

Lifestyle and opportunity @ your doorstep

Meeting Date:	Tuesday 22 July 2025
Location:	Council Chambers, Level 1A, 1 Pope Street, Ryde and Online
Time:	6.00pm

ATTACHMENTS FOR COUNCIL MEETING

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Document Name:	Code of Conduct	
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Document Status:	Approved by Council on 25 October 2022XXXXXXX	
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Date:	25 October 2022 XX October 2024 June 2025	
Author:	City of RydeBusiness Assurance Executive Services & Governance	
Endorsed By:	Council	
Distribution:	Internal and External	

Change History

Version	Issue Date	Author	Reason for Change	
1.0	25 November 2014	Audit, Risk and Governance	Adopted by Council	
1.1	24 November 2015	Audit, Risk and Governance	Adopted by Council	
1.3	23 May 2017	Corporate Governance	Adopted by Council	
2.0	30 April 2019	Corporate Governance	Resolution of Council 30 April 2019 to bring the document in line with the Model Code of Conduct for Local Council in NSW 2018.	
2.1	21 May 2019	Corporate Governance	Update of the section numbering (page 41 – 42);	
2.2	22 September 2020	Corporate Governance	Adopted by Council 22 September 2020. Incorporates updates from the Model Code of Conduct prescribed by the NSW Government in August 2020, while retaining certain higher standards of conduct from the 2019 Ryde Code of Conduct.	
2.3	16 April 2021	Corporate Governance	Style and formatting changes to align with current Council templates	
2.4	25 October 2022	Corporate Governance	Updating the Code of Conduct in line with the stated review period (post 2021 Local Government Election) and to reflect change from "General Manager" to "Chief Executive Officer".	
<u>3.0</u>	XXXXXX	Business AssuranceExecuti ve Services & Governance	Policy updated in line with the Office of Local Governments Model Code. Major amendments within Part 6 – Personal Benefit to align with the Model Code principles and standards.	

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PART 1 INTRODUCTION

This City of Ryde Code of Conduct is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") prescribed in the Local Government (General) Regulation 2005 by the NSW Government.

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 <u>20122021</u> ("the Regulation").

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

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

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

This City of Ryde Code of Conduct applies to contractors, volunteers and members of wholly advisory committees, in addition to council officials.

The City of Ryde Code of Conduct includes supplementary provisions that enhance the Model Code of Conduct. These supplementary provisions are generally listed at the end of the Model Code Provisions (Note: The supplementary provisions related to Gifts and Benefits are included throughout Part 6 on Personal Benefit).

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

The City of Ryde has prescribed requirements that are more onerous than those prescribed in the Model Code of Conduct in relation to the items listed in Table 1.

Table 1 - City of Ryde Supplementary Provisions

Applies to volunteers, contractors, wholly advisory committees	Confidentiality of Legal Documents
Lobbying	Public Comment on Legal Matters
Drugs and Alcohol	Attending Legal Proceedings
Gender Equity Gender Equity	Information Contact Officers
Public Comment	Public Interest Disclosures

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Sponsorship	Political support and community participation
Public Interest Disclosures	

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

Political support and community	
participation	

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

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

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PART 2 DEFINITIONS

In this code the following terms have the following meanings:

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

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Chief Executive Officer	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA $% \left({{\rm{LGA}}} \right)$
LGA	Local Government Act 1993
local planning panel	a local planning panel constituted under the Environmental Planning and Assessment Act 1979
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation
volunteer	A person who is engaged by council to assist the council in undertaking its functions but is not paid
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

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PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

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

Fairness and equity

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

not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

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

Bullying

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

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- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- displaying offensive material pressure to behave in an
- inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising а regulatory function
 - g) legitimately implementing a council policy or administrative processes

- Work health and safety 3.12 All council officials, including Councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
 - a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any

reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety

- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations
- so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

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- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of Councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit Councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other Councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.
- Obligations in relation to meetings
- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise

be inconsistent with the orderly conduct of meetings.

- 3.22 If you are a Councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another Councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

City of Ryde Supplementary Provisions

Lobbying

- 3.23 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;
 - avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
 - e) be alert that <u>Lobbyists lobbyists</u> 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 <u>Lobbyists lobbyists</u> and if possible have another person

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attend the meetings or take notes;

- g) only hold meetings with Lobbyists lobbyists in appropriate locations, such as the Council offices
- h) include details of these meetings in Council's Lobbyict lobbyist Contact Register (Reference: City of Ryde Ethical Lobbying Policy, 2013)

Drugs and Alcohol

3.24 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.

3.25 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).

Gender Equity

3.26 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

3.27 The Mayor or Chief Executive

Officer (or delegate) 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 and Social Media Policies).

- 3.28 OnThe City of Ryde social media ie Council's Facebook sites, Instagram and LinkedIn accounts. are managed by the Communication and Media Team with any media statements or public comments to be approved by staff delegated to make public comment are generally the spekesperson on all-Council business.
- 3.29 If Council officials make comment on Council business using their social media accounts, they are to ensure it is clear that it is a personal opinion not the official position of City of Ryde.
- 3.30 The Mayor and Councillors are to advise the CEO of any social media platforms they administer on which content relating to Council or council officials is, or is expected to be, uploaded within a) a week of becoming councillor, or of becoming the b) a week administrator (if someone is operating the Councillor's account

(Refer to Council's adopted Media and Social Media Policies for Councillors)

on their behalf).

The Mayor or Chief Executive Officer will generally be the generally be spokesperson on Council business or matters before the Council. Only staff with specific delegations are autherized to make public comment about Council business or matters

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Sponsorship 3.30 Any

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- sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.
- 3.31 All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy 2012.

- Public Interest Disclosures 3.32 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.
- 3.33 The handling of public interest disclosures is to be undertaken in accordance with the Public Interest Disclosures Act 1994-2022 and Council's adopted Public Interest Disclosures Internal Reporting Policy_, December 2018.

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PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

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

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

What interests do not have to be

disclosed?

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

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holder of an office in the club or organisation (whether remunerated or not)

- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being а corporation. association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of committee) of the the association, or is a partner of the partnership
- an interest you have arising from (i) the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or

service in connection with roads or sanitation

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

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What disclosures must be made by a designated person?

- 4.8 Designated persons include:
 - (a) the Chief Executive Officer
 - (b) other senior staff of the council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory contractual functions or functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
 - (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the council) the nature of any pecuniary interest

the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by council advisers?

4.16 A person who, at the request or with the consent of the council or a

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council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a Councillor?

4.20 A Councillor:

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

Disclosure of interests in written returns

4.21 A Councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the Councillor's or designated person's interests as **ATTACHMENT 1**

specified in schedule 1 to this code within 3 months after:

- (a) becoming a Councillor or designated person, and
- (b) 30 June of each year, and
- (c) the Councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
 - (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a Councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.
- 4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public

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Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

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

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member's spouse, de facto partner or relative, is:

- (a) a member of, or in the employment of, a specified company or other body, or
- (b) a partner of, or in the employment of, a specified person.

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

- 4.33 A Councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the Councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a Councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a Councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 (a) the matter is a proposal relating to:

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- the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
- the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the Councillor in the Councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the Councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the

consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.
- 4.39 A Councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

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another person living in the same household

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

- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
 - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a nonpecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a Councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate

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consideration of the matter in question to another body or person.

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

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a nonpecuniary conflict of interest.
- 5.16 Where you are a Councillor and have received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,

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

- 5.17 For the purposes of this Part:
 - a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018.*
- 5.18 Councillors should note that political donations that are not a

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

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

Loss of quorum as a result of compliance with this Part

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

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under this Part in accordance with clause 5.6.

- 5.21 The Minister for Local Government conditionally may. or unconditionally, allow a Councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a Councillor or committee member from complying with a requirement under this Part under clause 5.21, the Councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval for the

staff member to engage in the employment, work or business.

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

Personal dealings with council

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

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5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

City of Ryde Supplementary Provisions

Political support and community participation

- 5.30 Staff must ensure that anv participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.
- 5.31 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 Gener ManagerDirector or the Chief Executive Officer immediately and take adequate steps to manage that conflict in accordance with the Code.

Council officials and future employment Ryde Code of Conduct 2017, s4.33-4.34, ,p121

- 5.32 Councillors and employees should not use their position to obtain opportunities for future employment.
- 5.33 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials [Ryde_Code_of Conduct 2017, s4.33-4.34, ,p12]

5.34 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.

5.35 Former Council officials must not use, oruse 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 [Ryde Code of Conduct 2017, s4.39-4.31 ,p12]

- 5.36 Declarations by Councillors or staff are to be made on the specified form.
- 5.37 Declarations by the Mayor or Councillors are to be signed by the Chief Executive Officer. Declarations by the Chief Executive Officer are to be signed by the Mayor. Declarations by staff are to be signed by the Chief Executive Officer or relevant Director General ManagerDirector.
- 5.38 All emergent declarations will be hold in the Disclosure of Interest Register. This is a public document accessible in accordance with the GI(PA) Act. provisions.

Declarations as part of recruitment or tendering processes [Ryde Code of

Conduct 2017, s4.42-4.43 ,p13] 5.39<u>5.38</u> 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.

^{5.405.39} Declarations regarding conflicts of interest will be required

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to be made by Council Officials in procurement This is to be participating processes. undertaken in accordance with the City of Ryde procurement framework.

PART 6 PERSONAL BENEFIT

- For the purposes of this Part, a gift 6.1 or a benefit is something offered to or received by a council officialofficial, or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include: a) Items with a value of \$4010 or less
 - a)b) a political donation for the purposes of the Electoral Funding Act 2018
 - b)c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c)d) a benefit or facility provided by the council to an employee or Councillor
 - d)e) _attendance by a council official at a work-related event or function of token value for the purposes of performing their official duties, or
 - e)f)free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to: the discussion of official i)
 - business
 - work-related events such ii) as council-sponsored or community events. training, education sessions or workshops
 - iii) conferences

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- functions iv) council or events
- v) social functions organised by groups, such as council committees and community organisations.

Note: The Model Code of Conduct for NSW Councils defines Gifts and benefits of token value as 'one or more gifts or benefits received from a person or organisation over a 12 onth period that, when aggr do not exceed a value of \$100. The City of Rydo's Gifts and Bonofits Policy takes a stronger position that and bonofite chould refused, where possible, with the exception of the items listed at cla All gifts and bonofits offers of gifts and benefits if refused, must be declared. must be surrendered to Council unless this is impractical.

Gifts and benefits

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

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

6.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- accept any gift or benefit that c) may create a sense of obligation
- on your part, or may be Code of Conduct -Standard Owner: Corporate Accountability: Governar Gev Adopted by Council: 25 October emanceBucinocc Executive 2022XXXXXX Services & Governance Next Review date: October 2025 Last Review Date: October 20242

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perceived to be intended or likely to influence you in carrying out your public duty

- d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
- f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer– supplier relationship with the competition organiser
- g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing. The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.

The City of Ryde has a Gifts and Benefits declaration form available on the Intranet for this purpose. For staff and contractors, the form is to be signed by your <u>Director General</u> <u>ManagerDirector</u> and submitted to the <u>Governance Business Assurance</u> <u>Executive Services and Governance</u> Team for recording in the Gifts and Benefits Register. Councillors must complete the gifts and benefits form and submit it to the Chief Executive Officer via the Councillor Helpdesk.

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

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
 - a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b) gifts of alcohol that do not exceed a value of \$100
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like d) prizes or awards that do not exceed \$100 in value
- 6.8 Keeping in mind the Council's policy of refusing all gifts and benefits as far as possible, the following gifts and benefits of a token value may be accepted where it is impractical and would cause offence to refuse:
 - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business
 - ii. council work related ovents such as training, oducation sossions, workshops

iii conforoncos

- iv. council functions or events
- v. social functions organised by groups, such as council committees and community organisations

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- b) invitations to and attendance at local social, cultural or sporting ovents
- c) gifte of single bottles of alcohol of teken value in recognition of work done (such as providing a locture/training
 - cossion/addross)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 e) prizes or awards of teken value.

The Medel Code sets a 'teken at \$100 for one or more gifts and received from person organisation. The City of Ryde takes a stronger position that all gifts and uld be This is reflected in the City of Ryde Gifte and anke is Enough' Policy If a ofit is not rofused (even of teke value) it must be surrendered to the council, unlose the nature of the gift or benefit makes this impractical. gifts and offors of gifts must declared to Council.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

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- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value. All gifts surrendered to the council, unless the nature of the gift or benefit makes this impractical. All gifts and offors of gifts must be declared to Council.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

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

Improper and undue influence

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

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functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and administrators

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

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

Obligations of staff

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

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service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

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

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

City of Ryde Supplementary Provisions

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 Chief Executive Officer regarding Council

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matters, <u>Directors</u> regarding <u>ManagereDirectors</u> regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for council related business requests. (Reference: City of <u>Ryde Guideline on Councillors</u> and <u>Staff</u> Interaction <u>Policybetween Councillors</u> and <u>Staff</u>].

Obligations during meetings [From Ryde Code of Conduct 2017, s6.5-6.6 ,p16]

- 7.7 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the Local Government (General) Regulation 2005—2021 during council and committee meetings.
- 7.8 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.

City of Ryde Charter of Respect_[From Ryde Code of Conduct 2017, s6.8, p17]

7.9 The City of Ryde Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's <u>Senior Management Executive</u> <u>Leadership</u> Team. These are the enforceable standards of conduct.

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

<u>Read</u> reports and maintain confidentiality (as required) when making decisions

<u>Evaluate</u> and constructively challenge our performance <u>Strategically</u> set the City's future direction and set clear priorities <u>Professionally</u> deal with staff and

create a non-threatening culture by; 1. Debating the issue without denigrating staff (play the ball not the person)

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- 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

<u>Commit</u> to representing the aspirations and needs of our Community whilst acting with dignity <u>Trust</u> the staff to give their best apolitical advice but feel free to change it.

As a mMembers of the Executive Team of the City of Ryde +will be:-

<u>Receptive</u> and responsive to Community concerns and Council's decisions

Ethical and apolitical in carrying out my duties

Supportive of Councillor requests and requirements

<u>Professional</u> in managing and optimising Council's resources and knowledge

Equal in my interactions with and treatment of all Councillors

<u>Communicating</u> in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff

<u>Timely</u> 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.

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City of Ryde Guideline on Interaction between Councillors and Staff [From Ryde Code of Conduct 2017, c6.8, p17]

7.10 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.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- The Chief Executive Officer is 8.1 responsible for ensuring that Councillors and administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access available publicly council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The Chief Executive Officer must provide Councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to Councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular Councillor in the performance of their official

functions must also make it available to any other Councillor who requests it and in accordance with council procedures.

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

Where the Chief Executive Officer or public officer determine to refuse access to information requested by a Councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the Councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to would preclude that their

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participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
 - a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official

position for the purpose of securing a private benefit for yourself or for any other person

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- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

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

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
 - a) the representation of members with respect to disciplinary matters

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

Internet access

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

Council record keeping

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

Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to

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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 Chief Executive Officer.

- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

City of Ryde Supplementary Provisions

Confidentiality of Legal Documents

8.28 Councillors must not disclose legal advice that has been received either verbally or in writing, as this may compromise the legal position of Council and the privilege attached to this legal advice.

Public Comment on Legal Matters

- 8.29 Council will generally not provide comment on matters where it is involved, or likely to be involved, in legal proceedings or matters that are subject to a police or other investigation.
- 8.30 Before making any public comments on matters where Council is involved in current legal proceedings, Councillors must seek approval from the Chief Executive Officer, as public comment could

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have	financial	and	legal
implicat	tions for Cou	ncil.	

- Attending Legal Proceedings
- 8.31 Councillors should not attend any legal proceedings where Council is a party to those proceedings without first consulting with the Chief Executive Officer.
- Contact OfficersPublic Information-Comment on Insurance Matters 832 <u>8.32 Councillors</u> should refrain from commenting on any insurance or contractual matters where Council is a party to those proceedings without first consulting with the Chief Executive Officer. To ensure that appropriate information access processes are followed, Council particular nominated hae officers to the following rolor with th rolos rdance legislation
 - Privacy Contact Officer General Counsel – Manages Council's obligations under Privacy and Personal Information Protection Act 1998
 - Public Officer General Councel — Manages requests from public on affairs of Council, assist with onquiries or requests for access to information.
 - Right to Information Information Access Officer – Assists with onquirios or requests for access to information, and receives and coordinatos formal requests for information under Government Information (Public Access) Act 2009.

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PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

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

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

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

Compliance with requirements under the Procedures

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

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

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information

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about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.2022

Complaints alleging a breach of this Part

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

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

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

gift means a disposition of property made otherwise than by will (whether or

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not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

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

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

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relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

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

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Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

- A person making a return under clause 4.21 of this code must disclose:
- a) a description of each gift received in the period since 30 June of the previous financial year, and
- b) the name and address of the donor of each of the gifts.
- 10. A gift need not be included in a return if:

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- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
- b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
- c) the donor was a relative of the donee, or
- d) subject to paragraph (a), it was received prior to the person becoming a Councillor or designated person.
- For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

- A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or

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- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a Councillor or designated person.
- 14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

- A person making a return under clause
 4.21 of this code must disclose:
 - a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
- An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
 - a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art,

science, religion or charity, or for any other community purpose, and

- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.
- 17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
- 18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a Councillor or designated person.

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

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

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

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

Positions in trade unions and professional or business associations

- A person making a return under clause
 4.21 of the code must disclose:
 - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have

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held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

- c) a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a Councillor or designated person.

Dispositions of real property

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

Sources of income

- 26. A person making a return under clause 4.21 of this code must disclose:
 - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date

and ending on the following 30 June, and

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

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<u>Debts</u>

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

months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

- the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a Councillor or designated person.

Discretionary disclosures

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

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

<u>'Disclosures by Councillors and designated</u> persons' return

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

I

This form must be completed using block letters or typed.

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

Important information

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

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

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

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 201809* and any guidelines issued by the Information Commissioner.

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

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Disclosure of pecuniary inter	ests and other mat	ters by [full na	ome of Councillor or
designated person]			
as-at [roturn dato]			
do de l'otarit datol			
in respect of the period from	[dato] to [dato]		
Councillor's or designated p	orson's signaturol		
[date]	5 1		
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interest at the return date/at	any time since 30 .	luno	
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commoncing on the first day	after the return da	to and onding	on the following 30 June
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-	-		
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Annual Disclos	sure of Pecuniary Interests and O	ther Matters Return
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(Nal harve of Councillor or dea	graded person)	
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as at permany - (30)		
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Code of Conduct Standards-of-Conduct			
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CM Reference (Word): D21/47868	Nek Review date: October 20252028	Last Review Date: October 20242	

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C. Gifts	182.2			
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D. Contributions to Travel			<u>.</u>	
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G. Positions in Trade Unions and Professiona			ins.	فيو بالريد.
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CM Reference (Word): D21/47868	Nek Review date: October 20252028	Last Review Date: October 20242		



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10		
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ATTACHMENT 1

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

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

Important information

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

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

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

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

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

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

]	Code of Conduct — Standards of Conduct				
	Owner: Corporate Governance Bucinocs <u>AssuranceExecutive Services &</u> <u>Governance</u>	Accountability: Governance FramoworkBucinosc-AccuranceExecutive Services & Governance	Adopted by Council: 25 October 2022XXXXXX		
	CM Reference (Word): D21/47969	Next Review date: October 20252028	Last Review Date: October 20242		

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

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

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

to be held on the day of 20.

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

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

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

I	Code of Conduct <u>Standards of Conduct</u>				
	Owner: Corporate Governance Business <u>AssuranceExecutive Services &</u> <u>Governance</u>	Accountability: Gevernance FrameworkBusiness AssuranceExecutive Services & Governance	Adopted by Council: 25 October 2022XXXXXX		
I	CM Reference (Word): D21/47868	Next Review date: October 20262028	Last Review Date: October 20242		
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Councillor's signature

Date

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

Owner: Corporate GovernanceBusiness AssuranceExecutive Services & Governance	Accountability: Generative FrameworkBusiness AssuranceExecutive Services & Governance	Adopted by Council: 25 October 2022XXXXXX	
CM Reference (Word): D21/47868	Next Review date: October 20252028	Last Review Date: October 2024	



TEM 5 (continued)		ATTACHMENT 2
	TRACK CHANGES VERSION	





ATTACHMENT 2

2

Document Ve	ersion	Control
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Document Name:	Procedures for the Administration of the Code of Conduct – Complaints Procedure
Content Manager Reference (Word):	D21/47866
Content Manager Reference (PDF)	D21/50669
Document Status:	Approved by Council on 25 October 2022 XXXXX
Version Number:	Version 4.03.2
Date:	25-XX October 20242 June 2025
Author:	City-of RydeBusiness AssuranceExecutive Services and Governance
Endorsed By:	Council
Distribution:	Internal and External

Change History

Version	Issue Date	Author	Reason for Change
1.0	February 2013	Audit, Risk and Governance	Initial approval by Council and publication of Document
1.1	08 October 2013	Audit, Risk and Governance	Adopted by Council
1.2	25 November 2014	Audit, Risk and Governance	Adopted by Council
1.4	24 November 2015	Audit, Risk and Governance	Adopted by Council
1.5	23 May 2017	Audit, Risk and Governance	Adopted by Council
2.0	30 April 2019	Corporate Governance	Resolution of Council 30 April 2019 to bring the document in line with the Model Code of Conduct for Local Council in NSW 2018.
3.0	22 September 2020	Corporate Governance	Adopted by Council 22 September 2020. Incorporates updates from the Model Code of Conduct prescribed by the NSW Government in August 2020, while retaining certain higher standards of conduct from the 2019 City of Ryde Code of Conduct.
3.1	13 April 2021	Corporate Governance	Style and formatting changes to align with current Council templates
3.2	25 October 2022	Corporate Governance	Updating the Code of Conduct in line with the stated review period (post 2021 Local Government Election) and to reflect change from "General Manager" to "Chief Executive Officer".
<u>4.0</u>	XXXXXXX	Businese AssuranceExecuti ve Services & Governance	Updating all references to the Public Interest Disclosures Act 2022 Updating all references to the Local Government (General) Regulation 2021 Removal of any reference to specific position titles of the legislated positions and removal of the reference to Council's agreement with the Northern Sydney Region of Council's (NSROC)

Owner: Corporate GevernanceBusiness AssuranceExecutive Services & Governance	For the Administration of the Code of Conduct - Complaints Procedure Accountability: Governance Adopted by Council: 2022XXXX Services & Governance Adopted by Council: 2022XXXX	
CM Reference (Word): D21/47986	Next Review date: October 20285	Last Review Date: October 20242 June 20



ATTACHMENT 2

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Procedures for the Administration of the Code of Conduct - Complaints Procedure		t – Complaints-Procedure
Owner: Corporate Governance <u>Skeiness</u> <u>As-ranceExecutie Services &</u> Governance	Ao untability Governance Framework <u>Business Assurane Executie</u> Serir ces & Governance	Adopted by Council: 25-October 2022/COCK
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PART 1 INTRODUCTION

These Procedures for the Administration of the City of Ryde Code of Conduct are based on the Model Code Procedures prescribed by the NSW Government and published by the Office of Local Government in August 2020.

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 ("the LGA") and the Local Government (General) Regulation 202105 ("the Regulation"). Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the

LGA and the Regulation. Section 440AA of the LGA requires every council to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

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

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

Procedures for the Administration of the Code of Conduct – Complaints			- Complaints Procedure
	Owner: Corporate Governance Business <u>AccuranceExecutive Services &</u> Governance	Accountability: Governance FramoworkBucinocs: AccuranceExecutive Services & Governance	Adopted by Council: 25 October 2022 <u>XXXXX</u>
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PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66	
code of conduct	a code of conduct adopted under section 440 of the LGA	
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures	
complainant	a person who makes a code of conduct complaint	
complainant councillor	a councillor who makes a code of conduct complaint	
complaints coordinator	a person appointed by the Chief Executive Officer under these procedures as a complaints coordinator	
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the Chief Executive Officer	
council	includes county councils and joint organisations	
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee	
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee	
	ninistration of the Code of Conduct - Complaints Procedure	
Owner: Corporate	Accountability: Governance Adopted by Council: 25-0	

	Procedures for the Administration of the Code of Conduct – Complaints Procedure		
	Owner: Corporate Governance Business <u>AccuranceExecutive Services &</u> <u>Governance</u>	Accountability: Gevernance Framowork <u>Bucinoce: AccuranceExecutive</u> Services & Governance	Adopted by Council: 25 Ostober 2022 <u>XXXXX</u>
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councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
Chief Executive Officer	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 4000 of the LGA
LGA	the Local Government Act 1993
mayor	includes the chairperson of a county council or a joint organisation
members of staff	
of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer

Procedures for the Administration of the Code of Conduct – Complaints Procedure		
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the Regulation	the Local Government (General) Regulation 2005	
respondent	a person whose conduct is the subject of	

investigation by a conduct reviewer under these procedures

wholly advisory committee

a council committee that the council has not delegated any functions to

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PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

The City of Ryde has entered into such an agreement 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 conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the

requirements of the Public Interest Disclosures Act 49942022, and

- c) knowledge and experience of one or more of the following:
 - d)i._investigations
 - e)<u>ii.</u>law
 - f)iii._public administration
 - <u>g)iv.</u> public sector ethics h)v. alternative dispute
 - resolution, and

i)d)meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - 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

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reviewers if they are a member of another council's panel of conduct reviewers.

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

council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either a preliminary undertake assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or

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refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

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

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act* 20221994.

> At City of Ryde the Chief Executive Officer has appointed the Manager Corporate Governance as Council's Complaints Coordinator, and the Director, Corporate Services as the alternate Complaints Coordinator.

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

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

standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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How may a code of conduct complaint about a council official other than the Chief Executive Officer be made?

- 4.6 All code of conduct complaints other than those relating to the Chief Executive Officer are to be made to the Chief Executive Officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The Chief Executive Officer or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the Chief

Executive Officer becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the Chief Executive Officer be made?

- 4.11 Code of conduct complaints about the Chief Executive Officer are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the Chief Executive Officer to an external agency.
- 4.12 Where a code of conduct complaint about the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's

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preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the Chief Executive Officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

Delegation by chief executive officers and mayors of their functions under this Part

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

Consideration of complaints by chief executive officers and mayors

5.2 In exercising their functions under this Part, chief executive officers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

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

How are code of conduct complaints about staff (other than the chief executive officer) to be dealt with?

5.4 The Chief Executive Officer is responsible for the management of code of

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conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

The Chief Executive Officer 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 Chief Executive Officer 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.

- 5.5 The Chief Executive Officer must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a member of staff of council, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

5.10 The Chief Executive Officer is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained

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in Part 4 of the code of conduct) and for determining the outcome of such complaints.

- 5.11 The Chief Executive Officer must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve

code of conduct complaints about delegates of council or council committee members, by alternative means such as. but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.15 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.14 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form

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specified by the Chief Executive Officer

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

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

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

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

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

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arrangement with the Office under clause 5.49.

- 5.21 Where the Chief Executive Officer refers a complaint to the Office under clause 5.20, the Chief Executive Officer must notify the complainant of the referral in writing.
- 5.22 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a councillor, the Chief Executive Officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to explanation

counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.24 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The Chief Executive Officer must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the chief executive officer to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the Chief Executive Officer to the Office:

 a) complaints alleging a breach of the pecuniary

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interest provisions contained in Part 4 of the code of conduct

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

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

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How are complaints about both the chief executive officer and the mayor to be dealt with?

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

Referral of code of conduct complaints to external agencies

- 5.35 The Chief Executive Officer, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The Chief Executive Officer, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns

or may concern corrupt conduct.

- 5.37 Where the Chief Executive Officer, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
 - a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements,

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that the identifying information be disclosed, or

- d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
- e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the Chief Executive Officer.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the Chief Executive Officer, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The Chief Executive Officer or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing

information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

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

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the Public Interest Disclosures Act 19942022. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the Chief Executive Officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor

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must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the Chief Executive Officer 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* 19942022.

Special complaints management arrangements

- 5.48 The Chief Executive Officer may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
 - a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by

the council of its code of conduct, or

- c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
 - a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons

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for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the Chief Executive Officer, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.
- PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXCEUTIVE OFFICER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the chief executive officer to conduct reviewers

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

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consideration of the matter, or

- c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
- d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty.- (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the

matter referred to the conduct reviewer-0.

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

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consideration of the matter, or

- b) comply with a lawful and reasonable request by the complaints coordinator, or
 c) aversise their functions in
- c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the chief executive officer by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
 - a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling.

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

- c) to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the mayor, for resolution by alternative and strategies appropriate such as, but not limited to, explanation, counselling, training, mediation, informal discussion. negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d) to refer the matter to an external agency
- e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to

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determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an

external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
 - a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the Chief Executive Officer under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the Chief Executive Officer under their contract of employment, the conduct reviewer is to consider the following:
 - a) the harm or cost that the alleged conduct has caused to any affected

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individuals and/or the council

- b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the chief executive officer or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the Chief Executive Officer or to the mayor to be resolved by alternative and appropriate means, they must write to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, to the mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the Chief Executive Officer or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The Chief Executive Officer or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the Chief Executive Officer or mayor under clause 6.13(c), the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the Chief Executive Officer or mayor under clause 6.13(c), the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, the mayor, must

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advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

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

available

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relation to the conduct complained of

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

PART 7 INVESTIGATIONS OF CODE OF CONDUCT

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COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXECUTIVE OFFICER

What matters may a conduct reviewer investigate?

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

How are investigations to be commenced?

7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:

- a) disclose the substance of the allegations against the respondent, and
- b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
- c) advise of the process to be followed in investigating the matter, and
- advise the respondent of the requirement to maintain confidentiality, and
- e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
- f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the

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investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.

- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the complainant, the complaints coordinator and the mayor. The notice must:
 - a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and

c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

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

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report without hearing from the respondent.

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

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

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

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negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or refer the matter to an

- c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

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

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written submission in relation to it within a period of not less than 14 days specified by the investigator.

- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making enquiries, the further investigator makes anv material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time

prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
 - a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
 - a) a description of the allegations against the respondent

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- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
 - a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or

- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
- d) that the councillor be formally censured for the breach under section 440G of the LGA, and
- e) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make а recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct

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investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive

Officer or, where the report relates to the Chief Executive Officer's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has

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determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution: a) request that the investigator make additional enquiries and/or provide additional information to it in a
 - supplementary report, or
 b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

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- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
 - a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and

determination and/or such other grounds that the council considers may be relevant or appropriate.

- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

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

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- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

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

Practice rulings

8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may

make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:

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- a) that the investigator has failed to comply with a requirement under these procedures, or
- b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
- c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is

reasonabl	У	practicable,
provide		information
requested	Office.	

- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary

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council meeting following the election, and

- b) the council must:
- i. review its decision to impose the sanction, and
- ii. consider the Office's recommendation in doing so, and
- iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

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PART 9 PROCEDURAL IRREGULARITIES

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

PART 10 PRACTICE DIRECTIONS

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

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PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
 - a) the total number of code of conduct complaints made about councillors and the Chief Executive Officer under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period

- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the Chief Executive Officer during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

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PART 12 CONFIDENTIALITY

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

- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the Chief Executive Officer or their delegate.
- 12.5 The Chief Executive Officer or their delegate must give written notice of a determination made under clause 12.2 to:
 - a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the Chief Executive Officer or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the Chief Executive Officer or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information* (*Public Access*) *Act 2009* or to receive information under the *Public Interest Disclosures Act* 1994–2022_in relation to a complaint they have made.

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1.0	26 March 2019	Corporate Governance	Amended in accordance with the Model Code of Meeting Practice for Local Councils in NSW. Presented to Council for consideration and public exhibition (D19/43933)
1.0	28 May 2019	Corporate Governance	Adopted by Council following public exhibition (D19/43933)
1.1	24 September 2019	Corporate Governance	Code updated as per Council Resolution (addition to new Clause 3.23)
1.2	2019 Governance to Order of Business for Ondeletion of part (d) – D 2019 Governance Community Committee in Ap Clause 3.21 to reflect a maximum of three Notices Council Meeting (D19/19337 22 September Corporate Code updated as per Conducted as p		Code updated as per Council Resolution (amendment to Order of Business for Ordinary Meeting of Council, deletion of part (d) – Delegation of Works and Community Committee in Appendix "E" and change to Clause 3.21 to reflect a Councillor may lodge a maximum of three Notices of Motion per Ordinary Council Meeting (D19/193378)
1.3			Code updated as per Council Resolution (Mayoral Minute 9/20 – Council and Committee Meetings) – Ryde Central Committee be abolished, and Finance and Governance Committee be given the same level of delegation as the Works and Community Committee (D20/163450)

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1.4	13 April 2021	Corporate Governance	Document transitioned to new template
1.5	22 March 2022	Corporate Governance	Amended in accordance with the Model Code of Meeting Practice for Local Councils in NSW. Presented to Council for consideration and public exhibition (D22/35269)
1.5	10 May 2022	Corporate Governance	Adopted by Council following public exhibition (D22/62386)
1.6	25 October 2022	Corporate Governance	Code updated as per Council Resolution – Amendment to Order of Business for Ordinary Meeting of Council, inclusion of part (g) – Condolences and Acknowledgements (if required) (D22/148391)
1.7	27 February 2024	Corporate Governance	Code updated as per Council Resolution – Amendment to Part 4 – Written Submissions from the Public (D24/28725)
2.0	XXXXXXX	Business Assurance and Governance	

PART 1 - INTRODUCTION

Council's Code of Meeting Practice is in accordance with the Model Code of Meeting Practice for Local Councils in New South Wales (the Model Meeting Code), prescribed under Section 360 of the Local Government Act 1993 (NSW) (the Act) and the Local Government (General) Regulation 2021 (The Regulation).

This Code applies to all meetings of Council and Committees of Council of which all the members are Councillors.

PART 2 - MEETING PRINCIPLES

2.1 Council and Committee meetings should be:-

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that Councillors and Staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, Staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfullyskilfully chaired.

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Orderly:

Councillors, Staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

PART 3 - BEFORE THE MEETING

Timing of Ordinary Council Meetings

Under Section 365 of the *Local Government Act* 1993, Councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a Council is required to meet each year under Section 365A of the Local Government Act 1993.

3.1 Ordinary Meetings of the Council will be held on the fourth Tuesday of the months February to December inclusive, or as required, to be held at the Council Chambers, Level 1A, 1 Pope Street, Ryde commencing at 6.00pm.

Extraordinary Meetings

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of the Council, subject to Clause 3.22, to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting.

Note: Clause 3.2 reflects Section 366 of the Act.

Notice to the public of Council Meetings

3.3 The Council must give notice to the public of the time, date and place of each of its meetings, including Extraordinary Meetings and of each meeting of Committees of Council.

Note: Clause 3.3 reflects Section 9(1) of the Act.

- 3.4 For the purposes of Clause 3.3, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of Clause 3.3, notice of more than one (1) meeting may be given in the same notice.

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Notice to Councillors of Ordinary Council Meetings

3.6 The General-ManagerChief Executive OfficerChief Executive Officer must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.6 reflects Section 367(1) of the Act.

3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.7 reflects Section 367(3) of the Act.

Notice to Councillors of Extraordinary Council Meetings

3.8 Notice of less than three (3) days may be given to Councillors of an Extraordinary meeting of the Council in cases of emergency.

Note: Clause 3.8 reflects Section 367(2) of the Act.

Giving Notice of Business to be considered at Council Meetings

- 3.9 A Councillor may give notice of any business they wish to be considered by Council at its next Ordinary meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the Notice of Motion must be in writing and must be submitted by 5.00pm on the Wednesday prior to the issuing of the Agenda and Business Papers for the Ordinary Council Meeting being nine (9) business days before the meeting is to be held.
- 3.10 A Councillor may lodge a maximum of three (3) Notices of Motion per Ordinary Council meeting.
- 3.11 A Councillor may, in writing to the <u>General ManagerChief Executive Officer</u>, request the withdrawal of a Notice of Motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

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- 3.12 If the General ManagerChief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at a meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General ManagerChief Executive Officer may either:-
 - (a) prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council or,
 - (b) by written notice in relation to the Notice of Motion for inclusion with the business papers, defer consideration of the Notice of Motion to the next meeting, pending preparation of such a report.
- 3.13 A Notice of Motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the General-ManagerChief Executive Officer must either:-
 - (a) prepare a report on the availability of funds for implementing the Motion if adopted for inclusion in the business papers for the meeting at which the Notice of Motion is to be considered by the Council, or
 - (b) by written notice sent to all Councillors with the business papers for the meeting for which the Notice of Motion has been submitted, defer consideration of the matter by the Council to such a date specified by the notice, pending the preparation of such a report.

Questions with Notice

- 3.14 A Councillor may, by way of a notice submitted under Clause 3.9, ask a question for response by the <u>General-ManagerChief Executive Officer</u> about the performance or operations of the Council.
- 3.15 A Councillor is not permitted to ask a Question with Notice under Clause 3.14 that comprises a complaint against the <u>General ManagerChief Executive Officer</u> or a member of Staff of the Council, or a question that implies wrongdoing by the <u>General ManagerChief Executive Officer</u> or a member of Staff of the Council.
- 3.16 The General-ManagerChief Executive Officer or their nominee may respond to a Question with Notice submitted under Clause 3.14 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.
- 3.17 Questions with Notice will be in a written format when asked, then delivered to the <u>General</u> <u>ManagerChief Executive Officer</u> for response at the meeting by 5.00pm on the Wednesday prior to the issuing of the Agenda and Business Papers for the Ordinary Council meeting being nine (9) business days before the meeting is to be held.
- 3.18 Each Councillor may put a maximum of five (5) questions to any Ordinary Council meeting.

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Statement of ethical obligations

3.25 Business papers for all Ordinary and Extraordinary meetings of the Council and Committees of the Council must contain a statement reminding Councillors of their Oath or Affirmation of Office made under Section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage Conflicts of Interest.

Availability of the Agenda and Business Papers to the Public

3.26 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Council and Committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by Council.

Note: Clause 3.26 reflects Section 9(2) and (4) of the Act.

3.27 Clause 3.26 does not apply to the business papers for items of business that the General ManagerChief Executive Officer has identified under Clause 3.23 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.27 reflects Section 9(2A)(b) of the Act.

3.28 For the purposes of Clause 3.26, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

Note: Clause 3.28 reflects Section 9(3) of the Act.

3.29 A copy of an agenda, or of an associated business paper made available under Clause 3.26, may in addition be given or made available in electronic form.

Note: Clause 3.29 reflects Section 9(5) of the Act.

Agenda and Business Papers for Extraordinary Meetings

3.30 The General ManagerChief Executive Officer must ensure that the agenda for an Extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.

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- 3.31 Despite Clause 3.30, business may be considered at an Extraordinary meeting of the Council, even though due notice of the business has not been given, if:-
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary meeting of the Council.
- 3.32 A motion moved under Clause 3.31(a) can be moved without notice but only after the business notified in the agenda for the Extraordinary meeting has been dealt with.
- 3.33 Despite Clauses 10.20-10.30, only the mover of a motion moved under Clause 3.31(a) can speak to the motion before it is put.
- 3.34 A motion of dissent cannot be moved against a ruling of the Chairperson under Clause 3.31(b) on whether a matter is of great urgency.

Pre-Meeting Briefing Sessions (optional)

- 3.35 Prior to each Ordinary Meeting of the Council, the <u>Ceneral ManagerChief Executive Officer may</u> arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for Extraordinary meetings of the Council and meetings of Committees of the Council.
 - 3.36 Pre-meeting briefing sessions are to be held in the absence of the public.
 - 3.37 Pre-meeting briefing sessions may be held by audio-visual link.
 - 3.38 The General ManagerChief Executive Officer or a member of Staff nominated by the General ManagerChief Executive Officer is to preside at pre-meeting briefing sessions.
 - 3.39 Councillors (including the Mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
 - 3.40 Councillors (including the Mayor) must declare and manage any Conflicts of Interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, and outline the particular declaration of interest they intend to make at the meeting.

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PART 4 - WRITTEN SUBMISSIONS FROM THE PUBLIC

- 4.1 Members of the public may submit a written submission to Council on items of business to be considered at an Ordinary meeting of the Council. Written submissions may also be submitted for consideration at Extraordinary Council meetings and meetings of Committees of the Council.
- 4.2 Written submissions can be completed and submitted online via Council's website and must be received by midday on the day of the meeting and must identify the item of business on the meeting Agenda, the subject of the written submission.

PART 5 - COMING TOGETHER

Attendance by Councillors at Meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.
- 5.2 A Councillor may not attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under Section 233A of the Act.
- 5.3 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This Clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.5 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary meetings of the Council without prior leave of the Council or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under Section 438HA.

Note: Clause 5.7 reflects Section 234(1)(d) of the Act.

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Meetings held by audio-visual link

- 5.16 A meeting of the Council or a Committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster, a public health emergency or other appropriate reasons. The Mayor may only make a determination under this Clause where they are satisfied that any attendance at the meeting may put the health and safety of Councillors and Staff at risk. The Mayor must make a determination under this Clause in consultation with the <u>General ManagerChief Executive</u> Officer and, as far as is practicable, with each Councillor.
- 5.17 Where the Mayor determines under Clause 5.16 that a meeting is to be held by audio-visual link, the General-ManagerChief Executive Officer must:
 - (a) give written notice to all Councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the Council's website and in such other manner the General-ManagerChief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under Clause 5.16 in the same way it would if the meeting was held in person.

Attendance by Councillors at meetings by audio-visual link

- 5.19 Councillors (excluding the Mayor/Chairperson) may attend and participate in meetings of the Council and Committees of the Council by audio-visual link.
- 5.20 A Councillor who wishes to attend a meeting by audio-visual link must notify the General ManagerChief Executive Officer in writing prior to the meeting in question.
- 5.21 This code applies to a Councillor attending a meeting by audio-visual link in the same way it would if the Councillor was attending the meeting in person. Where a Councillors is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.22 A Councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. Councillors must be in attendance on-screen with their camera on at all times during the meeting except as may be otherwise provided for under this code. Unless Councillors are physically visible on-screen, they are taken as having left the meeting.
- 5.23 If Councillors do not have their camera on during voting, they will be marked as not being present for the vote.

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- 5.24 A Councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the Council or the Committee into disrepute.
- 5.25 All Councillors attending a meeting by audio-visual link that require amendments to be put forward to a meeting should, wherever possible, forward the amendments in writing to the administrator (HelpDesk email) preferably before the commencement of the meeting.

Entitlement of the public to attend Council Meetings

5.26 Everyone is entitled to attend a meeting of the Council and Committees of the Council. The Council must ensure that all meetings of the Council and Committees of the Council are open to the public.

Note: Clause 5.26 reflects Section 10(1) of the Act.

- 5.27 Clause 5.26 does not apply to parts of meetings that have been closed to the public under Section 10A of the Act.
- 5.28 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a Committee of the Council if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.28 reflects Section 10(2) of the Act.

Webcasting of Meetings

- 5.29 Each meeting of the Council or a Committee of the Council is to be recorded by means of an audio or audio-visual device.
- 5.30 At the start of each meeting of the Council or a Committee of the Council, the Chairperson must inform the persons attending the meeting that:
 - (a) the meeting is being recorded and made publicly available on the Council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.31 The recording of a meeting is to be made publicly available on the Council's website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.32 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting.

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5.33 Clause 5.31 and 5.32 do not apply to any part of a meeting that has been closed to the public in accordance with Section 10A of the Act.

Note: Clause 5.29 - 5.33 reflect Section 236 of the regulation.

5.34 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the General ManagerChief Executive Officer and Other Staff at Meetings

5.35 The <u>General ManagerChief Executive Officer</u> is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors.

Note: Clause 5.35 reflects Section 376(1) of the Act.

5.36 The <u>General ManagerChief Executive Officer</u> is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.

Note: Clause 5.36 reflects Section 376(2) of the Act.

5.37 The General ManagerChief Executive Officer may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General ManagerChief Executive Officer or the terms of employment of the General ManagerChief Executive Officer.

Note: Clause 5.37 reflects Section 376(3) of the Act.

- 5.38 The attendance of other Council Staff at a meeting, (other than as members of the public) shall be with the approval of the General ManagerChief Executive Officer.
- 5.39 The General ManagerChief Executive Officer and other Council Staff may attend meetings of the Council and Committees of the Council by audio-visual link. Attendance by Council Staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General ManagerChief Executive Officer.

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PART 6 - THE CHAIRPERSON

The Chairperson at Meetings

6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

Note: Clause 6.1 reflects Section 369(1) of the Act.

6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

Note: Clause 6.2 reflects Section 369(2) of the Act.

Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

- 6.3 If no Chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.
- 6.4 The election of a Chairperson must be conducted:
 - (a) by the General Manager<u>Chief Executive Officer</u> or, in their absence, an employee of the Council designated by the <u>General ManagerChief Executive Officer</u> to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the General-ManagerChief Executive Officer nor a designated employee is present at the meeting, or if there is no General-ManagerChief Executive Officer or designated employee.
- 6.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of Clause 6.5, the person conducting the election must:
 - arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- 6.8 Any election conducted under Clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

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Chairperson to have Precedence

- 6.9 When the Chairperson rises or speaks during a meeting of the Council:
 - any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

PART 7 - MODES OF ADDRESS

- 7.1 If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [Surname]'.
- 7.4 A Council Officer is to be addressed by their official designation or as Mr/Ms [Surname].

PART 8 - ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The General Order of Business for an Ordinary Meeting of Council shall be:-
 - (a) Opening Meeting
 - (b) Acknowledgement of Country and Opening Statements (including notice of webcasting)
 - (c) Prayer
 - (d) National Anthem
 - (e) Apologies / Requests for Leave of Absence
 - (f) Disclosures of Interest
 - (g) Condolences and Acknowledgements (if required)
 - (h) Tabling of Petitions (if required)
 - (i) Written Submissions from the Public
 - (j) Items Put Without Debate (Considered by Exception)
 - (k) Mayoral Minutes
 - (I) Confirmation of Minutes from Previous Meetings
 - (m) Reports to Council
 - (n) Precis of Correspondence
 - (o) Notices of Motion
 - (p) Notice of Rescission (if required)
 - (q) Urgent Items as submitted by the Mayor
 - (r) Questions by Councillors as per Policy
 - (s) Consideration of any business in Closed Session
 - (t) Conclusion of the Meeting

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- 8.2 The Order of Business as fixed under Clause 8.1 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite Clauses 10.20-10.30, only the mover of a motion referred to in Clause 8.2 may speak to the motion before it is put.

PART 9 - CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council Meeting

- 9.1 The Council must not consider business at a meeting of the Council:
 - (a) unless a Councillor has given notice of the business, as required by Clause 3.9, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 3.6 in the case of an Ordinary Meeting or Clause 3.8 in the case of an Extraordinary Meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a Chairperson to preside at the meeting, or
 - (c) subject to Clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
 - (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of the Council.
- 9.3 Despite Clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.
- 9.4 A motion moved under Clause 9.3(a) can be moved without notice. Despite Clauses 10.20– 10.30, only the mover of a motion referred to in Clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 9.3(b).

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Mayoral Minutes

- 9.6 Subject to Clause 9.9, if the Mayor is the Chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.
- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this Clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.
- 9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the General-ManagerChief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff Reports

9.11 A recommendation made in a Staff report is, so far as it is adopted by the Council, a resolution of the Council.

Reports of Committees of Council

- 9.12 The recommendations of a Committee of the Council are, so far as they are adopted by the Council, resolutions of the Council.
- 9.13 If in a report of a Committee of the Council distinct recommendations are made, the Council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with Clauses 3.9 and 3.14.

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- 9.15 A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General-ManagerChief Executive Officer, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General ManagerChief Executive Officer at the direction of the General ManagerChief Executive Officer.
- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

PART 10 - RULES OF DEBATE

Motions to be Seconded

10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of Motion

- 10.2 A Councillor who has submitted a Notice of Motion under Clause 3.9 is to move the motion the subject of the Notice of Motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a Notice of Motion under Clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a Notice of Motion on the agenda for a meeting of the Council:
 - (a) any other Councillor may, with the leave of the Chairperson, move the motion at the meeting, or
 - (b) the Chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to Motions

10.5 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

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- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under Clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the <u>General ManagerChief Executive Officer</u> on the availability of funds for implementing the motion if adopted.

Amendments to Motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

Foreshadowed Motions

10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

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- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the Number and Duration of Speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
 - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The Chairperson must immediately put to the vote, without debate, a motion moved under Clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under Clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.

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10.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

PART 11 - VOTING

Voting Entitlements of Councillors

11.1 Each Councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects Section 370(1) of the Act.

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects Section 370(2) of the Act.

11.3 Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at Council Meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the <u>General</u> <u>ManagerChief Executive Officer</u> must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- 11.6 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The <u>General ManagerChief Executive Officer</u> must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.
- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with Clause 11.4 of this Code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
- 11.10 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

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Voting on Planning Decisions

- 11.11 The General ManagerChief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
 - 11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.
 - 11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
 - 11.14 Clauses 11.11 11.13 apply also to meetings that are closed to the public.

Note: Clauses 11.11 - 11.14 reflect Section 375A of the Act.

Note: The requirements of Clause 11.11 may be satisfied by maintaining a register of the minutes of each planning decision.

PART 12 - COMMITTEE OF THE WHOLE

12.1 The Council may resolve itself into a Committee to consider any matter before the Council.

Note: Clause 12.1 reflects Section 373 of the Act.

12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20 - 10.30 limit the number and duration of speeches.

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- 12.3 The General ManagerChief Executive Officer or, in the absence of the General ManagerChief Executive Officer, an employee of the Council designated by the General ManagerChief Executive Officer, is responsible for reporting to the Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full, but any recommendations of the Committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

PART 13 - DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under Clause 13.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or Committee must not resolve to adopt any item of business under Clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under Clause 13.1 involves a variation to the Order of Business for the meeting, the Council or Committee must resolve to alter the Order of Business in accordance with Clause 8.2.
- 13.5 A motion to adopt multiple items of business together under Clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under Clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any Conflicts of Interest they may have in relation to items of business considered together under Clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

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PART 14 – CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which Meetings can be Closed to the Public

- 14.1 The Council or a Committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
 - (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council Staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the Council's Code of Conduct.
 - Note: Clause 14.1 reflects Section 10A(1) and (2) of the Act.
- 14.2 The Council or a Committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 14.2 reflects Section 10A(3) of the Act.

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Matters to be Considered when Closing Meetings to the Public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in Clause 14.1:
 - except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 14.3 reflects Section 10B(1) of the Act.

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Clause 14.1(g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the Council or Committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

Note: Clause 14.4 reflects Section 10B(2) of the Act.

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

Note: Clause 14.5 reflects Section 10B(3) of the Act.

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or Committee.

Note: Clause 14.6 reflects Section 10B(4) of the Act.

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14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

Note: Clause 14.7 reflects Section 10B(5) of the Act.

Notice of Likelihood of Closure not required in Urgent Cases

- 14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under Clause 3.23 as a matter that is likely to be considered when the meeting is closed, but only if:
 - (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 14.1, and
 - (b) the Council or Committee, after considering any representations made under Clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 14.8 reflects Section 10C of the Act.

Representations by Members of the Public

14.9 The Council, or a Committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 14.9 reflects Section 10A(4) of the Act.

- 14.10 A representation under Clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under Clause 3.34 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under Clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by midday on the day of the meeting at which the matter is to be considered.
- 14.12 The <u>General ManagerChief Executive Officer</u> (or their delegate) may refuse an application made under Clause 14.11. The <u>General-ManagerChief Executive Officer</u> or their delegate must give reasons in writing for a decision to refuse an application.

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- 14.13 No more than two (2) speakers are to be permitted to make representations under Clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under Clause 14.9, the General-Manager<u>Chief Executive Officer</u> or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under Clause 14.9, the <u>General ManagerChief Executive Officer</u> or their delegate is to determine who will make representations to the Council.
- 14.15 The General-ManagerChief Executive Officer (or their delegate) is to determine the order of speakers.
 - 14.16 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under Clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under Clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the Chairperson.
 - 14.17 Each speaker who addresses a Council meeting will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
 - 14.18 Each speaker who addressed a Committee of Council meeting will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings Closed to the Public

- 14.19 If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with Section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by Section 10(2)(a) or (b) of the Act.
- 14.20 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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Obligations of Councillors attending meetings by audio-visual link

14.21 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time the meeting is closed to the public under Section 10A of the Act.

Information to be Disclosed in Resolutions Closing Meetings to the Public

- 14.22 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
 - (a) the relevant provision of Section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.22 reflects Section 10D of the Act.

Resolutions Passed at Closed Meetings to be Made Public

- 14.23 If the Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.24 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under Clause 14.23 during a part of the meeting that is webcast.

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PART 15 - KEEPING ORDER AT MEETINGS

Points of Order

- 15.1 A Councillor may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order either by upholding it or by overruling it.

Questions of Order

- 15.4 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.6 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of Dissent

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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Acts of Disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
 - (a) contravenes the Act, the Regulation or this Code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter, or
 - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Committee into disrepute.

Note: Clause 15.11 reflects Section 182 of the Regulation.

- 15.12 The Chairperson may require a Councillor:
 - to apologise without reservation for an act of disorder referred to in Clauses 15.11(a) or (b), or (e), or
 - (b) to withdraw a motion or an amendment referred to in Clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in Clauses 15.11(d) and (e).

Note: Clause 15.12 reflects Section 233 of the Regulation.

How Disorder at a Meeting may be Dealt With

15.13 If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the Chair. The Council, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This Clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

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Expulsion from Meetings

- 15.14 All Chairpersons of meetings of the Council and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee meeting, for the purposes of Section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.
- 15.15 Clause 15.14 does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under Section 10(2)(a) of the Act.
- 15.16 A Councillor may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under Clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

Note: Clause 15.16 reflects Section 233(2) of the Regulation.

- 15.17 A member of the public may, as provided by Section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by Councillors attending meetings by audio-visual link may be dealt with

- 15.20 Where a Councillor is attending a meeting by audio-visual link, the Chairperson or a person authorised by the Chairperson may mute the Councillor's audio link to the meeting for the purposes of enforcing compliance with this Code.
- 15.21 If a Councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the Chairperson of the meeting or a person authorised by the Chairperson, may terminate the Councillor's audio-visual link to the meeting.

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Use of Mobile Phones and the Unauthorised Recording of Meetings

- 15.22 Councillors, Council Staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.
- 15.23 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.
- 15.24 Without limiting Clause 15.17, a contravention of Clause 15.23 or an attempt to contravene that Clause, constitutes disorderly conduct for the purposes of Clause 15.17. Any person who contravenes or attempts to contravene Clause 15.23, may be expelled from the meeting as provided for under Section 10(2) of the Act.
- 15.25 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

PART 16 - CONFLICTS OF INTEREST

- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any Conflicts of Interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's Code of Conduct. All declarations of Conflicts of Interest and how the Conflict of Interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any Conflicts of Interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant nonpecuniary Conflict of Interest in a matter being discussed at the meeting, the Councillor's audiovisual link to the meeting must be suspended or terminated and the Councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the Council or Committee, or at any time during which the Council or Committee is voting on the matter.

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PART 17 - DECISIONS OF THE COUNCIL

Council Decisions

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.

Note: Clause 17.1 reflects Section 371 of the Act.

17.2 Decisions made by Council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or Altering Council Decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under Clause 3.9.

Note: Clause 17.3 reflects Section 372(1) of the Act.

17.4 If a Notice of Motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 17.4 reflects Section 372(2) of the Act.

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with Clause 3.9.

Note: Clause 17.5 reflects Section 372(3) of the Act.

17.6 A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 17.6 reflects Section 372(4) of the Act.

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This Clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 17.7 reflects Section 372(5) of the Act.

17.8 The provisions of Clauses 17.5 – 17.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 17.8 reflects Section 372(7) of the Act.

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- 17.9 A Notice of Motion submitted in accordance with Clause 17.6 may only be withdrawn under Clause 3.11 with the consent of all signatories to the Notice of Motion.
- 17.10 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.

Note: Clause 17.10 reflects Section 372(6) of the Act.

- 17.11 Notice of Rescission which attempts to alter or stop some course of action which has been substantially proceeded with shall be ruled out of order.
- 17.12 That in the interests of full transparency, the Councillors' Information Bulletin list any Rescission Motion received by Council Staff that has not been subsequently withdrawn or dealt with at a Council meeting, providing the following information:
 - (a) details of the original resolution proposed to be rescinded;
 - (b) the date and time of receipt of the Rescission Motion;
 - (c) the names and the signatories of the Rescission Motion; and
 - (d) the status of any Staff action that is affected or potentially affected by the Rescission Motion.
- 17.13 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a Notice of Motion signed by three (3) Councillors is submitted to the Chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.
- 17.14 A motion moved under Clause 17.13(b) can be moved without notice. Despite Clauses 10.20– 10.30, only the mover of a motion referred to in Clause 17.13(b) can speak to the motion before it is put.
- 17.15 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.13(c).

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Recommitting Resolutions to Correct an Error

- 17.16 Despite the provisions of this Part, a Councillor may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
 - (a) to correct any error, ambiguity or imprecision in the Council's resolution, or
 - (b) to confirm the voting on the resolution.
- 17.17 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of Clause 17.16(a), the Councillor is to propose alternative wording for the resolution.
- 17.18 The Chairperson must not grant leave to recommit a resolution for the purposes of Clause 17.16(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.19 A motion moved under Clause 17.17 can be moved without notice. Despite Clauses 10.20– 10.30, only the mover of a motion referred to in Clause 17.16 can speak to the motion before it is put.
- 17.20 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.16.
- 17.21 A motion moved under Clause 17.16 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

PART 18 - TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the Council and Committees of the Council are to conclude no later than 11.00pm on the night of the meeting.
- 18.2 Council is to resolve into Closed Confidential Session to consider items under Section 10A of the Local Government Act 1993 no later than 9.00pm, or upon the conclusion of the current item.
- 18.3 If the business of the meeting is unfinished at 11.00pm, the Council or the Committee may, by resolution, extend the time of the meeting.
- 18.4 If the business of the meeting is unfinished at 11.00pm, and the Council does not resolve to extend the meeting, the Chairperson must either:
 - defer consideration of the remaining items of business on the Agenda to the next Ordinary Meeting of the Council, or
 - (b) adjourn the meeting to a time, date and place fixed by the Chairperson.

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- 18.5 Clause 18.4 does not limit the ability of the Council or a Committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.6 Where a meeting is adjourned under Clause 18.4 or 18.5, the General ManagerChief Executive Officer must:
 - individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the <u>General-ManagerChief Executive Officer</u> is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

PART 19 - AFTER THE MEETING

Minutes of Meetings

19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

Note: Clause 19.1 reflects Section 375(1) of the Act.

- 19.2 At a minimum, the General ManagerChief Executive Officer must ensure that the following matters are recorded in the Council's minutes:
 - the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this Code.
 - 19.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council.

Note: Clause 19.3 reflects Section 375(2) of the Act.

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 19.5 reflects Section 375(2) of the Act.

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- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this Clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council meeting must be published on the Council's website. This Clause does not prevent the Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to Correspondence and Reports laid on the table at, or submitted to, a Meeting

19.8 The Council and Committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 19.8 reflects Section 11(1) of the Act.

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 19.9 reflects Section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in Section 10A(2) of the Act.

Note: Clause 19.10 reflects Section 11(3) of the Act.

19.11 Correspondence or reports to which Clauses 19.9 and 19.10 apply are to be marked with the relevant provision of Section 10A(2) of the Act that applies to the correspondence or report.

Implementation of Decisions of the Council

19.12 The General-ManagerChief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

Note: Clause 19.12 reflects Section 335(b) of the Act.

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PART 20 - COUNCIL COMMITTEES

Application of this Part

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees whose members are all Councillors

- 20.2 The Council may, by resolution, establish such Committees as it considers necessary.
- 20.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 20.4 The quorum for a meeting of a Committee of the Council is to be:
 - (a) such number of members as the Council decides, or
 - (b) if the Council has not decided a number a majority of the members of the Committee.

Functions of Committees

20.5 The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

Notice of Committee Meetings

- 20.6 The <u>General ManagerChief Executive Officer</u> must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:
 - (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
 - 20.7 Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

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Attendance at Committee Meetings

- 20.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:
 - (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the Council are members of the Committee.

Non-Members Entitled to Attend Committee Meetings

- 20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

- 20.11 The Chairperson of each Committee of the Council must be:
 - (a) the Mayor, or
 - (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council, or
 - (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.
- 20.12 The Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

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- 20.13 If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be Acting Chairperson of the Committee.
- 20.14 The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

Procedure in Committee Meetings

- 20.15 Subject to any specific requirements of this Code, each Committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of the Council unless the Council or the Committee determines otherwise in accordance with this Clause.
- 20.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote unless the Council or the Committee determines otherwise in accordance with Clause 20.15.
- 20.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of Committee Meetings to the Public

- 20.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.
- 20.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under Clause 20.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings

20.21 The provisions of the Act and this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

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Minutes of Council Committee Meetings

- 20.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:
 - the names of Councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - (b) details of each motion moved at a meeting and of any amendments moved to it,
 - (c) the names of the mover and seconder of the motion or amendment,
 - (d) whether the motion or amendment was passed or lost, and
 - (e) such other matters specifically required under this Code.
- 20.23 All voting at meetings of Committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The Minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this Clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a Committee of the Council must be published on the Council's website. This Clause does not prevent the Council from also publishing unconfirmed minutes of meetings of Committees of the Council on its website prior to their confirmation.

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PART 21 – IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the meeting to any Councillor or Committee member; or
 (c) any defect in the election or appointment of a Councillor or Committee member; or
- (d) a failure of a Councillor or a Committee member to declare a Conflict of Interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's Code of Conduct; or
- (e) a failure to comply with this Code.
- Note: Clause 21.1 reflects Section 374 of the Act.

PART 22 – DEFINITIONS

The Act:	means the Local Government Act 1993
Act of Disorder:	means an act of disorder as defined in Clause 15.11 of this Code
Amendment:	in relation to an original motion, means a motion moving an amendment to that motion
Audio Recorder:	any device capable of recording speech
Audio-visual link	means a facility that enables audio and visual communication between persons at different places
Business Day:	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson:	in relation to a meeting of the Council – means the person presiding at the meeting as provided by Section 369 of the <i>Local Government Act 1993</i> and Clauses 6.1 and 6.2 of this Code; and
	in relation to a meeting of a Committee of the Council – means the person presiding at the meeting as provided by Clause 20.15 of this Code

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This Code:	means Council's adopted Code of Meeting Practice
Committee of the Council:	means a Committee established by the Council in accordance with Clause 20.2 of this Code (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the Whole under Clause 12.1
General-Manager <u>Chief</u> Executive Officer	has the same meaning as Chief Executive Officer
Council Official:	has the same meaning it has in Council's Code of Conduct
Day:	means calendar day
Division:	means a request by two Councillors under Clause 11.5 of this Code requiring the recording of the names of the Councillors who voted both for and against a Motion
Foreshadowed Amendment:	means a proposed amendment foreshadowed by a Councillor under Clause 10.18 of this Code during debate on the first amendment
Foreshadowed Motion:	means a motion foreshadowed by a Councillor under Clause 10.17 of this Code during debate on an original motion
Open Voting:	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
Planning Decision:	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
Performance Improvement Order:	means an order issued under Section 438A of the Act
Quorum:	means the minimum number of Councillors or Committee members necessary to conduct a meeting
The Regulation:	means the Local Government (General) Regulation 2021
Webcast:	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
Year:	means the period beginning 1 July and ending the following 30 June

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APPENDIX "A"

The Role of Chairperson

- 1. The Chairperson shall insist upon the proper conduct of debate.
- The Chairperson should be impartial and consistent in rulings on all occasions regardless of their personal views and beliefs on the subject being discussed whether or not they have made their view known.
- The Chairperson shall receive and put to the meeting any lawful motion which is brought before the meeting.
- 4. The Chairperson should not permit discussion unless there is a motion before the meeting.
- The Chairperson must rule out of order any motion or amendment to a motion that does not relate to the business before Council and any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- Before ruling out of order a motion or an amendment to a motion, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.
- The Chairperson shall have no power to adjourn the meeting of his or her own accord except, but not limiting the provisions of the Act or the Regulation, the Chair can adjourn when the meeting lacks a quorum and when disorder arises.
- The Chairperson shall preserve order and endeavour to prevent interference with speakers by private talk or heckling remarks, offensive statements and the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise.
- The Chairperson of Council Meetings or Committees of Council whose members are all Councillors shall have the right to exercise a casting vote.

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APPENDIX "B"

Motions, Amendments and Foreshadowed Motions

Motions

- A motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Council or Committee of Council.
- If that motion is passed it becomes a resolution of the Council or the Committee of Council (within the Committee's delegation).
 - The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.
- Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
- If there is no objection to a motion before Council or Committee of Council, there shall be no right of reply, and the Chair shall put the motion.
- Where there is a motion and an amendment, following debate on the amendment and then the motion, the mover of the motion has a right of reply prior to voting on the amendment taking place.
- 6. A motion should be very specific in its intention, must be lawful and capable of being implemented.
- If possible, a motion should be qualified by referring to a timetable, financial implications, person required to take the necessary action, etc.
- The motion should be simple and easy to understand so that there is no doubt about its meaning

 it should be well structured and if it involves a number of different aspects then there should be
 different parts to the motion.
- A Councillor seconding the motion is in effect saying "I support this proposal." If no person
 present is prepared to second the motion it then lapses and should not be discussed further.
- 10. When a motion is complex in its wording and intent, to assist other Councillors of the Council/Committee of Council, a Councillor shall submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format. This will allow the motion/amendment to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting.

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- 11. A motion should start with the word "THAT", for example "THAT the road be closed."
- Motions should be written in a positive sense so that a "yes" vote indicates support for the action, and a "no" vote indicates that no action should be taken.
- 13. The mover of the motion has the right to speak first, and a general "right of reply" at the end of the debate. No new information or material should be argued during the "right of reply."
- The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
- 15. At the end of the debate, the Chairperson puts the motion to the meeting for voting by Councillors.

Amendments

- 1. An Amendment to a motion requires a mover and a seconder to put it forward.
- 2. An amendment must be lawful and capable of being implemented.
- The Amendment must be dealt with before voting on the main motion. Debate is allowed only in relation to the amendment and not the main motion – which is suspended while the amendment is considered.
- If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
- There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
- 6. Amendments may be in the form of additional words to a motion and/or the removal of words. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion. In any case an Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

Foreshadowed Motions/Amendments

- It is possible to advise the Council of an intention of a foreshadowed Motion/Amendment that relates to the business currently before Council.
- The Chairperson cannot accept the foreshadowed Motion/Amendment until the current Motion/Amendment has been determined.

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APPENDIX "C"

Calling a Point of Order

- 1. A Point of Order may be called in the following circumstances:
 - (a) A matter is raised that does not relate to the subject being discussed.
 - (b) There is no quorum present in the Council Chamber.
 - (c) There has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate.
 - (d) A Councillor has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person's motives or conduct.
 - (e) A speaker has exceeded the time limit for speeches.
 - (f) An amendment under discussion has not been seconded.
 - (g) A matter is raised which is outside the powers of the Council.
- The Chairperson may rule a Councillor out-of-order in two (2) ways generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or by the Chairperson on his or her own initiative making the ruling.
- 3. When a Councillor raises a point of order, the person speaking must stop and resume his/her seat until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice. For example:

"Under section 8.4 of the Code of Meeting Practice"

- 4. No other Councillor may speak on the Point of Order.
- The Chairperson will then rule on the Point of Order, either by agreeing that the speaker is outof-order or disagreeing and allowing the speaker to continue.
- 6. If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent.
- A Point of Order must not be taken for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It must only be concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.

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APPENDIX "D"

Practice for Written Submissions from the Public

Written submissions from the Public at Meetings Guidelines

Aim:- To assist the decision-making process, Council has provided the opportunity to members of the public to submit written submissions to Council.

General Information: Written submissions can be completed and submitted online via Council's website. Members of the public are required to register their written submission by midday on the day of the meeting. All written submissions will be distributed to Councillors after the midday deadline on the day of the meeting.

Please note that there will be no opportunity for speakers to address Council or Committee of Council meetings in person, written submissions only will be accepted.

Privacy Note: Please be aware that:-

- Council and Committee of Council meetings are webcast; and
- Your personal information is collected for Council purposes and handled in accordance with the Privacy and Personal Information Protection Act 1998. It may be available to the public under various legislation including the Government Information (Public Access) Act 2009.

Need more information? Any questions, please phone Civic Services on 9952 8200.

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APPENDIX "E"

PROCEDURE FOR THE CONDUCT OF ELECTIONS – Election of Mayor / Deputy Mayor and Chairperson / Deputy Chairperson of Committees of Council

Election of Mayor

1. Mayor to Vacate Seat

Following adoption of the Minutes of the previous Council Meeting and any Mayoral Minutes, the Mayor may make a comment on their Mayoral term and vacate the chair and hand over the Mayoral Chains to the <u>General ManagerChief Executive Officer</u>. The <u>General ManagerChief Executive Officer</u> is appointed Returning Officer by virtue of the Local Government Act and Council Resolution and will be assisted by nominated Staff.

2. Determination of Method of Voting

The Returning Officer will ask for Council to resolve the method of voting being either Ordinary Ballot, Preferential Ballot or Open Voting.

Clause 11.9 of Council's Code of Meeting Practice states as follows:

Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in an election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Note: The Local Government (General) Regulation 2005 provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

a. Ordinary Ballot

An Ordinary Ballot is a secret ballot where ballot papers are distributed to each Councillor and Councillors will vote for only one (1) candidate. If there are more than two (2) candidates, more than one (1) ballot will be required, if there is no majority arising from the first ballot.

b. Preferential Ballot

A Preferential Ballot is a secret ballot whereby all candidates are listed on the ballot paper and each Councillor is required to indicate their preference, from first to last, from the number of candidates listed on the ballot paper. This method eliminates the candidate with the lowest number of primary voted until one (1) candidate achieves a majority of votes.

c. Open Voting

An Open Voting method is done by show of hands or use of the electronic voting system to determine the number of votes for each candidate.

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If required, a Ballot Form to determine the method of voting will be distributed to Councillors. The Returning Officer will declare the method of voting according to the results of the ballot.

Council Staff will conduct the election and will provide the results to the Returning Officer for validation. The Returning Officer will declare the outcome of each ballot.

Note: A majority of votes is achieved if a candidate receives half of the formal votes plus one (1) extra vote. ie: if 12 formal votes are received, a majority is 7 votes or higher; or if 11 formal votes are received, a majority is 6 votes or higher.

If any Councillor abstains from voting, their vote will be recorded as an Informal vote.

3. Confirmation of Nominations for Position of Mayor

The Returning Officer will inform the Council of nominations received for the position of Mayor. All nominations are to be received by the <u>General ManagerChief Executive Officer</u> on the "Nomination Form for Election of Mayor" duly signed and completed, prior to the commencement of the Council Meeting at 6.00pm at which the election is to be conducted. The Returning Officer will also ask for further nominations at the meeting, prior to the election for the position of the Mayor.

Councillors can be nominated for both Mayor and Deputy Mayor and can withdraw either nomination prior to either election.

4. Election to be conducted

Under all methods of voting, the following general principles will apply in conducting the election -

a. One (1) Candidate

If only one (1) nomination is received, that Councillor will be declared elected unopposed as Mayor for the ensuing 2 years.

- b. Two (2) Candidates
 - If one (1) candidate receives a majority of formal votes, that candidate will be declared elected as Mayor for the ensuing 2 years.
 - If the two (2) candidates receive equal votes, then a draw by lot will be required to be undertaken by the Returning Officer.

The Returning Officer will organise for the names of both candidates to be written on a separate slip. The slips will then be folded and sealed inside a separate canister. The canisters will then be placed inside the ballot box and shaken around. The Returning Officer will then pull one canister from the ballot box, open it and read out the name on the slip. The Councillor whose name is drawn will be declared elected as Mayor for the ensuing 2 years.

- c. Three (3) or more Candidates
 - (i) If there are three (3) or more candidates, a process of elimination will be undertaken until such time as either a majority of votes is achieved for one (1) candidate or the two (2) remaining candidates have equal votes and a draw by lot is undertaken in accordance with the method described in part (b) above.

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- (ii) In the scenario where three (3) or more candidates have equal votes, then a draw by lot will be required to be undertaken by the Returning Officer. The Returning Officer will organise for the names of all candidates to be written on a separate slip. The slips will then be folded and sealed inside a separate canister. The canisters will then be placed inside the ballot box, and shaken around. The Returning Officer will then pull one canister from the ballot box, open it and read out the name on the skip. The Councillor whose name is drawn will be eliminated. A fresh ballot will then be conducted. See part (v) below.
- (iii) In the scenario where three (3) or more candidates have unequal votes, and a majority of votes is not achieved, the candidate with the lowest amount of votes will be eliminated by the Returning Officer. A fresh ballot will then be conducted. See part (v) below.

Note: In the case of a Preferential Ballot, candidates are excluded until a majority of votes is achieved.

- (iv) In the scenario where three (3) or more candidates have unequal votes but two (2) or more have equal lowest votes, then a draw by lot will be required to be undertaken by the Returning Officer to eliminate one of those candidates with equal lowest votes. The Returning Officer will organise for the names of these candidates to be written on a separate slip. The slips will then be folded and sealed inside a separate canister. The canisters will then be placed inside the ballot box and shaken around. The Returning Officer will then pull one canister from the ballot box, open it and read out the name on the slip. The Councillor whose name is drawn will be eliminated. A fresh ballot will then be conducted. See part (v) below.
- (v) The process of the ballot and elimination will continue until two (2) candidates remain and the result is determined in accordance with the method described in part (b) above.
- 5. Declaration of Mayor

Upon completing the election, the Returning Officer will declare the Mayor as elected, and the newly appointed Mayor will take his/her seat.

Election of Deputy Mayor

- 1. The process for Nomination of Deputy Mayor is the same as for Mayor.
- 2. The process for Election of Deputy Mayor is the same as for Mayor.
- 3. The term that a Councillor is elected as Deputy Mayor must be determined by Council.

Election of Chairperson / Deputy Chairperson – Committees of Council

- The process for Nomination of Chairperson / Deputy Chairperson is the same that applies for Mayor and Deputy Mayor.
- The process for Election of Chairperson / Deputy Chairperson is the same that applies for Mayor and Deputy Mayor.
- The term that a Councillor is elected as Chairperson / Deputy Chairperson for a Committee of Council is one (1) year.

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TRACK CHANGES VERSION



Lifestyle and opportunity @ your doorstep



Attachment 4 - Track Changes Version - Councillor Expenses and Facilities Policy

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Councillor Expenses and Facilities Policy City of Ryde

Document Name:	Councillor Expenses and Facilities Policy
CM Reference WORD:	D23/107446
CM Reference PDF:	D23/107455
Document Status:	Approved by Council (XXXXXX)
Version Number:	Version 1.42.0
Review Date:	April 2023 Octobor 2024 June 2025
Owner:	City of Ryde
Endorsed By:	Council on 25 July 2023 XXXXX
Distribution:	Internal and External

Version	Review Date	Author	Reason for Change
1.0	August 2018	Corporate Governance	Council adopted Policy on 24 August 2018
1.1	12 April 2021	Corporate Governance	Review of the Policy and minor amendments
1.2	September 2022	Corporate Governance	Review and amendments to Policy – endorsed by Council on 27 September 2022 for public exhibition Policy adopted by Council on 22 November 2022 following public exhibition
1.3	February 2023	Corporate Governance	Amendments to Policy following Mayoral Minute 39/22 (13 December 2022 – endorsed by Council on 28 February 2023 for public exhibition Policy adopted by Council on 26 April 2023 following public exhibition
1.4	April 2023	Corporate Governance	Amendments made to Policy at Council meeting of 26 April 2023 and endorsed for public exhibition Policy adopted by Council

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City of Ryde Lifestyle and opportunity ® your doorstep

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Councillor Expenses and Facilities Policy ATTACHMENT 4 City of Ryde Lifestyle and opportunity % your doorstep

Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency,-and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expenses or facility provided under this Policy.

The Policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2021 (the Regulation) and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The Policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

The main expenses and facilities dealt with in the Policy are in the table below. All monetary amounts are exclusive of GST.

Expense or Facility	Maximum Amount	Frequency
Accommodation	As outlined in Section 9.5 of the policy	
Professional Development	\$4,000 per Councillor	Per year
Conferences and Seminars (Clause 9.2)	\$30,400 total for all Councillors Additional \$2,380 for the Mayor <u>\$100 per day – up to three</u> <u>meals per day</u>	Per year
Attendance at dinners and functions (Clause 9.10)	\$300 <u>500</u>	Per year
Communications expenses <u>(excluding</u> mobile phone reimbursement)	\$300 per month per Councillor, \$3,600 per year per Councillor, Additional \$250 per month for the Mayor	Per month/year
Carer expenses (Clause 9.11)	\$4,000 per Councillor	Per year
Special needs (Councillors refer 9.11 (4), (5) and (6))	\$4,000 per Councillor	Per year
Expenses for spouses, partners and accompanying persons (directly related to the role of the Councillor in performance of the duties in the Ryde local government area) Clause 9.12)	\$300	Per year

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Expense or Facility	_	Maximum Amount		Frequency
Business cards (Clause 12.	1)	500 business cards pe Councillor, 1000 business cards fo Mayor		Per year
Stationery and other items (Clause 12.1)		letterhead, to be used correspondence associative duties a reasonable supply of A4 paper 500 plain white DLE en per Councillor 50 Christmas or festive per Councillor	liated with plain white nvelopes	Per year
Information Technology (IT) (Clause 12.2)	Equipment	Councillors will be pro- the following equipm non-corporate stam Council's 1 Technology department • Laptop with a vear warranty • Mobile phone • Headset • Reasonable consumables Councillors will be prov- high-quality laptop with appropriate software configuration. The dev have virus security and protections but allowin suitable for Councillors discharge their civic du Alternatively, a set allo to a maximum of \$5,00 Councillor to purchase IT equipment for the pi purpose of conducting related business. Alternatively, Councillos elect to receive IT equi provided by Council's Information Technolog department	vided a 1 vided a 10 vided a 10 vides vide vide 10 vides vide vide 10 vides vide vide 10 vides vide vide 10 vides vide vide 10 vides vide	Perterm
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Expense or Facility	Maximum Amount	Frequency
	If required, a printer/scanner suitable for home office use can be purchased by Council or the Councillor and reimbursed up to a reasonable limit and is self- supported with warranty by manufacturer and/or retailer. A set allowance up to a	
	A set allowance up to a maximum of \$5,000 per Counciller to purchase their own IT equipment for the primary purpose of conducting Council related business.	
	Altomatively, Councillers can elect to receive IT equipment provided by Council's Information Technology department	
Christmas or festive cards (Clause 13.5)	200 for the Mayor	Per year
The maximum value of cash in advance (Clause 8.54)	\$500 (reconcile within 1 week)	Not relevant
Incidental expenses when attending conferences seminars or training courses (Clause 9.6)	\$20 <u>50</u>	Per day
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant
Number of exclusive staff supporting Mayor and Councillors	One-staff member provided to the Mayor and Councillors	Not relevant

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Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims and receipts for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled to a Council meeting every six (6) months and published in full on Council's website. These reports will include expenditure summaries by individual Councillor and as a total for all Councillors.

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Part A – Introduction

1. INTRODUCTION

- 1.1 The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of City of Ryde Council.
- 1.2 The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3 The purpose of this Policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4 Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this Policy.
- 1.5 Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a Council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

4.51.6 In addition to 1.5 Council will make superannuation contribution payments to a superannuation account nominated by the Councillor equivalent in amount to superannuation guarantee payments

SCOPE

- 2.1 This Policy, and associated procedures and guidelines, may be cited as the Councillor Expenses and Facilities Policy, and is effective from 25 July 2023XXXXXXX.
- 2.2 In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression "Councillor" refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

3. PURPOSE

- 3.1 This Policy ensures that Councillors have adequate access to the facilities and support required to fulfil their civic duties as elected representatives. It also aims to ensure that the facilities provided to Councillors to carry out their civic functions are equitable and in keeping with legislative requirements.
- 3.2 In addition, the purpose of this Policy, and associated procedures and guidelines, is to ensure that there is accountability and transparency in the payment and reimbursement of expenses incurred or to be incurred by the Councillors while undertaking their civic duties.

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3.3 Council may disburse money only if the disbursement is authorised by the Local Government Act, either expressly or because it is supplemental, incidental to or consequential upon the exercise of its functions.

4. POLICY OBJECTIVES

- 4.1 The objectives of this Policy are to:-
 - enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties.
 - enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties.
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors.
 - ensure facilities and expenses provided to Councillors meet community expectations.
 - · support a diversity of representation.
 - fulfil the Council's statutory responsibilities.

5. PRINCIPLES

- 5.1 Council commits to the following principles:-
 - Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - Reasonable expenses: providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
 - Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.
 - Equity: there must be equitable access to expenses and facilities for all Councillors.
 - Appropriate use of resources: providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
 - Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to Councillors.

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6. PRIVATE OR POLITICAL BENEFIT

- 6.1 Councillors must not obtain private or political benefit from any expense or facility provided under the Policy.
- 6.2 Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.
- 6.3 Such incidental private use does not require a compensatory payment back to Council.
- 6.4 Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse the Council.
- 6.5 Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:-
 - production of election material.
 - use of Council resources and equipment for campaigning.
 - use of official Council letterhead, publications, websites or services for political benefit.
 - fundraising activities of political parties or individuals, including political fundraising events.

<u>6.6 Councillor communication expenses must not be used for political benefit but</u> may communicate civic messages as determined appropriate by the Chief Executive Officer.

7. REVIEW PROCESS AND ENDORSEMENT

- 7.1 Council is required, under Section 252(1) of the Local Government Act (the Act), to adopt a policy on the payment of expenses and the provision of facilities to the Mayor and other Councillors within the first 12 months of each term of a Council.
- 7.2 Section 253 (1) of the Act requires that Council give public notice of at least 28 days of its intention to adopt or amend this policy, even if there is no proposed change to the policy.
- 7.3 Council may amend and adopt the policy at other times of the year without public notice, if Council is of the opinion that the amendments are "not substantial" (Section 253<u>(3)</u> of the Act-and Office of Local Government Guidelines).

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Part B - Expenses and Use of Resources

8. GENERAL EXPENSES

 All expenses provided under this Policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.

(2) Expenses not explicitly addressed in this Policy will not be paid or reimbursed.

(3) For the purposes of the Policy, annual expenses are calculated over a financial year (01 July – 30 June). A pro-rata allowance for expenses or facilities will be paid where periods are less than a full financial year.

(2)(4) Councils adopted budget will provide necessary funds in order to facilitate the implementation of this Policy.

8.1 MONETARY LIMITS

- (1) Monetary limits are stated in this Policy against each expense category as required. These monetary limits set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.
- (2) Where expense limits are specified in this Policy, these given limits and requirements apply whether the item is purchased via direct payment by Council or reimbursement to the Councillor.
- (3) For the purposes of transparency and accountability, monetary limits are highlighted throughout this document where appropriate and also summarised in the table in the 'Policy Summary' section of this Policy.
- 8.2 TIME LIMITS
- (1) Reimbursement of costs and expenses to Councillors must be made within three (3) months of the cost or expense being incurred. <u>Claims submitted after three (3) months will not be paid.</u>

8.3 PAYMENT OF COUNCILLOR FEES

- (1) An annual fee is paid to each Councillor by the Council. The fee is the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to each Councillor is intended to offset the costs involved in discharging the functions of civic office including,

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but not limited to, all incidental and out-of-pocket expenses relating to transport, clothing, home office, home telephone and postage costs.

(3) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.

(4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in a Councillor's Fee.

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8.4 PAYMENTS IN ADVANCE

- Councillors may request an advance payment for the cost of any service or facility covered by the Policy.
- (2) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home.
- (3) Councillors must fully reconcile all expenses against the cost of the advance within one (1) week of their return, with receipts and/or tax invoices, and submit these details to the Chief Executive Officer or his/her delegated employee for verification. Any unspent money is required to be returned at this time.
- (4) The maximum value of a cash advance is \$500.

Timeframe	Maximum amount
Reconcile within 1 week	\$500.00

9. SPECIFIC EXPENSES

9.1 TRAINING AND EDUCATION EXPENSES

- (1) An induction program shall be conducted by the Chief Executive Officer for Councillors upon election to Council and every subsequent re-election. This program may include the provision of resources and the attendance at training courses.
- (2) Provision for other training and education for Councillors will be made separately in Council's budget via the adopted Delivery Plan. All Councillors will be offered the same access to the same training in accordance with the budget allocated.
- 9.2 ATTENDANCE AT SEMINARS AND CONFERENCES
- (1) Prior Council approval is required for Councillors to attend seminars or conferences on behalf of the Council. A report must be included in the Council business papers and should give the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend. For other professional development opportunities, refer to Section 9.3 of this Policy.
- (2) When determining attendance at conferences and seminars, consideration will be given to the Councillor Attendance at Conference Guidelines.
- (3) Where a Councillor is no longer able to attend a conference or seminar for which endorsement has been given, they must advise the Chief Executive Officer as soon as practicable, to facilitate the attendance of an alternate Councillor or appropriate staff representative.

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- (4) Where a Councillor provides less than 24 hours notice with regard to clause (3) above, and where no sufficiently substantial reason is provided, the Councillor may be liable, by way of Council resolution, for any related costs Council is unable to recover.
- (5) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community within two (2) months of the event. This report will be included in the Councillors' Information Bulletin.

No written report is required for the annual Local Government NSW Conference, the Australian Local Government Association Conference or for compulsory training courses or seminars required by any Government agency.

- (6) With the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours where they are relevant to the business and interests of Council. Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.
- (7) With the exception of the LGNSW Conference, the National General Assembly of Local Government-Conference and the Australian Council of Local Government, Council will also meet the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the training, conference or seminar fees. Each Councillor is entitled to seek reimbursement for up to three (3) meals per day to a maximum of \$100 a day. Official receipts will be required for reimbursement under this clause.

Quantity	Maximum amount
Up to 3 meals per day	\$100 per day

- (8) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.
- (9) With the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council will meet the reasonable cost of transportation associated with attendance at the seminar, conference or training course.
- (10) Councillors cannot incur accommodation-related expenses. There is no scope for Council to pay or reimburse any costs related to accommodation, <u>except in accordance with</u> <u>clause 9.5(2)</u>.
- (11) With the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that any unused vouchers and the receipts of used vouchers are returned to Council within seven (7) days of the event.

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(12) Alternatively, with the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council will meet the actual costs for public transport, taxis or hire-cars for travel on Council related business.

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(13) With the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council shall reimburse transport expenses incurred by a Councillor while using their own private vehicle for Council related business.

This will be by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.

- (14) Council is not liable and will not pay for any traffic, parking or transport fines, administrative charges for road toll accounts, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while using their private vehicles on Council related business.
- 9.2.1 ATTENDANCE AT CONFERENCES SUPPLEMENTARY CITY OF RYDE PROVISION
- (15) Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at conferences is equitable, transparent and consistent, attendance will be limited as follows:-
 - (a) Local Government NSW Annual Conference the number of voting delegates plus one (to a maximum of eight Councillors). Details of the delegates and attendee are to be determined by resolution of Council.
 - (b) Australian Local Government Association Conference.
 - (c) <u>Subject to part (e) and il</u>n addition, to (a) and (b) above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
 - (d) Within two (2) months following the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors' Information Bulletin. This action is not required for the Local Government NSW Annual Conference or the Australian Local Government Association Conference.
 - (e) No Councillor can attend a conference at Council's expense without the prior approval of Council, subject to the provisions of Part B Section 9.2. Reports to Council are to include details of the conference and an estimate of the associated costs including registration and transport.
 - (f) Council may resolve that a Councillor can attend more than one (1) conference per year but this determination will be dependent on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.

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9.3 PROFESSIONAL DEVELOPMENT

- (1) Council will set aside \$4,000.00 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies. Staff will consult with Councillors, through an Information Report, prior to incurring costs associated with professional development, except for Councillors' attendance at seminars and conferences on behalf of Council as these events are subject to the requirements in Section 9.2(1).
- (2) Where a Councillor does not expend the entirety of the funds allocated to them, these funds may be utilised by other Councillors for professional development requirements.
- (3) In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any Guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- (4) Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and cost of membership is likely to be fully offset by savings from attending events as a member.
- (5) Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:-
 - Details of the proposed professional development.
 - Relevance to Council priorities and business.
 - Relevance to the exercise of the Councillor's civic duties.
- (6) In assessing a Councillor request for a professional development activity, the Chief Executive Officer or delegated employee must consider the factors set out in Clause (4) above, as well as the cost of the professional development in relation to the Councillor's remaining budget.
- 9.4 TRAVEL

9.4.1 LOCAL TRAVEL ARRANGEMENTS AND EXPENSES

- Council shall reimburse travel expenses incurred by Councillors for travel on Council related business (noting the restrictions of Part B Section 9.2).
- (2) Under normal circumstances, Councillors are expected to provide their own transport to and from the Council Offices and the Councillor's home and/or place of work for the purpose of undertaking Council business.
- (3) Transport to and from the Council Offices and a Councillor's home and/or place of work may be provided by Council at the discretion of the Chief Executive Officer having regard

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to the circumstances, if it is not practicable for a Councillor to use his or her normal method of transport.

- (4) Travel expenses include use of private vehicle, use of public transport, taxis, ride share, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Private vehicle expenses will be reimbursed using the kilometre rate prescribed in the relevant legislation or policies applicable to employees of the Council. Actual costs will be reimbursed for other travel expenses.
- (5) Council is not liable and will not pay for any traffic, parking or transport fines, administrative charges for road toll accounts, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while travelling on Council related business.
- (6) A Council vehicle (with or without a driver), a hire car, ride share or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the Chief Executive Officer having regard to the circumstances.
- (7) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

9.4.2 INTRASTATE TRAVEL

- (1) Council shall reimburse Council business related travel expenses by a Councillor while using their own private vehicle, by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred (noting the restrictions of Part B Section 9.2). The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council.
- (2) Council is not liable and will not pay for any traffic, parking or transport fines, administrative charges for road toll accounts, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors while using their private vehicles on Council related business.
- (3) Councillors travelling into country NSW may choose the mode of transport that is most suitable, considering economy and convenience. Air travel will require prior approval.

9.4.3 INTERSTATE TRAVEL (INCLUDING ACT)

- (1) Prior Council approval is required for interstate travel for which reimbursement or payment is sought by Councillors (noting the restrictions of Part B Section 9.2). Any proposal for Councillors to travel interstate is to be included in the non-confidential business papers of Council, for which due public notice has been given. Such a proposal cannot be considered in a late report or Mayoral Minute.
- (2) Applications for interstate travel must be made in writing, giving full details of the travel including: itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective approval of reimbursement of such travel expenses, therefore all expenses must be approved in advance.

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- (3) Upon return from interstate travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community, within two (2) months of the trip. This report will be included in the Councillors' Information Bulletin.
- (4) Economy class air travel will be provided as standard for travel within Australia. The cost of any upgrade shall be the responsibility of the Councillor. Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (5) Where trains are used, first class train travel will be provided, with the exception of sleeping berths.
- (6) Council shall meet the cost of any transfers between a Councillor's residence and a transport interchange (i.e.: airport) and between the transport interchange and hotel or venue. These costs are not to exceed the cost of taxi fares.

9.4.4 OVERSEAS TRAVEL

- (1) Council approval is required for overseas travel for which reimbursement is sought by Councillors or where the Councillor attends an event as a representative of the Council. Any travel proposals for Councillors to travel overseas are to be included in the nonconfidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Applications for overseas travel must be made in writing, giving full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective reimbursement of such travel expenses therefore expenses must be approved in advance.
- (3) Upon return from overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community, within two (2) months of the trip. This report will be included in the Councillors' Information Bulletin.
- (4) Economy air class will be provided for approved overseas travel. Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.
- (5) Council shall meet the cost of any transfers between a Councillor's residence and the airport and between the airport and hotel or venue. These costs are not to exceed the cost of taxi fares.
- (6) Independently funded travel Council officials who travel to cities that have a Friendship or Partnership relationship with the City of Ryde, are only able to present themselves as representing Council, if this representation has been endorsed by Council prior to the visit.

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9.5 Accommodation costs

- Councillors cannot incur accommodation-related expenses. There is no scope for Council to pay or reimburse any costs related to accommodation, <u>except in accordance with</u> <u>clause 9.5(2)</u>.
- (2) For approved Council related seminars and conferences that require overnight accommodation, Council will source accommodation at a reasonable cost at Councils expense. Council will not pay or reimburse any additional costs associated with the accommodation. If a Councillor opt to obtain their own accommodation, Council will not subsidise or reimburse their costs or any associated charges.

9.6 INCIDENTAL EXPENSES

- (1) With the exception of the LGNSW Conference, the National General Assembly of Local Government Conference and the Australian Council of Local Government, Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses, and other prior approved travel, incurred by Councillors.
- (2) Each Councillor is entitled to seek reimbursement up to \$20-50 per day for the purposes of Clause 9.6(1).

Timeframe	Maximum amount
Per day	\$ 20 50

9.7 LEGAL ASSISTANCE PROVISIONS AND EXPENSES

- Council <u>or its insurer may</u>, if requested, indemnify or reimburse the reasonable legal expenses of:-
 - (a) a Councillor defending an action arising from the performance in good faith of a function <u>under-under the Act provided that the outcome of the legal proceedings is</u> <u>favourable to the Councillor; orthe Local Government Act; or</u>
 - (b) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act<u>and the outcome of the legal proceedings is favourable to the Councillor</u>;
 - (c) a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the investigative or review body makes a finding substantially favourable to the Councillor.

Clause (c) applies only when the subject of the inquiry, investigation or hearing arises from the performance in good faith of a Councillor's functions under the Act

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and the matter before the investigative or review body has proceeded past any initial assessment phase to a formal investigation or review.

- (2) In the case of a conduct complaint made against a Councillor, legal costs may with the discretion of the Chief Executive Officer will only be made available where:-
 - (a) the matter has been referred by the Chief Executive Officer to a conduct reviewer or conduct review panol to make formal enquiries into that matter in accordance with Council's Code of Conduct; and
 - (b) the conduct reviewer or the conduct review panel makes a finding that is not substantially unfavourable to the Councillor.

(3) In the case of a pecuniary interest or misbehaviour matter, legal costs will only be made available where a formal investigation has been commenced by the Office of Local Government.

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- (4) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- (5) Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- (6) Council will not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- (7) Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution of Council at a Council meeting prior to costs being incurred.

9.8 INSURANCE

- In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- (2) Councillors are provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.
- (3) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 9.9 COMMUNICATION EXPENSES
- (1) Councillors are ontitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile), website and postage. Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of internet connection, and postage only.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3,600 per annum) for the purposes of this clause.

(3) Where the communication costs include the prevision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Counciller for the proportion of leasing, renting or

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repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.

(4)(3) Council may provide Councillors with a mobile phone and call plan in lieu of the individual Councillor socking reimbursement for mobile telephone costs. It is noted that there may be a small proportion of incidental private/personal use. Council will provide Councillors with a mobile phone and call plan. It is noted that there may be a small proportion of incidental private/personal use.

(5)(4) Reimbursement of costs and expenses to Councillors under 'Communication costs' will only be made upon the production of appropriate receipts, tax invoices, credit card statements or receipt numbers in the name of the Councillor, and the completion of the "Request for Councillor Reimbursement" form. <u>The Chief Executive Officer will approve</u> the content of all Council funded communication material to ensure it meets the requirements of Council policies.

(6)(5) Councillors are not entitled to claim any communication costs associated with the production or dissemination of personalised pamphlets, newsletters and the like.

Timeframe	Maximum amount
Per annum	\$3,600
example average (per month)	\$300

9.10 ATTENDANCE AT DINNERS AND OTHER NON-COUNCIL FUNCTIONS

- (1) Councillors are entitled to seek reimbursement for attendance at dinners and other non-Council functions that provide briefings to Councillors from key members of the community, politicians and business.
- (2) Approval for reimbursement in accordance with the above should be sought prior to the event and be done in writing to the Chief Executive Officer.
- (3) Each Councillor is entitled to seek reimbursement up to \$300-500 per annum for the purpose of this section. Official receipts are required to claim reimbursement under this clause.
 - (4) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.

Timeframe	Maximum amount
Per annum	\$300 <u>500</u>

(5) Councillors who are Executive Members of an organisation of interest to Council as indicated in a Council resolution, shall be entitled to seek reimbursement and support for their attendance at the Executive Meetings held by the organisation.

Council will meet the cost of the Councillor's transportation expenses, including the cost of meals. The support provided to Councillors in their capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.

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9.11 CARE AND OTHER RELATED EXPENSES

(1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.

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(2) In this clause, relative shall have the same meaning as set out in the Dictionary in the Local Government Act.

Relative, in relation to a person, means any of the following:

- the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a)
- (3) The total amount paid to a Councillor under sub-clause (1) shall not exceed \$4,000.00-in the 12 month period from October to September per annum. Official receipts are required to claim reimbursement under this clause.

Timeframe	Maximum amount
Per annum	\$4,000.00

- (4) Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired hearing-impaired Councillors and those with other disabilities.
- (5) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.
- (6) The total amount paid to a Councillor under sub-clause (5) shall not exceed \$4,000.00-in the 12 month period from October to September per annum. Official receipts are required to claim reimbursement under this clause. It should be noted however, that Council can approve additional expenditure in extenuating circumstances.

Timeframe	Maximum amount
Per annum	\$4,000.00

(7) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the Chief Executive Officer or his/her delegated officer and will be assessed on its merits. The Chief Executive Officer may use his/her discretion to refer the matter to Council for determination.

9.12 EXPENSES FOR SPOUSES, PARTNERS AND ACCOMPANYING PERSONS

- (1) In limited circumstances<u>and by resolution of Council</u>, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, in the Ryde local government area. For example, attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors.
- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be met if the cost or expense relates specifically to the ticket,

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meal and/or direct cost of attending the function referred to in clause (1) above, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.

- (3) In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors while attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person travels as a passenger in the Councillor's vehicle, it will be considered that no additional cost has been incurred by Council.
- (4) Each Councillor is entitled to seek reimbursement of up to \$300 per annum total under this clause. Official receipts are required to claim reimbursement under this clause.

Timeframe	Maximum amount
Per annum	\$300

10. ADDITIONAL EXPENSES FACILITIES FOR THE MAYOR

10.1 MAYORAL FEE

- (1) An annual fee is paid to the Mayor by the Council. —The fee is the amount fixed by the Council under Division 5 of the Local Government-Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the Mayoral Office over and above the costs incurred by other Councillors.
- (3) In the event that the Council resolves to pay a fee to the Deputy Mayor to undertake the roles and responsibilities of the office of the Mayor, the amount of such fee shall be deducted from the amount determined to be paid to the Mayor on a pro rata basis for the relevant period.
- (4) All fees payable under this Policy shall be paid monthly-in arrears for each month (or part of a month) for which the Mayor holds office.
 - (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

10.2 CIVIC EXPENSES

(1) Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Delivery Plan.

10.3 COMMUNICATION COSTS AND EXPENSES

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(1) Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 9.9 – Communication Expenses.

Timeframe	Maximum amoun	
Per annum	\$3,000	
(Per month)	(\$250)	

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Part C – Facilities

11. GENERAL FACILITIES, EQUIPMENT AND SERVICES FOR ALL COUNCILLORS

- Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor.
- (3) Unless otherwise resolved by the Council, or subject to the discretion of the Chief Executive Officer, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and all equipment is required to be returned at the end of the term of each Councillor. At the conclusion of their term, Councillors shall be offered the option to purchase the equipment that they have been in possession of, at current market value. Unless stated otherwise, the Councillor shall be responsible for all other costs of operating this equipment.
- (4) Part 7 of the Code of Conduct describes the responsibilities and obligations of Council officials when using Council resources, particularly in terms of misuse and private use.
- (5) Councillors, where their allocated equipment is damaged, lost or destroyed, are required to report this to Council urgently. If there are repeated instances requiring <u>T</u> the equipment to be repaired or replaced, this may be at the Councillors cost.

11.1 PRIVATE USE OF FACILITIES, EQUIPMENT AND SERVICES

- (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Should a Councillor obtain substantial private benefit, the Councillor is required to advise the Chief Executive Officer in writing detailing the extent of the private benefit. Council will determine the value of the benefit that is to be invoiced to the Councillor in a non-confidential session of a Council Meeting. The Councillor shall then repay Council the value within four (4) weeks of the determination.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral or Councillor fees.

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- 12. SPECIFIC PROVISION OF FACILITIES, EQUIPMENT AND SERVICES FOR ALL COUNCILLORS
- 12.1 STATIONERY AND OTHER ITEMS
- (1) Each Councillor may receive:-
 - (a) letterhead, to be used only for correspondence associated with civic duties;
 - (b) a reasonable supply of plain white A4 paper per year;
 - (c) 500 plain white DLE envelopes per year;
 - (d) 500 standard business cards per year-in a format agreed by each Councillor;
 - (e) 50 Christmas or festive cards per year;

the year commencing from the date of election to Council and each subsequent anniversary.

Additional supplies of the above stationery items may be provided by the Chief Executive Officer if considered warranted having regard to the particular needs of any Councillor.

- (2) Each Councillor may be issued from time to time with name badges, security access cards, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.
- (3) Stationery is not to be used to produce election material or for any other political purpose.

Timeframe	Maximum amount
Per annum	a reasonable supply of plain white A4 paper
Per annum	500 plain white DLE envelopes
Per annum	500 <u>standard</u> business cards
Per annum	50 Christmas or festive cards

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	12.2 INFORMATION TECHNOLOGY	(IT) Equipment		
Ť	 Each Councillor will receive a \$5,000.00) to purchase their Council related business. or- 			
	(2) Counciliors will be provided w by Council's Information Tech		f a non-corporate standard	
	Laptop with a four (4) year w Mobile phone Headset Reasonable consumables	varranty		
	(3) Councillors will be provide configuration. The device will software suitable for Councillo	have virus security and devi	ce protections but allowing	
	(4) If required, a printer/scanner s or the Councillor and reimbur warranty by manufacturer and	rsed up to a reasonable limit		
	(2) This equipment may consist of	[
	 Computer (either desktep An iPad or similar tablet d A smart phene. A printer (multi function de Accessories for the abel protector and headset etc 	evice. ovice) allowing printing/scanni /e_such_ac_key/beard,_meus/	ng etc. 9. protestive case: screen	
			reimbursement within this	
	(2) Alternatively, Councillors can Information Technology dopa current standard IT equipment	rtmont. Such equipmont wil		
1	(5) Council's IT will provide limited with the exception of support Teams.			
	(6) Council staff will not atte troubleshooting problems and		homes for maintenance.	
	(7) All requests for IT support dhelp@ryde.nsw.gov.au with IT Service Desk on 02 9952 8-	the exception of Cyber Secur	the Councillors Helpdesk, ity matters, please call the	
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(8) Councillors using a device to access Council systems must abide by the relevant Council Policies eq: Cyber Security, Data Breach

- (4) Councillors can purchase the equipment and receive reimbursement upon production of appropriate tax invoices and receipts. Alternatively, Council may purchase the nominated equipment on behalf of a Councillor if requested.
- (5) It is important that all IT equipment is purchased with adequate warranty and support agreement from the rotailor. Council's Information Technology department will not provide any hardware or support, therefore Councillors must contact the nominated cervice provider for assistance. In the event of any damage to the equipment or other out of warranty events, Councillors will be responsible to cever additional repair exponses.
- (6) Maintenance, troubleshooting problems and upgrades to IT equipment will be the responsibility of individual Councillers and Council's Information Technology department will not be carrying these support activities. Council's Information Technology department will provide limited technical support for Council emails, BoardVantage and Zoom.
- (7) Any equipment purchased under this allowance must be in accordance with the minimum specification as advised from time to time by Council's Information Technology Department.
- (8) Councillors using a device to access Council systems must abide by the relevant Council Policies.

12.3 PARKING

- (1) Councillors shall be provided with allocated parking at the Council offices for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the North Ryde Office Car Park. Council will not indemnify Councillors for any damage to their vehicles while utilising this facility.
- (2) No other parking concessions within the City of Ryde will be granted.

12.4 SECRETARIAL SUPPORT

(1) Secretarial support may be provided at the discretion of the Chief Executive Officer for each Councillor at the Pope Street, Ryde and/or North Ryde Offices. This may include typing, photocopying or use of a telephone. All expenses incurred, including the cost of staff, shall be met by the Council.

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12.5 POLICY SUPPORT

- (1) The Mayor and Councillors will be provided with policy support, equivalent to 1 full time staff member. Any hours worked in excess of this entitlement will only be paid as a result of this staff member attending work-related meetings after 5pm and approved in advance by the Director. Office of the Mayor and CEO to whom this position reports.
- (2) A position description for this position is to be approved by the Director, Office of the Mayor and CEO, in consultation with the Mayor.
- (3) The policy support staff member will be recruited by the Director. Office of the Mavor and CEO, in consultation with the Mayor.
- (4) The policy support staff member will be provided with a workstation or equivalent, a computer connected to Council's network, landline phone and mobile device.

12.65 DELIVERY OF MATERIAL

- (1) At least once each week, each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers etc. delivered to one property address <u>within the City of Ryde</u> nominated by the Councillor.
- 12.76 COUNCIL MEETING CHAMBER AND LIBRARY MEETING ROOMS
- (1) Councillors may use the Council Meeting Chamber or access the meeting rooms at the library as available and in accordance with the relevant booking process, for the purposes of meeting with the public during operating hours and free of charge. The nature of the meeting must relate to Council business.
- (2) Council facilities are not to be used for any political purpose.

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13. ADDITIONAL PROVISIONS FOR THE MAYOR

13.1 MAYORAL OFFICE

(1) A furnished Mayoral Office shall be provided by the Council at the Pope Street, Ryde and North Ryde Offices, including a computer with office and related software (including access to email and internet).

13.2 SECRETARIAL SUPPORT

(1) Secretarial support shall be provided by the Council. <u>All nN</u>ecessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Delivery Plan.

13.3 MOTOR VEHICLE AND OTHER TRAVEL FACILITIES

- (1) An appropriate vehicle shall be provided in accordance with Council's available list and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for incidental private purposes by the Mayor.
- (2) Should substantial private use occur, the Mayor is to reimburse to Council the cost of this private use, which will be calculated using the mileage rates prescribed in the relevant legislation, policies or calculations applicable to employees of Council.
- (3) A car parking space shall be allocated at the Pope Street Top Ryde and North Ryde office for the Mayoral vehicle.
- (4) Should the Mayor elect not to make use of the vehicle for the length of their term, it will be disposed of appropriately. The Mayor will be entitled to reimbursement for all Council related travel expenses in accordance with the mileage rates prescribed in the relevant legislation or policies applicable to employees of Council.
- (5) Reimbursements will be made upon the production of an appropriate vehicle mileage log and the completion of a "Request for Councillor Reimbursement" form.
- (6) Additionally, the Mayor is entitled to a Cabcharge card for travel on Council related business. The card is not to be used for private travel and the card is not to be used to provide gratuities to drivers.

The Cabcharge card is to be used in accordance with the City of Ryde Credit Card policy. Cabcharge receipts are to be collected and submitted to Council for reconciliation against monthly statements, and the cardholder is required to immediately inform Council should the card be lost or stolen.

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13.4 CEREMONIAL CLOTHING

(1) The Mayor shall be supplied with a suitable robe and chains of office.

13.5 OTHER EQUIPMENT AND FACILITIES

- In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:-
 - (a) an additional 500 <u>standard</u> business cards per year of term in a format agreed by the Mayor,
 - (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions for example: tie, scarfs, mementos
- (2) The Chief Executive Officer shall have discretion to provide Tthe Mayor <u>may request the Chief Executive Officer to present Council with options and costings regarding with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Delivery Plan, and that the provision of such equipment or facilities is reasonable for the efficient and effective performance of the Office of the Mayor. Should the Chief Executive Officer exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, a report detailing the provision shall be presented to Council. Approval of additional expenses for the Mayor requires a resolution of Council.</u>

Timeframe	Maximum amount
Per annum	200 Christmas cards
Per annum	Additional 500 standard
	business cards

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Part D – Processes

14. APPROVAL, PAYMENT AND REIMBURSEMENT ARRANGEMENTS

(1) All expenses and costs incurred must be in accordance with the requirements-provisions of this Policy.

(1)(2) Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expenses is incurred as set out in this Policy.

- (2)(3) Reimbursement of costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the "Request for Councillor Reimbursement" form [Appendix III].
- (3)(4) If receipts and tax invoices are not able to be submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request. Councillors are advised that Council is unable to claim the GST on the purchase if a tax invoice is not submitted, thus increasing the real cost of the item.
- (4)(5) Claims for reimbursement of "Communication costs" and "Information Technology",-will only be made upon the production of appropriate receipts, tax invoices, credit card statements or receipt numbers, in the name of the Councillor – a Statutory Declaration is not appropriate.
 - (5)(6) Payments made to Councillors by way of reimbursement in accordance with this Policy will only be made to personal accounts on which the Councillor is a named account holder and not to third parties.
 - (6)(7) The Chief Executive Officer or a delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy, shall approve the claim for payment and payment shall be made within seven (7) days.
 - (7)(8) Should the Chief Executive Officer or delegated employee decide that the claim should not be paid, the Chief Executive Officer shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of clause 15 shall apply.
 - (8)(9) Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development. The maximum value of cash advance is \$500 which should be reconciled within one (1) week of incurring the cost and/or returning home. This includes providing to Council:-
 - A full reconciliation of all expenses including appropriate receipts and/or tax invoices.
 - Reimbursement of any amount of the advance payment not spent in attending to
 official business or professional development.

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(9)(10) If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

15. DISPUTES

(1) Should any Councillor consider that a dispute exists at any time regarding this Policy, the parties to the dispute shall provide a written report on the nature of the dispute and the Chief Executive Officer shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this Policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.

(2) If the Councillor and the Chief Executive Officer cannot receive the dispute, the Councillor may submit a Notice of Motion to a Council meeting cooking to have the dispute received.

- 16. ACQUISITION AND RETURN OF EQUIPMENT AND FACILITIES BY COUNCILLORS
- (1) Prior to the conclusion of a Council term, or if a Councillor leaves civic office prior to the expiration of the term of Council, Councillors will be invited to indicate if they wish to purchase any IT equipment utilised during the term.
- (2) Councillors will be advised of the written down value of each item prior to seeking the above indication.
- (3) Where possible, payment for any items a Councillor wishes to purchase will be deducted from the Councillor's fee. Where this is not possible, an invoice will be prepared for the Councillor to make the appropriate payment.
- (4) Councillors no longer holding a position as Councillor will be required to return all equipment not purchased within one (1) week of the declaration of the polls to the Chief Executive Officer or delegated employee at Council's North Ryde Office.

17. PUBLICATION

(1) This policy will be published on Council's website.

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18. REPORTING

- Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- (2) Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

19. AUDITING

- (1) The operation of this Policy, including claims made under the Policy, will be included in Council's audit program and an internal audit will be undertaken once every two years.
- (2) The outcomes of the internal audit reviews are reported to the Council's Audit, Risk and Improvement Committee.

20. BREACHES

- (1) Suspected breaches of this Policy are to be reported to the Chief Executive Officer.
- (2) Alleged breaches of this Policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

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PART E - Appendices

APPENDIX I: RELATED LEGISLATION, GUIDANCE AND POLICIES

Relevant legislation and guidance: vant legislation and guidance: uidance:

- Local Government Act 1993, Sections 252 and 253
- · Local Government (General) Regulation 2021. Sections 217 and 403
- Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- Local Government Circular 17-17 Councillor Expenses and Facilities Policy Better Practice Template
- Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related Council policies:

- City of Ryde Code of Conduct <u>Policy</u>, <u>Standards of Conduct</u>, and <u>Complaints</u> <u>Procedure</u>;
- · City of Ryde 'Thank you is Enough' Gifts and Benefits Policy;
- · City of Ryde Code of Meeting Practice;
- City of Ryde Corporate Credit Card Policy.

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APPENDIX II: DEFINITIONS

The following definitions apply throughout this policy:-

Term	Definition
Aaccompanying Pperson	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
Aappropriate Rrefreshments	Means food and beverages, excluding alcohol, provided by council to support Councillors undertaking official business
Act	Means the Local Government Act 1993 (NSW)
<u>C</u> clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code i none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the Mayor
Chief Executive Officer	Means the Chief Executive Officer of Council and includes their delegate or authorised representative
lincidental Ppersonal <u>U</u> use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
Llong <u>D</u> distance lintrastate <u>T</u> travel	Means travel to other parts of NSW of more than three hours duratio by private vehicle
<u>M</u> maximum_ <u>-L</u> limit	Means the maximum limit for an expense or facility provided in the text and summarised in Appendix 1
Oofficial Bousiness	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for council o result in a direct benefit for council and/or for the local government area, and includes:-
	 meetings of council and committees of the whole meetings of committees facilitated by council civic receptions hosted or sponsored by council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by council
Pprofessional Ddevelopment	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2021 (NSW)
<u>Y</u> year	Means the financial year, that is the 12 month period commencing of 1 July each year

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City of Ryde

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Document Version Control

Document Name:	Councillor and Staff Interaction Policy		
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Author:	Corporate GovernanceBusiness Assurance <u>& GovernanceExecutive</u> Services and Governance		
Endorsed By:	Council		
Distribution:	Internal and External		

Approval History

Version	Issue Date	Author	Reason for Change
1.0	23 May 2017	Risk, Audit and Governance	Initial approval by Council and Publication of document as a Guideline (D16/15133)
1.1	18 January 2022	Corporate Governance	Document transitioned to new template and minor amendments made (D21/48912)
2.0	25 October 2022	Corporate Governance	Document updated to a Policy based on OLG Model Policy and endorsed by Council at meeting of 25 October 2022
<u>3.0</u>	XXXXXXXXX	Businese Assurance & Gevernance Ex ecutive Services and Governance	Policy updated with minor amendments eq: staff position titles

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Preface

Positive working relationships between Councillors and staff: a Council's key asset

Positive, professional working relationships between Councillors and staff are a key element of any Council's success. If relationships between Councillors and staff are functioning effectively, the Council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk¹, and ultimately the Council's performance will suffer.

A good relationship between Councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the Local Government Act 1993 (the LGA) and the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

In broad terms, a Councillor's role is a strategic one. As members of the governing body, Councillors are responsible not only for representing the community, but also for setting the strategic direction of the Council and keeping its performance under review. A comprehensive outline of the role of a Councillor is provided in Part 4 of this Policy.

The role of Council staff, under the leadership of the Chief Executive Officer is to carry out the day-to-day operations of the Council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the Council's strategic position and performance to perform their civic functions effectively. The Chief Executive Officer and staff are responsible for providing Councillors with this information to facilitate the decisionmaking process.

Given Councillors' role in setting the Council's strategic direction and keeping its performance under review, Councillors are entitled to request information about a range of issues.

However, in requesting information, Councillors should not be seeking to interrogate the minutiae of the Council's operations or to direct or influence staff in the performance of their duties. Councillor should also recognise that a Council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between Councillors and staff should be positive, respectful and professional.

¹ As highlighted by the NSW Independent Commission Against Corruption's Operation Dasha https://www.icac.nsw.gov.au

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Official capacity versus private capacity

It is also inevitable that Councillors and Council staff will engage with their Council in their private capacity. This can be for something as simple as borrowing a book from a Council library, to more complex matters, such as submitting a development application.

In these circumstances, it is vital that Councillors and Council staff do not seek to use, or appear to use, their position within Council to obtain a private benefit. To do so could be seen as an attempt to exert pressure on Councillors and/or Council staff with a view to obtaining preferential treatment. Such conduct has the potential to undermine both the integrity of a Council's decision-making processes, as well as the community's confidence in Council, and so must be avoided.

The intent of this Policy

As its core, the Policy has three main goals:-

- to establish a framework by which Councillors can access the information they need to perform their civic functions;
- to promote positive and respectful interactions between Councillors and staff; and
- to advise where concerns can be directed if there is a breakdown in the relationship between Councillors and staff.

Enforcement

Clause 3.1(b) of the Model Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to a Council's policies. If adopted by a Council, a breach of the Policy may also constitute a breach of Council's Code of Conduct.

Concerns or complaints about the administration of a Council's Councillor request system should be raised with the Chief Executive Officer (or the Mayor in the case of a complaint about the Chief Executive Officer). If the matter cannot be resolved locally, Councillors may raise their concerns with the OLG.

Important Note - Code of Conduct

The Chief Executive Officer 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 7 ef the Standards of Conduct – Relationship Between Council Officials.

In addition, this Policy 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 Policy will be handled in accordance with the Code of Conduct Complaints Procedure.

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Councillor and Staff Interaction Policy

PART 1 – Introduction

- 1.1 The Councillor and Staff Interaction Policy (the Policy) provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with City of Ryde Council's Code of Conduct (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

PART 2 – Application

- 2.1 This Policy applies to all Councillors and Council staff.
- 2.2 This Policy applies to all interactions between Councillors and staff, whether face-toface, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between Councillors and staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the Chief Executive Officer.
- 2.5 The Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

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PART 3 – Policy Objectives

- 3.1 The objectives of the Policy are to:-
 - (a)a) establish positive, effective and professional working relationships between Councillors and staff defined by mutual respect and courtesy.
 - (b)b) enable Councillors and staff to work together appropriately and effectively to support each other in their respective roles.
 - (c)c) ensure that Councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties.
 - (d)d) ensure Councillors have adequate access to information to exercise their statutory roles.
 - (e)e) provide direction on, and guide Councillor interactions with staff for both obtaining information and in general situations.
 - (f)f) maintain transparent decision making and good governance arrangements.
 - (g)g) ensure the reputation of Council is enhanced by Councillors and staff interacting consistently, professionally and positively in their day-to-day duties.
 - (h)h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

PART 4 – Principles, Roles and Responsibilities

- 4.1 Several factors contribute to a good relationship between Councillors and staff. These include goodwill, understanding of roles, communication, protocols and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. —The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

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	n 232 of the <i>Local Government</i> , illor is as follows:-	Act 1993 (the LGA) states that the role	of
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(d(d)	to make considered and wel governing body.	l-informed decisions as a member o	f th
(<u>c)</u> (<u>)</u>	to participate in the development framework.	ent of the integrated planning and repo	ortin
(d) d)	to represent the collective inte community.	rests of residents, ratepayers and the	loca
(e) e)	to facilitate communication betw body.	ween the local community and the gove	ernin
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(<u>0</u>) <u>0</u>	to make all reasonable efforts to perform the role of a Councillor.	o acquire and maintain the skills necess	ary t
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which is bas a high	elected members operate and ack ed on democratic governance. Co	gnises the complex political environment mowledge that they work within a system uncillors similarly need to understand that action and provide quality advice on the lons cover.	n tha at it i
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4.6 Council commits to the following principles to guide interactions between Councillors and staff:-

Principle	Achieved By	
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels	
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions	
Ethical, open and transparent	Ensuring that interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct	
Fit for purpose	Ensuring that the provision of equipment and information to Councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of 132 people	
Accountable and measurable	Providing support to Councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data	

- 4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:-
 - (a)a) responses to requests for information from Councillors may take time and consultation to prepare and be approved prior to responding.
 - (b)b) staff are not accountable to them individually and councillors must not direct staff to undertake actions or make decisions .
 - (c)c) they must not direct staff except by giving appropriate direction to the Chief Executive Officer by way of a Council or Committee resolution, or by the Mayor exercising their functions under Section 226 of the LGA.
 - (d)d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions.
 - (e)e) they must not contact a member of staff on Council-related business unless in accordance with this Policy.

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(f) they must not use their position to attempt to receive favourable treatment for themselves or others.

4.8 The Chief Executive Officer is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need-to understand:-

- (a)a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who is in turn accountable to the Council's governing body.
- (b)b) they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer or a staff member with a delegation to approve advice to Councillors.
- (c)c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner.
- (d)d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties.
- (e)e) they must provide full and timely information to Councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

PART 5 – The Councillor Requests System (Councillor HelpDesk/Portal)

- 5.1 Councillors have a right to request information provided it is relevant to Councillor's exercise of their civic functions. This right does not extend to matters about which a Councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision-making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The Chief Executive Officer may identify Councillor support staff (the Councillor HelpDesk) under this Policy for the management of requests from Councillors.

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- 5.4 Councillors can use the Councillor requests system to:-
 - (a)a) request information or ask questions that relate to the strategic position, performance or operation of the Council.
 - (b)b) bring concerns that have been raised by members of the public to the attention of staff.

(c)c) Request ICT or other support from the Council administration.

- 5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. –Where a Councillor's request lacks specificity, the Chief Executive Officer or staff member authorised to manage the matter is entitled to ask the Councillor to clarify their request and the reason(s) why they are seeking the information.
- 5.6 Staff must make every reasonable effort to assist Councillors with their requests and do so in a respectful manner.
- 5.7 The Chief Executive Officer or the staff member authorised to manage a Councillor request will provide an initial response within five (5) working days. Where a response cannot be provided within that timeframe, the Councillor will be provided with an interim response, and the information will be provided as soon as practicable.
- 5.8 All requests from Councillors to the Councillor requests system are logged and sent to the relevant Council department for a response. All Councillor requests logged in the Councillor requests system are acknowledged within one (1) working day and Councillors are provided with a reference number for each request so that individual requests can be tracked.
- 5.9 To ensure all ratepayers receive equitable and consistent services, Councillors will support residents by providing City of Ryde customer services details for routine matters and may escalate matters to the Councillors helpdesk where the resident is dissatisfied with the initial responself a Councillor would like staff to contact and update a resident directly, they must indicate this in the request.
- 5.10 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.
- 5.11 Staff will inform Councillors of any confidentiality requirements for information they provide so Councillors can handle the information appropriately.
- 5.12 Where a Councillor is unsure of confidentiality requirements, they should contact the Chief Executive Officer, or the staff member authorised to manage their request.<u>Manager Business AssuranceExecutive Services</u> and <u>Governance.</u>

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- 5.13 The Chief Executive Officer may refuse access to information requested by a Councillor if:-
 - (a)a) the information is not necessary for the performance of the Councillor's civic functions, or
 - (b)b) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources, or
 - (c)c) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
 - (d)d) the Chief Executive Officer is prevented by law from disclosing the information.
- 5.14 Where the Chief Executive Officer refusesd to provide information requested by a Councillor, they must act reasonably. –The Chief Executive Officer must advise a Councillor in writing of their reasons for refusing access to the information requested.
- 5.15 Where a Councillor's request for information is refused by the Chief Executive Officer on the grounds referred to under Clause 5.13 (a) or (b), the Councillor may instead request the information through a resolution of the Council by way of a Notice of Motion. This Clause does not apply where the Chief Executive Officer refuses a Councillor's request for information under Clause 5.13 (c) or (d).
- 5.16 Nothing in Clauses 5.13, 5.14 and 5.15 prevents a Councillor from requesting the information in accordance with the Government Information (Public Access) Act 2009.
- 5.17 Where a Councillor persistently makes requests for information which, in the Chief Executive Officer's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the Chief Executive Officer, resolve to limit the number of requests the Councillor may make.
- 5.18 Councillor requests are state records and must be managed in accordance with the State Records Act 1998.
- 5.19 A report will be provided to the Mavor and CEO on a monthly basis regarding the performance and efficiency of the Councillor requests system against established key performance indicators. A report will be provided to Council on a monthly basis regarding the performance and efficiency of the Councillor requests cyclom against octablished key performance indicators.

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5.20 While it is acknowledged that the procedures relating to the conduct of the Councillor requests system are an operational matter to be determined by the Chief Executive Officer, Councillors will be consulted regarding any proposed changes.

5.21 Councillors may raise matters with Council, however, all matters must be submitted to our Councillor dhelp@ryde.nsw.gov.au

- a) A member of Executive Leadership Team may be copied into the Helpdesk matter if it warrants escalation but the reasons for the escalation to ELT must be documented.
- b) Councillors should not email staff directly, unless in accordance with clause 6.1 below -
- 5.22 Matters raised to Council emails to Deskhelp must provide clear factual information, it must not seek to apply a judgment on a matter, nor should it seek to direct staff to a particular action
- 5.23 Council will respond to constituents directly on operational matters indicating the Councillor has raised the matter for our attention, unless the Mayor or Councillor specifically request otherwise.
- 5.24 Councillors may ask any policy related questions via the helpdesk and a response will be provided directly to the Councillor or all Councillors where appropriate.

PART 6 - Access to Council Staff

- 6.1 Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.
- 6.2 Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours (Monday to Friday: 8.30am to 5.00pm).
- 6.4 If Councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the Chief Executive Officer.
- 6.5 If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor HelpDesk who will provide advice about which authorised staff member to contact.

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- 6.6 The Chief Executive Officer or a member of the Council's Executive Leadership Team may direct any staff member to contact Councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A Councillor or member of staff must not take advantage of their official position to improperly influence other Councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the Chief Executive Officer or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

6.8 Councillors should be aware of the "right to disconnect" laws and be mindfulnot of contacting staff outside normal business hours.

PART 7 – Councillor Access to Council Buildings

- 7.1 Councillors 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 for meetings. Councillors needing access to these facilities at other times must obtain approval from the Chief Executive Officer.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer.

PART 8 – Appropriate and Inappropriate Interactions

- 8.1 Examples of appropriate interactions between Councillors and staff include, but are not limited to the following:-
 - (a)a) Councillors and Council staff are courteous and display a positive and professional attitude towards one another.
 - (b)b) Council staff ensure that information necessary for Councillors to exercise their civic functions is made equally available to all Councillors, in accordance with this Policy and any other relevant Council policies.
 - (6)c) Council staff record the advice they give to Councillors in the same way they would if it was provided to members of the public.

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City of Ryde COUNCILLOR AND STAFF Lifestyle and opportunity INTERACTION POLICY @ your doorstep Council staff, including Council's Executive Team members, document (d)d) Councillor requests via the Councillor requests system (Councillor Helpdesk) .-Council meetings and Councillor Briefings are used to establish positive (e)e) working relationships and help Councillors to gain an understanding of the complex issues related to their civic duties. Councillors and Council staff feel supported when seeking and providing (f)f) clarification about Council related business. Councillors forward requests through the Councillor requests system (a)a) (Councillor Helpdesk) and staff respond in accordance with the timeframes stipulated in this Policy. 8.2 Examples of inappropriate interactions between Councillors and staff include, but are not limited to the following:-(a)a) Councillors and Council staff conducting themselves in a manner which:is contrary to their duties under the Work Health and Safety Act 2011 and i. their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety. constitutes harassment and/or bullying within the meaning of the Code of ÌĬ. Conduct, or is unlawfully discriminatory or unwelcome comments, jokes. that could be considered offensive and inappropriate. a)b) Councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters. staff approaching Councillors to discuss individual or operational staff matters (b)c) (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters. (c)d) subject to Clause 5.13, staff refusing to give information that is available to other Councillors to a particular Councillor. Councillors who have lodged an application with the Council, discussing the (d)e) matter with staff in staff-only areas of the Council. Councillors being overbearing or threatening to staff. (0)f) Councillor and Staff Interaction Policy Accountability: Owner: Adopted: 25 O 2022 Gove B 55-105 Ge ve Services and XXXXXXX nee Exe ve Services vernance CM Reference Last review date Next review date: A BXXXX

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- (f)g) staff being overbearing or threatening to Councillors.
- (g)h) Councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media.
- (h)i) Councillors directing or pressuring staff in the performance of their work, or recommendations they should make.
- (i)) staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- 8.3 Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

PART 9 - Complaints

- 9.1 Complaints about a breach of this Policy should be made to the Chief Executive Officer (if the complaint is about a Councillor or member of Council staff), or the Mayor (if the complaint is about the Chief Executive Officer).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

SCHEDULE 1 – Authorised Staff Contacts for Councillors

- Clause 6.1 of this Policy provides that Councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.
- Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
- Councillors should as far as practicable, only contact staff during normal business hours.

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- If Councillors would like to contact a member of staff not listed below, they must receive permission from the Chief Executive Officer or their delegate.
- If a Councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor HelpDesk who will provide advice on about which authorised staff member to contact.
- In some instances, the Chief Executive Officer or a member of the Council's Executive Leadership Team may direct a Council staff member to contact Councillors to provide specific information or clarification relating to a specific matter.

Positio	n
Chief E	Executive Officer
Genera	al Manager – Business and Operations
	al Manager – City ShapingDeputy CEO and Director, acy and Strategy
Directe	r City Shaping Director, Office of the Mayor and CEO
Genera	al GounselDirector, Infrastructure
Chief F	inancial Officer
Execut	ive Manager – People and BusinessDirector, Business 25
	ive Manager – City DevelopmentDirector, Development equilation
Execut	ive Manager - City Infrastructure Chief Financial Officer
Execut	ive Manager - City Life General Counsel
- 100 million	er – Corporate Governance Business AssuranceExecutive as & Governance
Civic S	ervices Manager
Counci	illor HelpDesk

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Document Version Control

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Document Status:	Approved by Council
Version Number:	Version 2.13.0
Date:	15 April 2021October 2024
Author:	Gorperate Covernance Business Accurance Executive Services and Governance
Endorsed By:	Council
Distribution:	Internal and External

Change History

Version	Issue Date	Author	Reason for Change
1.0	24 September 2013	Audit, Risk and Insurance	Initial approval of document by Council and publication (D13/64134)
2.0	23 June 2020	Corporate Governance	Update of policy to reflect 2018 Model Code of Conduct definitions and provisions and 2019 City of Ryde Code of Conduct provisions including applying policy to contractors, volunteers and members of wholly advisory committees. Update to reflect changes in position title (Director). Include more details on who does what. Changes to policy to reflect actual practice (D20/25408)
2.1	15 April 2021	Corporate Governance	Update of policy to reflect changes in the 2020 Model Code of Conduct while retaining Council's \$0 value for the definition of gifts as part of Council's "Thanks is Enough" Policy. Update to correct references to token value in Section 5. Style and formatting changes to align with current Council templates.
3.0	XXXXXXXX October 20July 202524	Buciness AccuranceExecuti ve Services and Governance	

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1. Purpose

The objective of this policy is to:

- clearly define the behaviour required of Council officials in relation to gifts and benefits, and
- provide a transparent and accountable process with regard to gifts and benefits that promotes public confidence in the City of Ryde.

Any gift or benefit offered or accepted shall be subject to the provisions of this policy.

The policy is intended to complement the Council's Code of Conduct — Standards of Conduct and should be read in conjunction with Part 6 of the Code dealing with Personal Benefit.

2. Scope

The document applies to:

- Councillors;
- Smembers of staff of Council;
- <u>Aadministrators;</u>
- Council committee members:
- <u>C</u>conduct reviewers;
- <u>D</u>delegates of Council;
- Mmembers of wholly advisory committees of council;
- Ceontractors, and
- <u>Vvolunteers</u>.

3. Principles

The Council has taken a strong position in its Gode of Conduct that in normal circumstances all gifte and benefite effored should be politoly refused, recorded in writing and entered in the Cifts Register. In September 2013 the Council adopted the position that no gifts should be accepted, and cetablished the message that "Thanks is Enough" in relation to the acceptance of gifts and benefits.

All gifts and benefits offered and received are to be declared, whether accepted or refused, using the Gifts and Benefits Declaration Form (see Attachment 1) and entered into Council's Gifts and Benefits Register with the exception of when a gift or benefit does not include:

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 <u>a)</u> All offers of gifts or benefits are to be declared, whether accepted or refused, using the Gifts and Benefits Declaration Form (see Attachment 1)items with a value of \$4100 or less

- a political donation for the purposes of the Electoral Funding Act 2018
- c) a gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
- d) a benefit or facility provided by the Council to an employee or councillor
- e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
- f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to;
 - the discussion of official business
 work-related events such as co
 - work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

-Council Officials 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 the staff member or from the <u>C</u>eouncil.

Council Officials 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.

Key considerations for Council Officials in respect of this Policy are:

- If a Council official is offered a bribe, the incident must immediately be reported to the General-ManagerChief Executive Officer, NSW ICAC and where relevant, the Ppolice.
- Soliciting personal gifts or benefits is prohibited under all circumstances. If a Council Official becomes aware of another Council Official soliciting gifts or benefits they should report it immediately to the relevant Director, General ManagerChief Executive Officer and/or the Mayor.
- Where it is suspected that a gift has been offered for the purposes of influencing the behaviour of a Council Official in their official capacity, the gift must be declined and it should be reported immediately to the <u>Chief Executive Officer relevant Director</u>, the <u>General</u> <u>Manager</u> and/or the Mayor.
- 4. Accepting gifts of money is prohibited ('Money' includes any form of credit or cashlike gifts such as, but not limited to, cash, cheques, money orders, bank deposits, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts, regardless of the amount or value). This situation

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includes offers of money to cover expenses for trips to view samples of work, or to expedite the work of Council.

- 5. If a Council official is offered a gift of 'money', it is to be refused and the incident reported immediately to the relevant Director, the General ManagerChief Executive Officer and/or the Mayor. It must be declared in accordance with this Peolicy. Any such gift that is received without the recipient's knowledge, for example in the mail, must immediately be reported and declared, and every effort made to return it.
- 6. In normal circumstances, all gifts and/or benefits offered to a Council official of the City of Ryde are to be declined. No gift or benefit should be personally retained by a Council official-Any offer of a gift of money is to be refused and reported to the relevant Director and the General Manager and/ or the Mayor in writing.

Notwithstanding the above, there are provisions for special circumstances:

- a. situations that relate to protocol, cultural aspects, sister-city relationships, international delegations and the like,
- hospitality accoriated with events and functions hested by community based (netfor-profit) organisations, attendance at which is consistent with the Council official's role—in particular the statutory role of a Counciller, and
- insignificant gifts/benefits accessiated with hespitality, premotional materials and other situations described in this policy.

8-7. Should a Council Official receive a gift or prize as the result of entering a competition while engaging in official duties, the gift or prize will become the property of the City of Ryde.

8. Any gifts or benefits received as a result of a purchase incentive scheme are not to be received. For example, if purchases from a specific supplier reach a certain value which results in a gift being rewarded, this gift is to not be accepted or if received, returned immediately.

 Any gifte or bonofite received as a result of a purchase incentive scheme will become the property of the City of Pyde. For example, if purchases from a specific supplier reach a cortain value which results in a gift being rewarded, this gift will become the property of the City of Ryde.

10.9. Council officials should not personally benefit from reward points programs when purchasing on behalf of the <u>C</u>eouncil including: [Code of Conduct], [Policy on Expenses and Facilities for the Mayor and Councillore]

- a. Booking corporate travel and receiving personal frequent flyer points
- Making purchases on a corporate card and receiving shopping points, rewards, dockets, discount petrol or school vouchers.

 All gifts effored are to be formally declared and entered into Council's Gifts and Benefits Register.

The following information provides details of officers' responsibilities and the steps to be taken including the registering of gifts or benefits and reporting any alleged breaches of the Policy.

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4. Responsibilities

The General Manager Chief Executive Officer is responsible for.

- ensuring that Council has a framework for registering gifts or benefits and an appropriate procedure to manage this process.
- reporting allegations of bribery or corruption to ICAC and the NSW Police, as appropriate.

The relevant Director, General Manager Chief Executive Officer (for the Mayor and Councillors) and Directors, and the Mayor) and /-or-the Manager Business AssuranceExecutive Services and Governance Manager, Corporate Governance-(for all staffthe General Manager) are responsible for determining the action to be taken in respect of each completed Gifts and Benefit Declaration of a gift or benefit that requires determination under this Policy.

The Manager, Corporate Governance Business Assurance Executive Services and Governance is responsible for:

- The implementation and monitoring of this policy;
- · Maintenance of the Gifts and Benefits Register;
- · Managing the determination of declarations of gifts and benefits.

All managers of staff are responsible for ensuring that their staff are aware of this policy, its intent and be available to give advice on its interpretation. If in doubt, refer to the Manager Corporate Governance.

All Councillors, Council Oefficials and Staff are to be aware of this policy and to be available for appropriate training.

5. What is a gift?

A gift or a benefit is something offered to or received by a council official official of someone personally associated with them for their personal use and enjoyment.

In a business context, gifts and benefits are frequently given to facilitate an ongoing working relationship and to establish patterns of loyalty to the giver.

The sense of obligation that business gifts instil is the main difference between private gifts and business gifts.

Some common examples of gifts that may be offered in the course of work include:

- aAlcohol;
- clothes;
- products;
- tickets;
- gift vouchers; or
- office or business accessories.



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A gift is not:

- A political donation for the purposes of the Electoral Funding Act 2018;
- A gift provided to the Council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual Council official official, or someone personally associated with them;
- · a benefit or facility provided by the council to an employee or councillor
- Attendance by a Council official at a work-related event or function of taken value for the purposes of performing their official duties, or
- Free or subsidised meals, beverages or refreshments of token value provided to Council officials in conjunction with the performance of their official duties such as, but not limited to:
 - the discussion of official business;
 - <u>w</u>Work-related events such as Council-sponsored or community events, training, education sessions or workshops;
 - <u>cConferences;</u>
 - cCouncil functions or events;
 - sSocial functions organised by groups, such as Council committees and community organisations

6. What is a benefit?

Benefits are different to gifts in that they are generally non-tangible. Benefits may still have financial value however, particularly to their recipients. In terms of managing them, gifts and benefits should be considered interchangeable.

Some common examples of benefits are:

- access to private spectator boxes at events;
- a new job or promotion;
- preferential treatment (such as queue jumping);
- access to confidential information; or
- · a relationship with a Council contractor that provides a discount for private work.

7. Procedure

The flowcharts (Attachments-2, B3, and C4) show what to do if you receive an offer of gift or benefit.

If a Council official receives an offer of a gift and /or a benefit above the \$4010.00 threshold, even if refused, they must complete a Gifts and Benefits Declaration Form (see attachment <u>A</u>4).

This includes gifts of a token nature. The details of all gifts declared via the Gifts and Benefits Declaration Form received shall be entered into the Gifts and Benefits Register by the immediate completion of a Gifts and Benefits Disclosure form by the employee or Counciller.

Owner-Comerate		
GovernanceEvernance AssuranceEvernance Governance	Accountability: Gevernance and Risk Management Framework Buchass Accurate Executive Services and Governance	Adopted by Council: 23 June 2020
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All forms from staff including the Chief Executive Officer are referred to the Manager Business AssuranceExecutive Services and Governance-Director for determination of appropriate action and signing.

All forms from Councillors or Directors are forwarded to the General Manager Chief Executive Officer for determination of appropriate action and signing.

All forms from the General Manager are to be forwarded to the Manager Corporate Gevernance or the Mayer for determination of appropriate action and signing.

Completed and signed <u>Declaration</u> Fforms must be forwarded to the <u>Corporate</u>-Governance <u>Business AssuranceExecutive Services and Governance</u> Team who will enter the details in the Gifts and Benefits Register and advise the employee-/-Councillor of the outcome.

The Governance CoordinatorBusiness AssuranceExecutive Services and Governance Team shall provide a report to the General-Manager and the Corporate Governance-ManagerChief Executive <u>Officer</u> at the end of each financial year, setting out the number of completed Gift and Benefit Declaration Forms, the types of offers of gifts and benefits declared by Council officials, and any significant trends associated with offers of gifts and benefits. This shall be presented at the next Audit, Risk and Improvement Committee).

A Councillor may refer any entry in the Cifts and Benefits Register to a Council-Mosting for review by the Council-

8. Perceptions of accepting a gift and/or benefit

Perceptions are very important in relation to gifts and benefits. There is often a perception that the offer of a gift could influence the intended recipient's performance of his or her functions, despite the fact that such perceptions alone may not indicate an actual inappropriate influence. Perceptions can be affected by a variety of factors including:-

- The relationship between the giver and the Council official;
- . The transparency and openness of how the gift was offered; and
- The value of the gift, i.e. an expensive gift is more likely to be perceived as gifts to win favours.

9. Purchase Incentive Schemes

You must not personally benefit from reward points programs when purchasing on behalf of the council (purchase incentive scheme). If you are offered a free item for your personal use for purchasing a certain quantity of product, you must refuse the gift/benefit and complete a the Gifts and Benefits Declaration Form. Incentives include additional points for frequent travel.

10. Hospitality and work-related functions

A Council Official may be offered a range of hospitality including:

Gifts and Benefits Policy		
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- External meetings refreshments such as tea, coffee and a modest lunch are acceptable;
- Conferences, seminars etc. it is appropriate to accept modest hospitality, subject to the attendance being at the event being previously approved by the Council official's <u>SupervisorManager</u>. It is not appropriate to accept hospitality where the City of Ryde is the only invited guest. Council officials should be mindful of public perception where an event is being held out of business hours.

11. Gifts or benefits to immediate family members

Council officials must take all reasonable steps to ensure that business colleagues and family members do not receive gifts and / or benefits that could give rise to the appearance of being an attempt to secure favourable treatment. Attempts by suppliers to provide gifts to family members should be reported by a Council official to the <u>Manager Business Assurance Executive Services and</u> <u>Governance in relevant Director by completing the a Gift and Benefits Declaration Form.</u>

12. Gifts associated with sister city activities

Sister city gifts for the Council (normally presented to the Mayor or General Manager Chief Executive Officer) are quite often non token/-ceremonial gifts such as a plaque, work of art or craft or other items of significance that relate to a specific occasion. They may be of a reasonable monetary value and given with the intention to express welcome or gratitude to the receiving organisation as a whole, rather than to an individual.

All gifts associated with sister city activities are to be declared and acted on accordingly. The determination by the General-Manager-Chief Executive Officer (or Mayor if it is received by the General-ManagerChief Executive Officer) will often include a stipulation that such gifts be displayed in an appropriate location within Council.

Sometimes, gifts may also be presented to individual Council officials within Council's delegation. These gifts should be respectfully declined, unless the acceptance of such is otherwise determined because of exceptional sinsumstances.

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

Council officials must not:

- seek or accept a bribe or other improper inducement;
- seek gifts or benefits of any kind;
- · sook gifts or bonofits of any kind
- 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;
- accept an offer of cash or a cash-like gift regardless of the amount;
- participate in competitions for prizes where eligibility is based on the <u>Ceouncil being in</u> or entering into a customer
 – supplier relationship with the competition organiser
- personally benefit from reward points programs when purchasing on behalf
- · of the council.

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14. Gifts of token value

The 2020 Model Code of Conduct for Local Councils in NSW defines Gifts and benefits of token value as 'one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, have a value of \$100 or more'do not exceed a value of \$100'. The City of Ryde's Gifts and Benefits Policy takes a stronger pesition — that all gifts and benefits should be refused, where possible, with the exception of items listed at Clause 6.2 of the Council's Code of Conduct — Standards of Conduct. All gifts and benefits, and all offers of gifts and benefits, even if refused, must be declared. Gifts must be surrendered to Council, unless this is impractical.

45. Breaches of this Policy

Each Councillor, member of staff of Council, contractor, volunteer, Council committee member, conduct reviewer and delegate of Council is obliged to comply with this policy. Sanctions may be applied if the policy is breached.

Any person may report an alleged breach of this policy by a Councillor or an employee (other than the General-ManagerChief Executive Officer) to the General-ManagerChief Executive Officer in writing.

Any person may report an alleged breach of this policy by a Councillor or the General-ManagerChief Executive Officer to the Mayor in writing.

The General-ManagerChief Executive Officer or Mayor, as appropriate, shall investigate any report received and take such action as is considered necessary.

If this policy has been breached, such action may include counselling, censure motions, disciplinary action (including termination of employment), the laying of charges and the taking of civil action.

16.15. Disposal of Gifts

The disposal of gifts will be dictated by the nature of the gift. The gift receiver can nominate or suggest a disposal method on the Gifts and Benefits Declaration Disclosure Form, however the Director, General ManagerChief Executive Officer, Manager Corporate GovernanceBusiness AccuranceExecutive Services and Governance or Mayor (as appropriate) will determine the action to be taken.

In determining this action the following will be considered:

- Gifts received from visiting delegations or gifts personalised to the City of Ryde will
 usually be kept at the City of Ryde for display or storage.
- Perishable gifts such as flowers may be displayed in public areas such as customer service counters, libraries etc.
- Perishable food items may be shared amongst staff in the work location.
- The General ManagerChief Executive Officer may nominate a charity or charities to which surrendered gifts will be donated.

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- Gifts that can be used for work purposes may be shared amongst staff to use in the workplace.
- Where practical, gifts should usually be returned.

The decision regarding disposal of a gift will be noted on the Gifts and Benefits Disclosure Form and Register.

17.16. Related Policy

City of Ryde Code of Conduct -Standards of Conduct

18. Attachments

ocument Title	CM Reference
A – Gift and Benefits Declaration form	D18/98274
B Flowchart for Councillors	-N/A
C Flowchart for Staff and Contractors	-N/A
D-Flowchart for other Council Officials	N/A
DEB – Frequently Asked Questions	<u>N/A</u>

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About this form Use this form to notify Council you have been offered as a Co Frease complete this form and Governance tryde now.gov.au	of any gifts or benefits unditor or staff member. return to	Council Contact Details Customer Service Centre 1 Pope Street, Rycle NSW Post Locked Bag 2069, North Ryde NSW 1670 mail (hychydedryde nsw govlad Phone (02) 9952 8222
PART 1: RECIPIENT D		
Given Name	Fan	nity Nama
Position of Council		
Department		
Mobile Email		Phone
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Gifts and Benefits Policy		
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Given Name	Family Name	
Position (if known)		
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Relationship to Council	Member of public / customer Community group	
	Supplier or contractor	
	Unkriswn	
	Other	
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Where do I find the Gifts and Benefits Declaration Form?

The Gifts and Benefits Declaration Form can be found on the staff Infonet.

What are the consequences for not managing gifts and benefits appropriately?

The consequences for an individual Council official may be:

- embarrassment;
- disciplinary action;
- being the subject of an internal or external inquiry;
- loss of employment; and/or
- criminal prosecution.

Who do I contact if I need some information?

Council's Executive Services and Governance Team; Governance@rvde.nsw.gov.au What do I do if I rofuse a gift/bonefit?

If you have been offered a gift/benefit which you refused, you still need to complete the Gifts and Benefits Declaration Form.

What do I do if I accept a gift/bonofit because it would be rude to refuse?

If you have been offered a gift/benefit and accepted it, you must complete the Gifts and Benefits Declaration Form. After completion, the form should be signed by the Manager Business Assurance and Gevernance or the Chief Executive Officer (in the case of Directors and Councillers) whe will review and determine the appropriate action to take regarding the gift/benefit. The completed and endersed form and the gift received should be then cent to the Business Assurance and Gevernance Team to be recorded on the Gifts and Benefits Register.

What is the limit for Gifte & Bonofite at the City of Ryde?

Token value is of \$10.00 limit and the maximum value is \$100.00.

What if a gift has been sont to me by post?

If a gift has been sent to yeu by post, you still need to complete the Gifts and Benefits Declaration Form-

Where de Lfind the Gifts and Benefits Declaration Form?

The Gifts and Benefits Declaration Form can be found on the staff Infonct.

What are the consequences for not managing gifts and benefits appropriately?

The consequences for an individual Council official may be:

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Council's Corporate Governance Team: Governance@ryde.nsw.gov.au



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Statement of Business Ethics

ATTACHMENT 7

City of Ryde Lifestyle and opportunity @ your doorstep

Document Version Control

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CM Reference WORD:	D21/47864	
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Document Status:	Approved by Council	
Version Number:	Version 3.1-4.0	
Review Date:	18 May 2021 October 2024 June 2025	
Owner:	City of Ryde	
Endorsed By:	Council on 27 July 2021	
Distribution:	Internal and External	

Change History

Version	Revie w Date	Author	Reason for Change	
1.0	2005	Corporate Governance	Adopted by City of Ryde Executive Team	
2.0	11 Februar y 2014 Adopted by Council	Corporate Governance	Policy reviewed and updated throughout. Adopted by Council. Changes include new message from General Manager; update the City of Ryde Values of Safety, Teamwork, Ethics and Professionalism; references to Public Interest Disclosure Policy applying to contractors, Gifts and Benefits Policy, social media, intellectual property, electronic information.	
3.0	24 July 2018 Adopted by Council	Corporate Governance		
3.1	27 July 2021	Corporate Governance	Review of the Statement, includes reference to zero tolerance policy for violence against women, updated WHS terminology and legislation, reference to zero alcohol limit at work. Adopted by Council on 27 July	



Statement of Business Ethics

ATTACHMENT 7

D City of Ryde Lifestyle and opportunity @ your doorstep

			2021.	
<u>4.0</u>	xxxxxx	Business AssuranceExecut ive Services & Governance		

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Next review date: Oc

1.	Message from the General ManagerChief Executive Officer
profes	of Ryde Council is committed to serving our community with integrity, efficiency ssionalism, fairness and impartiality. In conducting business, <u>Council we</u> -will put ou a duty to the community of Ryde first, based on the following business principles:
•	Business relationships with external parties will be transparent, Procurement decisions will be based on merit, and be impartial <u>; and</u> Council procurement decision-making processes will be open, consistent and accountable.
The p	eople of Ryde, and those who come in contact with Council, expect nothing less.
requia hones of inc princip	ncludes our commitment to fair dealing, transparency, and compliance with legal and atory requirements. Furthermore, the statement emphasises the importance of sty, trustworthiness, and the avoidance of conflicts of interest, while fostering a culture clusivity, sustainability, and responsibility towards stakeholders. Through these ples, the organisation aims to build and maintain a reputation for ethical practices and term success.
condu servic	Statement of Business Ethics articulates what to expect and how to behave wher acting business with Council. This business may include supply of goods and/o ees; use of contractors and/or consultants, assessment of development applications ther business partnerships and alliances.
	e ethical standards are not an additional requirement in doing business with us but are egral part of sound commercial practice.
and co There	and other Council officials are required to observe a high standard of ethical behaviou omply with legislation and conduct standards and procedures. fore, <u>Council</u> we expects that while doing business with <u>us_Council</u> you will abide by tatement of Business Ethics in all your dealings.
submi	feel Council is not meeting the standards set in this Statement, please lodge make a ission to Council's Manager , Corporate Governance or Director, Corporate Services ose AssuranceExecutive Services and Governance.
E	Steles.
	ge-Dedes <u>Wayne Rylands</u> eral Manager<u>Chief Executive Officer</u>
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Statement of Business Ethics



2. Introduction

City of Ryde aims to achieve the best value for money in the expenditure of public funds while being fair, ethical and transparent. To achieve this, <u>we-Council</u> reliesy on our business partners, contractors, sub-contractors, suppliers, and other business associates. <u>Coouncil</u>We expect high standards of behaviour from all organisations and individuals that <u>we partner with partnerships are formed with</u>.

City of Ryde is committed to high ethical standards and accountability. The Statement of Business Ethics sets out the standards that Council requires of its business partners, contractors, sub-contractors, suppliers and other business associates.

These standards are reinforced in the *City of Ryde Code of Conduct*, which applies to all Councillors, Council employees, contractors, volunteers, committees and advisory committees. <u>Council We</u> expect all parties to perform their duties with integrity, honesty, fairness and transparency.

City of Ryde is committed to providing a work environment free of harassment, bullying or discrimination. Both those who engage in, cause, instruct, aid or knowingly permit another person to engage in, bullying, harassment or discrimination in the workplace will be held responsible. Council is committed to preventing injury to ourselves, our team and our community.

City of Ryde also has zero tolerance towards violence against women and is committed to Equal Employment Opportunities and Child Safety.

3. Purpose

The purpose of this Statement of Business Ethics is to clarify the relationship between the private sector and Council. It provides important information about Council's values, business principles, and expectations of staff, Councillors, business partners, contractors, sub-contractors, suppliers and other business associates.

The Policy also It also addresses how an individual can to report unethical behaviour.

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Statement of Business Ethics



Lifestyle and opportunity @ your doorstep

4. Council's Values

Our business partners are required to be committed to Council's values. Ourbusiness partners must ensure all their employees and sub-contrastersworking on Council business are aware of, and comply with, this Statement.

Our Values Are:

Safety - We are committed to preventing injury to ourselves, our team and our community.

Teamwork - We work together with respect and support.

Ethics - We are honest, responsible and accountable for our actions-

Profossionalism We deliver offective services to the community withconsistent decision making.

4. Council's Vision, Mission, and Values

Council's business partners are required to be committed to Council's values. All business partners must ensure their employees and sub-contractors working on Council business are aware of, and comply with Council's Vision, Mission and Values;

Our Vision

City of Ryde: The place to be for lifestyle and opportunity at your doorstep.

Our Mission

To deliver the community's vision within a culture of innovation, resilience and an exceptional customer experience.

Our Values

- Health & Safety: We take personal responsibility for our own health, wellbeing and safety. As well as the health, wellbeing and safety of our colleagues and customers.
 - Excellence: We do the best we can for our customers and embrace innovation in the way we work.
- Accountability: We are honest, transparent and act in the best interest of Council and the community.
- Respect: We listen, seek to understand, and celebrate the diversity of the people within our organisation and the community.
- Teamwork: We work within both our own teams and other teams to successfully achieve council's goals.

5. The Responsibilities of our What is expected from Council's Business Partners

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All business partners, their employees, sub-contractors and other business associates are expected to act ethically when dealing with City of Ryde and its officials. All parties working for City of Ryde are also expected to know, understand and abide by the standards in this Statement of Business Ethics.

Council expects allour business partners to:

- Act ethically, fairly and honestly in all dealings with Council;
- Be courteous towards the public, Councillors and Council employees;
- Uphold Council's positive reputation within the community;
- · Obey all relevant laws and contractual obligations including:
 - Compensate employees through fair wages and sustainable workloads that meet or exceed legally required minimum obligations and industry benchmarks;
 - Recognise the existence of Modern Slavery risks in a company's supply chain by maintaining an ethical work conduct; and
 - Ensure the prompt and proper payment of any wages or benefits owed to their employees.
- Honour Council's community and environmental responsibilities;
- Comply with work health and safety legislation as a minimum.
- Maintain records of dealings with Council.
- Prevent the disclosure of confidential information.
- Refrain from discussing Council business or information in the media.
- Assist Council to prevent unethical practices in our business relationships.
- Refrain from any action or contact that may be considered an attempt to influence a decision of Councillors or staff.

Contractors and suppliers are to ensure that their staff and sub-contractors are made aware of their responsibilities under this Statement of Business Ethics and to take appropriate measures to ensure their compliance.

Safety is paramount at the City of Ryde. Council has a shared responsibility on this with contractors and business associates. All persons working with or for Council have a responsibility to follow safe systems of work and a safe work environment to protect their own safety and that of others.

6. What you can expect from Council

When partnering with the private sector, Council staff are accountable for their actions. Council staff must:

- Act in the public interest;
- Respect and comply with Council's Code of Conduct, other policies and
- procedures, and abide by the law;
- Act with integrity and transparency;

Promote fair and open competition by obtaining value for money.

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Council will maintain a safe workplace and comply with current Work Health and Safety (WHS) legislation and relevant sodes of practice.

Councillors, staff and delegates are bound by Council's Code of Conduct. This means there is an expectation that Council staff will be courteous and act with transparency and integrity in all its interactions with members of the public.

Council will ensure that all policies, procedures and practices relating to the procurement of goods and services, use of contractors/consultants and interactions with lobbyists are consistent with good practice and the highest standards of ethical conduct.

All approvals, decisions and procurement activities will be clearly documented to enable transparent and effective governance across the organisation. Council will assess all applications objectively, considering all relevant and material factors in determining a decision on matters that come before the Council.

7. Ethical communication

As a general principle, communication should be clear, direct and accountable. Private sector—Ssuppliers, contractors and consultants have an obligation to ensure their communication with Council abides by this general principle to minimise the risk of inappropriate influences on the business relationship.

Where appropriate, communications should be confirmed in writing.

8. Conflicts of Interest

If a conflict of interest, whether real or perceived, arises, you must disclose it to Council in an effective manner. A conflict of interest arises if your own interests or those of other people close to you, conflict with your obligations to the Council.

A conflict would exist where you have a personal interest, or your relative, company, employer or another person known to you has an interest that could influence the way you carry out your duties for the Council in order to gain either a financial or non- financial benefit.

Where there is a conflict of interest, you must put Council's interest ahead of your ownprivate interest.

9. Lobbying

Lobbying is an acceptable part of the democratic process. However, lobbying is not acceptable if it undermines public confidence in impartial decision-making and falls outside the bounds of appropriate and lawful behaviour. Inappropriate or unlawful conduct on the part of someone lobbying a Councillor usually involves an attempt to obtain preferential consideration or treatment based on factors other than the merits of a matter.

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Communication between Council and our-business partners should be clear, open, direct, and accountable to ensure there is no influence on the business relationship.

10. Council Resources

The use of Council resources by contractors, sub-contractors, suppliers and business associates may only occur if approved by a Council official in accordance with Council polices, delegations procedures and adherence to legislation. Council resources include but are not limited to material, equipment, vehicles, documents, records, data and information.

11. Gifts and benefits

City of Ryde's 'Thank you is Enough' <u>Council's</u> Gifts and Benefits policy requires all Council public officials (*Councillors, staff, Council committee members etc.*) to refuse gifts and benefits offered by any customers or business partners. Public officials are required to declare any offers of gifts or benefits (including hospitality) over the value of \$10 (including hospitality), even when refused and the value. Records of the declarations are maintained in a public register.

As a condition of engagement with the City of Ryde, you accept that you will not offer any gifts or benefits to staff, Councillors or other public officials and that if you do so, your contract could be affected.

Specifically:

- Business partners should not give any gifts to City of Ryde officials (including Councillors, Council staff, committee members and volunteers) and there should be no expectation that any gifts will be provided.
- City of Ryde business partners should not pay for any form of entertainment for City of Ryde employees or Councillors.
- Business partners should not provide City of Ryde officials with benefits such as meals, travel or accommodation. The City of Ryde meets all such business costs for its officials.

Any gift or benefit offered to influence a Council official's decision-making will be considered corrupt conduct and will be reported to the Independent Commission Against Corruption (ICAC).

As a business partner to the City of Ryde, you are also required to refuse any offer of a gift, benefit or hospitality, from another external party that is associated in any way with your engagement with the City of Ryde.

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12. Confidential and Personal Information

You must take care to maintain the security of any confidential or personal information (in whatever form – hardcopy, electronic etc.) you become aware of in your work with the Council.

You must abide by the Government Information (Public Access) Act 2009 and Government Information (Public Access) Regulation 22018009, and the Privacy Act 1988. These Acts govern the collection, holding, use, correction, disclosure or transfer of personal information obtained through your dealings with the Council.

The Privacy and Personal Information Protection Act 1998 defines personal information as information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.

Personal information is any information about a person where you know who the person is, or you can guess who the person is.

No one should access, use or remove any Council information or personal information from Council premises, unless they need it to fulfill their duties for their work with the Council and have authorisation to use or disclose the information.

Copyright and intellectual property laws and standards must also be adhered to. In business relationships with Council, parties will respect each other's intellectual property rights and will formally negotiate any access, licence or use of intellectual property.

Any breach of the security, or misuse, of the Council's confidential or personal information must be reported to Council's Privacy Contact Officer. <u>9952 8080.</u>

All Council information is to be treated as confidential unless otherwise indicated.

13. Public Comment

You must not make any public comment or statement that would lead anyone to believe you are representing Council or expressing its views or policies.

This includes comments or statements made at public and community meetings, via the media including social media, or when it is reasonably foreseeable that the comments or statements will become known to the public at large.

14. Alcohol and Other Drugs

No contractor, subcontractor, supplier or business associate should come to work for Council, or return to work, under the influence of alcohol or other drugs that could impair their ability to carry out their job or cause danger to the safety of themselves or others. In line with our Alcohol and Other Drugs Procedure, all persons are to have a zero level of

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alcohol in their system when at work.

15. Offers of Secondary Employment to Council Employees

Do not offer a second job to a Council employee if the job would conflict with a Council employee's duties or role at Council.

Under Council's Code of Conduct, all staff are required to seek approval from the <u>Chief</u> <u>Executive Officer General Manager</u> prior to undertaking secondary employment. Approval will not be granted iven if the second job is likely to result in <u>an inappropriateunmanageable</u> conflict or the appearance of <u>significant</u> conflict with their Council duties.

16. Sponsorship

Sponsorship accepted by the City of Ryde will not influence decisions or actions by the City of Ryde, limit its ability to carry out its functions fully or impartially.

Council will not seek, accept, or provide sponsorship to an organisation if the sponsorship arrangement could compromise, or be seen to compromise, Council's ability to exercise its regulatory and planning functions.

All sponsorship arrangements must comply with Council's Sponsorship Policy.

17. Reporting corruption, maladministration and wastage

When doing work for the Council, you have a responsibility to report any suspected instances of corruption, maladministration, serious and substantial waste, pecuniary interest or government information contraventions.

Reports can be made to:

- Council's Public Interest Disclosures Coordinator,
- · Council's Complaints Coordinator.
- Council's Public Officer.
- Council's General Manager<u>Chief Executive Officer</u> or Manager, Corporate Gevenance,
- The NSW Ombudsman,
- The ICAC, or
- The Office of Local Government (OLG) as appropriate.

As a business partner to the City of Ryde, you are a public official for the purposes of the Independent Commission Against Corruption (ICAC) Act 1988 and are subject to ICAC's jurisdiction. You are also classified as a 'public official' under the Public Interest Disclosures Act 20224994.

This Act protects public officials from reprisal or detrimental action when disclosing corrupt conduct or other specific wrongdoing to a nominated PID Officer. Further

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information is available in Council's Public Interest Disclosure Internal Reporting Policy

You can also report unothical behaviour to Council's Manager, Corporate Governance on 0052 8022

18. Breaches of this Code

Failure to comply with this Statement of Business Ethics may cause penalty clauses in the contract to be invoked and/or civil or potential legal proceedings. Other consequences for not complying with Council's ethical requirements could include:

- · Termination of contracts,
- · Loss of future work opportunities,
- · Loss of reputation, and
- Further Investigation for corruption.

19. Our Council's Commitment to this Statement of Business Ethics

City of Ryde is committed to the standards in this Statement of Business Ethics. This statement reflects the high standards expected by our community and you are expected to maintain these standards when undertaking work for, or on behalf of Council.

Council believes that compliance with this statement benefits all and upholds public trust and confidence in City of Ryde Council.

If you have any questions regarding this Statement of Business Ethics, including how it applies to you, <u>please contact Council's Public Officer.you can contact</u>

Council's Director, Corporate Services 0052 8011
 Council's Manager, Corporate Gevernance 0052 8022

People reporting corrupt conduct, maladministration, serious or substantial waste of local government money, government information contravention or local government pecuniary interest are protected by the *Public Interest Disclosures Act*. 4994. 2022.

This Act protects individuals disclosing corruption-related matters from reprisal or detrimental actions and ensures that disclosures are properly investigated and dealt with.

You are encouraged to make these reports to Council if you believe you are awareof wrongdoing. Reports may also be made to:

The Independent Commission Against Corruption (ICAC) (02) 8281 5009

- NSW Ombudeman (02) 0286 1000
 - NSW Office of Local Government (02) 4428 4100

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20. Related Legislation, Guidance and Policies

Related Legislation and Guidance:

- Copyright Act 1968
- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 201809
- Environmental Planning and Assessment Act 1979
- -Privacy Act 1988 (Gommonwealth)
- Intellectual Property Laws Amendment (Raising Bar) Act 2012 Intellectual Property Laws Amendment Bill 2014
- Privacy and Personal Information Protection Act 1998 N133-
- Public Interest Disclosures Act 19942022
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017

Related Council Policies:

- Alcohol and other Drugs Procedure
- Code of Conduct Policy, Standards of Conduct, and Complaints Procedure 'Thank you is Enough' –
- Gifts and Benefits Policy
- Sponsorship Policy
- Procurement Policy
- Public Interest Disclosures Internal Reporting Policy and Procedure-Policy
- Work Health and Safety Policy

This Statement of Business Ethics is published on Council's website and provided to tenderers, contractors and others which Council has dealings with.









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Document Version Control

Document Name:	Interface and Day to Day Oversight of the Chief Executive Officer by the Mayor including Mayor's Roles and Responsibilities Policy
Content Manager Reference (Word):	D22/143506
Content Manager Reference (PDF)	D22/143508
Document Status:	Approved by Council
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Date:	October 2022XXXXXX
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Endorsed By:	Council
Distribution:	Internal and External

Change History

Version	Issue Date	Author	Reason for Change
1.0	12 November 2013	Customer Service and Governance	Initial Approval by Council and Publication of Document
2.0	11 February 2014	Customer Service and Governance	(D14/12411)
3.0	24 October 2017	Audit, Risk and Governance	(D17/151607)
3.1	12 April 2021	Corporate Governance	Style and formatting changes to align with current Council templates. Updated reference to position titles (D21/47907)
3.2	25 October 2022	Corporate Governance	Updated reference to align with position titles. Presented to Council for Adoption and Publication of Document (D22/143506)
4.0	<u>XXXXXXXXX</u>	Business Assurance Services and Governance	

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1. Purpose

The aim of the Policy is to strengthen the executive management of the Council by detailing the relationship, appropriate interface and the day_to_day oversight by the Mayor of the Chief Executive Officer and aims to ensure that there is a clear understanding between the Chief Executive Officer and the Mayor of the day. It will ensure that expectations and transparency of the interface between the Mayor and Chief Executive Officer is consistently applied to strengthen and maintain a positive working relationship between both parties.

This document also aims to provide clarity and transparency regarding the role and responsibilities of the Mayor in accordance with Section 226 of the *Local Government Act 1993*, which includes the statement, to "exercise any such other functions of the Council as the Council determines".

2. Scope

This Policy governs the appropriate interface between the Mayor of the City of Ryde and the Chief Executive Officer in keeping with the *Guidelines for the Appointment and Oversight of the <u>General Manager General Manager (Chief Executive Officer)</u> (Office of Local Government – July 202211) and other related policies and guidelines.*

The relationship between the Chief Executive Officer and the Mayor of the City of Ryde is a critical interface required to ensure that the Mayor's role in the <u>day-to-dayday-to-day</u> management of the Chief Executive Officer is transparent and appropriately delegated by Council. Constructive professional relationships between the Mayor and the Chief Executive Officer are essential to enable the effective executive management of the Council.

This Policy also addresses the Roles and Responsibilities of the Mayor in accordance with the *Local Government Act 1993*, relevant guidelines and Council Policies.

The Policy aims to provide, as far as practicable, a single source of information regarding the Interface between the Mayor and Chief Executive Officer, as well as the Mayor's Roles and Responsibilities. As a result, there are references to legislation, existing Council Policies and resolutions of Council.

3. Legislative Provisions

Role of the Mayor

Section 226 of the Local Government Act 1993 sets out the role of Mayor as follows:-

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,

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- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- to advise, consult with and provide strategic direction to the general manager <u>Evacutive Officer</u> in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager<u>Chicf Executive Officer</u>, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager<u>Chief Executive Officer</u>,
- (o) to exercise any other functions of the council that the council determines.

Role of the Deputy Mayor

Section 231, Clause 3 of the Local Government Act 1993 describes the role of the Deputy Mayor as follows:-

The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function, or if there is a casual vacancy in the office of mayor.

Functions of the General ManagerChief Executive Officer

Section 335 of the Local Government Act 1993 sets out the functions of General Manager

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,

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- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager<u>Chief Executive Officer</u>.
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager<u>Chief</u> <u>Executive Officer</u> by or under this or any other Act.

4. Guidelines / Procedures

This Policy is drafted to ensure compliance with appropriate legislative requirements, existing Council Policies and is supported by the attached Annexure.

5. References – Legislation and City of Ryde Policies

- The Local Government Act 1993 and Regulations
- Public Interest Disclosures Act <u>2022</u>4994
- Anti-Corruption Safeguards and the NSW Planning System ICAC 2012
- Guidelines for the Appointment and Oversight of General Manager<u>Chief-Executive</u> Officers (Office of Local Government July 202214)
- City of Ryde Code of Conduct
- City of Ryde Code of Meeting Practice
- City of Ryde Media Policy
- City of Ryde Expenses Relating to the General Manager<u>Chief Executive Officer</u> and Senior Staff Policy
- City of Ryde Corporate Credit Card Policy
- City of Ryde Gifts and Benefits Policy
- City of Ryde Public Interest Disclosures Internal Reporting Policy
- City of Ryde Policy on Ethical Lobbying
- City of Ryde Councillor Expenses and Facilities Policy
- City of Ryde Councillor and Staff Interaction Policy

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6. Review Process and Endorsement

This Policy should be reviewed each term of Council and endorsed by the Council.

Attachment A - Specific Responsibilities

1. The Chief Executive Officer's Appointment

The Mayor will establish and chair a selection panel for the purpose of selecting the Chief Executive Officer in accordance with the Guidelines for the *Appointment and Oversight of General Managers* (Office of Government July 202211).

Council's practice has been that this process has been coordinated by the Manager – People and Culture in liaison with the Mayor.– The recruitment process has then been reported to Council, in closed session.

This process includes the appointment of a recruiting organisation that would assist Council in the advertising and selection process, including Council determining the selection panel for the position of Chief Operating Executive-Officer.

Following the selection of a Chief Executive Officer, <u>athe</u> recruiting <u>organisation_agent</u> would assist Council in the formulation of a performance plan and then facilitate the annual performance review of the Chief Executive Officer.

The Office of Local Government's (OLG) Guidelines set out the following:

Selection Panel Report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the Council.

The appointment of a Chief Executive Officer is a non-delegable function of the Council under section 377 of the Act and a Chief Executive Officer cannot be appointed without a formal resolution of the Council.

2. Management of the Chief Executive Officer's Performance including the Mayor's Responsibilities

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The Chief Executive Officer's performance management process will be conducted annually in accordance with the Guidelines for the *Appointment and Oversight of General Managerschief* Executive Officers (Office of Local Government July 202244).

The Mayor will chair the Performance Review Panel and oversee the appointment of an external facilitator to assist with the process of performance appraisal and the development of performance plans.

The Office of Local Government's (OLG) Guidelines set out the following:

Selection Panel Report

The selection panel is responsible for proparing a report to the council's governing body that:

- outlines the selection process
- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the Council.

The appointment of a Chief Executive Officer is a non-delegable function of the Council under section 377 of the Ast and a Chief Executive Officer sannet be appointed without a formal resolution of the Council.

The Council's governing body must by resolution approve the position of the Chief Executive Officer being offered to the successful candidate before the position is offered to the candidate

actions that are to be taken as part of this process. The Mayor, as chair of the Performance Review Panel, is responsible for these actions:-

 Ensuring all Councillors not on the panel can contribute to the process by providing feedback to the Mayor on the Chief Executive Officer's performance.

Ensuring all Councillors are notified of relevant dates in the performance review cycle.

Ensuring all Councillors are kept advised of the Panel's findings and recommendations

 Reporting to Council in closed session the findings and recommendations of the Review Panel.

Audit of the Chief Executive Officer's Accountabilities

If the Mayor is a member of the City of Ryde Audit, Risk and Improvement Committee, the Mayor will participate in setting the priorities and the program of the audit of Council's operations, to ensure independent oversight of the risk and compliance environment of the Chief Executive Officer's accountabilities.

The Mayer will also be briefed annually by Council's external auditors to ensure rebust financial reporting is in place.

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4.3._Chief Executive Officer's Leave Applications

The Mayor will be the approval authority for all leave applications made by the Chief Executive Officer in accordance with Council's Leave policies.

5.4. Chief Executive Officer's Expense Claims

The Mayor will be the approval authority for all expense claims relating to the Chief Executive Officer's out-of-pocket expenses and use of Council's Corporate Credit Card in keeping with the Chief Executive Officer's Terms of Engagement, Council's Policy on Expenses Relating to the General Manager and Senior Staff, and Council's Corporate Credit Card Policy.

6.5. Chief Executive Officer's Gifts and Benefits Claims

The Mayor will be the acknowledging authority for all Gifts and Benefits Disclosure Forms completed by the Chief Executive Officer in keeping with the <u>General-ManagerChief Executive Officer</u>'s Terms of Engagement, and Council's Gifts and Benefits Policy.

7.6. Training and Development – Applications by the Chief Executive Officer

It is recognised that the Chief Executive Officer is required to keep abreast of local government issues, industry best practice and to keep his/her knowledge and skills relevant. To this end, the Chief Executive Officer will attend industry seminars, conferences and forums such as those provided by Local Government Professionals Australia, the <u>General Manager /Chief Executive Chief</u> Officers' Group of Australasia, the Local Government NSW conference, and the National General Assembly of Local Government.

When deemed that attendance at an industry forum/conference is appropriate, the Chief Executive Officer will seek the Mayor's approval to attend.

Should the Chief Executive Officer seek to attend formal training or education relating to advancing his/her knowledge and skills and in accordance with Council's Policy on Tertiary Education, Conferences and Training, the Chief Executive Officer will seek the Mayor's approval to do so.

8.7. Presiding at Council Meetings including the Mayor's Responsibilities

Under Section 226 of the Local Government Act 1993, the Mayor presides at meetings of the Council.

Setting the Agenda for Council or Committee Meetings

The Agenda must be set in accordance with Section 240 of the Local Government (General) Regulation 2015, which provides that:-

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- The general manager<u>Chief Executive Officer</u> must ensure that the agenda for a meeting of the council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the council, and
 - (b) if the mayor is the chairperson any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- 2) The general manager<u>Chief Executive Officer</u> must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager<u>Chief Executive Officer</u>, the business is (or the implementation of the business would be) unlawful. The general manager<u>Chief Executive Officer</u> must report (without giving details of the item of business) any such exclusion to the next meeting of the council.

Once the agenda has been set, the Chief Executive Officer or his/her nominee may meet with the Mayor to discuss the matters on the agenda of either a Council or Committee meeting prior to the meeting being convened. To ensure that the independence of advice to the Council is maintained, the Mayor cannot direct the Chief Executive Officer or his/her staff to either prepare or remove reports set on an existing or future agenda.

Clause 240 of the Regulation also stipulates that the Chief Executive Officer must cause the agenda for a meeting of Council or a Committee of the Council to be prepared as soon as practicable before the meeting. This supplements Section 367 of the *Local Government Act* 1993 which requires that

"the general manager<u>Chief Executive Officer</u> of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting."

Clause 240 of the Regulation also specifies that for meetings where the Mayor is the Chairperson, the Agenda is to include "any matter or topic that the Mayor proposes at the time when the Agenda is prepared". This is to be done in accordance with Council's adopted Code of Meeting Practice.

Calling Extraordinary or Special Meetings

In accordance with Council's Code of Meeting Practice, the Mayor does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting.

The Mayor, following a written request signed by at least two Councillors, must call an Extraordinary Council meeting. The Mayor can be one of the two Councillors, but the Mayor cannot call Extraordinary meetings by him or herself without having a written request with another Councillor's signature. The Mayor must then 'call' the meeting, which is to be held as soon as practical but within fourteen (14) days after the request is made (OLG Meeting Practice Note 1.1.2 and Section 366 of the *Local Government Act 1993*). However, "notice of less than 3 days may be given of an Extraordinary meeting called in an emergency." (Section 367(2) of the *Local Government Act 1993*).

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The Chief Executive Officer must ensure that the agenda for an Extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting (Cl 242 of the Regulation).

9.8. Conducting Meetings with Ministers and Members of Parliament

The Mayor and Chief Executive Officer will from time to time have reason to meet with Ministers and Members of Parliament to discuss issues of importance to the City of Ryde and the implementation of its Community Strategic Plan and Council resolutions.

These meetings are to be included in the Councillors' Information Bulletin Calendar including who the meeting is with, and the topic to be discussed. Where practicable, Councillors are to be consulted in advance of the meeting to ensure all relevant information and issues are gathered.

As per Council's resolution of 22 November 2011, the Chief Executive Officer and/or his/her nominee will accompany the Mayor to any meeting with a State Minister or Member of Parliament at which Council business will be discussed.

In accordance with this resolution, "a report of the meeting is to be presented to Councillors through the Councillors' Information Bulletin, and if appropriate, through the Council business papers (and) that the report include all matters raised, any advice or commitments given by either side and other relevant information to ensure that Council remains fully informed."

These actions will ensure appropriate briefings can be given relating to Council's Policies, operational matters or strategic impacts relating to the discussions, and to ensure that the follow up of agreed actions at the meeting will take place.

40.9. Conducting Meetings with Constituents and those wishing to make representations to the Mayor

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the Chief Executive Officer. In some instances, the Chief Executive Officer may delegate attendance to the relevant senior staff member.

General Matters

From time to time, the Mayor will request that the Chief Executive Officer attend meetings with constituents or other parties. Adequate notice (where practicable, no less than three working days) and background information will be given to the Chief Executive Officer to ensure that the Chief Executive Officer is able to prepare for the meeting in advance. Meetings will be held in the Mayoral suite during business hours and secretarial support will be provided for meetings that occur to ensure that records are kept detailing the agenda and minutes of the meeting.

Meetings relating to Complaints

The Mayor may receive complaints about the level of service provided by the Council's staff. These complaints will be referred to the Chief Executive Officer prior to any meeting between

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the complainant, the Mayor and the Chief Executive Officer taking place. This will ensure that appropriate preparations can be made and will be dealt with in accordance with the Council's Customer Feedback Policy. Meetings will be convened as outlined above in General Matters.

Should the complaint relate to a development matter the procedure outlined below will be followed.

 Matters relating to Proposed Development Matters (either Planning Proposals or proposed major Development Applications)

No meetings will take place with any developer or their representative unless a detailed agenda item is prepared prior to the meeting. Council's Ethical Lobbying Policy will apply to meetings attended by those lobbying on behalf of their client. At such meetings the <u>General ManagerChief Executive Officer</u> —<u>Business Operations</u> (or his/her nominee) is also be in attendance. Meetings will be convened as outlined above under General Matters and will be minuted by the Mayor <u>and Councillors Executive</u> 's <u>Executive</u> Assistant or an appropriate <u>Planning</u> staff member.

In accordance with Council's resolution of 27 September 2005, ".. in the interest of transparency, all significant meetings held by the Mayor, or by the Mayor's nominee with parties participating or seeking to participate in development or other activities in the City of Ryde, (are to) be reported to all Councillors via the Councillors Bulletin papers on a fortnightly basis."

It is inappropriate for the Mayor to attempt to influence the independent advice of Planning staff on any planning proposal or development assessment report. No meetings will be held on matters where a development application assessment process is already underway, to ensure there can be no perception of inappropriate influence.

44.10. Public Relations Management

The Chief Executive Officer will ensure that the Mayor is provided with adequate resources to meet his/her requirements for public relations management. Public relations management relates to the provision of advice and preparation of:

- press releases
- issues management
- speeches
- Mayoral pieces in Council publications for example the Annual Report
- Social media monitoring, articles
- opinion pieces for journals etc.

In accordance with Council's Media Policy, both the Mayor and the Chief Executive Officer can make comments to the media on policy matters. When doing so, the Mayor and Chief Executive Officer will communicate with members of the press through Council's media advisor to ensure consistency of message. All articles and speeches etc relating to or quoting the Mayor will be approved by the Mayor prior to their release.

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The Chief Executive Officer will comment on administration issues in accordance with the Media Policy.

The Chief Executive Officer will ensure that Council staff provide necessary public relations support for all non-political issues relating to Council's operations and the adopted resolutions of Council. Should the Mayor wish to make commentary that in the opinion of the Chief Executive Officer is of a political nature and does not relate to matters of Council policy, business or resolution etc, Council's media staff will not be used to draft or place such statements.

42.11. Mayor's Responsibilities with respect to Council's Media Policy

In accordance with Council's Media Policy the Mayor and the Chief Executive Officer are Council's official spokespersons on all matters. The Mayor may nominate another Councillor to speak on a particular matter.

Council's Media Officer is responsible for the coordinating media liaison and issuing press releases. All media enquiries should be directed to the Media Officer.

In addition:

- Every Councillor has a right to express a private opinion on any issue, whether or not that opinion reflects Council's official position, but Councillors must carefully identify the role in which they speak or write.
- Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, unless delegated by the Mayor, and not for Council, unless they are supporting a Council position.
- When Councillors speak "for the Council" when delegated by the Mayor, they must express and support Council's entire Policy on the issue at hand.

13. Managing Complaints about the Chief Executive Officer

All complaints about the Chief Executive Officer's conduct will be referred to the Mayor and will be managed in accordance with Council's <u>Customer Feedback Policy</u>, <u>Council's</u> Code of Conduct and if necessary, the <u>Public Interest Disclosures Act 1994 2022</u> and Council's Public Interest Disclosures Internal Reporting Policy. The Mayor may seek the independent assistance of the Manager – <u>Corporate GovernanceBusiness AcsuranceExecutive Services and Governance</u>, external experts and Council's General Counsel should she/he so require, when undertaking investigations or seeking advice. The procurement of external experts will be managed by Council's Manager—<u>Corporate GovernanceBusiness AcsuranceExecutive Services and Governance</u>.

All Code of Conduct complaints relating to Councillors made by the Chief Executive Officer will be made to the Mayor, and managed in accordance with Council's Code of Conduct and if necessary the *Public Interest Disclosures Act* <u>1994–2022</u> and Council's Public Interest Disclosures Internal Reporting Policy.

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Clauses 5.27 – 5.33 of the 'Code of Conduct – Complaints Procedure' sets out the Mayor's role with regard to Code of Conduct complaints while Part 10 of the 'Public Interest Disclosures Internal Reporting Procedure' sets out the Mayor's role with regard to Public Interest Disclosure reporting.

14. Mayor's Responsibilities with respect to Council's Code of Conduct

In accordance with Council's Code of Conduct, the Mayor is responsible for receiving written Code of Conduct complaints about the Chief Executive Officer. Where the complaint cannot be made in writing, the Mayor is to confirm the complaint in writing as soon as possible after the receipt of the complaint.

The Mayor must give consideration to the complainant's preferences in deciding how to deal with the complaint.

Where the Mayor becomes aware of a possible breach of the Code of Conduct by the Chief Executive Officer, they may initiate the process for the consideration of the matter in accordance with the Code of Conduct without a written complaint. The Mayor also has senior staff available to assist in such matters including Council's Complaints Coordinator, General Counsel or the Manager — Corporate GovernanceBusiness AssuranceExecutive Services and Governance.

The specific provisions regarding Code of Conduct complaints about the Chief Executive Officer are set out below:

How are code of conduct complaints about the Chief Executive Officer to be dealt with?

The Mayor must refer the following code of conduct complaints about the Chief Executive Officer to the NSW Office of Local Government (OLG):

- (a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the Code of Conduct—<u>Standarde of Conduct</u>,
- (b) complaints alleging a breach of Part 9 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 clauses 5.48 and 5.49.

Where the Mayor refers a complaint to the OLG under clause 5.28, the Mayor must notify the complainant of the referral in writing.

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 Chief Executive Officer, other than those requiring referral to OLG under clause 5.27, 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 5.33.

Where the Mayor resolves a code of conduct complaint under clause 5.32 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of the receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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The Mayor must refer all code of conduct complaints about the Chief Executive Officer other than those referred to the OLG under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31 to the Complaints Coordinator.

The detailed procedure for complaint management is set out in the Code of Conduct – Complaints Procedure.

In addition, where complaints about the Chief Executive Officer are received by the Mayor, the Mayor is to advise all Councillors in writing that a complaint has been received and, where appropriate, the nature of the complaint. In addition, 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.

15. Mayor's Responsibilities with respect to Public Interest Disclosures

The provisions for the reporting of Public Interest Disclosures are set out in Council's adopted Internal Reporting Policy – Public Interest Disclosures which aligns to the *Public Interest Disclosures Act* <u>2022</u>_1994.

The Mayor is identified as a Public Interest Disclosure Officer and as such is able to receive complaints regarding Councillors or the Chief Executive Officer.

In this role the Mayor is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified

The Mayor must make sure there are systems in place in the City of Ryde to support and protect staff who report wrongdoing.

If the report is about the Chief Executive Officer, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

To support the Mayor in this role, training will be provided regarding the management and handling of public interest disclosures. This training will also be offered to the Deputy Mayor where possible. The Mayor also has senior staff available to assist in such matters including Council's Disclosures Coordinator/<u>Manager Business AccuranceExecutive Services and Governance or the </u>-General Counsel or the Manager - Corporate Governance.

16. Civic Events, Ceremonies, Conferences and Forums

It is acknowledged that both the Mayor and the Chief Executive Officer will represent Council at Civic Events, Ceremonies and professional forums etc. When both the Mayor and Chief Executive Officer are speaking at an event the Mayor will always speak first. Media staff will coordinate the content of each speech to ensure consistency of message and avoid duplication.

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When the Chief Executive Officer is speaking at a forum or conference, he/she will advise the Mayor of the topic of address. The Mayor will respect the independence of the content and the format of the presentation to enable the Chief Executive Officer to provide his/her professional views. The Chief Executive Officer must make it clear when doing so if they are not the views of Council or its policies.

When speaking about the City of Ryde Council, Council's policies and views will always be clearly stated by the Mayor and Chief Executive Officer.

17. Civic and Ceremonial Functions of the Mayoral Office

In accordance with the provisions of the *Local Government Act 1993*, the Mayor will undertake the civic and ceremonial functions of the Mayoral Office.

The Mayoral chains and robes are generally only to be worn at official Council functions. Should the Mayor identify another event or occasion where it would be appropriate for the ceremonial clothing to be worn, that this be at the discretion of the Mayor.

In accordance with the Councillor Expenses and Facilities Policy, Council shall meet the cost of providing refreshments and associated expenses for civic receptions hosted by the Mayor at Council premises, subject to funds being available within the appropriate allocation in the Mayor's Office Budget.

18. Exercise of Policy Making Functions

Where in cases of necessity, the Mayor exercises the policy-making functions of the Council in between Council meetings, in accordance with Section 226 of the *Local Government Act 1993*, this is to be communicated to all Councillors and the Chief Executive Officer as soon as possible.- Any action taken is to be reported to the next available Council Meeting by way of a Mayoral Minute.

It is recommended that the Mayor liaise and seek guidance from the Chief Executive Officer, and communicate the intent to exercise such functions to Councillors, prior to the taking of any action.

19. Role of the Deputy Mayor

As provided by Section 231 of the *Local Government Act 1993*, the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented by illness, absence or otherwise from exercising the function of the Office of the Mayor, or if there is a casual vacancy in the office of Mayor.

Mayoral Leave of Absence

The Local Government Act 1993 deals with an endorsed Leave of Absence in relation to attendance at Council Meetings only.

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Where the Mayor applies for and is granted a Leave of Absence, the Mayor must specifically state as part of the application whether this leave applies only to Council Meetings or whether the Deputy Mayor is to assume the Mayoral duties in accordance with the Act and this document. This will also require a resolution of Council with regard to the payment of any fee to the Deputy Mayor from the Mayor's fee to undertake these duties.

Where the Mayor is on an endorsed Leave of Absence, the Deputy Mayor by resolution of Council will undertake the roles as responsibilities of the Mayor in accordance with this document, legislation and relevant Council policies.

Where the Mayor is not present at a Council Meeting, the Deputy Mayor will preside at that meeting without the requirement of a resolution of Council. In the absence of the Mayor, this policy applies to the interface and day to day oversight between the deputy mayor and the Chief Executive Officer.

20. Updating Relevant Information

Both the Mayor and Chief Executive Officer will use their best endeavours to keep each other appraised of relevant issues relating to Council's operations and the local government industry. Whilst this should take place on an 'as needs' basis, a more formal regular update meeting may take place between the Mayor and the Chief Executive Officer and his/her executive team as agreed by both parties.

The Mayer may call fortnightly meetings with the Chief Executive Officer and the Executive Team. At the Council meeting held 27 August 2013, it was confirmed that any minutes of meetings that the Mayer conducts with the Executive Team were to be provided to all Councillors for their information.

Additionally on 12 February 2013, Council resolved the following with regard to the fortnightly Executive Team meetings:

That the Mayer or his nominated representative attend Council fortnightly Executive Team Meetings noting that some parts of the meeting may be closed sessions due to operational issues (with reasons provided). That the meetings be minuted and copies be provided to all Councillors.

In accordance with Council's resolution dated 12 February 2013, the Mayor and Chief Executive Officer may agree to fortnightly meetings including with members of the executive leadership team and Manager Business AssuranceExecutive Services and Governance.

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Pecuniary Interest Returns Procedure

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Document Version Control

Document Name:	Pecuniary Interest Returns Procedure
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Document Status:	Draft
Approved By:	Manager Executive Services and Governance
Version Number:	Version 3.0
Review Date:	June 2027
Owner:	City of Ryde
Distribution:	Internal

Change History

Version	Review Date	Author	Reason for Change	
1.0	01 February 2023	Corporate Governance	Initial draft of procedure resulting from audit by the Information and Privacy Commission	
2.0	12 June 2024	Executive Services and Governance	Minor amendments, the reduction of the number of Designated Officers and inclusion of all relevant attachments	
3.0	Xx June 2025	Executive Services and Governance	Amendments to the list of Designated Officer roles in accordance with the updated organisational structure	

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1. Related Resources

Internal References

- Code of Conduct
- Conflicts of Interest Policy
- Privacy Management Plan

External References:

- Local Government Act 1993 (The Act)
- Government Information (Public Access) Act 2009 (GIPA)
- Government Information (Public Access) Regulation 2018 (GIPA)
- Privacy and Personal Information Protection Act 1998 (PPIPA)
- Office of Local Government Model Code of Conduct for Local Councils in NSW
- Information and Privacy Commission Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons (Guideline 1).
- Information and Privacy Commission Factsheet What is the Public Interest Test?

2. Procedure

2.1 Background

Part 4 of Council's *Code of Conduct* (the Code) states that Councillors and designated persons must complete and lodge a Pecuniary Interest Return with the Chief Executive Officer.

Pecuniary Interest Returns must be lodged:

- 2.1.1 Within the first three months of being elected as a Councillor
- 2.1.2 Within the first three months of becoming a designated person
- 2.1.3 Annually within the first three months of the start of each financial year*
- 2.1.4 Within three months of a Councillor or designated person becoming aware of any new interests that need to be disclosed

* Not required if a Return has been submitted in the three months preceding 30 June, or if a person ceases to be a councillor or a designated person in the three months preceding 30 June.

2.2 Designated Persons

As per Clause 4.8 of the Code of Conduct, 'designated persons' include:

- 2.2.1 The Chief Executive Officer;
- 2.2.2 Council's Senior Staff (i.e. Executive Team);

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- 2.2.3 A staff member who exercises regulatory or contractual functions that could give rise to a conflict between the person's duty as a staff member and their private interest; and
- 2.2.4 A Council committee member who exercises contractual or regulatory functions that could give rise to a conflict between their duty as a committee member and their private interest (*i.e. Audit, Risk and Improvement Committee and the Ryde Local Planning Panel*)

Council's list of designated persons can be found in Attachment 1.

2.3 Management of Returns

- 2.3.1 Council must maintain a register of returns required to be made and lodged with the Chief Executive Officer.
- 2.3.2 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) of the Code must be tabled at the first meeting of the Council after the last day the return is required to be lodged.
- 2.3.3 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) of the Code where a Councillor or designated person becomes aware of an interest not tabled previously, must be tabled at the next council meeting after the return is lodged.

2.4 Open Access Information

2.4.1 Information contained in returns made and lodged under clause 4.21 of the Code are to be made publicly available on Council's website (unless there was an overriding public interest against disclosing the information) in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

2.5 Application of the Public Interest Test

- 2.5.1 Returns may contain personal information of the person to whom the Return relates and potentially, of third parties such as family members.
- 2.5.2 Personal information includes the information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
- 2.5.3 Section 13 of the GIPA Act states there is an overriding public interest against disclosure of government information if (and only if):
 - There are public interest considerations against disclosure and
 - On balance, those considerations outweigh the public interest considerations in favour of disclosure

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- 2.5.4 In accordance with Section 739 of the Act, a Councillor or designated person may request that any material that is made publicly available be amended to remove details that will disclose the person's place of living if the person considers that the disclosure would place or places the personal safety of the person or of members of the person's family at risk.
- 2.5.5 The Chief Executive Officer <u>will</u> applyied the public interest test and has determined that_whether a request to redact any information with the exception of the designated officer's signature, full place of residence and the number/street name of any other interested properties outside of the City of Ryde is accepted., a-Any request is to be made in writing to the Chief Executive Officer.
- 2.5.6 In order to decide whether there is an overriding public interest against disclosure of additional information held in Returns, the Chief Executive Officer will apply the public interest test prescribed under Division 2 of the GIPA Act. The Chief Executive Officer will weigh the public interest considerations in favour of and public interest considerations against disclosure of the personal information held within each Return. When determining public interest considerations against disclosure, the Chief Executive Officer will determine which information is to be redacted from a person's Return and will notify the person of the decision.
- 2.5.7 The procedure for requesting the suppression of additional personal information in Returns is detailed in *Attachment* 2.

2.6 Publication of Pecuniary Interest Returns

- 2.6.1 Council's Executive Services & Governance team are responsible for the following:
 - · Preparing the report to Council for the tabling of the Returns;
 - · Preparing the Returns in the approved redacted format; and
 - · Coordinating the publication on Council's website

2.7 Record-keeping

2.7.1 Redacted and unredacted versions of all Returns will be saved within Council's Records Management System, Content Manager.

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City of Ryde Lifestyle and opportunity @ your doorstep

3. Attachments

Number	Title	CM Reference
1,	City of Ryde Designated Persons	
2.	Suppression of Additional Information Process	
3.	Statutory Declaration Template	
4.	Initial Disclosure of Pecuniary Interest Return Template	
5	Annual Disclosure of Pecuniary Interest Return Template	

Pecuniary Interest Returns Pro		
Owner: Executive Service and Governance	Accountability: Executive Services and Governance	Endorsed: Manager Executive Services and Governance
CM Reference:	Last review date: June 2025	Next review date: June 2027

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Pecuniary Interest Returns Procedure

ATTACHMENT 9

City of Ryde

ATTACHMENT 1

City of Ryde Designated Persons

1	Chief Executive Officer
2	Deputy CEO and Director, Advocacy and Strategy
3	Director Office of the Mayor and CEO
4	Director, Infrastructure
5	Director, Development and Regulation
6	Director, Business Services
7	Chief Financial Officer
8	General Counsel
6	Manager Executive Services & Governance
7	Chief Property Officer
8	City Architect
12 x	Councillors Local Planning Panel Members Audit, Risk and Improvement Committee Members (excl. Councillors)

Pecuniary Interest Returns Procedure		the second s
Owner: Executive Service and Governance	Accountability: Executive Services and Governance	Endorsed: Manager Executive Services and Governance
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ATTACHMENT 9

Pecuniary Interest Returns Procedure City of Ryde Lifestyle and opportunity @ your doorstep

ATTACHMENT 3

Statutory Declaration OATHS ACT 1900, NSW, EIGHTH SCHEDULE

I,, do solemnly and sincerely declard			
[name of declarant]			
and I make this solemn declaration conscientious of the provisions of the Oaths Act 1900.	ly believing the same to be true, and by virtue		
Declared at: on [place]	[date]		
2 2			
in the presence of an authorised witness, who sta	[signature of declarant]		
I, , a			
[name of authorised witness]	[qualification of authorised witness]		
certify the following matters concerning the maki	ng of this statutory declaration by the person		
who made it: [* please cross out any text that doe	• • • •		
 *I saw the face of the person OR *I did not see the face of the person because the person 			
	ied that the person had a special justification ¹		
for not removing the covering, and			
-	\mathcal{OR}^* I have confirmed the person's identity using an		
identification document and the document I relied			
	[describe identification document relied on]		

[signature of authorised witness]

[date]

Γ	Pecuniary Interest Returns Procedure		
	Owner: Executive Service and Governance	Accountability: Executive Services and Governance	Endorsed: Manager Executive Services and Governance
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