely need to be brought forward.

With an expanded route, there may be opportunities to seek other sponsorship or have greater access to other business opportunities to help cover any increased costs. This will stay under review.

ITEM 7 (continued)

Financial Implications

The current cost to operate the Shop Ryder Community Bus Service in the year 16/17 is shown in the following table:

EBS -Global	Fuel	Maintenance	Total
\$82k	\$8k	\$47k	\$137k

(Note: Not including separate cost of delivering the private Putney Village Shuttle for Frasers)

The financial implications of the different options from 1 July 2017 are summarised below:

Option	Cost p/a	Income p/a	Council Contribution p/a	Plant Sale	Funding Source
1 – Discontinue the service and transition the Service out over 6 months to cease operating from 1 Jan 2018	\$72,500	Up to \$55k if Frasers extend contract to 31 December.	Up to \$72,500 (depending on income from Frasers)	\$30k	\$37,500 from waste levy and up to a maximum of \$35,000 from General Revenue
2 – Continue running the 4 day per week Service from 30 June 2017 on a permanent basis.	\$145k indexed plus a one off cost of approximately \$317k for the purchase of two new buses in 2018/19	Up to \$55k if Frasers extend contract to 31 December 2017 and no income beyond that.	Up to \$145k (indexed)	\$30k	\$75k from waste levy and \$70k from General Revenue, indexed. Also \$317k from Plant Reserve in 2018/19 to fund purchase of 2 buses

ITEM 7 (continued)

Conclusion

Considering the popularity of the bus service within the local community and the high level of customer satisfaction retaining the four days per week service beyond 1 July 2017 is recommended.

Options

Council may resolve to discontinue the Service from 30 June 2017 and allow a 6 months transition period to 31 December 2017 to give users of the Service enough time to make other alternative transport arrangements before the Service ceases to operate.

Council could decide to cease the Service earlier, however, given its popularity a 6 month transition period is recommended.

ITEM 7 (continued)

ATTACHMENT 1



The Shop Ryder is a free service provided by the City of Ryde. For further information about the Shop Ryder bus service go to www.ryde.nsw.gov.au/shopryder or call 9952 8222. For wheelchair bookings made the day before you travel please call 9952 8222.

WEDNESDAY - SATURDAY 8.30AM - 2.00PM

COMMUNITY BUS

Shop Ryder

TIMETABLE

FREE SERVICE


BUS STOP DESCRIPTIONS

STOP	Location
A Top Ryde City shopping centre	Route 1 (Church St to south of Blaxland Rd), Route 2 (Blaxland Rd to east of Church St)
B Gladesville shops / Gladesville Library	Gladesville Shops Routes 1 and 2 (Victoria Rd either side road near Trim Place) Gladesville Library Routes 1 and 2 (Pittwater Rd either side of road to north of Victoria Rd)
C Gladesbay Retirement Village	Routes 1 and 2 (Punt Rd outside Gladesbay Retirement Village)
D Putney Shops	Route 1 and 2 (Morrison Rd either side of road to east of Delange Rd)
E Dalton Gardens	Routes 1 and 2 (O'Regan Drive inside village from Princes St)
F Crowle Home	Route 1 (Constitution Rd to west of Belmore St), Route 2 (Belmore St to north of Constitution Rd)
G Meadowbank Station	Route 1 (Bus Bay Meadowbank Station cnr Railway Pde and Constitution Rd), Route 2 (Railway Pde at entrance Shepherds Bay Shopping Village)
H West Ryde	Routes 1 and 2 (Anthony Rd to east of Anthony Lane)
I Ryde Hospital	Routes 1 and 2 (Denistone Rd either side of road opposite Hospital Entrance)
J Eastwood Station	Routes 1 and 2 (Railway Pde either side of road south of Ethel St)

Printed on recycled paper. 2015-07

ITEM 7 (continued)

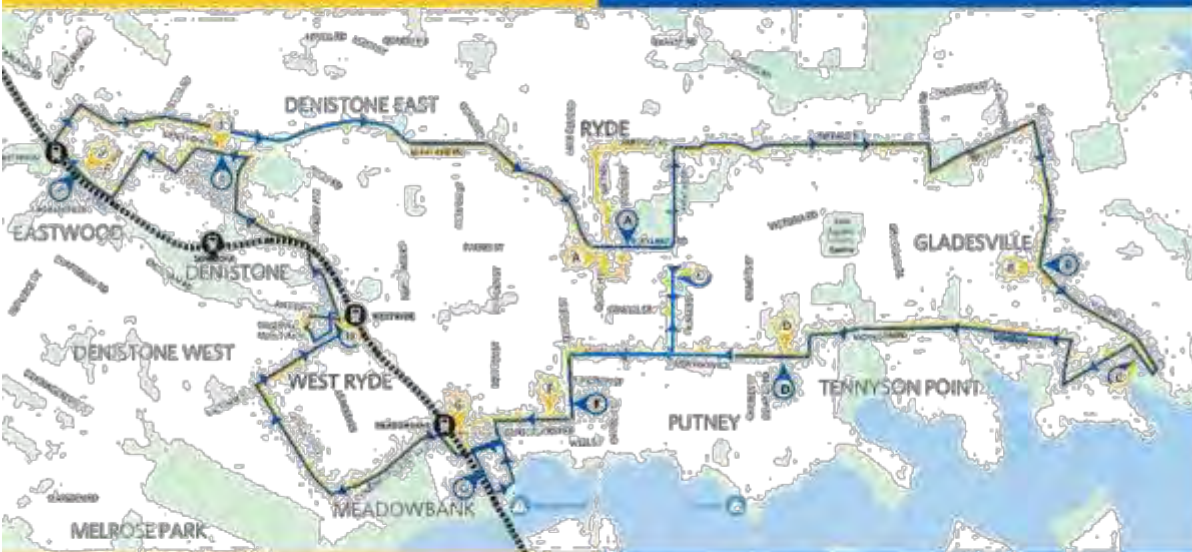
ATTACHMENT 1



City of Ryde
Shop Ryder

ADDITIONAL STOPS

In addition to these designated Shop Ryder stops, you can catch the SHOP RYDER from any STA bus stop along the route. Please signal the driver clearly.



NEW TIMETABLE:
ROUTE 3 MEADOWBANK TO WEST RYDE

30 min stopover will take place at Meadowbank Station

STOP	TIMES: Wednesday - Saturday				
G Meadowbank Station	8.30	9.30	10.30	11.30 #	1.00
F Crowle Home	8.31	9.31	10.31	12.01	1.01
E Dalton Gardens	8.36	9.36	10.36	12.06	1.06
D Putney Shops	8.40	9.40	10.40	12.10	1.10
C Gladesbay Retirement Village	8.46	9.46	10.46	12.16	1.16
B Gladesville shops then Gladesville Library	8.48	9.48	10.48	12.22	1.22
A Top Ryde City shopping centre	9.00	10.00	11.00	12.30	1.30
J Eastwood Station	9.09	10.09	11.09	12.39	1.39
I Ryde Hospital	9.13	10.13	11.13	12.43	1.43
H West Ryde	9.18	10.18	11.18	12.48	1.48

NEW TIMETABLE:
ROUTE 2 TOP RYDE CITY TO EASTWOOD
VIA GLADESVILLE, MEADOWBANK, WEST RYDE AND RYDE HOSPITAL

• 30 min stopover will take place at Top Ryde City

STOP	TIMES: Wednesday - Saturday				
A Top Ryde City shopping centre	8.30	9.30	10.30	11.30 •	1.00
B Gladesville Library then Gladesville shops	8.41	9.41	10.41	12.11	1.11
C Gladesbay Retirement Village	8.46	9.46	10.46	12.16	1.16
D Putney Shops	8.50	9.50	10.50	12.20	1.20
E Dalton Gardens	8.52	9.52	10.52	12.22	1.22
F Crowle Home	8.56	9.56	10.56	12.26	1.26
G Meadowbank - Shepherds Bay Shops	8.59	9.59	10.59	12.29	1.29
H West Ryde	9.11	10.11	11.11	12.41	1.41
I Ryde Hospital	9.16	10.16	11.16	12.46	1.46
J Eastwood Station	9.19	10.19	11.19	12.49	1.49

ITEM 7 (continued)

ATTACHMENT 2



SHOP RYDER BUS SERVICE
SURVEY RESULTS 2016

MARCH 2016
Prepared By City Of Ryde Insights & Research Coordinator

 City of Ryde

Lifestyle and opportunity @ your doorstep

ITEM 7 (continued)

ATTACHMENT 2

BACKGROUND & SURVEY METHOD

This report outlines the survey results from the Shop Ryder Bus Service Satisfaction Survey 2016.

Objectives of this Survey were:

- To understand the overall satisfaction level of users of the Shop Ryder Bus Service
- Investigate areas of improvement for this service
- To verify that service provider “EBS Global” are continuing to deliver on their service agreements

Survey forms were placed in Shop Ryder buses during February 2016. Participating customers had the option to leave completed forms in the feedback boxes on-board, or to mail their completed form to Council. Only responses received up till 29th February, 2016 were included in this report.

Survey forms were printed in English, Traditional Chinese and Simplified Chinese. Responses received were from a combination of completed English and Chinese forms. A total of n=70 forms were submitted to Council in 2016, the language of the forms used are detailed in the chart 1.

Chart 1 – Language of Forms Used



As the forms were submitted by customers who had self-selected themselves to participate in our survey, a random sample was not achieved in this instance. Results from 2016 will therefore be compared with those in 2015 where a similar survey method was applied.

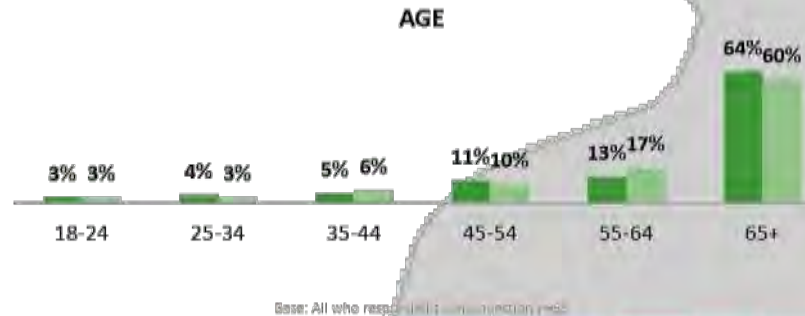
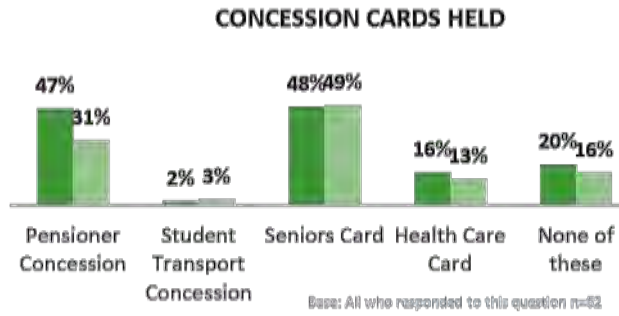
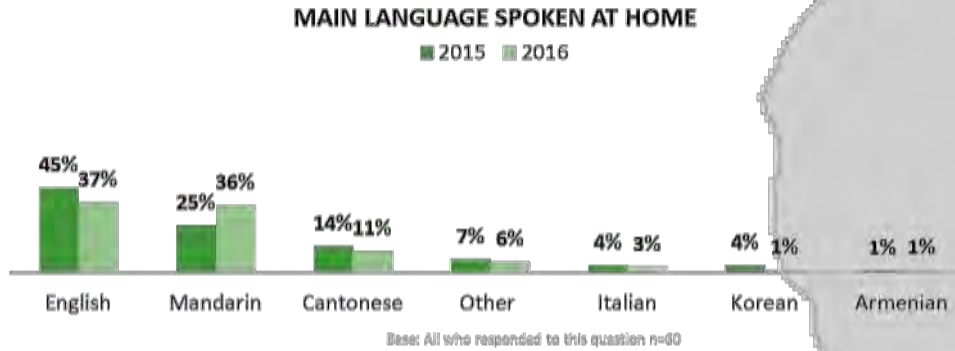
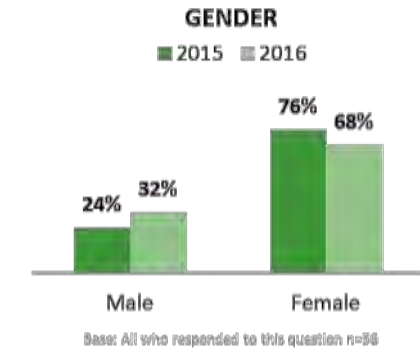
Year	No. of surveys printed	No. of surveys returned	Participation Rate
2012	200	72	36%
2014	350	68	19%
2015	350	99	28%
2016	240	70	29%

ITEM 7 (continued)

ATTACHMENT 2

SURVEY PARTICIPANT PROFILE

Survey participants were mainly older female users of the service, whose main language was English or Chinese. The actual user profile of this service may differ from the results illustrated below, due to self-selection and the availability of survey forms in English and Chinese only.

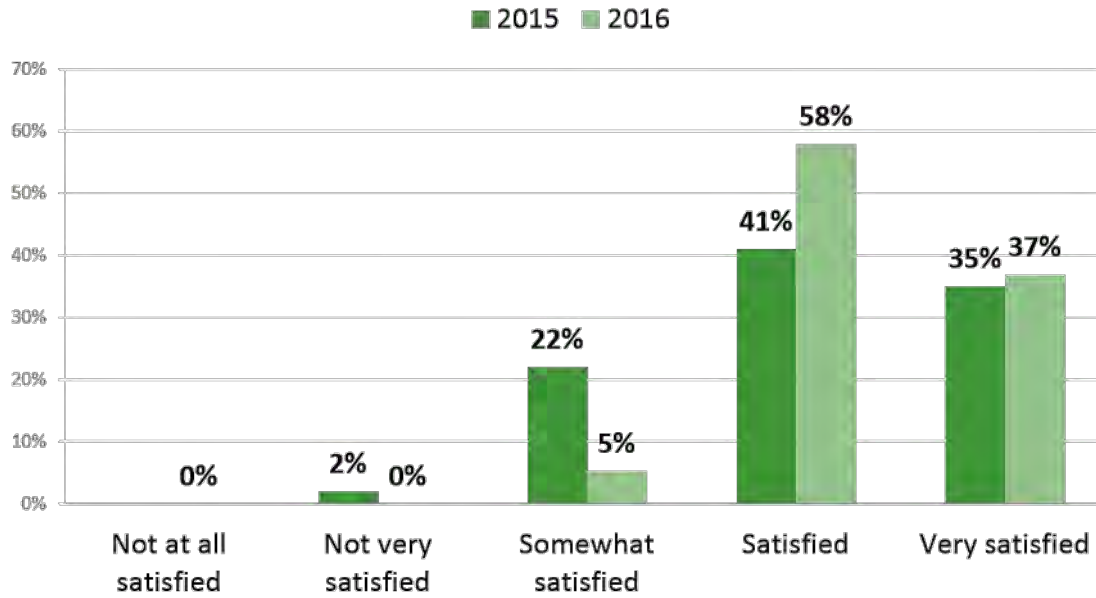


ITEM 7 (continued)

ATTACHMENT 2

SATISFACTION WITH SHOP RYDER

Compared with 2015, levels of satisfaction with the Shop Ryder Service is higher in 2016. Passengers who were "Somewhat satisfied" suggested an improvement to the bell on-board and the installation of a new light to signal when the "Bus Stop" button was activated.



2015 Mean	2016 Mean
4.08	4.32

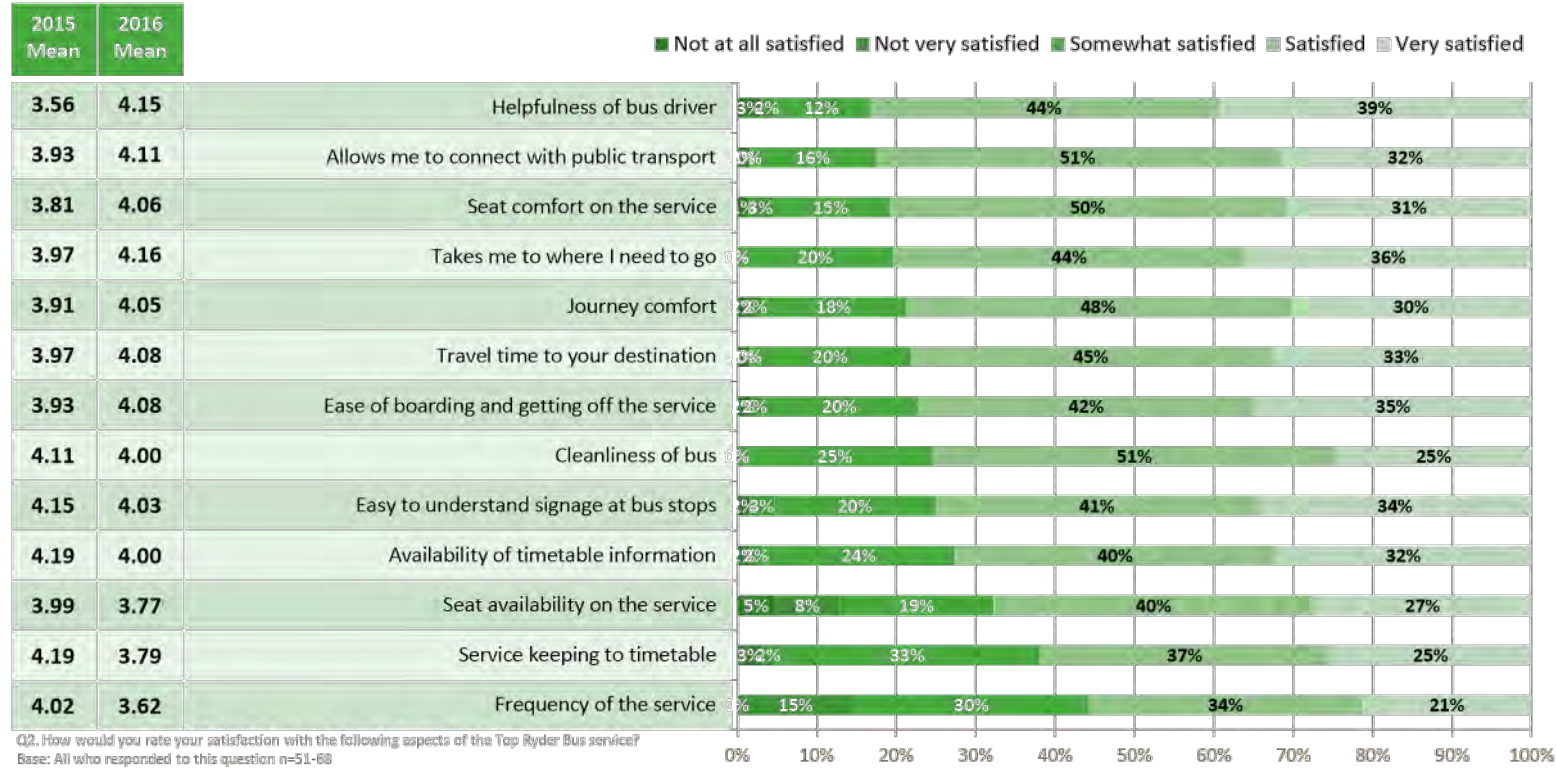
Q1. In general, how would you rate your satisfaction with the service?
Base: All who responded to this question 2015 n=90; 2016 n= 57

ITEM 7 (continued)

ATTACHMENT 2

SATISFACTION WITH SHOP RYDER

Helpfulness of the bus driver as well as the convenience of the route, were the areas of greatest satisfaction. Areas of dissatisfaction were mainly related to frequency and availability of the service, as well as the punctuality of the existing service against its scheduled timetable.

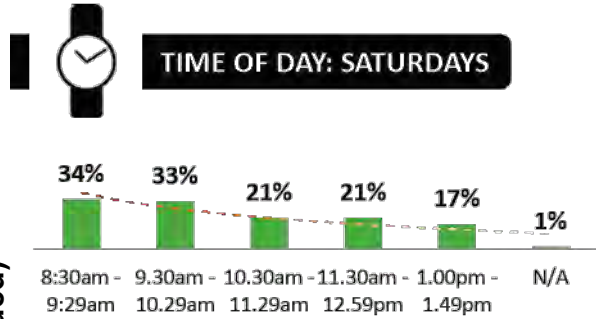
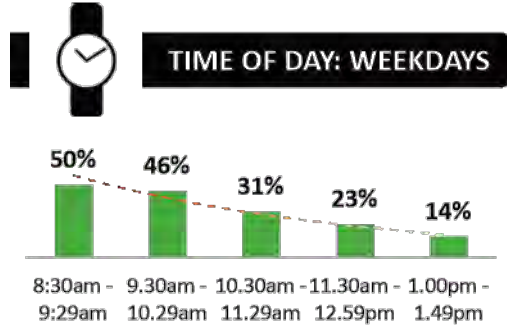


ITEM 7 (continued)

ATTACHMENT 2

CURRENT USAGE PATTERNS

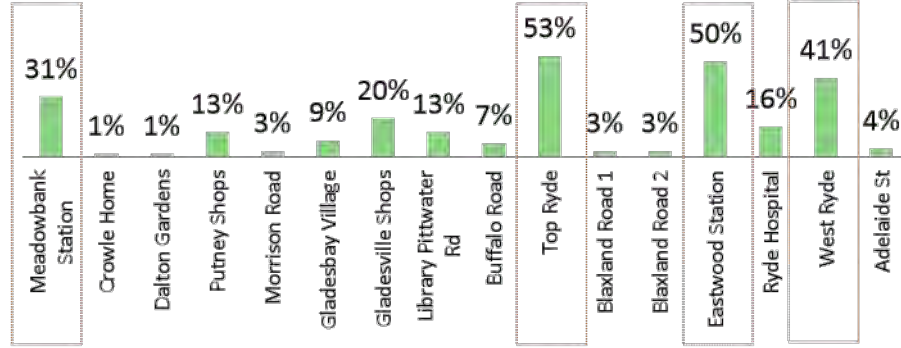
Morning services most heavily utilised. Strong connections between Top Ryde and Eastwood, West Ryde and Meadowbank Train Stations.



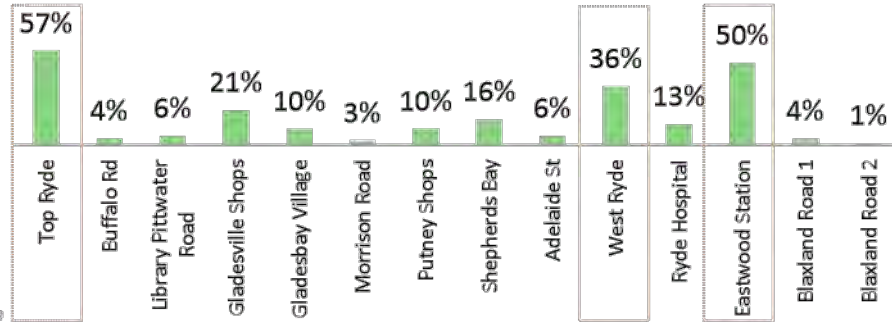
Q5. What times of day do you usually use the bus service? Base: All who responded to this question n=58

Q7. Which of the following bus stops do you regularly start or end your journey at? Base: All who responded to this question n=58

ROUTE 1: Meadowbank to West Ryde



ROUTE 2: Top Ryde to Eastwood

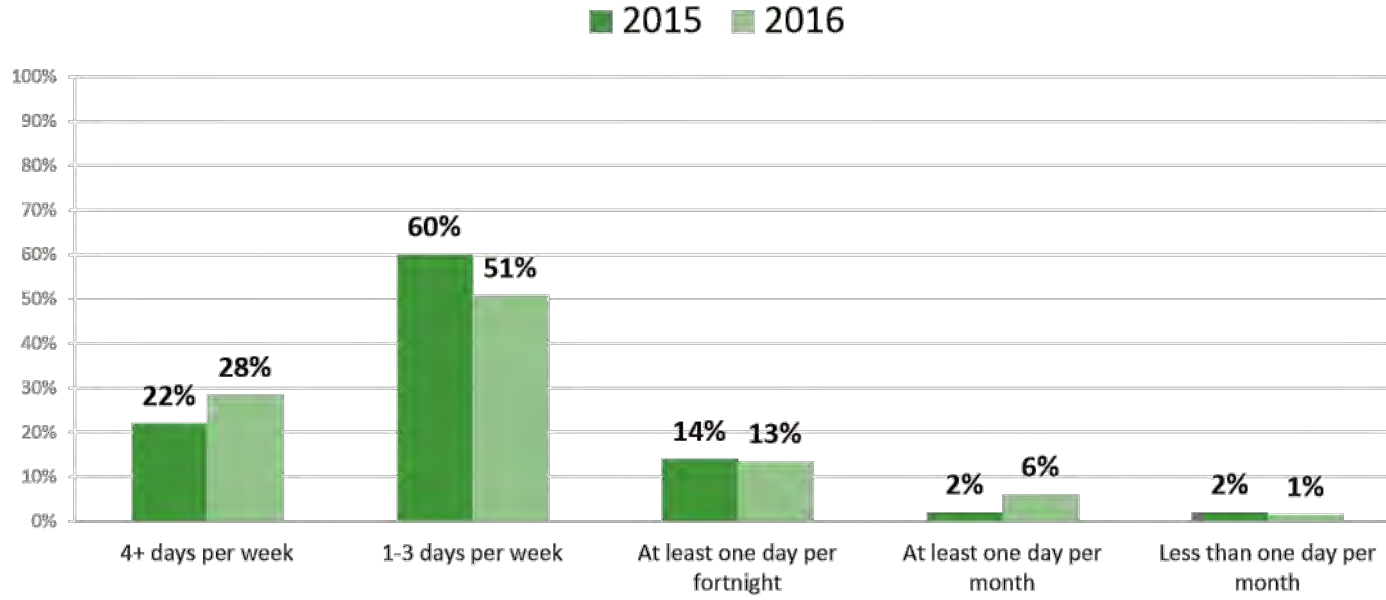


ITEM 7 (continued)

ATTACHMENT 2

FREQUENCY OF USE

Frequency of use for the Shop Ryder Bus Service in 2016 similar to levels in 2016.



Q4. How frequently do you use the Top Ryder Bus service?
Base: All who responded to this question 2015 n=96; 2016 n= 67

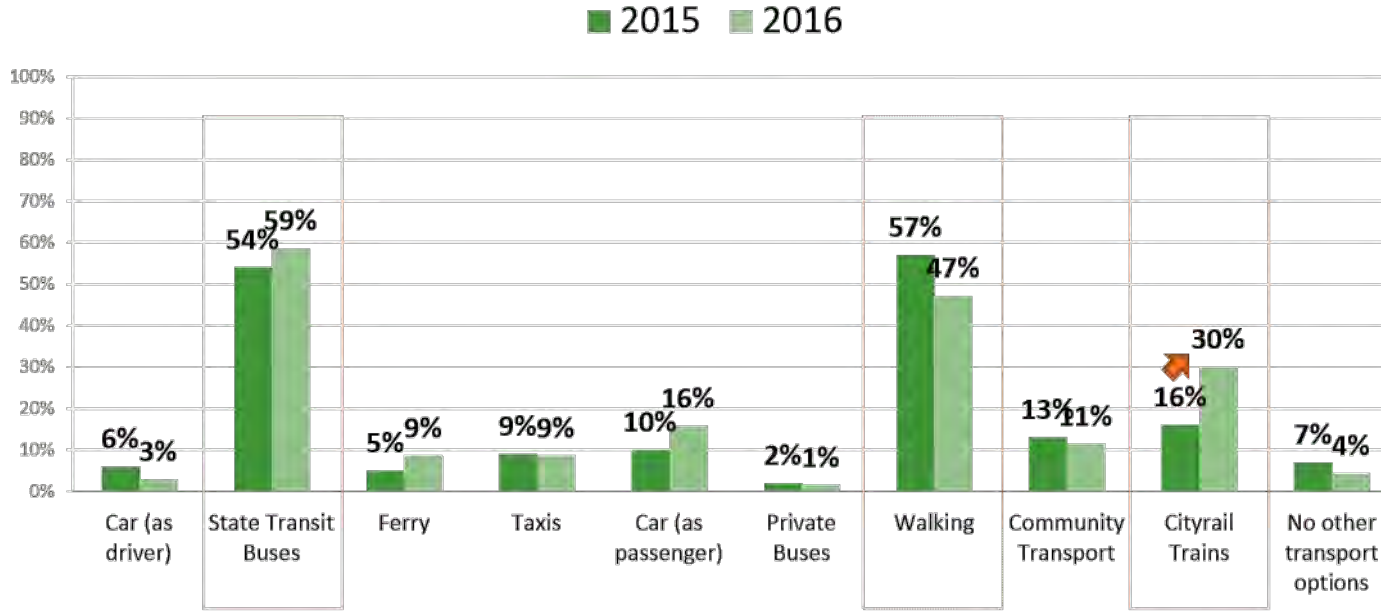
ITEM 7 (continued)

ATTACHMENT 2

INTERCONNECTIONS



The three most popular interconnections continue to be State Transit buses, Walking and Trains. An interesting growth in the number of connections made by train, increasing from 16% in 2015 to 30% in 2016.



Q8. For this trip, which other transport options do you use apart from the Top Ryder? Select all that apply
Base: All who responded to this question 2015 n=92; 2016 n= 70

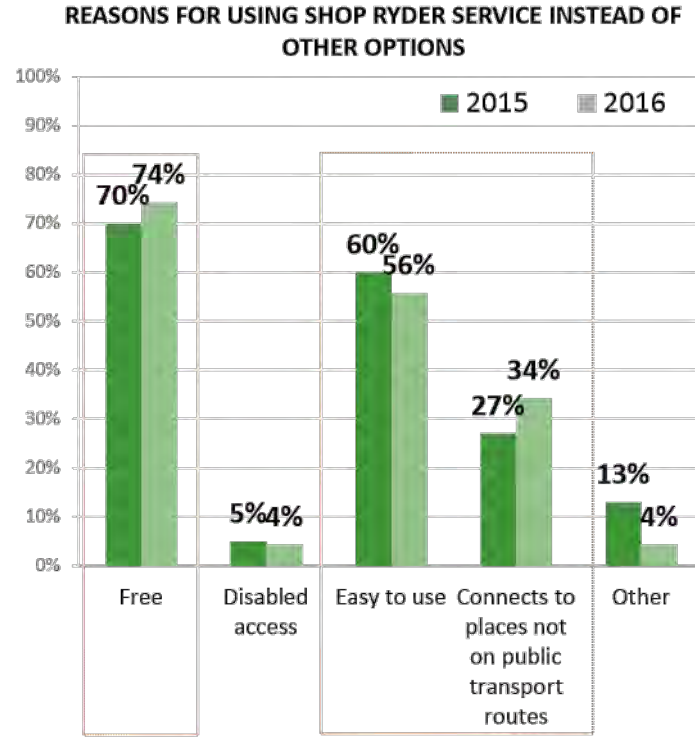
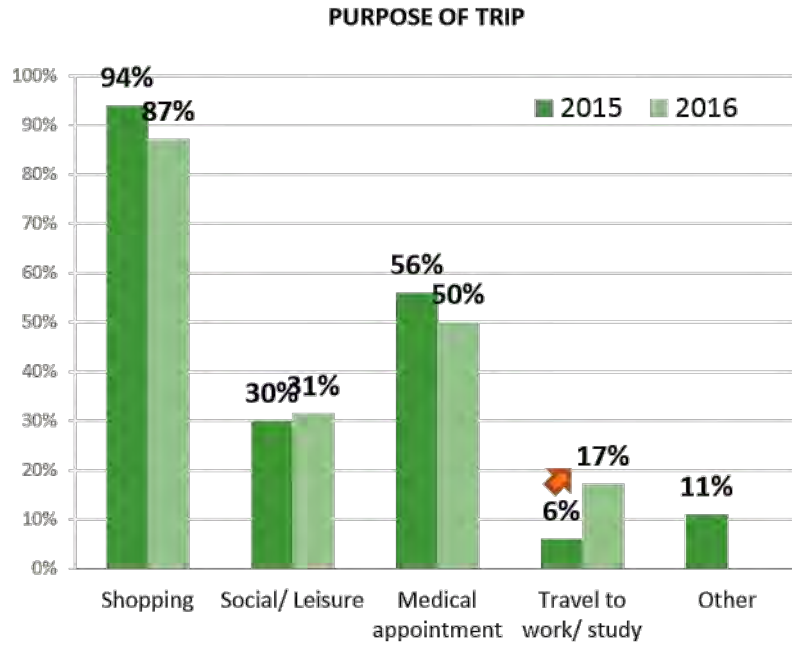
ITEM 7 (continued)

ATTACHMENT 2

REASONS FOR USING SHOP RYDER

Shop Ryder being a free service, followed by ease of use and the perception that the route connects to places not covered by public transportation.

Travelling for work or study is rising in its share of purpose, for trips made on the Shop Ryder. The main reasons for using the Shop Ryder remain unchanged from 2015; the top reason, due to the



Q5. What times of day do you usually use the bus service? Base: All who responded to this question n=58

Q7. Which of the following bus stops do you regularly start or end your journey at? Base: All who responded to this question n=58

ITEM 7 (continued)

ATTACHMENT 2

SUGGESTIONS FOR IMPROVEMENT

voicing the desire for a Monday and Tuesday service last year. The next most commonly mentioned area related to the quality of service received by passengers during their Shop Ryder journey; requests relating to this area has grown substantially in the past year, increasing from 8% in 2015 to 24% in 2016. Of particular concern were complaints about the loud music being played by the driver, the speed of the driving, rudeness and the accessibility issues due to distance the bus has stopped from the kerb or the stairwell not being activated for boarding/alighting passengers.

The area most commonly mentioned was the introduction of more bus services, particularly a Monday and Tuesday service. This is consistent with results in 2015, with 50% of respondents



Would like...

- services on Mondays &/or Tuesdays (30%)
- extra bus services (13%)
- an extended timetable (7%)
- extra buses during peak travel periods (4%)



Would like...

- buses to run to schedule (15%)
- volume of driver's music turned down (13%)
- driver to slow down (7%)
- bus to stop closer to the kerb for alighting (2%)
- stairwell to be activated for alighting passengers (2%)
- notes: driver was rude to passenger (4%)



Would like...

- amendments to bus route (7%)
- stop near RALC (4%)
- stop near Pope or Switch St (2%)
- stop near Charles St (2%)
- 12:00pm departure from Top Ryde City (2%)
- stop moved from Higginbotham Rd to Nelson St (2%)
- bus services every 2nd day (2%)
- a stop near ALDI on Victoria Rd (2%)
- timetable to be in line with doctor appointment schedules (2%)



Would like...

- a better bus stop bell coupled with light (4%)
- shopping trolleys in the back and not in the aisle (4%)
- driver to call out the names of each stop (2%)
- other (4%)

CONFIDENTIAL ITEMS

8 PROPERTY MATTER

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Report prepared by: Senior Coordinator - Property and Development

File No.: GRP/09/3/14 - BP17/361

Page No.: 237

9 REQUEST FOR TENDER - REQUEST FOR TENDER - COR-RFT-18/16 - THE PROVISION OF CLEANING AND MAINTENANCE SERVICE OF GROSS POLLUTANT TRAPS

Report prepared by: Operations Support Manager

Report approved by: Manager - Operations; Director - City Works and Infrastructure

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

File Number: PCM2016/56/4 - BP17/401

Page No.: 245

CONFIDENTIAL ITEMS (CONTINUED)

10 REQUEST FOR TENDER - REQUEST FOR TENDER COR-RFT-15/16 - OLYMPIC PARK STRATEGIC PLAN AND MASTER PLAN

Report prepared by: Open Space Planner - City Planning and Development

Report approved by: Senior Coordinator - Open Space Planner and Development;
Acting Manager - City Planning ; Acting Director - City
Planning and Development

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

File Number: PCM2016/47 - BP17/403

Page No.: 262

11 ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A (2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: Solicitor

File No.: GRP/09/5/8 - BP17/420

Page No.: 284