

## ORDINARY MEETING

Notice is hereby given that a meeting of the Council of Burwood will be held in the Conference Room, 2 Conder Street, Burwood on Tuesday 22 July 2025 at 6:00 PM to consider the matters contained in the attached Agenda.

The public gallery will be open for those wishing to observe the meeting. In addition, an opportunity to observe the meeting via audio visual link will also be made available.

### **Public Forum**

A public forum will be held at 6:00pm, prior to the commencement of the meeting, to allow members of the public to make oral submissions about an item on the Agenda for the meeting. The opportunity will also be provided to speak via audio visual link.

Anyone wishing to address Council during the public forum will need to register by 2:00pm on the day of the meeting. A person wishing to speak must indicate the item of business on the Agenda they wish to speak on and whether they wish to speak 'for' or 'against' the item. Registrations to speak can be lodged on [Council's website](#).

The Council Meeting will commence immediately after the conclusion of the Public Forum.

Tommaso Briscese  
**General Manager**

## Councillors



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## Council meeting room

General  
Manager

Mayor

Cr  
Mannah

Cr Bhatta

Cr Yang

Cr Esber

Cr Wu-  
Coshott

Cr Hull

Public gallery



## Agenda

**For an Ordinary Meeting of Burwood Council to be held in the Conference Room, Level 1, 2 Conder Street, Burwood on Tuesday 22 July 2025 immediately after the Public Forum commencing at 6.00pm.**

### **1. Prayer**

*Lord, we humbly beseech thee to vouchsafe thy blessing on this Council, direct and prosper its deliberations for the advancement of this area and the true welfare of its people. Amen.*

### **2. Acknowledgement of Country**

### **3. Statement of Ethical Obligations**

### **4. Recording of Meeting**

### **5. Apologies**

### **6. Declarations of Interest**

### **7. Declaration of Political Donations**

### **8. Confirmation of Minutes**

*Minutes of the Council Meeting held on Monday, 23 June 2025, copies of which were previously circulated to all councillors be hereby confirmed as a true and correct record.*

### **9. Mayoral Minutes**

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## 12. Confidential Items

(Item MM11/25)	General Manager's Performance Review 2024-25	
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.*

(Item 46/25)	Bus Shelters & Bollards with Advertising Capabilities	
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves 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.*

(Item 47/25)	Property Portfolio Review	
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*That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d) of the Local Government Act, 1993, as the matter involves 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.*

## 13. Conclusion of the Meeting

## Mayoral Minutes

### (Item MM10/25) Introduction of Interactive QR Plaques at Memorials and Historical Sites

File No: 25/35206

Mayoral Minute by Cr John Faker (Mayor)

#### **Summary**

This report recommends the introduction of interactive plaques at local memorials and historical sites. These plaques, which may be installed in the ground or on stands, would feature QR codes that link to digital content providing historical context and background about each location. This initiative aims to enhance visitor experience, support education, and preserve local heritage through accessible and engaging technology.

#### **Operational Plan Objective**

C.1.1 Support and deliver initiatives that encourage social inclusion and community connections.  
C.3.2 Promote and celebrate the unique heritage, culture and identity of the local area.

#### **Background**

Council has a number of significant memorials and historical sites that reflect our local heritage and community stories. To enhance engagement with these important places, I would like to see Council explore the installation of interactive plaques that include QR codes. These codes can be scanned with a smartphone, directing users to digital content that tells the story of the site.

This approach offers an innovative and accessible way to share our history with residents and visitors alike. It also presents opportunities for broader engagement through potential collaborations with historical societies, schools, and local community groups

#### **I therefore move that:**

Council officers investigate the feasibility of installing interactive QR code plaques at key memorials and historical sites across the local government area, including considerations around site suitability, estimated costs, content development, and partnership opportunities. A report with recommendations is to be brought back to Council for consideration.

#### **Attachments**

There are no attachments for this report.

## Reports to Council

### (Item 37/25) Draft Codes of Conduct and Procedures for the Administration of the Codes of Conduct - Endorsement for Public Exhibition

File No: 25/30525

Report by Director Corporate Services

#### **Summary**

The *Model Code of Conduct for Local Councils in NSW* (Model Code) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Model Procedures) are prescribed under the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Councils are required to formally adopt a Code of Conduct that incorporates the provisions of the Model Code within 12 months of an ordinary Council election. Councils should adopt Procedures incorporating the provisions of the Model Procedures as soon as practicable.

#### **Operational Plan Objective**

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

#### **Background**

The Model Code sets out 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, and
- act in a way that enhances public confidence in local government.

All councils must adopt a Code of Conduct that is consistent with the Model Code. Burwood Council last adopted the provisions of the Model Code and companion Model Procedures on 22 November 2022.

The current Burwood Code of Conduct is separated into three distinct Codes to help councillors, council staff, and a range of other people to understand the specific provisions that apply to them.

The Minister for Local Government and the Office of Local Government have flagged that major reforms will be made that aim to simplify the Model Code. At such time, Council will be obliged to publicly exhibit and adopt new Codes of Conduct based on those reformed provisions. Expected elements of the reforms include:

- establishing a local government privileges committee of experienced councillors with mayoral experience to assess complaints made against councillors for misbehaviour, consistent with practices in other tiers of government (where the conduct does not meet the threshold for police or referral to another investigative body or tribunal),
- removing private investigators from the councillor conduct process, while strengthening the investigative capability of the Office of Local Government to investigate and prosecute legitimate complaints (such as issuing penalty infringement notices where conflict of interest declarations have not been made),
- banning private councillor briefing sessions, except in very limited circumstances,

- strengthening lobbying guidelines for local government, and
- giving mayors more power to expel councillors from meetings for acts of disorder and remove their entitlement to receive a fee in the month of their indiscretion.

### **Proposal**

Given the scale of the reforms foreshadowed by the Minister and the Office, it is proposed that no major changes be made at this time to Council's existing Codes of Conduct and Procedures for Administration of the Codes of Conduct.

Changes made to the existing Codes include:

- updating wording in the introductions to clarify the groups the Codes apply to.

Changes made to the existing Procedure include:

- updating wording in the introduction to clarify that the procedure applies to Burwood's Codes of Conduct, and
- updating references to repealed legislation to refer to the new legislation.

### **Consultation**

Consultation with the community will be undertaken by placing the draft documents on the Participate Burwood engagement website for 28 days before bringing them back to Council for formal adoption.

### **Planning or Policy Implications**

No Planning or Policy implications.

### **Financial Implications**

No Financial implications.

### **Conclusion**

Council is obliged to review and adopt a Code of Conduct and Procedures for the Administration of the Code of Conduct within 12 months of an ordinary election of Council. No substantial updates are proposed to the existing Codes and Procedures ahead of legislative reforms expected later this year.

### **Recommendation(s)**

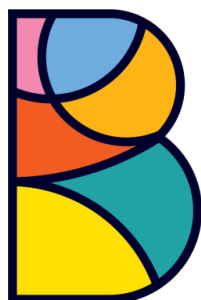
That Council:

1. endorses the public exhibition of the three targeted versions of the *Codes of Conduct* appearing as Attachments 1, 2 and 3 to this report and the *Procedures for the Administration of the Codes of Conduct* appearing as Attachment 4 to this report for a period of 28 days, and
2. directs the General Manager to report the outcomes of the public exhibition of the four instruments to the next ordinary meeting of Council following the conclusion of the public exhibition period.

### **Attachments**

- 1 [↗](#) Draft Code of Conduct for Councillors
- 2 [↗](#) Draft Code of Conduct for Council Staff

- 3 [↓](#) Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees
- 4 [↓](#) Draft Procedures for the Administration of the Codes of Conduct



**Burwood** <sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **CODE OF CONDUCT FOR COUNCILLORS**

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Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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**PART 1 INTRODUCTION**

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**Scope**

This Code of Conduct applies to councillors. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help councillors focus on the elements of the Code that apply to them, the *Code of Conduct for Councillors* includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in delivering the functions of Burwood Council
- the specific provisions that relate to elected councillors.

The *Code of Conduct for Councillors* excludes those provisions that do not apply to councillors, such as those relating to council staff, members of council committees, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

**Purpose**

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 (eg volunteers, contractors and members of wholly advisory committees).

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.

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

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

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**PART 2 DEFINITIONS**

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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"

## Burwood Council Code of Conduct for Councillors

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
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (see LGA Section 355) 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 of the Model Code of Conduct, 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
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis

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the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

**PART 3 GENERAL CONDUCT OBLIGATIONS**

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**General Conduct**

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

**Fairness and equity**

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

**Harassment and discrimination**

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

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

**Bullying**

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

**Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

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- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

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

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

**Binding caucus votes**

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

**Obligations in relation to meetings**

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 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.

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**PART 4      PECUNIARY INTERESTS**

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**What is a pecuniary interest?**

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your “relative” is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

**What interests do not have to be disclosed?**

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



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- f) 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
  - g) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - i) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - j) 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,
  - k) 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
  - l) 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
  - m) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor
  - n) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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

- 4.8 A councillor:
- a) must prepare and submit written returns of interests in accordance with clauses 4.9, and
  - b) must disclose pecuniary interests in accordance with clause 4.16 where it is applicable.

**Disclosure of interests in written returns**

- 4.9 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor, and
  - b) 30 June of each year, and
  - c) the councillor 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).
- 4.10 A councillor need not make and lodge a return under clause 4.9, paragraphs (a) and (b) if:



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- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor in the preceding 3 months.
- 4.11 A councillor must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.12 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.13 Returns required to be lodged with the general manager under clause 4.9(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.14 Returns required to be lodged with the general manager under clause 4.9(c) must be tabled at the next council meeting after the return is lodged.
- 4.15 Information contained in returns made and lodged under clause 4.19 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 2018* and any guidelines issued by the Information Commissioner.

**Disclosure of pecuniary interests at meetings**

- 4.16 A councillor 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.
- 4.17 The councillor 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.
- 4.18 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 4.16 and 4.17 where they participate in the meeting by telephone or other electronic means.
- 4.19 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.20 A general notice may be given to the general manager in writing by a councillor to the effect that the councillor, or the councillor'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 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.
- 4.21 A councillor 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 has an interest in the matter of a kind referred to in clause 4.6.
- 4.22 A person does not breach clauses 4.16 or 4.17 if the councillor 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.
- 4.23 Despite clause 4.17, 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.

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- 4.24 Clause 4.17 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.25 in relation to the interest before the commencement of the meeting.
- 4.25 A special disclosure of a pecuniary interest made for the purposes of clause 4.24(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.
- 4.26 The Minister for Local Government may, conditionally or unconditionally, allow a councillor 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.
- 4.27 A councillor 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 4.26, must still disclose the interest they have in the matter in accordance with clause 4.16.

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**PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

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**What is a non-pecuniary conflict of interest?**

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

- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### **Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.16 and 4.17.
- 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.

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- 5.12 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

**Political donations**

- 5.13 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.14 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.
- 5.15 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*.
- 5.16 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.
- 5.17 Despite clause 5.14, 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**

- 5.18 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.19 The Minister for Local Government may, conditionally or unconditionally, allow a councillor 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.

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- 5.20 Where the Minister exempts a councillor from complying with a requirement under this Part under clause 5.19, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

**Personal dealings with council**

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

**PART 6 PERSONAL BENEFIT**

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

**Gifts and benefits**

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind

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

**Gifts and benefits of token value**

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. 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 \$30
  - b) gifts of alcohol that do not exceed a value of \$30
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$30 in value.

**Gifts and benefits of more than token value**

- 6.9 Gifts or benefits that exceed \$30 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 \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.



**“Cash-like gifts”**

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

**Improper and undue influence**

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

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**PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

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**Obligations of councillors and administrators**

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

**Obligations of staff**

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions. Councillors should not approach council staff regarding these day-to-day matters, other than in accordance with the procedures governing the interaction of councillors and council staff.

**Inappropriate interactions**

- 7.5 You must not engage in any of the following inappropriate interactions:

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- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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

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**Councillor and administrator access to information**

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



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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.

**Use of certain council information**

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

**Use and security of confidential information**

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

**Personal information**

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

**Use of council resources**

- 8.12 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.13 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.

Burwood Council Code of Conduct for Councillors

- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 You must not convert any property of the council to your own use unless properly authorised.

**Internet access**

- 8.18 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**

- 8.19 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.20 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.
- 8.21 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.
- 8.22 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**

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

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

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**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.

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

**Complaints alleging a breach of this Part**

- 9.14 Complaints alleging a breach of this Part by a councillor 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.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.9**

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**Part 1: Preliminary**

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**Definitions**

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

*address* means:

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

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

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

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

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.9(a), the date on which a person became a councillor

Burwood Council Code of Conduct for Councillors

- b) in the case of a return made under clause 4.9(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.9(c), the date on which the councillor became aware of the interest to be disclosed.

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor has an interest includes a reference to any real property situated in Australia in which the councillor 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 by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

### **Part 2: Pecuniary interests to be disclosed in returns**

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#### **Real property**

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

#### **Gifts**

9. A person making a return under clause 4.9 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.

Burwood Council Code of Conduct for Councillors

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

**Contributions to travel**

12. A person making a return under clause 4.9 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

**Interests and positions in corporations**

15. A person making a return under clause 4.9 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.



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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.

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

19. A person making a return under clause 4.9 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

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

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

**Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.9 of the code must disclose:
  - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor.

**Dispositions of real property**

23. A person making a return under clause 4.9 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 4.9 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.

**Sources of income**

26. A person making a return under clause 4.9 of this code must disclose:
  - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
  - a) in relation to income from an occupation of the person:
    - i) a description of the occupation, and



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- 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 need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

**Debts**

31. A person making a return under clause 4.9 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 4.9 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) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor.

**Discretionary disclosures**

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

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER  
CLAUSE 4.9**

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**‘Disclosures by councillors and designated persons’ return**

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

**Important information**

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

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

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

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

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

# Disclosures by Councillors and Designated Persons

## Return of Interests

### Submitted under Clause 4.9 of the Burwood Council Code of Conduct for Councillors

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

#### IMPORTANT INFORMATION

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

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

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

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

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

### DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By: ..... As at: .....  
(full name of councillor or designated person) (return date)

In respect of the period from: ..... to: .....  
(from date) (to date)

Signature: ..... Date: .....  
(of councillor or designated person) (of completion of return)

**Submitted under Clause 4.9 of the Burwood Council Code of Conduct for Councillors**

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

*This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.*

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

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

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

By: ..... As at: .....  
(full name of councillor or designated person) (return date)

In respect of the period from: ..... to: .....  
(from date) (to date)

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*(of councillor or designated person)* *(of completion of return)*

## Burwood Council Code of Conduct for Councillors

A. REAL PROPERTY	
Street address of <b>each parcel of real property in which I had an interest</b> at the return date / at any time since 30 June	Nature of interest

B. SOURCES OF INCOME		
<p><b>1.</b> Sources of income I reasonably expect to receive <b>from an occupation</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
DESCRIPTION OF OCCUPATION	NAME AND ADDRESS OF EMPLOYER OR DESCRIPTION OF OFFICE HELD (IF APPLICABLE)	NAME UNDER WHICH PARTNERSHIP CONDUCTED (IF APPLICABLE)
<p><b>2.</b> Sources of income I reasonably expect to receive <b>from a trust</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
NAME AND ADDRESS SETTLOR		NAME AND ADDRESS OF TRUSTEE
<p><b>3.</b> Sources of <b>other income</b> I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p> <p><i>include description sufficient to identify the person from whom, or the circumstances in which, that income was received)</i></p>		

## Burwood Council Code of Conduct for Councillors

**C. GIFTS**

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

**D. CONTRIBUTIONS TO TRAVEL**

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

**E. INTERESTS AND POSITIONS IN CORPORATIONS**

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

**F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?**

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

**G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

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

**H. DEBTS**

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

**I. DISPOSITIONS OF PROPERTY**

<p><b>1.</b> Particulars of <b>each disposition of real property by me</b> (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time</p>
<p><b>2.</b> Particulars of <b>each disposition of property to a person by any other person under arrangements made by me</b> (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property</p>

**J. DISCRETIONARY DISCLOSURES**

--

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST  
SUBMITTED UNDER CLAUSE 4.25**

---

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

**Important information**

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

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest your spouse, de facto partner, relative, business partner or employer has in that person's principal place of residence.

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

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

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

## Special Disclosure of Pecuniary Interest - Mayor / Councillor

### ~ Under Clause 4.25 of the Burwood Council Code of Conduct ~

Complete this form (in block letters or typing) **for participation in a meeting of Council or Council Committee** at which the consideration of an environmental planning instrument for the entire Burwood local government area, or a significant portion of it, is to occur.

**It is only required where the instrument to be considered relates to a pecuniary interest that arises from:**

1. your principal place of residence; **or**
2. the principal place of residence of another person who is your spouse or de facto partner, your relative, or your partner or employer.



**Each completed disclosure must be announced and tabled at the relevant meeting before it starts and you begin participating in relevant discussion**

**This form is to be retained by the council's general manager (care of designated officers) and included in the full minutes of the meeting**

Special disclosure of pecuniary interests by [.....]  
(full name of mayor / councillor)

in the matter of [.....]  
(insert name of environmental planning instrument)

which is to be considered at the meeting of [.....]  
(name of Council or Council committee)

to be held on the [.....] of [.....]  
(day / month written in words and year written numerically in full)

### Pecuniary Interest

<p><b>Address of the affected principal place of residence</b> of the councillor or an associated person i.e. <u>the identified land</u></p> <p>(write address in space to the right of this note)</p>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<p><b>Relationship of identified land to the councillor</b></p>	<p><input type="checkbox"/> ...The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option, contract or otherwise)</p> <p><input type="checkbox"/> An associated person of the councillor has an interest in the land</p> <p>(tick or cross one box above)</p>



## Matter Giving Rise to the Pecuniary Interest

Clause 4.1 of the *Model Code of Conduct* provides that a pecuniary interest is an interest that a person has 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*.

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 referred to in clause 4.3 of the *Model Code of Conduct* has a proprietary interest.

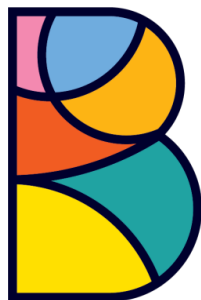
<b>Nature of the land</b> that is subject to a change in zone / planning control by the proposed LEP i.e. <u>the subject land</u>	<input type="checkbox"/> The identified land <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land <i>(tick or cross one box above)</i>
<b>Current zone / planning control</b>	<i>(insert name of current planning instrument and identify relevant zone / planning control applying to the subject land below)</i>   
<b>Proposed change</b> of zone / planning control	<i>(insert name of current planning instrument and identify relevant zone / planning control applying to the subject land below)</i>   
<b>Effect of proposed change</b> of zone / planning control on councillor or associate person	<input type="checkbox"/> Appreciable financial gain <input type="checkbox"/> Appreciable financial loss <i>(tick or cross one box above)</i>

**Attach pages and reference if insufficient space above. If more than one pecuniary interest is to be declared, reproduce form and complete details for each additional interest.**

Councillor's signature [.....]

Date of disclosure [.....]  
*(day / month written in words and year written numerically in full)*

*Sign above and hand this form to a Governance representative before the start of the relevant session, OR, you may type your name in the signature area then email the document to [Governance@burwood.nsw.gov.au](mailto:Governance@burwood.nsw.gov.au).*



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **CODE OF CONDUCT FOR COUNCIL STAFF**

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Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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**PART 1 INTRODUCTION**

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**Scope**

This Code of Conduct applies to members of council staff, including the General Manager. It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help council staff focus on the elements of the Code that apply to them, the *Code of Conduct for Council Staff* includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in delivering the functions of Burwood Council
- the specific provisions that relate to those staff employed by Burwood Council.

The *Code of Conduct for Council Staff* excludes those provisions that do not apply to council staff, such as those relating to councillors, members of council committees, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

**Purpose**

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 (eg volunteers, contractors and members of wholly advisory committees).

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.

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

Failure by a 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**

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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

Code of Conduct for Council Staff

contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (see LGA Section 355) 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 of the Model Code of Conduct, 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
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis
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

## Code of Conduct for Council Staff

the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
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 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:

Code of Conduct for Council Staff

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

**Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

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

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



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- 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.

**Obligations in relation to meetings**

- 3.15 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.
- 3.16 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).
- 3.17 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.

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

**What interests do not have to be disclosed?**

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
  - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f) 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
  - g) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - h) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - i) 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
  - j) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a council committee member.
- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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

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

Code of Conduct for Council Staff

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 clause 4.18, and
  - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

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

- 4.16 A council committee member must disclose pecuniary interests in accordance with clause 4.25 and comply with clause 4.26.
- 4.17 For the purposes of clause 4.16, a "council committee member" includes a member of staff of council who is a member of the committee.

**Disclosure of interests in written returns**

- 4.18 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a designated person, and
  - b) 30 June of each year, and
  - c) the 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).
- 4.19 A person need not make and lodge a return under clause 4.18, 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 designated person in the preceding 3 months.
- 4.20 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.
- 4.21 The general manager must keep a register of returns required to be made and lodged with the general manager.

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- 4.22 Returns required to be lodged with the general manager under clause 4.18(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.23 Returns required to be lodged with the general manager under clause 4.18(c) must be tabled at the next council meeting after the return is lodged.
- 4.24 Information contained in returns made and lodged under clause 4.18 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 2018* and any guidelines issued by the Information Commissioner.

**Disclosure of pecuniary interests at meetings**

**Note.** For the purpose of clauses 4.25 to 4.32, a “council committee member” includes a member of staff of council who is a member of council committee.

- 4.25 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 committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.26 The council committee member must not be present at, or in sight of, the meeting of the committee:
  - a) at any time during which the matter is being considered or discussed by the committee, or
  - b) at any time during which the committee is voting on any question in relation to the matter.
- 4.27 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.28 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member’s spouse, de facto partner or relative, is:
  - a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the 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 committee after the date of the notice.
- 4.29 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 council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.30 A person does not breach clauses 4.25 or 4.26 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.
- 4.31 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 4.32 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.31, must still disclose the interest they have in the matter in accordance with clause 4.25.

**PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

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**What is a non-pecuniary conflict of interest?**

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

**Managing non-pecuniary conflicts of interest**

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be

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determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.25 and 4.26.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

**Loss of quorum as a result of compliance with this Part**

**Note:** For the purpose of clauses 5.13 and 5.14, a "council committee member" includes a member of staff of council who is a member of a council committee.

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the 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**

- 5.15 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.16 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.17 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.



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- 5.18 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.
- 5.19 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

**Personal dealings with council**

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

**PART 6 PERSONAL BENEFIT**

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

**Gifts and benefits**

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

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

#### **Gifts and benefits of token value**

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. 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 \$30
  - b) gifts of alcohol that do not exceed a value of \$30
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$30 in value.

#### **Gifts and benefits of more than token value**

- 6.9 Gifts or benefits that exceed \$30 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 \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month



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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 \$30 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

**“Cash-like gifts”**

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

**Improper and undue influence**

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

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**PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

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**Obligations of councillors and administrators**

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

**Obligations of staff**

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

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

**Inappropriate interactions**

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators being overbearing or threatening to council staff
  - f) council staff being overbearing or threatening to councillors or administrators
  - g) 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
  - h) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - i) 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
  - j) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals.

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

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**Councillor and administrator access to information**

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in

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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.

**Refusal of access to information**

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

**Use of certain council information**

- 8.8 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.13, 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 position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

**Use and security of confidential information**

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

**Personal information**

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

**Use of council resources**

- 8.12 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

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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.

- 8.13 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.14 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.
- 8.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.16 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.
- 8.17 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.
- 8.18 You must not convert any property of the council to your own use unless properly authorised.

**Internet access**

- 8.19 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**

- 8.20 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.21 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.
- 8.22 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.
- 8.23 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**

- 8.24 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.

- 8.25 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.
- 8.26 Council staff who are authorised to meet with councillors should hold those meetings in the councillor meeting room or in public meeting spaces within council's administration building and avoid using staff-only meeting spaces.

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

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### **Complaints made for an improper purpose**

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

### **Detrimental action**

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

### **Compliance with requirements under the Procedures**

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

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

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

**Complaints alleging a breach of this Part**

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

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.18**

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**Part 1: Preliminary**

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**Definitions**

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

*address* means:

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

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

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

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

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.18(a), the date on which a person became a designated person



Code of Conduct for Council Staff

- b) in the case of a return made under clause 4.18(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.18(c), the date on which the designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the 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 designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

### **Part 2: Pecuniary interests to be disclosed in returns**

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#### **Real property**

5. A person making a return under clause 4.18 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

#### **Gifts**

9. A person making a return under clause 4.18 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.



Code of Conduct for Council Staff

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

**Contributions to travel**

12. A person making a return under clause 4.18 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

**Interests and positions in corporations**

15. A person making a return under clause 4.18 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and

Code of Conduct for Council Staff

- 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 designated person.

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

- 19. A person making a return under clause 4.18 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
- 20. For the purposes of clause 19 of this schedule:

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

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

**Positions in trade unions and professional or business associations**

- 21. A person making a return under clause 4.18 of the code must disclose:
  - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
- 22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

**Dispositions of real property**

- 23. A person making a return under clause 4.18 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 4.18 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 designated person.

**Sources of income**

- 26. A person making a return under clause 4.18 of this code must disclose:
  - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
- 27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
  - a) in relation to income from an occupation of the person:
    - i) a description of the occupation, and

- ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a designated person need not be disclosed.

### Debts

30. A person making a return under clause 4.18 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.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.18 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.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

### Discretionary disclosures

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

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER  
CLAUSE 4.18**

---

**‘Disclosures by councillors and designated persons’ return**

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

**Important information**

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

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

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

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

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

## Disclosures by Councillors and Designated Persons

## Return of Interests

**Submitted under Clause 4.9 of the Burwood Council Codes of Conduct**

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

## IMPORTANT INFORMATION

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

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

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

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

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

## DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By: ..... As at: .....  
*(full name of councillor or designated person)* *(return date)*

In respect of the period from: ..... to: .....  
(from date) (to date)

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(of councillor or designated person) (of completion of return)

A. REAL PROPERTY	
Street address of <b>each parcel of real property in which I had an interest</b> at the return date / at any time since 30 June	Nature of interest

B. SOURCES OF INCOME		
<p>1. Sources of income I reasonably expect to receive <b>from an occupation</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
DESCRIPTION OF OCCUPATION	NAME AND ADDRESS OF EMPLOYER OR DESCRIPTION OF OFFICE HELD (IF APPLICABLE)	NAME UNDER WHICH PARTNERSHIP CONDUCTED (IF APPLICABLE)
<p>2. Sources of income I reasonably expect to receive <b>from a trust</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
NAME AND ADDRESS SETTLOR		NAME AND ADDRESS OF TRUSTEE
<p>3. Sources of <b>other income</b> I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p> <p><i>(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)</i></p>		

## Code of Conduct for Council Staff

**C. GIFTS**

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

**D. CONTRIBUTIONS TO TRAVEL**

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

**E. INTERESTS AND POSITIONS IN CORPORATIONS**

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

**F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?**
☐ Yes

☐ No

**G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

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

**H. DEBTS**

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

--

**I. DISPOSITIONS OF PROPERTY**

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

--

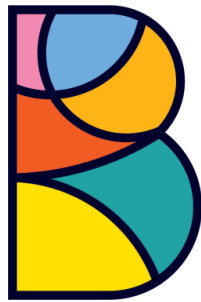
**2. Particulars of each disposition of property to a person by any other person under arrangements made by me** (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of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

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**J. DISCRETIONARY DISCLOSURES**

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**Burwood** <sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **Code of Conduct**

### **For Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees**

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Based on the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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### Item Number 37/25 - Attachment 3

## **Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees**

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### Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

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**PART 1 INTRODUCTION**


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**Scope**

This Code of Conduct applies to council committee members, delegates of council, volunteers, contractors and members of wholly advisory committees who are not councillors or staff of the council. It also applies to advisers of council for the purposes of clause 4.12.

It is based on the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct"), which is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

To help committee members, delegates, advisers, volunteers and contractors focus on the elements that apply to them, this Code of Conduct includes the following provisions from the Model Code of Conduct:

- the general provisions that apply to all those involved in the functions of Burwood Council
- the specific provisions that relate to council committee members, delegates of council, council advisers, volunteers, contractors and members of wholly advisory committees.

This Code of Conduct excludes those provisions that apply only to councillors and council staff and are therefore not relevant to the people covered by this Code.

**Note:** This Code does not apply to members of the Burwood Local Planning Panel. A separate *Local Planning Panels Code of Conduct* approved by the Minister for Planning applies to members of that Panel.

**Purpose**

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 (eg volunteers, contractors and members of wholly advisory committees).

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.

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

Failure by a council committee member or delegate of the council to comply with a council's code of conduct may give rise to disciplinary action. Where a council adviser, volunteer, contractor or member of a wholly advisory committee fails to comply with this Code of Conduct, other action may be taken, depending on the circumstances.

**Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees**

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

**PART 2 DEFINITIONS**

In this code the following terms have the following meanings:

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
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to (See LGA Section 355) 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 4.12, 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
general manager	includes the executive officer of a joint organisation
joint organisation	A joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis

the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2021</i>
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
wholly advisory committee	a council committee that the council has not delegated any functions to

### **PART 3 GENERAL CONDUCT OBLIGATIONS**

#### **General Conduct**

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

#### **Fairness and equity**

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

#### **Harassment and discrimination**

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

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- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

### **Bullying**

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

### **Work health and safety**

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations

- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

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

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

#### **Obligations in relation to meetings**

- 3.15 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.
- 3.16 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).
- 3.17 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.

### **PART 4 PECUNIARY INTERESTS**

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#### **What is a pecuniary interest?**

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



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

**What interests do not have to be disclosed?**

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
  - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
  - i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - ii) security for damage to footpaths or roads
    - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - j) an interest 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
  - k) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member.

- 4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

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

- 4.8 Designated persons include:
- l) a person who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a delegate and the person’s private interest
  - m) 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 clause 4.18, and
  - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager 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 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

**What disclosures must be made by council advisers?**

- 4.12 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person’s interest as an adviser.
- 4.13 A person does not breach clause 4.12 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?**

- 4.14 A council committee member must disclose pecuniary interests in accordance with clause 4.22 and comply with clause 4.23.

**Note:** A council committee member identified by council as a “designated person” for the purposes of clause 4.8(b) must also prepare and submit written returns of interests in accordance with clause 4.15.

**Disclosure of interests in written returns**

- 4.15 A designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the designated person’s interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a designated person, and
  - b) 30 June of each year, and

- c) the 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).
- 4.16 A person need not make and lodge a return under clause 4.15, 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 designated person in the preceding 3 months.
- 4.17 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.
- 4.18 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.19 Returns required to be lodged with the general manager under clause 4.15(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.20 Returns required to be lodged with the general manager under clause 4.15(c) must be tabled at the next council meeting after the return is lodged.
- 4.21 Information contained in returns made and lodged under clause 4.15 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 2018* and any guidelines issued by the Information Commissioner.

#### **Disclosure of pecuniary interests at meetings**

- 4.22 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 committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.23 The council committee member must not be present at, or in sight of, the meeting of the committee:
  - a) at any time during which the matter is being considered or discussed by the committee, or
  - b) at any time during which the committee is voting on any question in relation to the matter.
- 4.24 A disclosure made at a meeting of a council committee must be recorded in the minutes of the meeting.
- 4.25 A general notice may be given to the general manager in writing by a council committee member to the effect that the council committee member, or the council committee member's spouse, de facto partner or relative, is:
  - a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the 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 committee after the date of the notice.
- 4.26 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 council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.27 A person does not breach clauses 4.22 or 4.23 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.

- 4.28 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 4.29 A council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.28, must still disclose the interest they have in the matter in accordance with clause 4.22.

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## **PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**

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### **What is a non-pecuniary conflict of interest?**

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

### **Managing non-pecuniary conflicts of interest**

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

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- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest, you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### **Loss of quorum as a result of compliance with this Part**

- 5.13 The Minister for Local Government may, conditionally or unconditionally, allow 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 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 that it is in the interests of the electors for the area to do so.
- 5.14 Where the Minister exempts a committee member from complying with a requirement under this Part under clause 5.13, the committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### **Personal dealings with council**

- 5.15 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

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that could lead members of the public to believe that you are seeking preferential treatment.

- 5.16 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.

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## **PART 6 PERSONAL BENEFIT**

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

### **Gifts and benefits**

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser



- g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the general manager in writing. The general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
  - a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

**Gifts and benefits of token value**

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$30. 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 \$30
  - b) gifts of alcohol that do not exceed a value of \$30
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$30 in value.

**Gifts and benefits of more than token value**

- 6.9 Gifts or benefits that exceed \$30 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 \$30, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$30 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

**“Cash-like gifts”**

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

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

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**PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES**

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**Use of certain council information**

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

**Use and security of confidential information**

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

**Personal information**

- 7.4 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**

- 7.5 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.



- 7.6 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.
- 7.7 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.8 You must not use council resources (including council staff), property or facilities for the purpose of assisting 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.
- 7.9 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.
- 7.10 You must not convert any property of the council to your own use unless properly authorised.

#### **Internet access**

- 7.11 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**

- 7.12 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 7.13 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.
- 7.14 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.
- 7.15 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*.

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### **PART 8      MAINTAINING THE INTEGRITY OF THIS CODE**

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#### **Complaints made for an improper purpose**

- 8.1 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.
- 8.2 For the purposes of clause 8.1, 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**

- 8.3 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.
- 8.4 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.
- 8.5 For the purposes of clauses 8.3 and 8.4, 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**

- 8.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 8.7 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.
- 8.8 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**

- 8.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 8.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 8.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 8.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 8.13 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*.

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**Complaints alleging a breach of this Part**

- 8.14 Complaints alleging a breach of this Part by persons to whom this Code applies are to be managed by the general manager in accordance with the Procedures.

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**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.15**

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**Part 1: Preliminary**

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**Definitions**

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

*address* means:

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

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

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

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

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a 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 designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

#### **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a designated person has an interest includes a reference to any real property situated in Australia in which the 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 designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

#### **Part 2: Pecuniary interests to be disclosed in returns**

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##### **Real property**

5. A person making a return under clause 4.15 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

##### **Gifts**

9. A person making a return under clause 4.15 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and

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

#### **Contributions to travel**

12. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### **Interests and positions in corporations**

15. A person making a return under clause 4.15 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

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

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

19. A person making a return under clause 4.15 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

#### **Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.15 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a designated person.

#### **Dispositions of real property**

23. A person making a return under clause 4.15 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 4.15 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 designated person.

#### **Sources of income**

26. A person making a return under clause 4.15 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and



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

#### **Debts**

30. A person making a return under clause 4.15 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.
31. A liability to pay a debt must be disclosed by a person in a return made under clause 4.15 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.
32. A liability to pay a debt need not be disclosed by a person in a return if:
- a) a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or



- e) subject to paragraph (a), the debt was discharged prior to the person becoming a designated person.

**Discretionary disclosures**

- 33. 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 4.15**

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**‘Disclosures by councillors or designated persons’ return**

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

**Important information**

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

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

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

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

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

# Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

## Disclosures by Councillors or Designated Persons

### Return of Interests

#### Submitted under Clause 4.15 of the Burwood Council Codes of Conduct

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

#### IMPORTANT INFORMATION

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

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

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

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

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

### DISCLOSURE OF PECUNIARY INTERESTS AND OTHER MATTERS

By: ..... As at: .....  
 (full name of councillor or designated person) (return date)

In respect of the period from: ..... to: .....  
 (from date) (to date)

Signature: ..... Date: .....  
 (of councillor or designated person) (of completion of return)

### Item Number 37/25 - Attachment 3

## Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

A. REAL PROPERTY	
Street address of <b>each parcel of real property in which I had an interest</b> at the return date / at any time since 30 June	Nature of interest

B. SOURCES OF INCOME		
<p><b>1.</b> Sources of income I reasonably expect to receive <b>from an occupation</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
DESCRIPTION OF OCCUPATION	NAME AND ADDRESS OF EMPLOYER OR DESCRIPTION OF OFFICE HELD (IF APPLICABLE)	NAME UNDER WHICH PARTNERSHIP CONDUCTED (IF APPLICABLE)
<p><b>2.</b> Sources of income I reasonably expect to receive <b>from a trust</b> in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p>		
NAME AND ADDRESS SETTLOR		NAME AND ADDRESS OF TRUSTEE
<p><b>3.</b> Sources of <b>other income</b> I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June</p> <p>Sources of income I received from an occupation at any time since 30 June</p> <p><i>(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)</i></p>		

**Item Number 37/25 - Attachment 3**

**Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees**

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

<b>C. GIFTS</b>	
Description of each gift I received at any time since 30 June	Name and address of donor

<b>D. CONTRIBUTIONS TO TRAVEL</b>		
Name and address of <b>each person who made any financial or other contribution to any travel undertaken by me</b> at any time since 30 June	Dates on which travel was undertaken	Names of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

<b>E. INTERESTS AND POSITIONS IN CORPORATIONS</b>			
Name and address of <b>each corporation in which I had an interest or held a position</b> at the return date / any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) or corporation (except in case of listed company)

<b>F. WERE YOU A PROPERTY DEVELOPER OR CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?</b>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

# **Draft Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees**

Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees

## **G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

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

## **H. DEBTS**

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

--

## **I. DISPOSITIONS OF PROPERTY**

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

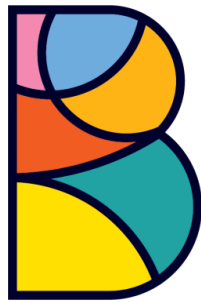
--

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

--

## **J. DISCRETIONARY DISCLOSURES**

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**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **PROCEDURES FOR THE ADMINISTRATION OF THE CODES OF CONDUCT**

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Based on the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW issued by the Office of Local Government under section 440 of the *Local Government Act 1993*

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Procedures for the Administration of the Codes of Conduct

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## Procedures for the Administration of the Codes of Conduct

**PART 1 INTRODUCTION**

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These procedures ("the Procedures") are prescribed for the administration of Burwood Council's suite of Codes of Conduct. They are based on the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* ("the Model Code Procedures").

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 general manager.

**PART 2 DEFINITIONS**

---

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
contractor	a contractor engaged by council to undertake works or deliver services on behalf of council, including staff employed by that contractor to carry out such works or services (for example, employees of a firm contracted to collect residential waste on behalf of council)
council	includes county councils and joint organisations
council adviser	a person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
Councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county

Procedures for the Administration of the Codes of Conduct

	councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
Mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes staff employed by council on a permanent, temporary or casual basis
the Office	the Office of Local Government
Investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</i>
Respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
volunteer	any person who freely offers to take part in an enterprise or undertake a task without financial gain
wholly advisory committee	a council committee that the council has not delegated any functions to

**PART 3 ADMINISTRATIVE FRAMEWORK**

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**The establishment of a panel of conduct reviewers**

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 2022*, and

Procedures for the Administration of the Codes of Conduct

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

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

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

Procedures for the Administration of the Codes of Conduct

preliminary assessment and investigation of a matter referred to them under clauses 5.33 or 5.40 or refer the matter to another conduct reviewer in accordance with clause 6.2.

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

**The appointment of complaints coordinators**

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 2022*.
- 3.21 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct
  - liaise with and provide administrative support to a conduct reviewer
  - liaise with the Office, and
  - arrange the annual reporting of code of conduct complaints statistics.

**PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**

---

**What is a code of conduct complaint?**

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- complaints about the standard or level of service provided by the council or a council official
  - 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
  - complaints about the policies or procedures of the council
  - 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.

Procedures for the Administration of the Codes of Conduct**When must a code of conduct complaint be made?**

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

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

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

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

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

**PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?****Delegation by general managers and mayors of their functions under this Part**

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

## Procedures for the Administration of the Codes of Conduct

**Consideration of complaints by general managers and mayors**

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

**What complaints may be declined at the outset?**

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.



Procedures for the Administration of the Codes of Conduct

- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- censure
  - requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - prosecution for any breach of the law
  - removing or restricting the person's delegation
  - removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- 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
  - the person must be given an opportunity to respond to the allegation, and
  - the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

**How are code of conduct complaints about volunteers, contractors and members of wholly advisory committees to be dealt with?**

- 5.18 The general manager is responsible for the management of code of conduct complaints about a volunteer, contractor or a member of a wholly advisory council committee.
- 5.19 The general manager may decide to take no action in relation to a code of conduct complaint about a volunteer, contractor or a member of a wholly advisory council committee.
- 5.20 Where the general manager decides to take no action in relation to a code of conduct complaint about a volunteer, contractor or a member of a wholly advisory committee, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.21 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about a volunteers,



Procedures for the Administration of the Codes of Conduct

contractors or members of a wholly advisory committee 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.

- 5.22 Where the general manager resolves a code of conduct complaint under clause 5.21 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.23 Sanctions for breaches of the code of conduct by volunteers, contractors or a members of a wholly advisory committee depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
  - c) prosecution for any breach of the law
  - d) ending the engagement of a volunteer's services
  - e) pursuing a contractor for potential breach of contractual obligations
  - f) removing the person from membership of the relevant wholly advisory committee.
- 5.24 Prior to imposing a sanction against a volunteer, contractor or a member of a wholly advisory committee under clause 5.23, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.23.

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

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

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

- 5.27 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.56.
- 5.28 Where the general manager refers a complaint to the Office under clause 5.27, the general manager must notify the complainant of the referral in writing.

Procedures for the Administration of the Codes of Conduct

- 5.29 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.27, 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 general manager resolves a code of conduct complaint under clause 5.31 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

- 5.34 The mayor must refer the following code of conduct complaints about the general manager to the Office:
  - a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.56.
- 5.35 Where the mayor refers a complaint to the Office under clause 5.34, the mayor must notify the complainant of the referral in writing.
- 5.36 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.34, where they consider that no action is warranted in relation to the complaint.
- 5.37 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.38 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.34, 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.
- 5.39 Where the mayor resolves a code of conduct complaint under clause 5.38 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.

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- 5.40 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.34 or finalised under clause 5.37 or resolved under clause 5.38, to the complaints coordinator.

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

- 5.41 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.33 and clause 5.40.

**Referral of code of conduct complaints to external agencies**

- 5.42 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.43 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.44 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.42, 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.
- 5.45 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**

- 5.46 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.47 Clause 5.46 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.48 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.49 A request made by a complainant councillor under clause 5.48 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.50 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.48 before disclosing

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

- 5.51 Where a complainant councillor makes a request under clause 5.48, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

**Code of conduct complaints made as public interest disclosures**

- 5.52 These procedures do not override the provisions of the *Public Interest Disclosures Act 2022*. 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.
- 5.53 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.54 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.53, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 57 of the *Public Interest Disclosures Act 2022*.

**Special complaints management arrangements**

- 5.55 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.56 Where the Office receives a request under clause 5.55, 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:
- imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - impeded or disrupted the effective administration by the council of its code of conduct, or
  - impeded or disrupted the effective functioning of the council.
- 5.57 A special complaints management arrangement must be in writing and must specify the following:
- the code of conduct complaints the arrangement relates to, and
  - the period that the arrangement will be in force.
- 5.58 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.59 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.
- 5.60 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.61 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

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- 5.62 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.61.

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

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

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.33 or 5.40, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a panel of conduct reviewers established by the council, or
  - 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:
- they have a conflict of interest in relation to the matter referred to them, or
  - a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - 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
  - at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

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- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.27 and 5.34.
- 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



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

**Referral back to the general manager or mayor for resolution**

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

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implement the conduct reviewer's recommendation once these steps have been completed.

**Complaints assessment criteria**

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
  - i) any previous proven breaches of the council's code of conduct
  - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
  - k) whether there were mitigating circumstances giving rise to the conduct complained of
  - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
  - m) the significance of the conduct or the impact of the conduct for the council
  - n) how much time has passed since the alleged conduct occurred
  - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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

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**What matters may a conduct reviewer investigate?**

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



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

**Written and oral submissions**

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

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legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

**How are investigations to be conducted?**

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

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Procedures for the Administration of the Codes of Conduct**Draft investigation reports**

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

**Final investigation reports**

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

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- g) the facts of the matter
  - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - i) the investigator's determination and the reasons for that determination
  - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor, that the council resolves as follows:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
- a) that the council revise any of its policies, practices or procedures
  - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
  - b) the investigator's determination and the reasons for that determination
  - c) any recommendations, and
  - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must

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refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

**Consideration of the final investigation report by council**

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
  - a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
  - a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
  - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a councillor:
    - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
    - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings

Procedures for the Administration of the Codes of Conduct

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**

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**The Office's powers of review**

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

**Complaints about conduct reviewers**

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

**Practice rulings**

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

**Review of decisions to impose sanctions**

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



Procedures for the Administration of the Codes of Conduct

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

**PART 9 PROCEDURAL IRREGULARITIES**

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

## Procedures for the Administration of the Codes of Conduct

**PART 10 PRACTICE DIRECTIONS**

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

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

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- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
  - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
  - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
  - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
  - e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
  - f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
  - g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

**PART 12 CONFIDENTIALITY**

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



Procedures for the Administration of the Codes of Conduct

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

## **(Item 38/25) Draft Gifts and Benefits Policy - Endorsement for Public Exhibition**

File No: 25/33678

Report by Director Corporate Services

### **Summary**

The Gifts and Benefits Policy previously adopted by Council requires the policy to be reviewed within 12 months of a council election. The policy provides guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.

### **Operational Plan Objective**

C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

### **Background**

The *Gifts and Benefits Policy* is a subordinate policy under the *Codes of Conduct*. The current policy was adopted by Council on 22 November 2022 and is to be reviewed within 12 months of an election. The policy review has resulted in minimal change, reflecting the minimal change to the *Codes of Conduct* since the last review.

### **Proposal**

The revised *Gifts and Benefits Policy* retains most provisions of the existing policy. The only change proposed is:

- Clause 4.1 has been re-worded to emphasise the purpose of the policy and reduce confusion. The existing provision directed council officials to decline all gifts or benefits, while the proposed provision reminds council officials of the principle of the policy.

No other changes are proposed due to the minimal change to the suite of *Codes of Conduct*. A more substantial update to the *Codes of Conduct* is expected later in 2025 once legislative changes are implemented. The *Gifts and Benefits Policy* may be reviewed at this time, if required.

### **Consultation**

Although there is no legislative requirement for the policy to be publicly exhibited, it is recommended that a public exhibition period of 28 days occur. This aligns the exhibition period to the proposed *Codes of Conduct*, to which this policy is subordinate.

### **Planning or Policy Implications**

No Planning or Policy implications.

### **Financial Implications**

No Financial implications.

### **Conclusion**

The *Gifts and Benefits Policy* aims to ensure Council and its officials avoid being compromised, or perceived as being compromised, in the course of their duties. The proposed draft policy continues the provisions of the existing policy.

***Recommendation(s)***

That Council:

1. endorses the public exhibition of the proposed *Gifts and Benefits Policy* contained in [Attachment 1](#) for a period of 28 days, and
2. directs the General Manager to report the outcomes of the public exhibition to the next ordinary meeting of Council following the conclusion of the public exhibition period.

**Attachments**

- 1 [↓](#) Draft Gifts and Benefits Policy



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## GIFTS AND BENEFITS POLICY

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Public Document  
Adopted by Council: X Minute No. X  
Ref. No.: 25/33680  
COR-GOV-25-POL-06  
Version No.: 1  
Ownership: Governance & Risk

## 1. Purpose

- 1.1 The purpose of this policy is to provide clear guidance to council officials on what to do if they are offered a gift or benefit to protect themselves from being compromised, or giving rise to the perception of being compromised, in the course of their duties.
- 1.2 This policy is a subordinate policy to the *Burwood Council Codes of Conduct*.

## 2. Scope

- 2.1 This policy applies to all **council officials** as defined in this document.

## 3. Definitions

<i>bribe</i>	means money or favour given or promised in order to influence the judgment or conduct of a council official
<i>ceremonial gifts</i>	are gifts that are offered by one agency to another, generally when conducting official business with delegates from another organisation
<i>council officials</i>	includes councillors, employees, volunteers, delegates, consultants, contractors and members of any council committee
<i>gifts and benefits</i>	<p>are things or various forms of goodwill offered to or received by a council official, or someone personally associated with them, for their personal use and enjoyment</p> <p>For the purposes of this policy they do <u>not</u> include:</p> <ul style="list-style-type: none"> <li>a) items with a value of \$10 or less</li> <li>b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i></li> <li>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</li> <li>d) a benefit or facility provided by the council to an employee or councillor</li> <li>e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or</li> <li>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: <ul style="list-style-type: none"> <li>i) the discussion of official business</li> <li>ii) work-related events such as council-sponsored or community events, training, education sessions or workshops</li> <li>iii) conferences</li> <li>iv) council functions or events</li> <li>v) social functions organised by groups, such as council committees and community organisations.</li> </ul> </li> </ul>
<i>gifts and benefits of token value</i>	means one or more gifts or benefits offered by or received from a person or organisation over a 12-month period that, when aggregated, do <u>not</u> exceed a value of \$30.

Examples include, but are not limited to:

- a) invitations to and attendance at social, cultural or sporting events (including charity fundraisers) with a ticket value that does not exceed \$30
- b) gifts of alcohol that do not exceed a value of \$30
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$30 in value.

*gifts and benefits of more than token value*

means a gift offered by or received from a person or organisation that exceeds a value of \$30, or a series of gifts received from that person or organisation within a 12-month period that, when aggregated, exceed a value of \$30.

Examples include, but are not limited to:

- a) tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$30
- b) corporate hospitality at a corporate facility at major sporting events
- c) 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
- d) the use of holiday homes
- e) artworks
- f) free or discounted travel.

*supervisor*

means either the designated people manager of the person, or the manager who is the key council contact for the person (in the case of a contractor, consultant, delegate, volunteer or committee member)

#### 4. Offers of gifts or benefits

##### What should a council official do when offered a gift or benefit?

- 4.1 Where possible, all gifts and benefits should be politely refused, with gratitude, at the time of offering to avoid the perception of undue influence.
- 4.2 Council officials should consider the following when presented with the offer of a gift or benefit:
  - a) Consider whether the gift or benefit is of less than token value (\$30) — if it is of more than token value, it must be refused
  - b) Consider whether the gift or benefit is being offered in order to influence them in the course of their duties — if it is, it must be refused, regardless of the value
  - c) Consider whether the gift or benefit is cash or a cash-like gift (such as a gift voucher or lottery tickets) — if it is, it must be refused, regardless of the value
  - d) Consider whether the gift or benefit is being offered by a supplier or a company that is in the process of becoming a supplier to Council — if it is, it must be refused, regardless of the value
  - e) Consider whether they are involved in proposals or approvals under planning, health or environment legislation, or regulatory enforcement activities of any kind — if they

are, the official must refuse all offers of gifts or benefits, regardless of the value.

- 4.3 After considering all the issues above the council official may determine to:
- decline the gift
  - accept and keep the gift, or
  - accept the gift and surrender it to Governance & Risk, or
  - in the instance where the gift has been sent to or left for the intended recipient without their knowledge, attempt to return the gift to the giver or donated to a charity nominated by the giver
- 4.4 If the return or donation of the gift under clause 4.3 is not possible, for example because the gift is easily perishable, the gift must be surrendered to Governance & Risk for appropriate action, unless Governance & Risk provide instruction on alternative disposal methods. See Part 7 for disposal options.
- 4.5 In all cases, a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

#### **What should a council official do when offered a bribe?**

- 4.6 If you have been offered a bribe, or think that you have been offered a bribe, you must advise the General Manager and Manager Governance & Risk immediately.
- 4.7 If you are a member of the staff of Council, to avoid a perception of influence, you must refer all future contact with the person offering or suspected of offering you the bribe to your supervisor.
- 4.8 The General Manager will advise the Independent Commission Against Corruption.

#### **Ceremonial Gifts**

- 4.9 Ceremonial gifts are generally provided to a host agency when conducting official business with delegates from another organisation and are considered to be for the agency and not for the personal benefit of any particular individual.
- 4.10 Ceremonial gifts may have a value that exceeds token value (\$30) and may be accepted but must be surrendered to Governance & Risk with a completed Gifts and Benefits Registration Form. The Manager Governance, in conjunction with the General Manager, will determine what to do with any ceremonial gift.

#### **Work-related functions**

- 4.11 There is no requirement to declare the receipt of modest hospitality that is provided by another agency or individual as part of normal work-related activities. This includes activities such as interviews, business meetings and conferences and seminars where hospitality is provided to all participants.
- 4.12 However, if the hospitality is significantly more than what Council would offer in similar circumstances, or if there is any suggestion or perception that an attempt is being made to influence you in the course of your duties, it must be refused and declared by completing and lodging a Gifts and Benefits Registration Form.
- 4.13 Any offer of free or subsidised travel and accommodation to attend a meeting or conference, either as a participant or presenter, should be declared to and approved by the General Manager prior to acceptance.

#### **Prizes**

- 4.14 Any gift or benefit (such as lucky door prizes or raffles) that is won as a result of engaging in official duties at an external event must be declared by completing and lodging a Gifts and Benefits Registration Form.

Gifts and Benefits Policy

- 4.15 If Council has a business relationship with the organisation that provided the prize, or has, or is likely to, exercise any of its regulatory powers in relation to that organisation, then the prize must be declined.
- 4.16 If the prize is of more than token value (\$30) then it must be declined.

**Competitions**

- 4.17 Council Officials are prohibited from entering any competitions run by suppliers where eligibility to participate is dependent on being a customer of the supplier.

**5. Mayor and Other Councillors**

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- 5.1 The Mayor and other councillors may find themselves in situations where they are offered gifts and benefits by residents and other stakeholders or at community events.
- 5.2 If the gifts or benefits offered are of more than token value (\$30), they must be refused in accordance with the requirements of the *Burwood Council Code of Conduct for Councillors*.
- 5.3 If the gift has been sent to the Mayor or other councillor, it is to be:
- returned with a letter of gratitude suggesting a list of charities to which the gift could be given instead, or
  - donated to a local charity or organisation from whom a receipt is requested, and then the notice of receipt is to be copied to the giver with a letter of gratitude.
- 5.4 In all cases a Gifts and Benefits Registration Form referred to in part 6 must be completed and promptly lodged.

**6. Registration of gifts and benefits**

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- 6.1 All offers of gifts or benefits must be recorded in Council's Gift Register, regardless of whether they have been accepted, refused or surrendered.
- 6.2 Details of the gift or benefit must be provided on a Gifts and Benefits Registration Form. The General Manager may make alterations to the format and content of this form to support efficient administration of the gifts and benefits declaration and registration process.
- 6.3 Forms lodged by councillors will be notified to the General Manager for assessment and sign-off.
- 6.4 Forms to be lodged by council officials other than councillors must be discussed with and assessed by the council official's supervisor prior to lodgement. The supervisor has a role to play in ensuring offers of gifts and benefits are appropriately handled by the council officials under their supervision, including addressing any potential perceptions by the community about the integrity of council officials.
- 6.5 A Gifts and Benefits Registration Form must be completed and lodged within 5 working days of being offered the gift or benefit.
- 6.6 All forms must be lodged with Governance & Risk. Governance & Risk are responsible for conducting a probity review, maintaining the Gifts and Benefits Register and ensuring completed forms are kept in Council's document management system.

**7. Disposal of Gifts and Benefits**

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- 7.1 Gifts that have been surrendered to Governance & Risk by a council official, other than a councillor, will be disposed of by the Manager Governance & Risk by one of the following means and details recorded accordingly:
- returned to the giver
  - donated to a charity operating within the Burwood local government area, or



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Gifts and Benefits Policy

- c) shared amongst staff in such a manner as to remove the nexus between the giving of the gift and the private benefit
- d) retained and used as part of Council's operations
- e) in the case of perishable gifts, guidance will be provided on disposal as an alternative to surrendering the gift to Governance & Risk.

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**8. Gifts Register**

- 8.1 Governance & Risk is responsible for maintaining a Gifts and Benefits Register as a record of all gifts and benefits offered to council officials and any gift disposal arrangements.
- 8.2 An up-to-date version of the Gifts and Benefits Register is to be proactively released to the public via publication on the Council website.

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**9. Breaches of this policy**

- 9.1 A breach of this policy is a breach of the *Codes of Conduct*.
- 9.2 Suspected breaches will be dealt with in accordance with the *Procedures for the Administration of the Codes of Conduct*.

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**10. Related Information / Glossary**

- *Burwood Council Code of Conduct for Councillors*
- *Burwood Council Code of Conduct for Staff*
- *Burwood Council Code of Conduct for Council Committee Members, Delegates of Council, Council Advisers, Volunteers, Contractors and Members of Wholly Advisory Committees*
- *Procedures for the Administration of the Codes of Conduct*.
- Gifts and Benefits Registration Form for councillors
- Gifts and Benefits Registration Form for council officers

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**11. Review**

- 11.1 This policy is to be reviewed within the first 12 months of the term of each incoming Council.

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**12. Contact**

Manager Governance & Risk — Telephone 9911 9908

## **(Item 39/25) Draft Code of Meeting Practice - Endorsement for Public Exhibition**

File No: 25/31033

Report by Director Corporate Services

### **Summary**

Section 360 of the *Local Government Act 1993* (the Act) requires Council, within 12 months of an ordinary election of councillors, to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the regulations.

### **Operational Plan Objective**

C11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

### **Background**

Council adopted its current Code of Meeting Practice in September 2022 following an update to the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) in November 2021.

There have been no updates to the Model Meeting Code since that time.

The Minister for Local Government and the Office of Local Government have notified councils of their intent to reform the Model Meeting Code. The reforms are expected to be based on the following:

- promoting transparency, integrity and public participation
- promoting the dignity of the council chamber
- depoliticising the role of the general manager
- simplifying the Model Meeting Code
- restricting councils from holding briefing sessions that are not open to the public.

Those changes were initially expected to be implemented earlier this year. However, councils have now been advised they have been delayed and will require changes to regulation. This means Council must re-adopt the current Model Code to meet the requirements of section 360 of the Act and then consider a revised Code of Meeting Practice once the revised Model Code comes into force.

### **Proposal**

No changes to Council's existing Code of Meeting Practice are proposed. The current Code of Meeting Practice adopts all the mandatory and non-mandatory provisions of the Model Meeting Code and does not contain any Burwood-specific provisions.

Upon the introduction of the reformed Model Meeting Code, a more detailed review and update will occur.

### **Consultation**

Section 361 of the Act requires Council to give public notice of the draft Code and to publicly exhibit the Code for a period of at least 28 days. The notice must specify a period of not less than 42 days during which the public can make submissions about the Code.

Any public submissions would be considered before the final Code is reported back to Council for adoption.

If any changes made as a result of consideration of public submissions are not substantial, the revised Code may be adopted without further public exhibition.

### **Planning or Policy Implications**

No Planning or Policy implications.

### **Financial Implications**

No Financial implications.

### **Conclusion**

Council is obliged by law to maintain a Code of Meeting Practice that includes the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW*. The proposed Code of Meeting Practice for Burwood Council remains unchanged. It remains consistent with the Model Code and incorporates non-mandatory provisions from the Model Code for enhancing meeting efficiency, effectiveness and transparency.

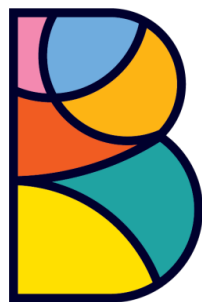
### **Recommendation(s)**

That Council:

1. endorses the draft *Burwood Council Code of Meeting Practice*, contained in [Attachment 1](#) to this report,
2. places the draft on public exhibition for a period of 28 days and allows 42 days for receipt of public submissions, as required by legislation, and
3. directs the General Manager to report on the outcome of the public exhibition, and any submissions that are received, at the next ordinary meeting of Council following the last date for lodgement of submissions following exhibition.

### **Attachments**

- 1 [↓](#) Draft Code of Meeting Practice



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## CODE OF MEETING PRACTICE

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Model Code of Meeting Practice for Local Councils in NSW—Office of Local Government

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2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
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Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Public Document  
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COR-GOV-25-POL-05  
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Ownership: Governance & Risk

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## 1. INTRODUCTION

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This Code of Meeting Practice for Local Councils in NSW (the Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Code applies to all meetings of Burwood Council and Committees of which all the members are Councillors (committees of Council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

All Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code issued by the Office of Local Government.

A Council's adopted Code of Meeting Practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a Council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A Council and a committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

The Model Meeting Code also applies to meetings of the boards of joint organisations. Burwood Council does not have boards of joint organisations, therefore, the provisions relating to these have been deleted.

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## 2. MEETING PRINCIPLES

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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 skilfully chaired.
- Orderly:** Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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## 3. BEFORE THE MEETING

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### Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the following occasions:

On the 4th Tuesday of each month (February to December) immediately following the conclusion of the Public Forum that may commence at 6.00 pm in the Council Chamber, 2 Conder Street, Burwood and in accordance with Council's adopted meeting schedule

**Note: Under section 365 of the Act, 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.**

### Extraordinary meeting

- 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 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 the 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.

### Notice to councillors of ordinary council meetings

- 3.6 The general manager 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 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 the 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 Monday two weeks before** the meeting is to be held.

- 3.10 A councillor may, in writing to the general manager, 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.



- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may 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.
- 3.12 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 manager must either:
- 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
  - 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 in the notice, pending the preparation of such a report.

**Questions with notice**

- 3.13 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

**Agenda and business papers for ordinary meetings**

- 3.16 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.17 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - 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
  - all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.19 The general manager 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, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- a. identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- b. states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.20 reflects section 9(2A)(a) of the Act.**

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### **Statement of ethical obligations**

- 3.22 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**

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the 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 the council.

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A)(b) of the Act.**

- 3.25 For the purposes of clause 3.23, 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 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

#### **Agenda and business papers for extraordinary meetings**

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, 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 the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

#### **Pre-meeting briefing sessions**

- 3.32 Prior to each ordinary meeting of the council, the general manager may 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.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors 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.
- 3.37 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, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

#### **4. PUBLIC FORUMS**

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- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **2:00pm** on the day on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than **two (2)** items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than **five (5)** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate

- from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
  - 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs **by 5pm on the day before** the public forum. The general manager or their delegate may refuse to allow such material to be presented.
  - 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
  - 4.13 Each speaker will be allowed **three (3)** minutes to address the council. This time is to be strictly enforced by the chairperson.
  - 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. 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.
  - 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
  - 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **three (3)** minutes.
  - 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
  - 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **three (3)** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
  - 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
  - 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
  - 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
  - 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
  - 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.

- 4.24 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 an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**

## 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.
- Note: 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.**
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 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.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

### The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.
- Note: Clause 5.9 reflects section 368(1) of the Act.**
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- a. at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - b. within half an hour after the time designated for the holding of the meeting, or
  - c. at any time during the meeting.

**Note: For the purposes of paragraph (b), clause 3.1 provides that the designated time for an ordinary council meeting is immediately after the conclusion of the Public Forum that may commence at 6:00pm. That time may vary depending on the number of registered speakers at each Forum.**

- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- a. by the chairperson, or
  - b. in the chairperson's absence, by the majority of the councillors present, or
  - c. failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation 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 cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

#### **Meetings held by audio-visual link**

- 5.15 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 or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that 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 general manager and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager 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 manager 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.



- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

**Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**

#### **Attendance by councillors at meetings by audio-visual link**

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- a. the meetings the resolution applies to, and
  - b. the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 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 councillor 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.

- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 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.

#### Entitlement of the public to attend council meetings

- 5.30 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 5.30 reflects section 10(1) of the Act.**

- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.32 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 5.32 reflects section 10(2) of the Act.**

**Note: Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.**

#### Webcasting of meetings

- 5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

- 5.34 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.

- 5.35 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.

- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

- 5.37 Clauses 5.35 and 5.36 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: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**

- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.39 The general manager 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 5.39 reflects section 376(1) of the Act.**



- 5.40 The general manager 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 5.40 reflects section 376(2) of the Act.**
- 5.41 The general manager 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 manager or the terms of employment of the general manager.  
**Note: Clause 5.41 reflects section 376(3) of the Act.**
- 5.42 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.43 The general manager 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 manager.

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## 6. THE CHAIRPERSON

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### 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 or, in their absence, an employee of the council designated by the general manager to conduct the election, or
  - b. by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager 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:
- a. 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.

**Chairperson to have precedence**

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- a. 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.

**7. MODES OF ADDRESS**

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- 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].

**8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

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- 8.1 The general order of business for an ordinary meeting of the council shall be:
- 1 Opening meeting
  - 2 Prayer
  - 3 Acknowledgement of country
  - 4 Statement of ethical obligations
  - 5 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  - 6 Confirmation of minutes
  - 7 Disclosures of interests
  - 8 Mayoral minute(s)
  - 9 Reports to council
  - 10 Reports of committees
  - 11 Notices of motions
  - 12 Questions with notice
  - 13 Confidential matters
  - 14 Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note. Part 13 allows council to deal with items of business by exception.**
- 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.

**9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

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**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).

**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 manager 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 3.13.
- 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 manager, 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 manager at the direction of the general manager.
- 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.

**10. RULES OF DEBATE**

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**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.
- 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 general manager 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.
- 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.
- 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.

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**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 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.
- 11.6 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.

**Voting on planning decisions**

- 11.7 The general manager 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.
- 11.8 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.
- 11.9 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.
- 11.10 Clauses 11.7–11.9 apply also to meetings that are closed to the public.

**Note: Clauses 11.7–11.10 reflect section 375A of the Act.**

**Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.**

**12. COMMITTEE OF THE WHOLE**

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- 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.**
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, 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.

**13. DEALING WITH ITEMS BY EXCEPTION**

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- 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.

#### **14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

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##### **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.**

##### **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:
  - a. 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:
    - i. 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.**

- 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 3.21 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 3.20 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 **5:00pm on the Monday** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **five (5)** 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 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 general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (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 3.20 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 **five (5)** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker 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.

#### **Expulsion of non-councillors from meetings closed to the public**

- 14.18 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.
- 14.19 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.

#### **Obligations of councillors attending meetings by audio-visual link**

- 14.20 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 that the meeting is closed to the public under section 10A of the Act.

**Information to be disclosed in resolutions closing meetings to the public**

- 14.21 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 14.21 reflects section 10D of the Act.*

**Resolutions passed at closed meetings to be made public**

- 14.22 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.
- 14.23 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 14.22 during a part of the meeting that is webcast.

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**15. KEEPING ORDER AT MEETINGS**

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**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.

### 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, or 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:
- a. 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.

### 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, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 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.

#### **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.

### **16. CONFLICTS OF INTEREST**

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- 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 non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual 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.

## 17. DECISIONS OF THE COUNCIL

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### 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 the 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.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 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 17.11 reflects section 372(6) of the Act.**

- 17.11 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 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.
- 17.12 A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.
- 17.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.11(c).

**Recommitting resolutions to correct an error**

- 17.14 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.
- 17.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.14(a), the councillor is to propose alternative wording for the resolution.
- 17.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.14(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.
- 17.17 A motion moved under clause 17.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.14 can speak to the motion before it is put.
- 17.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.14.
- 17.19 A motion moved under clause 17.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

**18. TIME LIMITS ON COUNCIL MEETINGS**

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- 18.1 Meetings of the council and committees of the council are to conclude no later than **11:00pm**.
- 18.2 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.
- 18.3 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:
  - a. 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.
- 18.4 Clause 18.3 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.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
  - a. 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 general manager 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.



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**19. AFTER THE MEETING**

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**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 manager must ensure that the following matters are recorded in the council's minutes:
- a. 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.**

- 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 manager is to implement, without undue delay, lawful decisions of the council.

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

**20. COUNCIL COMMITTEES**

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**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 general manager 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.

**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.
- 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.

**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,
  - details of each motion moved at a meeting and of any amendments moved to it,
  - the names of the mover and seconder of the motion or amendment,
  - whether the motion or amendment was passed or lost, and
  - 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.

**21. IRREGULARITIES**

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- a vacancy in a civic office, or
  - a failure to give notice of the meeting to any councillor or committee member, or
  - any defect in the election or appointment of a councillor or committee member, or
  - 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
  - a failure to comply with this code.

**Note:** Clause 21.1 reflects section 374 of the Act.

**22. DEFINITIONS**

the Act	means the <i>Local Government Act 1993</i>
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 Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the 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
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 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 <i>Local Government (General) Regulation 2021</i>
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

### 23. REVIEW

When directives are issued by the Office of Local Government or when changes to legislation have been enacted.

### 24. CONTACT

Coordinator Governance Ph 9911 9908

## **(Item 40/25) Draft Interaction Between Council Officials Policy - Endorsement for Public Exhibition**

File No: 25/31835

Report by Director Corporate Services

### **Summary**

The current *Interaction Between Council Officials Policy* adopted by Council on 22 November 2022 requires the policy to be reviewed within 12 months of an ordinary council election. The proposed revised policy makes minor changes to the current policy.

### **Operational Plan Objective**

C11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making

### **Background**

Council adopted the current *Interaction Between Council Officials Policy* on 22 November 2022. The policy is a subordinate policy of the Codes of Conduct and aims to cultivate an environment that fosters positive and productive working relationships between councillors and other officials of Burwood Council.

The current policy stipulates that, as a minimum requirement, it be reviewed and brought back to Council within 12 months of a council general election.

The current policy was based on the best practice *Model Councillor and Staff Interaction Policy* published by the Office of Local Government (OLG) and reflected Burwood Council's new organisation structure effected in March 2022.

### **Proposal**

The *Interaction Between Council Officials Policy* has been reviewed and minor updates have been made to the list of authorised officer contacts for councillors contained in Schedule 1 to the policy.

The revised policy is at Attachment 1. The proposed policy otherwise maintains the structure and provisions of the current policy.

### **Consultation**

Although there is no legislative requirement for the policy to be publicly exhibited, it is recommended that a public exhibition period of 28 days occur. This would allow the community to consider and comment on the proposed standards of interaction between their elected councillors and other council officials. It would also align with the consultation period for the Codes of Conduct to which this policy is subordinate.

### **Planning or Policy Implications**

No Planning or Policy implications.

### **Financial Implications**

No Financial implications.

### **Conclusion**

The proposed Interaction Between Council Officials Policy meets and exceeds the requirements of the model OLG policy and reflects the current council structure. It provides a framework and direction to support positive, professional working relationships between council officials.

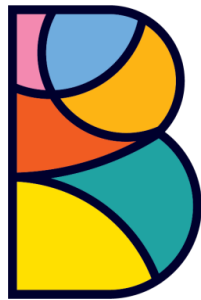
### ***Recommendation(s)***

That Council:

1. endorse the public exhibition of the proposed *Interaction Between Council Officials Policy* contained in [Attachment 1](#) to this report for a period of 28 days, and
2. directs the General Manager to report the outcomes of the public exhibition to the next ordinary meeting of Council following the conclusion of the public exhibition period.

### **Attachments**

- 1 [↓](#) Draft Interaction Between Council Officials Policy



**Burwood** <sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **INTERACTION BETWEEN COUNCIL OFFICIALS POLICY**

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Based on the Model Councillor and Staff Interaction Policy issued by the Office of Local Government

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Public Document  
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## Preface

### **Positive working relationships between council officials: a council's key asset**

Positive, professional working relationships between council officials are a key element of any council's success. If relationships between council officials 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 risk<sup>1</sup>, and ultimately the council's performance will suffer.

A good relationship between council officials is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities.

### **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 general manager and council officers are responsible for providing councillors with this information to facilitate the decision-making 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 officers in the performance of their duties. Councillors 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 council officials should be positive, respectful and professional.

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## **PART 1 Introduction**

### **Purpose**

- 1.1 The purpose of the Interaction Between Council Officials Policy (the Policy) is to cultivate an environment that fosters positive and productive working relationships between councillors and other officials of Burwood Council.
- 1.2 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 officers.
- 1.3 The Policy provides direction on interactions between council officials to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 The Policy complements and should be read in conjunction with Burwood Council's Codes of Conduct (the Codes of Conduct).

### **Definitions**

Council officials	Councillors, employees and delegates (including volunteers, consultants, contractors or any other service provider involved in exercising a Council function)
Councillors	Includes the mayor and other elected representatives of Council or, alternatively, an administrator of the Council appointed by the Minister for Local Government

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<sup>1</sup> As highlighted by the NSW Independent Commission Against Corruption's [Operation Dasha](#)

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Officer	For the purposes of this policy, any reference to the term “officer” is taken to mean all Council officials other than councillors or administrators who are involved in exercising a council function
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**Scope**

- 1.5 This Policy applies to all councillors and all council officer in relation to any of their interactions with each other.
- 1.6 It applies wherever and whenever interactions occur, whether onsite at Council premises, or at non-Council locations, online (including social media and virtual meeting platforms), by phone, text message or in writing, and whether inside or outside of work hours.
- 1.7 This Policy does not confer any delegated authority upon any person. All delegations and authorisations to officers are made by the General Manager.
- 1.8 The Codes of Conduct provide 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 Codes of Conduct.

**Context**

- 1.9 In accordance with the *Local Government Act 1993*, councillors and council officers have distinct though complementary roles in the effective exercise of Council functions. In order to perform effectively in these roles, there needs to be a respectful understanding and appreciation of the rights and responsibilities of each of these classes of Council officials.
- 1.10 Councillors are responsible for the strategic direction of the organisation and for determining the public policy framework of Council. The Council also has a number of critical statutory obligations including its role as a consent authority, under both the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*, for applications for development consent and for various local approvals.
- 1.11 The General Manager and other senior officers of Council are responsible for the effective management of the organisation and delivery of Council services. These responsibilities are focused on the implementation of public policies and strategic plans adopted by the elected body of councillors.
- 1.12 Councillors must not be involved in the day to day management of the Council. Council officers must not become involved in the political processes of the Council beyond their reporting and advisory responsibilities to all councillors. These respective obligations are reflected in the *Local Government Act 1993* and the supporting *Model Code of Conduct for Councils in NSW* which is the basis for the Burwood Council Codes of Conduct.
- 1.13 There often needs to be personal interaction between councillors and key officers to effectively integrate policy and plan making with service delivery. The operational distinction between the roles of councillor and officers may not always seem clear under these circumstances. This has prompted the need for additional policy direction that helps council officials to understand their respective roles, and how they are to operate in them in order to perform their jobs effectively and lawfully.
- 1.14 It is acknowledged that councillors and council officers may engage with their council in their private capacity. No provision in this Policy affords any councillor preferential treatment in the provision of any Council service when the councillor is acting outside their civic role, even in their private capacity as a local constituent. As per the Codes of Conduct councillors and council officers are not to receive favourable treatment for themselves or any other entity.

**Policy objectives**

- 1.15 The objectives of the Policy are to:

Interaction Between Council Officials Policy

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

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**PART 2 Principles, roles and responsibilities**

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**Principles**

- 2.1 Several factors contribute to a good relationship between council officials. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 2.2 Council commits to the following principles to guide interactions between councillors and council officers:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Council officials 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 council officials 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 seven 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

**Roles**

- 2.3 The Council's governing body and its administration (being officers 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 General Manager, who in turn, is accountable to the Council's governing body.
- 2.4 Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a

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councillor is as follows:

- a) to be an active and contributing member of the governing body
  - b) to make considered and well-informed decisions as a member of the governing body
  - c) to participate in the development of the integrated planning and reporting framework
  - d) to represent the collective interests of residents, ratepayers and the local community
  - e) to facilitate communication between the local community and the governing body
  - f) to uphold and represent accurately the policies and decisions of the governing body
  - g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 2.5 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 2.6 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

**Responsibilities**

- 2.7 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) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
  - b) officers are not accountable to them individually
  - c) they must not direct officers except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA
  - d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of officers in the exercise of their functions
  - e) they must not contact a member of officers on council-related business unless in accordance with this Policy
  - f) they must not use their position to attempt to receive favourable treatment for themselves or others.
- 2.8 The General Manager 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 officers need to understand:
- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
  - b) they should not provide advice to councillors unless it has been approved by the General Manager or an officer with a delegation to approve advice to councillors
  - 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) 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) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.
- 2.9 The General Manager is accountable for ensuring that council officials are kept fully aware of their responsibilities in relation to this policy.

**PART 3      The councillor requests system**

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- 3.1 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.
- 3.2 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.
- 3.3 The General Manager may identify Council support officers under this Policy for the management of requests from councillors.
- 3.4 Councillors can use the councillor requests system to:
  - a) request information or ask questions that relate to the strategic position, performance or operation of the Council
  - b) bring concerns that have been raised by members of the public to the attention of officers
  - c) request IT or other support from the Council administration
  - d) request that an officer be present at a meeting (other than a meeting of the council) for the purpose of providing advice to the meeting.
- 3.5 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 General Manager or officer 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.
- 3.6 Officers must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.
- 3.7 The General Manager or the officer authorised to manage a councillor request will provide a response within 10 business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.
- 3.8 Requests under clause 3.4 (d) must be made no less than 3 business days before the meeting. The General Manager, or officers that are listed at Schedule 1 of this Policy, are responsible for determining:
  - a) whether an officer can attend the meeting, and
  - b) which officer will attend the meeting
 Officers who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting.
- 3.9 Councillors are required to treat all information provided by officers appropriately and to observe any confidentiality requirements.
- 3.10 Officers will inform councillors in writing of any confidentiality requirements for information they provide so councillors can handle the information appropriately.
- 3.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the officer authorised to manage their request.
- 3.12 The General Manager may refuse access to information requested by a councillor if:
  - a) the information is not necessary for the performance of the councillor's civic functions, or
  - b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of officer time and resources, or
  - c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
  - d) the General Manager is prevented by law from disclosing the information.

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- 3.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 3.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 3.12 (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 General Manager refuses a councillor's request for information under clause 3.12 (c) or (d).
- 3.15 Nothing in clauses 3.12, 3.13, and 3.14 prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009*.
- 3.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of officer time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 3.17 Councillor requests are state records and must be managed in accordance with the *State Records Act 1998*.
- 3.18 A report will be shared with councillors on the Councillor Portal every 12 months regarding the performance and efficiency of the councillor requests system against established key performance indicators.

**PART 4      Access to Council officers**

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- 4.1 Councillors may directly contact officers that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 4.2 Councillors can contact officers listed in Schedule 1 about matters that relate to the officer's area of responsibility.
- 4.3 Councillors should as far as practicable, only contact officers during normal business hours.
- 4.4 If councillors would like to contact an officer not listed in Schedule 1, they must receive permission from the General Manager.
- 4.5 If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
- 4.6 The General Manager or a Director may direct any officer to contact councillors to provide specific information or clarification relating to a specific matter.
- 4.7 A council official must not take advantage of their official position to improperly influence other councillors or officers 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 General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.
- 4.8 Councillors may engage directly with council officers and other committee members during a meeting of Council or one of its committees in accordance with the *Burwood Council Code of Meeting Practice* or the Terms of Reference for the relevant committee.

**PART 5      Councillor access to council buildings**

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- 5.1 Councillors are entitled to have access to Council premises at 2 Conder Street as follows:
  - the councillor common room
  - the mayoral office (with the consent of the mayor)



Interaction Between Council Officials Policy

- the office of the Executive Assistant to the Mayor and Councillors (during office hours)
  - any public areas (subject to booking constraints)
  - the car park at 8 Conder Street to park within the car spaces under the control of Council
- 5.2 Councillors are provided with a security pass to enable access to the areas referred to in clause 5.1.
- 5.3 Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through the Executive Assistant to the Mayor and Councillors.
- 5.4 Councillors must not enter officer-only areas of Council buildings without the approval of the General Manager and must be accompanied by a council officer.

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**PART 6      Appropriate and inappropriate interaction**

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**Appropriate interaction**

- 6.1 Examples of appropriate interactions between councillors and council officers include, but are not limited to, the following:
- a) councillors and council officers are courteous and display a positive and professional attitude towards one another
  - b) council officers 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
  - c) council officers record the advice they give to councillors in the same way they would if it was provided to members of the public
  - d) council officers, including Council's executive team members, document councillor requests via the councillor requests system
  - e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
  - f) councillors and council officers feel supported when seeking and providing clarification about council related business
  - g) councillors forward requests through the councillor requests system and officers respond in accordance with the timeframes stipulated in this Policy.
- 6.2 Councillors may need to make contact with officers as a local constituent or other direct customer of services offered to the public by Council. In these instances, it is appropriate for the councillor to engage with Customer Service officers and / or other frontline officers as other members of the public would be expected to.
- 6.3 Councillors may engage in contact with representatives of the Audit Office of NSW who are acting in their capacity as the external auditor of Council, or with the chair of the Audit Risk and Improvement Committee, to exchange information that is reasonably necessary for the exercise of external audit and internal audit functions.

**Inappropriate interaction**

- 6.4 Examples of inappropriate interactions between council officials include, but are not limited to, the following:
- a) councillors and council officers conducting themselves in a manner that:
    - i) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
    - ii) constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory

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- b) councillors approaching officers and staff organisations to discuss individual or operational staffing 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
  - c) officers approaching councillors to discuss individual or operational staffing 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
  - d) subject to clause 3.12, officers refusing to give information that is available to other councillors to a particular councillor
  - e) councillors who have lodged an application with the council, discussing the matter with officers in officer-only areas of the council
  - f) councillors being overbearing or threatening to officers
  - g) officers being overbearing or threatening to councillors
  - h) councillors making personal attacks on officers or engaging in conduct towards officers that would be contrary to the general conduct provisions in Part 3 of the Codes of Conduct in public forums including social media
  - i) councillors directing or pressuring officers in the performance of their work, or recommendations they should make
  - j) officers 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
  - k) councillors or council officers attempting to take advantage of their official position to improperly influence other councillors or officers, in the performance of their public or professional duties, for the purpose of securing a private benefit for themselves or some other person. In the case of councillors, personal benefit includes activities associated with the pursuit of election to Council.
- 6.5 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of officers at risk, the General Manager may restrict the councillor's access to officers.
- 6.6 Any concerns relating to the conduct of officers under this Policy should be raised with the General Manager.

**PART 7 Complaints**

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- 7.1 Council officials are responsible for ensuring that any breaches of this policy are reported immediately to the General Manager or the Mayor (if the complaint is about the General Manager). The General Manager is obliged to review breach allegations with the Mayor promptly.
- 7.2 This policy is a subordinate policy to the Codes of Conduct. Breaches of this policy are to be handled in accordance with the *Procedures for Administering the Codes of Conduct*.
- 7.3 Clause 7.1 does not operate to prevent matters being reported to the Office of Local Government, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

**PART 8 Scheduled review**

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- 8.1 This Policy will be reviewed within the first 12 months following a general election of Council.



**Schedule 1 – Authorised officer contacts for councillors**

1. Clause 4.1 of this Policy provides that councillors may directly contact officers that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact officers listed below about matters that relate to the officer's area of responsibility.
3. Councillors should, as far as practicable, only contact officers during normal business hours.
4. If councillors would like to contact a council officer not listed below, they must receive permission from the General Manager or their delegate.
5. If a councillor is unsure which authorised officer can help with their enquiry, they can contact the General Manager or a Director who will provide advice about which authorised officer to contact.
6. In some instances, the General Manager or a Director may direct a council officer to contact councillors to provide specific information or clarification relating to a specific matter.
7. Council officers are not permitted to interact with councillors on any matters not covered by the table below unless they have explicit approval from the relevant Director or the General Manager.

Matter	Scope	Authorised officers
Access to information – simple verbal queries	Requests for information that may reasonably be expected to be resolved at first point of contact	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Directors (on matters directly relevant to their portfolio of responsibilities)</li> </ul>
Access to information – requests requiring written response	Requests for information related to the functions of Council or referral of service requests that require research and / or considered assessment before response  <i>(Excludes matters proactively consigned to the public domain via a Question on Notice through a meeting of Council)</i>	<ul style="list-style-type: none"> <li>• General Manager</li> <li>• Directors (on matters directly relevant to their portfolio of responsibilities)</li> </ul>
Complaints management	Complaints; Public Interest Disclosures; allegations of fraud or corruption or a breach of the Codes of Conduct.	<ul style="list-style-type: none"> <li>• General Manager (preferred contact in the first instance)</li> <li>• Manager Governance &amp; Risk</li> </ul>
Elections	Information on legislative requirements and their implementation re local government elections	<ul style="list-style-type: none"> <li>• Manager Governance &amp; Risk</li> <li>• Senior Governance Officer</li> </ul>

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Matter	Scope	Authorised officers
Executive support (ancillary)	Alternative points of contact for others authorised to deal with councillors, and to assist with information exchange and coordination of appointments	<ul style="list-style-type: none"> <li>Executive Manager Place Management &amp; Communication</li> <li>Executive Assistant to the General Manager</li> <li>Executive Assistant (within the scope of the portfolio to which they are assigned)</li> </ul>
Executive support (core)	Diary management; reception services; information exchange; logistical support; correspondence management; preparation of reports; secretariat support to nominated advisory and industry committees; citizenship services	<ul style="list-style-type: none"> <li>Executive Assistant to the Mayor and Councillors</li> </ul>
Expenses and facilities management	Queries related to councillor expenditure and facilities provisions; coordination of councillor expenses claims	<ul style="list-style-type: none"> <li>Manager Governance &amp; Risk</li> <li>Governance Officer</li> </ul>
Information and communications technology support	Hardware supply / management, network connectivity, software installation / upgrade and software support	<ul style="list-style-type: none"> <li>Manager IT (or their nominated delegate)</li> </ul>
Media and communications support	Community engagement; media management; communications support	<ul style="list-style-type: none"> <li>Executive Manager Place Management &amp; Communication (or their nominated delegate)</li> <li>Coordinator Communications &amp; Engagement (or their nominated delegate)</li> </ul>
Notices of Motion and Questions on Notice handling and framing	Submissions and information on requirements for submitting Notices of Motion and Questions on Notice	<ul style="list-style-type: none"> <li>General Manager</li> <li>Manager Governance &amp; Risk</li> <li>Governance Officer</li> </ul>
Probity obligations of a routine nature – compliance support	Advice on preparation and processing of documents such as disclosures of interests, conflict of interest declarations and declarations of offers of gifts or benefits	<ul style="list-style-type: none"> <li>Manager Governance &amp; Risk</li> <li>Senior Governance Officer</li> <li>Governance Officer</li> </ul>

## Interaction Between Council Officials Policy

<b>Matter</b>	<b>Scope</b>	<b>Authorised officers</b>
Code of Conduct and Code of Meeting Practice	Advice relating to requirements and practice	<ul style="list-style-type: none"> <li>• Manager Governance &amp; Risk</li> <li>• Senior Governance Officer</li> <li>• Governance Officer</li> </ul>
Professional development and current awareness – logistical support	Appointment of delegates to conferences; provision of information relating to learning and development opportunities.	<ul style="list-style-type: none"> <li>• Manager Governance &amp; Risk</li> <li>• Senior Governance Officer</li> <li>• Governance Officer</li> </ul>
Secretariat support for Council and committee meetings, councillor briefings and councillors workshops	Meeting logistics; queries related to supply of business papers and other records of (or related to) the meetings	<ul style="list-style-type: none"> <li>• Governance Officer</li> <li>• Executive Assistant to the Mayor and Councillors</li> </ul>

## **(Item 41/25) Agency Information Guide - Government Information (Public Access) Act 2009**

File No: 25/26960

Report by Director Corporate Services

### **Summary**

Under Sections 20 and 22 of the *Government Information (Public Access) Act 2009* (GIPAA), Council is required to publish an Agency Information Guide at least once every 12 months. The purpose of the Guide is to provide the community with information concerning Council and how to access information held by Council. The purpose of this report is to seek endorsement of the new *Burwood Council Agency Information Guide*.

### **Operational Plan Objective**

A.105 Ensure all public information is accessible and made available in a timely manner.

### **Background**

All NSW Government agencies, including local government authorities, are required to adhere to the provisions of the GIPAA and the regulations made under that Act. This legislation serves as the foundation for the democratic framework governing the right to information created and collected by government entities in NSW, with a focus on promoting transparency and accountability.

An important element of the right to know is providing citizens with a means to understand key details about the relevant government agency and how it operates. The Agency Information Guide (the Guide) is a cornerstone of this. Mandatory elements of the Guide are that it:

- a) describes the structure and functions of the agency
- b) describes the ways in which the functions (including the decision-making functions) of the agency affect members of the public
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions
- d) identifies the various kinds of government information held by the agency
- e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available
- f) describes the methods used to make government information publicly accessible
- g) identifies the type of information that will be made available free of charge and the type of information access for which a fee may be payable.

The Burwood Council Guide was last revised and adopted in June 2024.

### **Proposal**

During the 2025 review of the Guide, Governance officers considered any recent changes to Burwood Council operations that should be reflected in the Guide, as well as the overall usefulness and accessibility of the Guide for readers and those seeking to access Council-held information.

The content of the revised draft is substantially the same, however, the arrangement and wording of information has been updated to use 'plain English' and remove unnecessary 'legalese'. Some references and hyperlinks to information have been updated to maintain accuracy.

### **Consultation**

A copy of the revised guide has been provided to the Information and Privacy Commission (IPC), as required by section 22 of the GIPAA. The proposed changes to the Guide are not significant and are consistent with the positive feedback previously provided by the IPC.

### **Financial Implications**

There are no new financial implications for the remaking of the Guide. Work to revise the Guide is part of the normal continuous improvement program on the 'right to know' program sponsored by the Governance & Risk business unit of Council.

### **Conclusion**

Council is required to adopt and publish an Agency Information Guide that is to be remade at intervals of not more than 12 months.

### **Recommendation(s)**

1. That Council adopts the revised *Agency Information Guide – Government Information (Public Access) Act 2009* for publication on its website.
2. That the General Manager be authorised to make any minor changes required by the Information and Privacy Commission, prior to publication of the Guide on the website.

### **Attachments**

- 1 [📄](#) Draft 2025 Agency Information Guide



## Agency Information Guide

**Your guide to accessing Council information under the  
Government Information (Public Access) Act 2009**



Public document  
Adopted by Council: Date (Minute No. XX/25)  
Next review: June 2026  
Reference: 25/28975  
Version: 13



## About this Guide

This guide explains how to access information held by Burwood Council and helps you understand:

- How Council is structured and what we do
- How Council decisions affect the community
- Ways you can participate in local government
- What information Council holds and how to access it
- Your rights if we refuse an information

The guide is available on our website at [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au), at our office at 2 Conder Street Burwood, and in alternative formats (large print, accessible PDF) upon request





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## About Burwood Council

Burwood Council was established in 1874 and now serves over 42,200 residents across six suburbs: Burwood, Burwood Heights, Enfield, Strathfield, Croydon and Croydon Park. At 7.13 square kilometres, we're NSW's second smallest local government area.

The area stretches from Parramatta Road in the north (the original journey way for First Nations Peoples) to the Cooks River in the south, which connects to the Parramatta River.

We acknowledge the Wangal Peoples as the traditional custodians of the area and pay our respects to their elders past and present.

### Our elected Council

The elected body of Council comprises seven councillors including a popularly elected mayor, all serving four-year terms.

Councillors are collectively responsible for providing effective civic leadership, focused on agreed strategic directions. Individually, each councillor is obliged to make considered and well-informed decisions and represent the collective interests of residents, ratepayers and the local community. Councillors also facilitate communication between the local community and the governing body and are accountable to the local community for the performance of the Council.

The Mayor is an elected Councillor with the same responsibilities as any other Councillor. The Mayor also presides at the meetings of the Council, exercises urgent policy-making decisions during Council Meetings and carries out the civic and ceremonial functions of the Mayoral office.

### Current Burwood Councillors



Cr John Faker  
Mayor



Cr George Mannah  
Deputy Mayor



Cr Pascale Esber



Cr Sukirti Bhatta



Cr Alex Yang



Cr Deyi Wu-Coshott



Cr David Hull

## How Council is organised

### The General Manager

The General Manager is responsible for executing decisions of the elected Council and is the only Council officer appointed by the Council. The General Manager is responsible for the effective and efficient day-to-day operations of Council.

## Organisational Chart

Burwood Council's operations are lead by five Directors as outlined in the chart below.

## What Council does

The elected members decide on significant policy, planning and strategic issues at meetings of the Council. The General Manger is delegated authority to make less significant decisions or decisions of an operational nature.

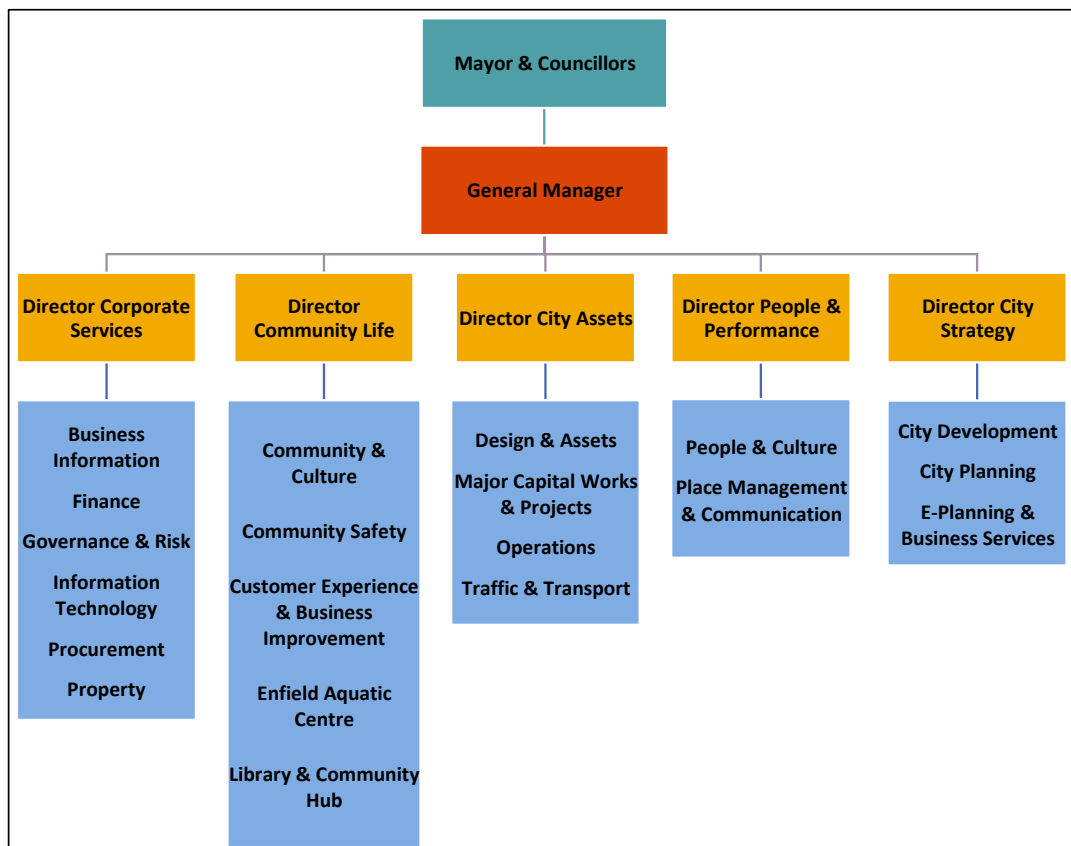
Council provides an important focus and rallying point for the community. It can be the vehicle for harnessing local concerns about specific issues, and for pursuing the community ideas and aspirations.

## Functions under *Local Government Act 1993* and other legislation

The *Local Government Act 1993* is the enabling Act that creates local councils and sets out

their functions. Under that Act, Council has broad responsibilities including:

- **Service functions** – providing services and facilities like roads, waste collection, parks, libraries, and community centres
- **Regulatory functions** – development approvals, building certifications, health inspections, parking enforcement
- **Revenue functions** – setting and collecting rates and charges to fund services
- **Community planning functions** - strategic planning, community development, advocacy
- **Administrative functions** – managing Council operations efficiently
- **Enforcement functions** – ensuring compliance with laws and regulations



### Other legislation we must follow

We also have responsibilities under more than 50 other NSW and Commonwealth Acts, including those outlined in the table below.

A-E	F-Q	R-Z
Biodiversity Conservation Act 2016	Food Act 2003	Recreation Vehicles Act 1983
Biosecurity Act 2015	Government Information (Public Access) Act 2009	Road Transport Act 2013
Boarding Houses Act 2012	Graffiti Control Act 2008	Roads Act 1993
Building Professionals Act 2005	Heritage Act 1977	Rural Fires Act 1997
Children's Guardian Act 2019	Library Act 1939	State Emergency and Rescue Management Act 1989
Civil Liability Act 2002	Local Land Services Act 2013	State Emergency Services Act 1989
Community Land Development Act 1989	Major Events Act 2009	State Records Act 1998
Companion Animals Act 1998	Privacy and Personal Information Protection Act 1998	Swimming Pools Act 1992
Contaminated Land Management Act 1997	Protection of the Environment Operations Act 1997	Unclaimed Money Act 1995
Conveyancing Act 1919	Public Health Act 2010	Valuation of Land Act 1916
Crown Land Management Act 2016	Public Spaces (Unattended Property) Act 2022	Waste Avoidance and Resource Recovery Act 2001
Crown Lands Act 1989	Public Interest Disclosure Act 2022	Work Health and Safety Act 2011
Environmental Planning and Assessment Act 1979		Workplace Injury Management and Workers Compensation Act 1998

### How Council functions affect you

The table below outlines how the broad functions of Council affect the public.

<b>Service Functions</b>	Direct provision of transport infrastructure, waste services, parks, libraries, community centres, and recreation facilities
<b>Regulatory Functions</b>	Restrictions on developments and buildings for safety and amenity; requirements you must comply with
<b>Community Planning Functions</b>	Cultural development, social planning, Community Strategic Plan implementation, grants and support for community organisations
<b>Revenue Functions</b>	Rates and charges you pay fund the services and facilities provided to the community
<b>Enforcement Functions</b>	Only affects those who breach requirements (unpaid rates, unregistered dogs, parking offences)
<b>Administrative Functions</b>	Indirect impact through efficiency and effectiveness of service delivery
<b>Ancillary Functions</b>	Only affects some members of the public (e.g. the resumption of land or the power for Council to enter onto a person's land)



### Integrated Planning and Reporting Framework

Like all NSW councils, we follow the Integrated Planning and Reporting Framework summarised in the diagram above. Our current **Burwood2036** Community Strategic Plan reflects community priorities identified through extensive consultation and guides all our planning and service delivery.

## How you can participate

### Council meetings

Council welcomes anyone who wishes to observe a Council Meeting.

- **When** – Generally 4th Tuesday each month from February to December
- **Time** – 6:00pm (or immediately following the Public Forum commencing at 6:00pm)
- **Where** – 2 Conder Street, Burwood (also available online)
- **Agenda** – Published on our website at least 3 business days before each meeting

### Public forums

You can address councillors about agenda items for that evening's meeting. Register by

2pm on the day of the meeting via our website using the form on the [Public Participation at Council Meetings](#) page.

### Advisory committees

Residents can join committees that provide advice on Council services. The following committees currently operate:

- Burwood Anzac Commemorative Service Committee
- Burwood Local Traffic Committee
- Multicultural Advisory Committee
- National Servicemen's Association Committee
- Sandakan Community Educational Committee
- Sustainability & Environment Advisory Committee

### Community engagement

Burwood Council listens to, learns from, and partners with its community in many ways. Common ways for participating include:

- **Participate Burwood** – our online platform for community input on projects, policies, and planning matters

- **Community satisfaction survey** – conducted every two years to inform Council about community priorities and service delivery
- **Policy exhibitions** – you can view and comment on draft strategies and policies

### Burwood Local Planning Panel (BLPP)

The BLPP is an independent panel of experts and community members that determines certain development applications. Directions from the NSW Minister for Planning and Public Spaces determine which applications must be referred to the BLPP. Council also seeks advice from the BLPP on other planning matters, including planning proposals.

If you wish to address the BLPP about an application they are considering, you can register to speak by 2pm on the day of the meeting at which the matter is being decided. After having heard from all registered speakers, the Panel moves into a closed session to deliberate on and decide each matter.

### Complaints and feedback

We welcome feedback about our services. Contact us by phone, email, or in person using the details at the end of this guide.

## Information held by Burwood Council

### Format of information held by Council

#### Electronic documents

Extensive electronic records include:

- Core business systems for service requests and property information
- Financial and payroll systems
- Development and building records
- Digital content management systems

#### Physical files

Legacy records (mainly pre-digital) are stored securely off-site. This includes historical development, building and construction information.

#### State Records

Records over 20 years old are subject to NSW State Records Access Directions. Visit the [Museums of History NSW](#) for more information.

#### Record classification

Major classifications for organising our records include:

- **Development and Building Controls** – applications, approvals, and related construction works
- **Parks and Reserves** – management, design and construction of public open spaces
- **Traffic and Transport** – planning and managing transport infrastructure and traffic flow

## How to access Council information

Under the *Government Information (Public Access) Act 2009* (GIPA), you have the right to access to certain information held by Council, unless there is an overriding public interest against its disclosure.

### Information already available online (free)

#### Open Access Information

- This Agency Information Guide
- Council meeting agendas and minutes
- Council policies and strategic plans
- Disclosure log of formal access applications
- Register of contracts
- Councillor interest returns
- Delegations and authorisations
- Land register and other statutory registers
- Record of any open access information withheld due to overriding public interest against disclosure

#### Proactively Released Information:

- Development application tracking (via the DA Tracker)

- Community consultation outcomes
- Frequently requested information

Council reviews its proactive release program annually to identify additional information suitable for public release.

### Informal requests (free)

Most information requests can be handled informally at no cost. Check our website first. If you can't find what you need, lodge an informal request through our website [here](#).

### Formal Access Applications (\$30 application fee applies)

A formal application is required when informal processes are not suitable, such as when information:

- is of a sensitive nature
- contains personal, confidential or commercially sensitive information about a third party
- requires consultation with other agencies or individuals
- would take considerable time and resources to assemble
- is complex or relates to development applications made or decided before 1 July 2010.

### How to apply

A formal application:

- must be in writing
- must specify it's made under the GIPA Act
- must provide sufficient detail to identify the information
- must include payment of \$30 application fee.

You can lodge your application using the form on Council's website [here](#).

### Processing fees for Formal Applications

Processing fees apply under section 64(4) of the GIPA Act for time spent searching, assessing and copying records. Your \$30 Application Fee will cover the first hour of

processing. For each hour after that, a processing fee of \$30 will apply.

The total processing costs will be confirmed after the request has been determined and must be paid before the information will be released to the applicant.

A 50% discount for processing fees is available if you:

- hold a concession card, or
- are a full-time student, or
- represent a not-for-profit organization, or
- can show the information is of special benefit to the public.

Note this discount does not apply to the Application Fee, which is set according to legislation and will not be waived.

### Processing times

Processing an access application can consume considerable time and effort. This includes time to search recordkeeping systems, retrieve archived files from off-site storage, conduct any necessary consultation, assess the identified information in accordance with the "public interest test", consider any privacy or copyright requirements, and collate the material for a response to the applicant.

Council aims to meet the following processing times:

- **Formal applications:** 20 working days (may be extended up to 15 days for consultation or archive retrieval)
- **Informal requests:** We aim for 20 working days but often respond much faster

### Deemed refusal

If we don't respond to your formal request within the required timeframes, your request is deemed 'refused'. Council will refund the application fee and you may seek an internal or external review of this refusal (see Your rights of review). This will not apply if an extension of time has been arranged, or payment of an advance deposit is pending.



### Information that is already available

Council is not required to provide access to information under the GIPA Act where it has determined that the information is:

- already publicly available by Council or some other agency in accordance with a legislative instrument other than the GIPA Act, whether or not availability of the information is by inspection only and whether or not availability is subject to a charge, or
- available to you from, or for inspection at, Council or through Council's website free of charge in accordance with the GIPA Act or under Council's policies and practices, or
- contained in a document that is usually available for purchase.

### Refusal to deal with a request

Council can decide not to process all or part of an access application only where:

- processing the request would place an unreasonable and heavy demand on Council staff or systems.
- you have asked for this information before, Council has given its decision, and there's no new reason to expect a different outcome.
- an advance deposit was requested and hasn't been paid.
- the information has already been produced under a subpoena or other court order and can already be obtained that way.

### How we decide what's an "unreasonable and substantial diversion"

In making this decision, Council doesn't have to count any extra time you and we may have agreed upon for deciding the application.

If you (or people working with you) lodge two or more related applications, Council may treat them as a single request when judging the overall workload.

Before refusing to deal with an access application that would require an unreasonable and substantial diversion of Council's resources, Council will "stop the processing clock" and give you a reasonable opportunity to amend or narrow your application.

### What happens if Council refuses deal with an access application

You will receive a written notice explaining the reasons for refusal.

In these circumstances, the original application fee is not refunded.

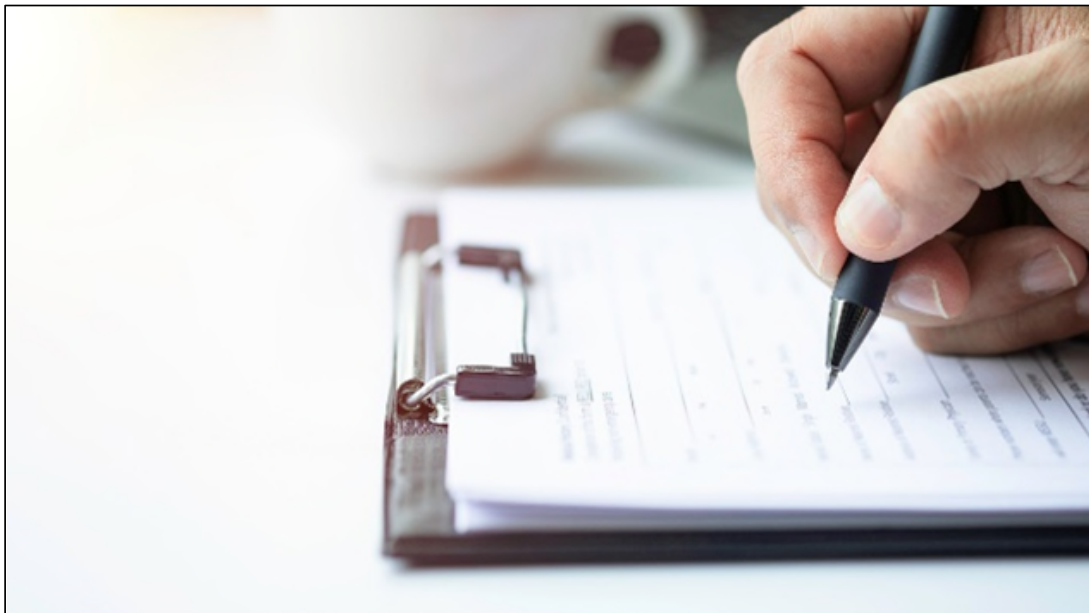
### Copyright

Copyright is the exclusive right to make copies, license and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, or some other format. Works automatically granted such right by law are protected for the lifetime of the author or creator and for a period of 70 years after his or her death.

Under the *Copyright Act 1968*, we cannot provide a copy of third-party documents without the consent of the owner of the document. The GIPA Act does not override copyright compliance requirements.

Copyright frequently applies to third-party content held by us, such as building plans, technical documents and third-party reports. As a result, Council is frequently unable make copies of these documents. In those cases, copyright owner details will be provided, if these can be reasonably ascertained, so that you can seek written permission for a copy to be made. Council can make these documents available for viewing at Council's offices in instances where copyright consent cannot be secured.





### A decision to defer access

Council may defer an application for a short period if the information or document must first meet other publication requirements under law – this may be under the GIPA Act or another statutory instrument. If access is deferred, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access.

A decision to defer access is reviewable (see Your rights of review).

## Your rights of review

Reasons for any refusal will be given. There is no right of review for an Informal Application. However, if we refuse your Formal Access Application, you have three review options.

### 1. Internal Review (\$40 fee)

- Apply within 20 working days of our decision
- The review is conducted by a more senior officer who wasn't involved in the original decision
- To apply for a review use the Internal Review Application form on Council's website [here](#).

### 2. Information and Privacy Commission (IPC) review (free)

If you are not satisfied with the internal review, you can ask for a review by the Information and Privacy Commissioner (IPC).

- Apply within 40 working days of our internal review decision
- Contact: 1800 472 679 or email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

### 3. NSW Civil and Administrative Tribunal (NCAT) review

If you are not satisfied with the decision of the IPC or the internal reviewer, you can apply to the NCAT for a review of the decision.

## Open data

'Open data' is digital information that could be made freely available to anyone to use, rearrange and publish without copyright restrictions. The concept of open data is promoted within the objectives of the GIPA Act.

Open data approaches are another means of information access that promotes open, accountable, fair and transparent government

decisions. Advocating for accessing government data may:

- improve relations between government and citizens
- empower citizens
- create opportunities through better engagements
- assist in solving problems.

Contact us with any suggestions for information suitable for open data release.

For further information on Open Data, visit [www.data.nsw.gov.au](http://www.data.nsw.gov.au)

## Contact information

### General enquiries

**Address:** 2 Conder Street, Burwood NSW 2134

**Phone:** (02) 9911 9911

**Email:** [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)

**Website:** [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

### Access to information enquiries

**Email:** [governance@burwood.nsw.gov.au](mailto:governance@burwood.nsw.gov.au)

### Governance team

- Handle access to information applications and enquiries

### Public Officer – Manager Governance & Risk

- Assists with access to public documents
- Determines internal reviews of formal applications
- Handles record amendment requests

### Information and Privacy Commission

**Address:** Level 15, McKell Building, 2-4

Rawson Place, Haymarket NSW 2000

**Phone:** 1800 472 679

**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

The types / classes of information listed as available in this document is not exhaustive. Many officers of Council routinely deal with advice on access to information as a normal part of their day-to-day service provision.

### FAQs and feedback

A series of FAQs have been provided on Council's website to help you access our information. These address common queries around the process for accessing information, common request types, and more information on the limitations around the release of certain information.

Send suggestions to improve this guide's accessibility, clarity or usefulness to [governance@burwood.nsw.gov.au](mailto:governance@burwood.nsw.gov.au).

## Related Information

- Burwood Council Proactive Release Program
- *Government Information (Public Access) Act 2009*
- *Government Information (Public Access) Regulation 2018*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*

## Appendix: Open access information prescribed under Schedule 1 of the GIPA Regulation 2018 and how to access it

	Type of Open Access Information	How to access
Information About Council	<i>The <b>current version and most recent previous version</b> of the following records:</i>	
	o The model code of Conduct prescribed under Section 440(1) of the Act and Council's adopted Codes of Conduct under section 440(3) of the Act	<a href="#">Website</a>
	o Code of Meeting Practice	<a href="#">Website</a>
	o Annual Financial Report	<a href="#">Website</a>
	o Annual Report	<a href="#">Website</a>
	o Annual Reports of bodies exercising functions delegated by Council	<a href="#">Website</a>
	o Auditors Report	<a href="#">Website</a>
	o Agendas and Business Papers for any meeting of Council or any Committee of Council	<a href="#">Website</a>
	o Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan	<a href="#">Website</a>
	o Department representative reports presented at a meeting of Council	<a href="#">Website</a>
	o EEO Management Plan	<a href="#">Website</a>
	o Minutes of any meeting of Council or any Committee of Council	<a href="#">Website</a>
	o Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors	<a href="#">Website</a>
	<i>Information contained in the following records (<b>historical and current</b>):</i>	
	o Register of current Declarations of Disclosures of Political donations	<a href="#">Website</a>
	o Register of Delegations by the General Manager	<a href="#">Website</a>
	o Register of Delegations from Council to General Manager	<a href="#">Website</a>
	o Register of Graffiti removal works	<a href="#">Informal Request</a>
	o Register of Investments	Included in Council Meeting Agenda each month: <a href="#">Website</a>
	o Register of Voting on Planning Matters	<a href="#">Website</a>
	o Returns of the interests of Councillors, designated persons and delegates	<a href="#">Website</a>

	Type of Open Access Information	How to access
	<i>Information contained in <b>the current version</b> of the following records:</i>	
	o Land register	<a href="#">Website</a>
	o Register of investments	Included in Council Meeting Agenda each month: <a href="#">Website</a>
	o Register of Delegations by the General Manager	<a href="#">Website</a>
	o Register of Delegations from Council to General Manager	<a href="#">Website</a>
	o Register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008	<a href="#">Open Access request</a>
	o Register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA	<a href="#">Website</a>
Plans and Policies	o the register of voting on planning matters kept in accordance with section 375A of the LGA	<a href="#">Website</a>
	<i>Information contained in the <b>current version and the most recent previous</b> version of the following:</i>	
	o Local Policies adopted by Council concerning approvals and orders	<a href="#">Website</a>
	o Plans of Management of Community Land	<a href="#">Website</a>
Information about DA's	o Environmental Planning Instruments, Development Control Plans and Contribution Plans	<a href="#">Website</a>
	<i>Information contained in the following records (<b>historical and current</b>)</i>	
	Development Applications and any associated documents received in relation to a proposed development including:	
	o Acoustic Consultant Reports	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Construction Certificates	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Heritage Consultant Reports	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Home Warranty Insurance documents	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Land Contamination Consultant Reports	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Occupation Certificates	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Records of decisions on Development Applications including decisions on appeals	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Structural certification documents	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Submissions received on Development Applications	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Town Planner Reports	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>
	o Tree Inspections Consultant Reports	<a href="#">DA Tracker</a> or <a href="#">Informal Request</a>

	Type of Open Access Information	How to access
	The above <b><u>does not apply</u></b> to so much of the information referred to above as consists of:	
	<ul style="list-style-type: none"> <li>○ The plans and specifications for any residential part of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected</li> </ul>	<a href="#">Formal Access request</a>
	<ul style="list-style-type: none"> <li>○ Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.</li> </ul>	<a href="#">Formal Access request</a>
	<ul style="list-style-type: none"> <li>○ Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.</li> </ul>	<a href="#">Formal Access request</a>
Approvals, Orders and Other Documents	Information contained in the following records <b><u>(historical and current)</u></b>	
	<ul style="list-style-type: none"> <li>○ Applications for approvals under Part 1 Chapter 7 of the Local Government Act 1993</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Applications for approvals under any other Act and any associated documents received</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Compulsory Acquisition Notices</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Leases and Licenses for use of Public Land classified as Community Land. Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Local Government Act 1993</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under section 136 of the Local Government Act 1993</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Orders given under the Authority of any other Act</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Plans of land proposed to be compulsorily acquired by Council</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals</li> </ul>	<a href="#">Informal Request</a>
	<ul style="list-style-type: none"> <li>○ Records of Building Certificates under the Environmental Planning and Assessment Act 1979</li> </ul>	<a href="#">Informal Request</a>





## **(Item 42/25) Risk Management Policy and Risk Appetite Statement**

File No: 24/11363

Report by Director Corporate Services

### **Summary**

This report proposes the adoption of a Risk Management Policy and Risk Appetite Statement (RAS), following a recent review of Council's Risk Management Framework.

### **Operational Plan Objective**

A.113 Review and implement improvements to Council's Risk Management Framework

### **Background**

Section 216S of the *Local Government (General) Regulation 2021* (the Regulation) requires each council to adopt and implement a system for managing risk. Following legislative changes that took effect in July 2024, Council's must now give consideration to the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* released by the Office of Local Government (the OLG Guidelines) when developing that system.

The OLG Guidelines require each council have a risk management framework that is appropriate for that council and is consistent with the accepted Australian risk management standard. The Guidelines provide a model risk management policy for use by councils and recommends the governing body formally approve the risk appetite levels for the council.

Although Council has had a comprehensive risk management system in place for many years, that system was reviewed in 2024–2025, in light of the OLG Guidelines.

### **Proposal**

The following actions are proposed:

- That a new **Risk Management Policy** be endorsed for public exhibition prior to adoption, confirming Burwood Council's commitment to implementing organisation-wide risk management principles, systems and processes that ensure the consistent, efficient and effective assessment of risk in planning, decision-making and operational processes. The proposed policy is provided at [Attachment 1](#) and is based on the model policy statement in the OLG Guidelines.
- After public exhibition, the final Risk Management Policy will be brought back to Council for adoption. At that time it will be proposed that Council revokes the Burwood Council Corporate Management Risk Policy, which was adopted in 2006 and is considerably out-of-date and that it be replaced by the more contemporary policy proposed in this report.
- That Council approves the **Risk Appetite Statement** that outlines the broad parameters around the amount and type of risk that Burwood Council is willing to take to meet its strategic and operational objectives. The RAS will provide guidance for management and elected representatives on how to approach the management and treatment of risks that are inherent in undertaking Council activities when performing risk assessment or making decisions. The RAS is informed by Council's strategic risks and advice from risk specialists, and is consistent with the approach to risk appetite taken by Council for many years. The proposed RAS is provided at [Attachment 2](#).

There are additional components that contribute to the success of Council's management of risk. While many of those components operate separately, they form part of a broad and integrated



approach to managing risk. Some components are public-facing or more strategic in nature and are therefore adopted or amended by the governing body from time to time. Others are internal-facing and operational in nature and are therefore adopted and maintained by the Executive and responsible managers.

However, to aid in understanding the broad and integrated approach to risk management, those varying components are captured in an overarching Risk Management Framework. That document is provided at [Attachment 3](#) for information. Each component within that Framework is managed and reviewed on a regular basis to ensure it continues to best serve Council's management of risk.

### **Consultation**

The Audit Risk and Improvement Committee has reviewed and provided feedback on the proposed policy and RAS. The ARIC has also reviewed and endorsed Council's overarching approach to risk management as captured in the Risk Management Framework.

It is proposed the Risk Management Policy be publicly exhibited for 28 days to seek feedback from the community, as is the standard practice with most public-facing policies.

### **Planning or Policy Implications**

The proposals are consistent with the Regulation and the OLG Guidelines and will ultimately replace outdated policies that are less relevant to modern risk management requirements.

### **Financial Implications**

No Financial implications.

### **Conclusion**

Council has in place a robust system for the management of risk that is generally consistent with the OLG Guidelines. The proposed policy and formal adoption of the RAS ensures ongoing policy consistency and provides a clear statement to the public on Council's commitment to managing the risks that are inherent in delivering services to the community.

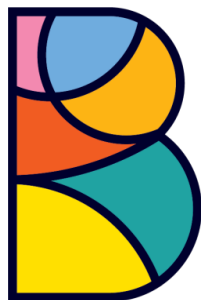
### **Recommendation(s)**

That Council:

1. endorses for public exhibition for a period of 28 days the draft Risk Management Policy at [Attachment 1](#) to this report
2. requires the General Manager to report back to Council on the outcome of the public exhibition and table the draft policy for formal adoption by Council
3. approves the Risk Appetite Statement at [Attachment 2](#) to this report
4. notes the broad integrated approach to risk management taken by Council, as outlined in the Risk Management Framework at [Attachment 3](#) to this report.

### **Attachments**

1. [Draft Risk Management Policy](#)
2. [Draft Risk Appetite Statement](#)
3. [Risk Management Framework](#)



**Burwood**<sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

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## **RISK MANAGEMENT POLICY**

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PO Box 240, BURWOOD NSW 1805  
2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Public Document  
Adopted by Council: <Date>  
Ref. No.: 24/49371  
Version No.: 1  
Ownership: Governance & Risk

**Purpose**

This policy outlines Burwood Council's commitment to applying risk management principles, systems, and processes across the organisation. It ensures that risks are consistently and effectively assessed in all planning, decision-making, and operations.

**Risk management framework**

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Burwood Council provides essential services and infrastructure to residents, ratepayers, and visitors, while also managing agreements and obligations with government and non-government entities. To effectively deliver these services and meet its strategic objectives, the Council must identify, mitigate, and manage both internal and external risks. This ensures the best outcomes for the community and the efficient use of resources.

In line with AS ISO 31000:2018, Burwood Council has developed a risk management framework to identify, assess, and address risks, ensuring appropriate controls are in place. The Council is committed to integrating risk management into all decision-making, operations, and services, in compliance with statutory requirements.

**Responsibilities**

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Burwood Council aims to build a strong risk management culture, where managing risks is part of daily activities, decision-making, and good governance. Every staff member is responsible for following the Council's risk management policy and framework.

Staff responsibilities include:

- understanding risk management principles
- following all risk-related policies and procedures
- reporting risks within their area
- performing assigned risk management tasks.

For senior staff and management, additional responsibilities include:

- ensuring their teams manage risks and take protective actions
- promoting openness in reporting risks
- ensuring staff are capable of managing risks
- reporting risk status to the General Manager
- suggesting improvements to risk management practices.

The Council's risk management function supports staff in these tasks.

To ensure effective risk management and compliance, Burwood Council's Audit, Risk and Improvement Committee and the Internal Audit Function review:

- risk management processes and procedures
- risk management strategies for major projects or undertakings
- control environment and insurance arrangements
- business continuity planning arrangements,
- fraud control plan, and
- other plans and strategies that are identified in the Risk Management Framework.

**Monitoring and Review**

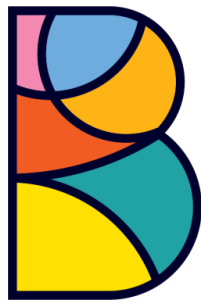
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Burwood Council's is committed to continually improving its risk management practices. The Council will review this policy and its risk management framework at least once a year to ensure they comply with the *Local Government Act 1993*, the *Local Government (General) Regulation 2021*, and the AS ISO 31000:2018 Risk Management – Guidelines.

**Contact**

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Manager Governance & Risk, Ph 02 9911 9908



**Burwood** Inc.1874

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

## **RISK APPETITE STATEMENT**

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PO Box 240, BURWOOD NSW 1805  
2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Corporate Document  
Adopted by Council : <Date>  
Ref. No.: 25/26284  
Version No.: 1  
Ownership: Governance & Risk

## Purpose

This statement sets the level of risk Council is prepared to accept while pursuing the goals in its Community Strategic Plan and Delivery Program. It helps Councillors, staff and management to make consistent, informed decisions and directs risks outside these limits to Executive Management or Council.

## Context

In delivering its services, Burwood Council will encounter a range of risks. As a local government authority, Burwood Council has an obligation to its stakeholders to have a robust risk management framework in place to manage risks proactively. This includes establishing risk criteria to establish how much risk Council is prepared to take to achieve its objectives and what is and is not tolerable. This Risk Appetite Statement helps establish the risk criteria to support Council.

## Principles

- Innovate with guard-rails – encourage bold ideas while upholding legal, ethical and safety obligations.
- Customer first – judge risks by their effect on customer experience and community value.
- Escalate by exception – raise activities outside appetite to the General Manager and, when material, to Council.
- Measure what matters – link key risk indicators to service quality and community satisfaction.
- Review dynamically – revisit risk appetite as necessary.

## Risk Appetite Statement (Summary)

Council has defined its risk appetite and tolerances for the 7 risk consequence categories described in the Risk Management Framework. Whenever undertaking a risk assessment, please refer to the Risk Appetite Statement to ensure residual risks are managed down to the desired level. Any risk that remains above risk appetite should be referred to Executive Management.

## How to read our risk appetite scale

Level	What it means	Decision guide
Low	Avoid wherever possible.	Only proceed if fully controlled and required by law.
Medium	Accept limited, well-managed risk.	Benefits must outweigh costs; controls in place.
High	Prepared to take bigger, planned risks.	Innovation encouraged; extra monitoring required.
Extreme	Only in exceptional, game-changing cases.	Needs clear community payoff and Council approval.

## Risk Appetite Statement (Detailed)

For use by Councillors, Executives, Managers and Risk Owners. The parameters of risk tolerance are not exhaustive and aim to guide management when making important decisions.

Risk area	Appetite	Not tolerated	Acceptable
People & WHS	Low	Practices that could cause serious injury or fatality; bullying or misconduct.	Minor, unforeseeable incidents managed promptly.
Legal & Regulatory	Low	Deliberate or repeated breaches of law, policy or approvals.	One-off technical breaches corrected quickly.

**Draft Risk Appetite Statement**Risk Appetite Statement

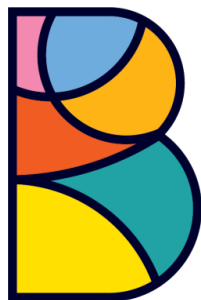
<b>Risk area</b>	<b>Appetite</b>	<b>Not tolerated</b>	<b>Acceptable</b>
Financial sustainability	Medium	Fraud, corruption, material misstatement or decisions threatening solvency.	Cost variations with justification and appropriate approvals.
Reputation & Stakeholder confidence	Medium	Behaviour breaching Code of Conduct or actions eroding sustained community trust.	Short-term criticism arising from transparent, difficult decisions.
Service delivery & Customer experience	High	Critical service outages > 1 day.	Trials, betas and A/B tests with < 4 hours non-critical downtime and proactive communications.
Technology & Data (incl. Cyber)	High	Loss of personal data or major breach; untested tech without security review.	Proof-of-concepts, AI chat-bots, IoT pilots within Corporate Practice frameworks and with privacy assessments and fallback plans.
Environment	Medium	Actions causing irreversible harm or breaching statutory approvals.	Bold sustainability projects that meet legal obligations; temporary impacts remediated quickly.

**Keeping it on track**

- Escalation – risks above appetite require General Manager sign-off; Extreme-level proposals need a Council decision.
- Regular refresh – Governance & Risk reviews this statement every four years or sooner if circumstances change.

**Contact**

Manager Governance & Risk, Ph 9911 9908



**Burwood**<sup>Inc.1874</sup>

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

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## RISK MANAGEMENT FRAMEWORK

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PO Box 240, BURWOOD NSW 1805  
2 Conder Street, BURWOOD NSW 2134  
Phone: 9911-9911 Fax: 9911-9900  
Email: [council@burwood.nsw.gov.au](mailto:council@burwood.nsw.gov.au)  
Website: [www.burwood.nsw.gov.au](http://www.burwood.nsw.gov.au)

Corporate Document  
Approved by the Executive: <Date>  
Ref. No.: 24/47541  
Version No.: 1  
Ownership: Governance & Risk



### 1. Purpose

The purpose of Burwood Council's Risk Management Framework is to provide an overview of Council's approach to risk and the components that contribute to sound risk management within the organisation.

### 2. Scope

Council aims to create a positive risk management culture where risk management is integrated into everyday activities and management of risks is an integral part of governance, good management practice and decision making at Council. This Framework applies to all areas of Burwood Council. It is the responsibility of every council officer and their business unit to observe and implement Council's risk management framework.

### 3. Risk Management Framework Components

The Framework has been prepared to meet the requirements of the *Risk Management and Internal Audit for local Government in NSW Guidelines* issued by the Office of Local Government and is consistent with *AS ISO 31000:2018 Risk Management – Guidelines*. The Framework components are identified in the following diagram and as outlined below.



**Risk Management Policy**

This high-level document establishes Burwood Council's commitment to implementing organisation-wide risk management principles, systems and processes that ensure the consistent, efficient and effective assessment of risk in planning, decision-making and operational processes.

**Risk Management Procedures**

These detailed procedures outline the specific steps, tools, and processes used to identify, assess, treat, and monitor risks throughout the organisation. They provide practical guidance on how to implement the risk management policy, including risk assessment matrices, treatment plans, and reporting requirements.

**Risk Appetite Statement**

The Risk Appetite Statement establishes broad parameters around the amount and type of risk that Burwood Council is willing to take to meet its strategic and operational objectives. It provides guidance for management and elected representatives on how to approach the management and treatment of risks that are inherent in undertaking Council activities when performing risk assessment or making decisions.

**Strategic Risks Register**

This Register identifies and tracks high-level risks that could impact the achievement of Burwood Council's objectives and strategies. It includes risks arising from internal and external factors that may significantly impact the financial, reputational or operational capability of the organisation and its ability to deliver for the community.

**Operational Risks Register**

This Register documents risks encountered in day-to-day operations, including process inefficiencies, system failures, and human errors. It tracks risk controls, treatments, and ownership at the operational level, focusing on risks that could impact business processes and service delivery for those business units.

**Business Continuity Plans**

These plans detail how Burwood Council will respond to and recover from major disruptions to maintain critical functions and services. They include specific response procedures, key contact information, and recovery time objectives for different scenarios, ensuring Council can continue operating during adverse events. An overarching BCP policy document is supported by separate plans for the business functions operating out of the Conder Street, Operations Centre and Enfield Aquatic Centre premises.

**Fraud and Corruption Prevention Policy**

This policy outlines Burwood Council's approach to preventing, detecting, and responding to fraudulent or corrupt conduct. It establishes controls, reporting mechanisms, and investigation procedures, while also defining roles and responsibilities for fraud prevention. It is supported by a Fraud and Corruption Action Plan that outlines Council's intended actions for continuous improvement in fraud and corruption prevention.

**Legislative Compliance Framework**

This framework provides a risk-based approach to identifying key legislative compliance requirements that are either administered by Council or with which Council must comply. The framework includes a process of monitoring the actions taken to support compliance and ensuring any residual risk is consistent with accepted risk tolerances.

**Cyber Security Framework**

This framework addresses the increasing risks associated with cyber threats and ensures the protection of sensitive data, critical systems, and community trust. The framework aligns with industry best practices, including the Australian Cyber Security Centre's (ACSC) Essential Eight

**Work Health and Safety Management System**

This comprehensive system provides the framework for managing workplace safety risks and ensuring compliance with WHS legislation. It includes risk assessments, safe work procedures, incident reporting processes, and training requirements to protect worker health and safety.

**Internal Audit Function**

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve Council's operations. The program utilises a 4-year rolling plan of internal audits that are determined based on Council's risk profile. Oversighted by the Audit, Risk and Improvement Committee, it brings a systematic, disciplined approach to evaluating the effectiveness of risk management, control and governance processes, and identifies areas for improvement.

**Annual Attestation**

This formal annual process requires the General Manager to certify Council's compliance with the *Risk Management and Internal Audit for local Government in NSW Guidelines* issued by the Office of Local Government. The attestation is published in the Annual Report and operates to ensure that Council takes independent assurance and risk management seriously and is accountable to the community for how it has implemented these requirements.

**4. Roles and Responsibilities**

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AS/NZS ISO 31000:2018 requires that clear roles and responsibilities are established and acknowledged. Burwood Council's risk management roles and responsibilities are detailed in this section.

**Governing body**

The elected councillors set the 'tone from the top' by:

- committing to a sound risk management approach by endorsing the Risk Management Policy
- endorsing Council's Risk Appetite Statement in accordance with the *Risk Management and Internal Audit for local Government in NSW Guidelines*
- appropriately considering risk when making decisions on matters that come before the governing body.

**The General Manager**

Responsible for implementation of the Risk Management Framework by:

- approving this Framework and related practices and strategies
- briefing Councillors
- allocating sufficient funding for risk management implementation
- regularly communicating commitment and progress to all staff and relevant stakeholders reporting known potential risks, emerging risks or major incidents to Council (or a representative committee of Council) in a timely manner
- determining acceptable levels of residual risk
- ensuring risk management activities are aligned to Council strategy and objectives
- commencing with the 2024-2025 annual report, publish an attestation statement each year in Council's annual reports indicating whether, during the preceding financial year, the councils' Audit, Risk and Improvement Committee, the Risk Management Framework and internal audit function complied with Office of Local Government guidelines.

**Directors**

These risk owners are responsible for:

- establishing the process for managing risk throughout their directorates
- participating with the Executive Team to develop Council's strategic risks profile
- contributing to the determination of acceptable levels of residual risk
- delivery of allocated risk management outputs and outcomes.

**Managers**

These risk owners are responsible for:

- establishing the process for managing risk throughout their units respectively
- identifying operational risks and maintaining operational risk registers
- delivery of allocated risk management outputs and outcomes.

**Manager Governance and Risk**

Responsible for:

- overseeing the risk management function on behalf of the General Manager
- acting as a key communication link between the Coordinator Enterprise Risk and Council's Executive on risk management issues
- ensuring appropriate resources are allocated for the risk management function within Council's approved budget.

**Coordinator Enterprise Risk**

Responsible for:

- ensuring the risk management framework remains relevant and appropriate for Council
- making recommendations on all aspects of the risk management framework to the Executive, managers and risk owners
- providing advice and support to all staff on risk management matters
- providing or coordinating the delivery of appropriate and relevant training to staff to promote a positive risk, compliance and control culture
- periodically reviewing key risk management related documents including risk register, risk profiles, policies plans, procedure and authorities
- periodically reporting the status of key risks and risk treatment plans to the Executive.

**All Employees**

Responsible for:

- being familiar with, and understanding, the principles of risk management
- complying with all policies, procedures and practices relating to risk management
- considering Council's Risk Appetite Statement when assessing risks and undertaking the functions of their role
- alerting management to risks that exist within their area
- performing any risk management activities assigned to them as part of their role.

**Internal Audit Function**

Council's internal audit function is responsible for reviewing and providing advice to the Audit, Risk and Improvement Committee and the General Manager, on the effectiveness of the Risk Management Framework. Details of this function are set out in the Internal Audit Charter.

**Audit, Risk and Improvement Committee**

The Audit, Risk and Improvement Committee supports the General Manager and the governing body to ensure the Risk Management Framework is fit for purpose and operationally effective. Details of the nature of this support is set out in the ARIC Charter.

**Review**

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This overarching Framework will be reviewed at least once every four years to ensure continuous improvement in line with best practice.

**Contact**

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Manager Governance & Risk, Phone 02 9911 9908

## **(Item 43/25) Mayoral Civic Recognition, Condolences and Small Donations - Period Ending 30 June 2025**

File No: 25/27485

Report by Director People & Performance

### **Summary**

The Civic Recognition, Condolences and Small Donations Policy was reviewed by Council and adopted on 28 June 2022. As part of the Policy requirements, a list of donations and gifts made is to be reported to Council. The attached table details all the Discretionary Grants and Gifts for the period 1 July 2024 to 30 June 2025.

### **Operational Plan Objective**

- C.10 A well informed community active in civic life, local planning and decision making.  
C.11.1 Conduct Council business with transparency, accountability, compliance and probity that ensures community confidence in decision making.

### **Background**

The Mayor is allocated an annual budget of \$15,000 to extend civic leadership by supporting, through the allocation of small donations on behalf of Council, organisations or individuals for one or more of the following purposes:

1. Personal development and achievements of individual community members representing NSW or higher in their chosen fields, including sporting, academic, cultural and artistic endeavours who require financial assistance to attend events or activities or compete in their chosen field
2. Relief and other emergency organisations
3. Charitable organisations (registered) that provide benefits to the Burwood Local Government Area
4. Locally based groups and organisations located in the Burwood Local Government Area that have not applied under the Community Grants Program and are established as not-for-profit, community based groups, which includes P and C associations
5. Mayor's discretion for requests of a humanitarian nature.
6. When invited to an event that occurs for charity purposes, to make a donation, whether it be a gift hamper or monetary donation

Financial assistance for all categories is capped at \$1,000.

A budget allocation of \$2,500 is available per financial year for gifts for condolences, milestones and civic recognition, with all gifts capped at \$150, unless approved at an open meeting of Council.

### **Financial Implications**

Within the approved budget allocation

### **Recommendation(s)**

That Council receive and note this report.

### **Attachments**

- 1 [Mayoral Discretionary Grants - Small Donations and Gifts - 2024 - 2025](#)



# Item Number 43/25 - Attachment 1

## Mayoral Discretionary Grants - Small Donations and Gifts - 2024 - 2025

Discretionary Grants - Small Donations Policy 2024-2025										
Date	Name/Organisation	Purpose	Criteria 1 - Individual Residing Burwood	Criteria 2 - Relief and other Emergency Organisations - natural disasters	Criteria 3 - Charitable Organisations (Registered) - Provide benefits to Burwood	Criteria 4 - Groups and Organisations - Located in the Burwood and Provide Services to Burwood	Criteria 5 - Mayoral Discretion - Humanitarian Nature	Criteria 6 - Mayoral Discretion - Charity Event	Amount Donated \$	Budget Allocation \$
31/10/2024	Burwood Girls High School P&C Association	Donation to help towards future activities for the P&C Committee				\$ 400.00			\$ 400.00	\$ 400.00
31-Oct-24	Croydon Parish Church	Donation to help the Holy Innocents Church with their centennial celebration				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
7-Nov-24	Nicole Toubia	Donation to the Burwood Narcotics Anonymous Meeting Group to help with the bond for room hire for thie weekly meetings				\$ 300.00			\$ 300.00	\$300.00
20-Nov-24	Burwood RSL Auxiliary	Donation to the Burwood RSL Subbranch Auxiliary ladies to help with their annual luncheon				\$ 300.00			\$ 300.00	\$ 300.00
5-Dec-24	Ray White Zoom Group	Donation to the WAGEC Christmas Charity Event - School bag donation				\$ 145.01			\$145.01	\$ 145.01
12-Mar-25	Days for Girls Australia	Donation to Days for girls to help with purchasing of materials needed				\$ 500.00			\$500.00	\$ 500.00
24-Mar-25	Maronite Eparchy of Australia	Donation to Maronite Catholic Diocese to help with local event for the Feast of the Annunciation				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
1-Apr-25	St Josephs Maronite Catholic Church	Donation to St Josephs Maronite Catholic Church to help with preparation for Passion Week and Easter Celebrations				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
1-Apr-25	Inner West Neighbour Aid	Donation to Inner West Neighbour Aid to help support buying materials and catering for their programs that they run for the elderly within the Burwood LGA				\$ 500.00			\$ 500.00	\$ 500.00
22-Apr-25	The Salvation Army - Burwood	Donation to help towards Combined Churches Community Easter BBQ			\$ 1,000.00				\$ 1,000.00	\$ 1,000.00
22-Apr-25	Baptist Community Church Burwood	Donation to help with conducting 2 parenting seminars for families in the LGA				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
23-Apr-25	Women and Girls Emergency Centre	Donation to support the Walk for WAGEC event for 2025				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
7-May-25	Sydney Chinese Drum Art Troupe Inc	Donation to Sydney Chinese Drum Art Troupe Inc to help with costs associated with running their group which performs free at many community events				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
7-May-25	Community Action for Better Living Inc	Donation to help with the purchase of sensory resources for programs run within our LGA for neurodivergent children and young people			\$ 750.00				\$ 750.00	\$ 750.00
7-May-25	Xiao Liao	Donation to Inspiration of the Dance Group to help with funding to cover teacher fees and room hire for their dance classes for 60-70 year olds from the LGA				\$ 500.00			\$ 500.00	\$ 500.00
8-May-25	Asian Women at Work	Donation to help with the costs of running their gorup who perform at various community events within the Burwood LGA				\$ 1,000.00			\$ 1,000.00	\$ 1,000.00
9-May-25	Anglican Parish of Enfield and Strathfield	Donation to St Thomas Enfield to help with the upkeep of historic graves on site				\$ 750.00			\$ 750.00	\$ 750.00
23-May-25	Vinnies CEP Sleepout	Donation to Paul Nicolau who is participating in the Vinnies 2025 CEO Sleepout event					\$ 525.00		\$ 525.00	\$ 750.00
23-May-25	PLC	Donation to PLC to help with their Vietnam Trivia Night to raise funds for the BaVi Orphange Centre in Vietnam					\$ 500.00		\$ 500.00	\$ 750.00
3-Jun-25	Rotary Club of Burwood	Donation to Rotary Burwood to help with ongoing programs				\$ 200.00			\$ 200.00	\$ 200.00
25-Jun-25	OLM Charity	Donation to St Charbel Monstary which is doing a trail track to support local youth within our LGA					\$ 1,000.00		\$ 1,000.00	\$ 1,000.00
30-Jun-25	Dae Hahn Culture School	Donation to Dae Hahn Culture School to help with programs run for the local Korean Community				\$ 500.00			\$ 500.00	\$ 500.00
								<b>Total Donated</b>	<b>\$ 13,170.01</b>	
								<b>Total Budget Remaining</b>		\$ 1,829.99



Item Number 43/25 - Attachment 1

**Mayoral Discretionary Grants - Small Donations and Gifts - 2024 - 2025**

[illegible]

## (Item 44/25) Burwood Design Review Panel Membership Review

File No: 25/29051

Report by Director City Strategy

### Summary

The Burwood Design Review Panel (BDRP) has now been in operation for three years, with the current panel membership due for renewal and existing member contracts scheduled to expire in August 2025. This report seeks Council's endorsement to continue the operations of the BDRP and to invite fresh Expressions of Interest (EOIs) to establish a new rotation of panel members, through either the reappointment of existing members or the appointment of new members. To allow sufficient time to undertake the EOI process and ensure continuity of panel operations, it is proposed that the current member contracts be extended by six months.

### Operational Plan Objective

- A.32 Ensure that design excellence is assessed as part of the development application process
- C.3 An urban environment that maintains and enhances our sense of identity and place.
- C.3.1 Facilitate well designed, high quality and sustainable land use and development that is appropriately scaled to complement its surroundings.
- C3.2 Protect our unique built heritage and maintain or enhance local character.
- C.4 Sustainable, integrated transport, infrastructure and networks support population growth and improve liveability and productivity.
- C.4.2 Plan for a city that is safe, accessible and easy to get to and move around in.
- A.98 Undertake comprehensive community engagement programs to seek community input on Council projects, operations, initiatives and major decisions.

### Background

Burwood Council is committed to embedding design excellence in all built environment projects to create well-designed, functional, attractive, active, sustainable and inclusive places.

Established by Council resolution in April 2022, the Burwood Design Review Panel (BDRP) operates under Council's adopted Terms of Reference (Attachment 1). The BDRP provides architectural, urban and landscape design advice on pre-DAs, planning proposals and development applications. It operates on a fee-for-service basis for large or visually prominent projects. Early engagement is encouraged to minimise redesign, costs and delays.

While advisory and without statutory authority, the panel's input is integral to the planning process. It supports Council's Strategic Planning and Assessment teams and the Regional and Local Planning Panels to promote design excellence and improve the quality of buildings and public spaces.

Since its establishment, the BDRP has strengthened the focus on high-quality design across Burwood, especially as future development will involve complex, medium- to high-rise projects near the Town Centre. Consistent design quality will enhance residential amenity and the sense of place in renewal areas. The BDRP remains essential to supporting growth and maintaining the Town Centre's strategic role.

The panel comprises industry professionals with expertise in architecture, urban and landscape design. The full membership is as follows:

Name	Area of Expertise	Position
Paul Walter	Architect & Urban Designer	Chair

Name	Area of Expertise	Position
Karla Castellanos	Urban Designer & Architect	Alternate Chair
Vishal Lakhia	Architect	Alternate Chair
Stephen Pearse	Architect	Panel Member
Jill Woodley	Architect	Panel Member
Jon Johannsen	Architect & Urban Designer	Panel Member
Josh Zoeller	Architect & Urban Designer	Panel Member
Matthew Taylor	Landscape Architect	Panel Member
Greg Dyson	Landscape Architect & Urban Designer	Panel Member

### **Proposal**

This report seeks Council's endorsement to:

- Endorse the continuation of the Burwood Design Review Panel until December 2028.
- Update the Panel's Terms of Reference (Attachment 2) to reflect current operations, legislative changes, referral triggers and key urban design considerations.
- Extend the contracts of current Panel members by six months beyond their scheduled conclusion in August 2025.
- Approve commencement of an Expression of Interest (EOI) process for new Panel memberships.

### **Panel Selection Process**

An EOI process will be undertaken to create a pool of candidates for shortlisting. The EOI will be publicly advertised and promoted through networks including the Planning Institute Australia, Australian Institute of Architects and Australian Institute of Landscape Architects.

At least five BDRP members will be identified, each with contemporary experience in major metropolitan developments and prior involvement in design review processes. Extensive experience and qualifications will be required in one or more of the following fields: Urban Design, Architecture, Landscape Architecture and Urban Planning.

A selection panel of at least three Burwood Council officers, overseen by the Director City Strategy, will assess candidates. A further report will be presented to Council to confirm the BDRP appointments.

### **Consultation**

Following Council resolution, the current BDRP members will be formally advised of the proposal to extend their current contracts by six months, and their ability to formally apply through the EOI process seeking a new rotation of panel members.

### **Planning or Policy Implications**

The BDRP operates under Council's adopted Terms of Reference (Attachment 1). The functions of the BDRP, as outlined in the Terms of Reference, focus on achieving high design standards for new development, consistent with the Burwood LEP, DCP and relevant NSW Government planning policies. It is proposed to update these Terms (Attachment 2) to reflect current operations, legislative changes, referral triggers and key urban design considerations. The core elements of the Terms of Reference will remain unchanged.

A key change to the Terms of Reference relates to the triggers for proposals requiring panel review. The proposed updates reflect current operations, legislation, and the aim of achieving the best design outcomes for the city. The updated referral triggers include:

- New developments within the Local Government Area that are greater than three storeys (i.e. four or more), including residential accommodation, tourist and visitor accommodation, and commercial or industrial developments.
- Any development subject to Clause 6.5 Design Excellence of the Burwood Local Environmental Plan.
- New developments containing ten or more units of residential accommodation, bedrooms, or of comparable scale.
- Any development or planning proposal deemed by the Director City Strategy, Manager City Planning, or Manager City Development to have the potential to significantly impact the amenity of the locality or region.
- At the request of the Director City Strategy or Manager City Planning, carrying out a review of Local Environmental Plan or Development Control Plan controls as they relate to the achievement of design quality or design excellence.
- At the request of the Director City Strategy or Manager City Planning, carrying out a review of any masterplan or planning proposal as it relates to the achievement of design quality or design excellence.
- At the request of the Director City Strategy or Manager City Planning, providing advice and commentary to promote and improve design quality outcomes across the Burwood Local Government Area.

### **Financial Implications**

#### **Panel Member Remuneration**

Consistent with previous appointments and the nature of work undertaken, it is recommended that remuneration be consistent with the Ministerial Direction for Panel Members for Local Planning Panels. Proposed remuneration:

- The Chair will receive a day rate of \$2,000 plus GST.
- Ordinary BDRP members will receive a day rate of \$1,500 plus GST.
- The appearance fee will cover all work related to a BDRP meeting, including preparation, site visits, the meeting itself, and any review of minutes once the meeting is closed.
- Any additional meeting activities will be remunerated at an hourly rate of \$285 for the Chair and \$214 for ordinary members. This applies to specific additional tasks requested by the Director City Strategy, such as appearance at the Sydney Central City Planning Panel.

#### **Operations**

The BDRP operates on an as-required, fee-for-service basis. Under the current Burwood Fees and Charges Schedule, applicants submitting proposals for BDRP consideration pay a \$4,000 fee, with a 50% discount applied to any application requiring reconsideration. This fee is in addition to planning proposal or development application fees.

Given the fees applicable in contrast to the panel member remuneration and operations of the BDRP, there are no financial implications or additional community costs associated with the continued operation of the panel. Operational income and expenses are already included in Council's operational budget.

### **Conclusion**

The Burwood LGA as a strategic centre and is continuing to grow. To ensure the built environment outcomes meet the highest standards of building and design quality, liveability, and sustainability, it is recommended Council continue to be supported by a BDRP that is experienced, engaged, and equipped to meet the growing and complex demands of future development.

The call for a new rotation of BDRP members presents an opportunity for Council to cast a wider net and attract a diverse calibre of design professionals who can bring innovative and exceptional design thinking to take Burwood into the future. Delivering higher benchmarks for design excellence would also attract higher quality development specialists to the LGA.

***Recommendation(s)***

That Council:

1. Endorse the continuation of the Burwood Design Review Panel until December 2028.
2. Approve an update the Burwood Design Review Panel Terms of Reference as detailed in Attachment 2.
3. Authorise the General Manager to extend the contracts of current members of the Burwood Design Review Panel by six months from their scheduled termination in August 2025, to facilitate the review of EOI submissions and recommendations for a new rotation of panel members.
4. Authorise the General Manager to undertake an Expression of Interest (EOI) process for new memberships to the Burwood Design Review Panel.
5. Require the General Manager to provide a report to Council before December 2025 detailing the outcomes of the EOI process and recommending appointments to the new rotation of Burwood Design Review Panel members.

**Attachments**

- 1 [↓](#) Current Adopted BDRP Terms of Reference - July 2022
- 2 [↓](#) Draft Updates to BDRP Terms of Reference - July 2025



## **BURWOOD DESIGN REVIEW PANEL TERMS OF REFERENCE**

<b>Purpose</b>	<p>This Burwood Design Review Panel (BDRP) has been established to examine, evaluate and comment on the design aspects of development applications referred to the BDRP. This is taking into account the Design Excellence Clause contained in section 6.5 of the Burwood Local Environmental Plan.</p> <p>This is to ensure that an independent design review is completed and that a high quality design outcomes would be achieved by new development within the Burwood LGA; Recognising the growth and expansion of Burwood and status of the Burwood Town Centre as a strategic centre.</p>
<b>Function of BDRP</b>	<p>The BDRP will provide independent, expert and impartial advice on design quality matters in relation to development and pre-development applications.</p> <p>The role of the panel is advisory only. It has no delegated authority or power under any other function to determine any development application.</p> <p>However, recommendations or comments provided in response to the development application presented to the BDRP will be used to inform the assessment process.</p> <p>It is expected that the function of the Panel will include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(a) Robust examination, evaluation and critique of the design aspects of a development proposal with respect to the achievement of a high degree of design quality and propose areas that can be improved by the applicant.</li> <li>(b) Evaluate the achievement for application subject to the Design Excellence provisions contained in the Burwood LEP, as relevant to the proposal.</li> <li>(c) Consideration of the strategic Burwood Council Planning documents, including the LEP and DCP, as well as SEPP 65 and Apartment Design Guidelines and other policies relevant to the consideration of the application.</li> <li>(d) Through the critical assessment of the development application provide proactive feedback to the applicant on focus areas or design changes required in order to better achieve the objectives of the relevant planning controls and more specifically achievement of design excellence or design quality;</li> <li>(e) Collaboratively engage with the applicant via any pre-DA meetings that might be requested prior to the formal lodgement of a development application.</li> </ul>



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	<p>(f) Provisions, clear, concise and coordinated advice to applicant both verbally at the meeting and formally via meeting minutes.</p> <p>(g) At the request of the Director City Strategy, carry out a review of LEP or DCP controls as they relate to the achievement of design quality or design excellence.</p> <p>(h) At the request of the Director City Strategy, provide advice and commentary that might promote improve design quality outcomes across the Burwood LGA.</p>
<b>Referral Triggers</b>	<p>The scope of the BDRP is to provide expert and independent advice on the following developments:</p> <ul style="list-style-type: none"> <li>• New developments within the B2 or B4 Zone over three (3) storeys which are subject to clause 6.5 Design Excellence of the Burwood LEP;</li> <li>• All residential flat buildings or boarding houses 4 storeys or greater not located within a business zone;</li> <li>• New developments containing ten (10) or more units of residential accommodation, bedrooms or comparable scale of development; or</li> <li>• Any development or planning proposal deemed by the Director City Strategy to represent potential to significantly impact on the amenity of the locality or region.</li> </ul>
<b>BDRP Membership</b>	<p>The BDRP will be conducted with a quorum of three members.</p> <p>A pool of at least five panel members will be established with contemporary experience with major development within a metropolitan, high growth urban setting. Extensive experience and qualification in at least one of the following fields will be required:</p> <ul style="list-style-type: none"> <li>• Urban Design</li> <li>• Architecture</li> <li>• Landscape Architecture; and</li> <li>• Urban Planning</li> </ul> <p>Panel selection will be via a publically advertised EOI process. The panel will be selected on the basis of being professionals highly regarded in their field and have contemporary experience with comparable design review processes for major projects of a similar scale or standing.</p>
<b>BDRP Tenure</b>	<p>The panel will be convened for a period of not more than three years, at which time the panel will be reviewed.</p> <p>If a vacancy occurs in the membership of the panel, the General Manager may appoint an additional person to fill the vacant position to ensure appropriate coverage of expert skills on the panel.</p> <p>Council may in its absolute discretion, appoint suitable shortlisted applicants from a previous tender or expressions of interest process.</p>





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<b>Chairperson</b>	<p>The Chairperson is responsible for the orderly conduct of the meeting and procedural matters whilst the panel review meeting is in progress:</p> <ul style="list-style-type: none"> <li>• Monitoring general progress of the review meeting and management of agenda</li> <li>• Coordinating verbal and written comments provided to the applicant in response to the design review as a single majority view</li> <li>• Endorsing the formal comments provided to the applicant following the meeting</li> <li>• If requested, provide a briefing to the Chair the Burwood Local Planning Panel or Sydney City East Planning Panel</li> </ul>
<b>Appointment of Chairperson</b>	<p>As part of the EOI process, further nomination will be sought from prospective candidates, for the position of Chair and alternate Chair.</p> <p>It is preferred that the Chair, or alternate Chair, be present at all meetings to ensure consistent operation and consideration of matters referred to the panel.</p> <p>The Chair and alternative will be selected as part of the EOI review process.</p>
<b>BDRP Remuneration</b>	<p>Ordinary BDRP members would be remunerated based upon a day rate of \$1500 plus GST. The Chair would be remunerated based upon a day rate of \$2000 plus GST.</p> <p>The appearance fee is inclusive of the all work a BDRP Members does for a BDRP meeting, including preparation, site visits, the meeting itself and any review of minutes once the meeting is closed.</p> <p>Any additional meeting activities would be subject to an allowance of \$285 per hour of the Chair and \$214 per hour for ordinary members. This is specific additional work related tasks request by the Director of City Strategy.</p>
<b>Code of Conduct</b>	<p>All Panel members are required to read, understand and sign a conflict of interest declaration and confidentiality agreement prior to participating in the review meeting and abide by both agreements during the operation of the panel.</p> <p>Panel must act lawfully and with independency, integrity and professionalism whilst conducting themselves in the operation of the panel.</p>
<b>Meeting Schedule</b>	<p>The Design Review Panel will meet on a monthly basis, subject to items being eligible for referral to the panel.</p> <ul style="list-style-type: none"> <li>• The Design Review Panel will occur on the XXX XXXXX (day to be determined in consultation with Chair) of every month commencing at 9.30am</li> <li>• If no items are scheduled to be presented to the DRP, the meeting will be cancelled with a minimum of one week's notice.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Should, an extra-ordinary meeting be required, these can be convened at the request of the applicant with a minimum of two weeks' notice. The applicant would be responsible for the full cost of panel members attending the meeting.</li> <li>• Such extra-ordinary meetings are only expected to be required for major projects only, which require review of multiple design issues and longer than 1 hour for the panel to review the matter fully.</li> </ul>
<b>Meeting Procedures</b>	<p>Each meeting will generally comprise the following tasks but will be formalised by an agenda prepared by Burwood Council and agreed with the DRP Chair.</p> <p>The BDRP Chair is invited to conduct the meeting in any manner they see fit to ensure efficient use of DRP meeting time, facilitate a fair and open exchange of views for all parties. The general tasks may include:</p> <ul style="list-style-type: none"> <li>• Site visit to allow panel members to familiarise themselves with area (as required)</li> <li>• Briefing will be held at Burwood Council Offices, with the availability online meeting facilities if required.</li> <li>• Pre-briefing to BDRP members by Council Officers on key issues related to each application</li> <li>• Each application will be allocated 1 hour to be considered by the panel</li> <li>• Short presentation from the applicant</li> <li>• BDRP questions and review</li> <li>• Chair to provide a verbal summary of advice at the closing of the meeting</li> <li>• Debrief with the panel and review of draft statement of advice to the applicant, forming the minutes of the meeting</li> </ul> <p>The applicant must provide briefing material ahead of the panel meeting. This should:</p> <ul style="list-style-type: none"> <li>• Be provided to Council at least 7 days prior to the date of the panel meeting</li> <li>• Include covering statement, including summary of relevant planning considerations and sufficient drawings for the DRP to review the design intent and provide meaningful feedback.</li> <li>• Be in electronic format and suitable for transmission via email</li> </ul> <p>The applicant must also pay the required fee specified in Council's Fees and Charges and as set by Council's Director City Strategy.</p> <p>The required fee must be paid upon lodgement of the written documentation for referral to the meeting at least 7 days prior to the meeting.</p>



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**BURWOOD DESIGN REVIEW PANEL**  
**TERMS OF REFERENCE – JULY 2025**

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**Purpose**

The Burwood Design Review Panel (BDRP) has been established to examine, evaluate, and provide advice on the design aspects of the LGA including masterplans, planning proposals, development applications and pre-application proposals as referred to the panel.

This process considers the Design Excellence provisions contained in Clause 6.5 of the Burwood Local Environmental Plan. In addition, the BDRP ensures that an independent design review is undertaken so that high-quality design outcomes are achieved for new development within the Burwood Local Government Area. This recognises the growth and expansion of Burwood and the status of the Burwood Town Centre as a designated Strategic Centre.

The BDRP's role supports several objectives. It promotes design excellence by encouraging high-quality architectural and urban design that is responsive to context and scale. It contributes to a vibrant and diverse economy through an integrated mix of residential, retail, and commercial uses that enhance local employment opportunities.

Placemaking and activation are also central to the panel's focus, with an emphasis on creating public and private spaces that celebrate identity, culture, and community engagement. The BDRP is to support the delivery of liveable and sustainable neighbourhoods by ensuring attractive, well-designed housing with access to essential services and amenities.

The panel is to encourage diverse and inclusive communities, fostering a mix of housing types and safe, accessible public spaces for people of all ages. Environmental sustainability and resilience are key priorities, promoting energy-efficient development, urban cooling strategies, and sustainable transport options.

The BDRP also plays a role in the protection of amenity, including the preservation of solar access, views, and significant landmarks. Finally, it seeks to enhance pedestrian connectivity through well-designed pedestrian and cycling connections that are integrated with the built form.

**Function of  
BDRP**

The BDRP will provide independent, expert, and impartial advice on design quality matters in relation to referred matters, including masterplans, planning proposals, development applications, and pre-application proposals referred to the panel.

The role of the panel is advisory only. It has no delegated authority or power under any other function to determine any proposal or application.

However, recommendations or comments provided in response to a proposal presented to the BDRP will be used to inform the design, planning and assessment process.

It is expected that the function of the Panel will include, but not be limited to:

- a) Robust examination, evaluation and critique of the design aspects of a development proposal with respect to the achievement of a high degree of design quality and propose areas that can be improved by the applicant.
- b) Evaluating the proposal against the Design Excellence provisions contained in the Burwood LEP, as relevant to the proposal.
- c) Consideration of the NSW and Burwood Council Strategic Planning documents, including the LEP and DCP, as well as SEPP Housing and Apartment Design Guidelines and other policies or design guidelines as relevant to the consideration of the application.
- d) Through the critical assessment of proposals, provide proactive feedback to the applicant on focus areas or design changes required to better achieve the objectives of the relevant planning controls and, more specifically, to support design excellence and design quality.

This includes promoting high-quality architectural and urban design that is responsive to context and scale, and encouraging an integrated mix of residential, retail, and commercial uses that enhance local employment opportunities and contribute to a vibrant and diverse economy. It also involves supporting placemaking and activation by creating public and private spaces that celebrate identity, culture, and community engagement.

The assessment should seek to deliver liveable and sustainable neighbourhoods through attractive, well-designed housing with access to essential services and amenities, and foster diverse and inclusive communities by providing a mix of housing types and safe, accessible public spaces for people of all ages.

Environmental sustainability and resilience are also key considerations, including energy-efficient development, urban cooling strategies, and sustainable transport options. Additionally, the protection of amenity is essential, with a focus on preserving solar access, views, and significant landmarks. Enhancing pedestrian connectivity remains a priority, ensuring well-designed pedestrian and cycling connections are integrated with the built form.

- e) Collaboratively engage with the applicant via any pre-application meetings that might be requested prior to the formal lodgement of a planning proposal or application.
- f) Provision of, clear, concise and coordinated advice to applicant both verbally at the meeting and formally via meeting minutes.

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**Referral  
Triggers**

The scope of the BDRP is to provide expert and independent design advice on the following developments:

- New developments within the Local Government Area that are greater than three storeys (i.e. four or more), including residential accommodation, tourist and visitor accommodation, and commercial or industrial developments.
- Any development subject to Clause 6.5 Design Excellence of the Burwood Local Environmental Plan.
- New developments containing ten or more units of residential accommodation, bedrooms, or of comparable scale.
- Any development or planning proposal deemed by the Director City Strategy, Manager City Planning, or Manager City Development to have the potential to significantly impact the amenity of the locality or region.
- At the request of the Director City Strategy or Manager City Planning, carrying out a review of Local Environmental Plan or Development Control Plan controls as they relate to the achievement of design quality or design excellence.
- At the request of the Director City Strategy or Manager City Planning, carrying out a review of any masterplan or planning proposal as it relates to the achievement of design quality or design excellence.
- At the request of the Director City Strategy or Manager City Planning, providing advice and commentary to promote and improve design quality outcomes across the Burwood Local Government Area.

<b>BDRP Membership</b>	<p>The BDRP will be conducted with a quorum of three (3) members.</p> <p>A pool of at least nine (9) panel members will be established with contemporary experience with major development within a metropolitan, high growth urban setting.</p> <p>Extensive experience and qualification in at least one of the following fields will be required:</p> <ul style="list-style-type: none"> <li>• Urban Design</li> <li>• Architecture</li> <li>• Landscape Architecture;</li> <li>• Urban Planning</li> </ul> <p>Panel selection will be via a publicly advertised EOI process.</p> <p>The panel will be selected on the basis of being professionals highly regarded in their field and having contemporary experience with comparable design review processes for major projects of a similar scale or standing.</p>
<b>BDRP Tenure</b>	<p>The panel will be convened for a period of not more than three years, at which time the panel will be reviewed.</p> <p>If a vacancy occurs in the membership of the panel, the General Manager may appoint an additional person to fill the vacant position to ensure appropriate coverage of expert skills on the panel.</p> <p>Council may in its absolute discretion, appoint suitable shortlisted applicants from a previous tender or expressions of interest process.</p>
<b>Chairperson</b>	<p>The Chairperson is responsible for the orderly conduct of the meeting and procedural matters whilst the panel review meeting is in progress:</p> <ul style="list-style-type: none"> <li>• Monitoring general progress of the review meeting and management of agenda</li> <li>• Coordinating verbal and written comments provided to the applicant in response to the design review as a single majority view</li> <li>• Endorsing the formal comments provided to the applicant following the meeting</li> <li>• If requested, provide a briefing to the Chair the Burwood Local Planning Panel or Sydney City East Planning Panel</li> </ul>

<b>Appointment of Chairperson</b>	<p>As part of the EOI process, further nomination will be sought from prospective candidates, for the position of Chair and alternate Chair.</p> <p>It is preferred that the Chair, or alternate Chair, be present at all meetings to ensure consistent operation and consideration of matters referred to the panel.</p> <p>The Chair and alternative will be selected as part of the EOI review process.</p>
<b>BDRP Remuneration</b>	<p>Remuneration will be consistent with the Ministerial Direction for Local Planning Panel appointments as follows:</p> <ul style="list-style-type: none"> <li>• The Chair will receive a day rate of \$2,000 plus GST.</li> <li>• Ordinary BDRP members will receive a day rate of \$1,500 plus GST.</li> <li>• The appearance fee will cover all work related to a BDRP meeting, including preparation, site visits, the meeting itself, and any review of minutes once the meeting is closed.</li> <li>• Any additional meeting activities will be remunerated at an hourly rate of \$285 plus GST for the Chair and \$214 plus GST for ordinary members. This applies to specific additional tasks requested by the Director City Strategy, such as appearance at the Sydney Central City Planning Panel.</li> </ul>
<b>Code of Conduct</b>	<p>All Panel members must comply with Council's Business Ethics and Principles.</p> <p>Members are required to read, understand, and sign a conflict of interest declaration and confidentiality agreement prior to participating in any review meeting and must abide by both agreements throughout their involvement with the panel.</p> <p>Panel members must act lawfully and with independence, integrity, and professionalism while carrying out their duties.</p> <p>Council's Business Ethics and Principles are available at:  <a href="https://www.burwood.nsw.gov.au/For-Business/Doing-Business-with-Council/Business-Ethics-and-Principles">https://www.burwood.nsw.gov.au/For-Business/Doing-Business-with-Council/Business-Ethics-and-Principles</a> </p>
<b>Meeting Schedule</b>	<p>The BDRP will meet on an as required basis as determined by the Director City Strategy or Manager City Planning subject to Councils operational requirements and panel member availability.</p>

Unless due to exceptional circumstances, meetings will be held during ordinary Council business hours and will only consider matters that are eligible for referral to the panel.

If in the opinion of Council a proponent fails to provide adequate information on a proposal for the BDRP consideration or no items are scheduled to be presented to the BDRP, the meeting will be cancelled with a minimum of one week's notice.

Should an extra-ordinary meeting be required, these can be convened at the request of the applicant with a minimum of two weeks' notice. The applicant would be responsible for the full cost of panel members attending the meeting.

Such extra-ordinary meetings are only expected to be required for major projects only, which require review of multiple design issues and longer than 1 hour for the panel to review the matter(s) fully.

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**Meeting  
Procedures**

Each meeting will generally comprise the following tasks but will be formalised by an agenda prepared by Burwood Council.

Based on the agreed meeting schedule, the allocated Chair and panel members must confirm their attendance and sign the declaration of interest at least 14 days prior to the scheduled meeting.

The BDRP Chair is invited to conduct the meeting in any manner to ensure efficient use of BDRP meeting time, facilitate a fair and open exchange of views for all parties. The general tasks may include:

- Site visit to allow panel members to familiarise themselves with area (as required)
- Briefing will be held at Burwood Council Offices prior to site visit
- Short presentation from applicant(s)
- BDRP questions and clarifications of each applicant(s)
- Chair to provide a verbal summary of advice at the closing of the meeting
- Review of draft meeting minutes prepared by the Council Officer and provide advice by email

The applicant must provide briefing material ahead of the panel meeting. This should:

- Be provided to Council at least 14 days prior to the date of the panel meeting
-



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- Include covering statement, including summary of relevant planning considerations and sufficient drawings for the BDRP to review the design intent and provide meaningful feedback.
  - Be in electronic format and suitable for transmission via e-mail

The applicant must also pay the required fee specified in Council's Fees and Charges and as set by Council's Director City Strategy.

The required fee must be paid upon lodgement of the written documentation for referral to the meeting at least 14 days prior to the meeting.

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**(Item 45/25) Investment Report as at 30 June 2025**

File No: 25/33476

Report by Director Corporate Services

**Summary**

In accordance with Clause 212 of the *Local Government (General) Regulation 2005*, this report details all money that Council has invested under Section 625 of the *Local Government Act 1993*.

**Operational Plan Objective**

A.103 Implement and monitor appropriate investment strategies and prepare monthly investment reports.

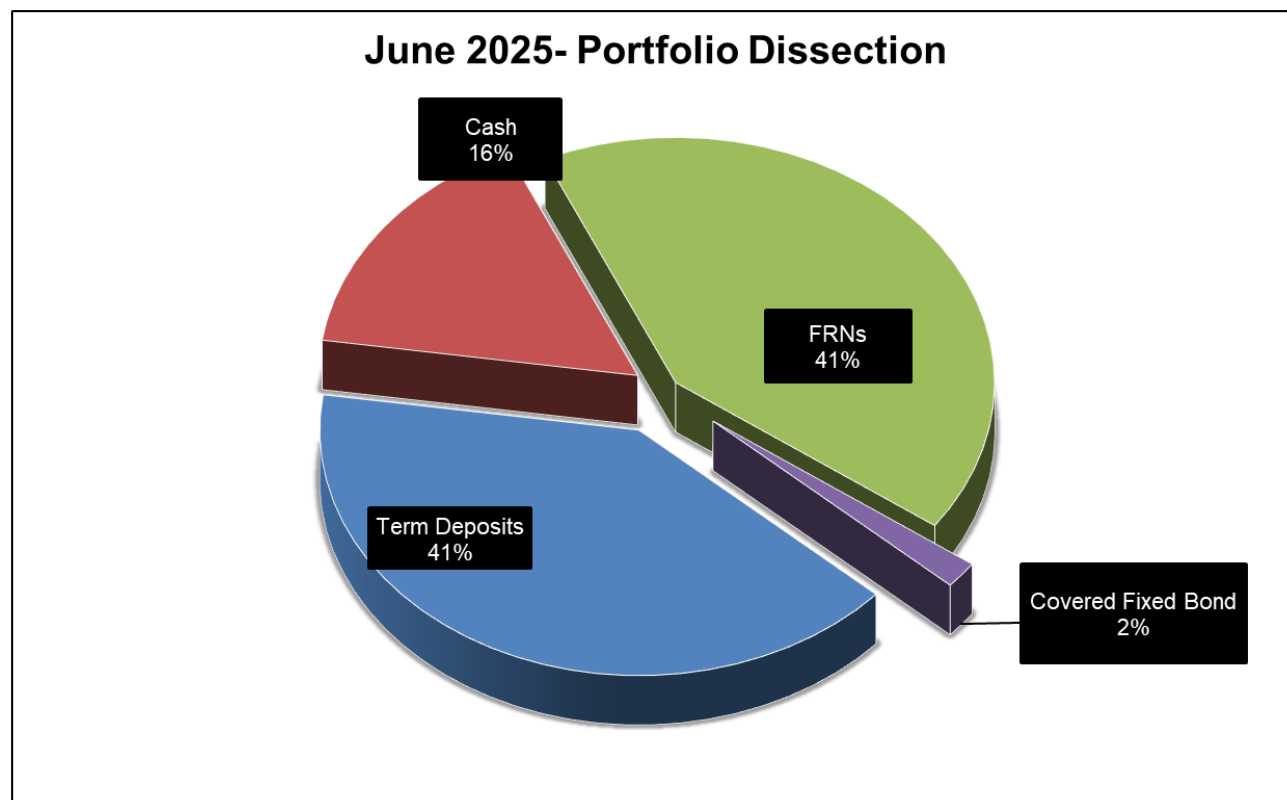
**Background**

As provided for in Clause 212 of the *Local Government (General) Regulation 2005*, a report listing Council's investments must be presented to Council.

Council's investments are made up of a number of direct investments, some of which are managed or advised by external agencies.

**Investment Portfolio**

Council has a diversified investment portfolio and has a number of direct investments in term deposits. Its investment portfolio as at 30 June 2025 is:



As at 30 June 2025 Council held the following term deposits:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
22 Aug 24	NAB	4,000,000	5.00%	365	22 Aug 25
12 Dec 24	SunCorp	3,000,000	5.13%	242	11 Aug 25
21 Feb 25	Westpac	4,000,000	4.81%	367	23 Feb 26
18 Mar 25	SunCorp	4,000,000	4.80%	272	15 Dec 25
27 Mar 25	SunCorp	4,000,000	4.80%	242	24 Nov 25
27 Mar 25	SunCorp	4,000,000	4.80%	257	09 Dec 25
	<b>Total</b>	<b>23,000,000</b>			

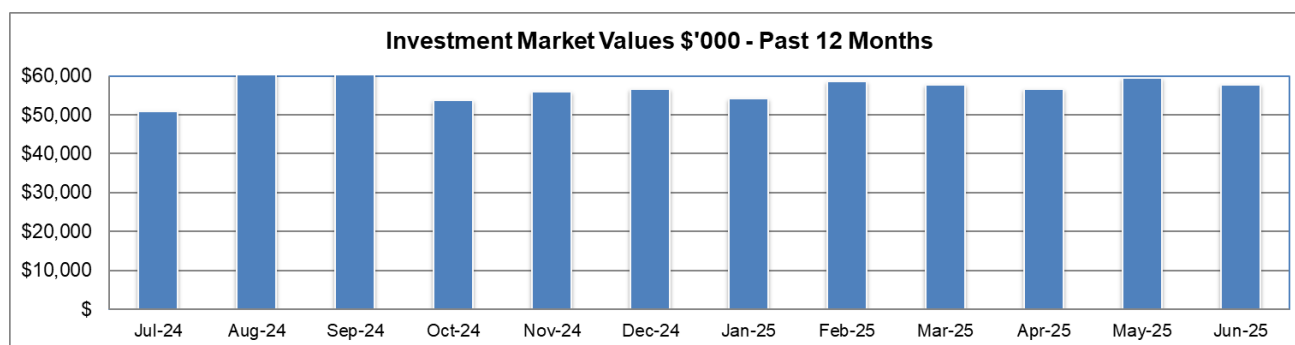
As at 30 June 2025 Council held the following covered fixed bonds:

Purchase Date	Financial Institution	Principal Amount	Interest Rate	Investment Days	Maturity Date
17 Oct 22	SunCorp	1,000,000	4.85%	1,096	17 Oct 25
	<b>Total</b>	<b>1,000,000</b>			

As at 30 June 2025 Council held the following Floating Rate Notes:

Purchase Date	Financial Institution	Principal Amount	Current Coupon Rate	Investment Days	Maturity Date
24 Aug 21	National Australia Bank	1,500,000	4.1195%	1,826	24 Aug 26
11 Aug 22	Westpac	1,800,000	4.6003%	1,096	11 Aug 25
18 Aug 22	Commonwealth Bank of Australia	2,400,000	4.8276%	1,826	18 Aug 27
13 Oct 22	MyState Bank Ltd	1,500,000	5.3478%	1,096	13 Oct 25
17 Oct 22	Suncorp-Metway Limited	800,000	4.8884%	1,096	17 Oct 25
07 Nov 22	Sumitomo Mitsui Banking Sydney	2,000,000	4.9291%	1,096	07 Nov 25
13 Jan 23	Commonwealth Bank of Australia	3,000,000	5.1978%	1,826	13 Jan 28
19 Jan 23	Rabobank U.A Australia Branch	1,500,000	5.1322%	1,826	19 Jan 28
10 Feb 23	Newcastle Permanent Building Society	1,000,000	4.8003%	1,461	10 Feb 27
03 Mar 23	HSBC Sydney Branch	2,000,000	4.7595%	1,827	03 Mar 28
16 Mar 23	United Overseas Bank Sydney	2,000,000	4.4438%	1,096	16 Mar 26
18 May 23	Suncorp-Metway Limited	1,500,000	4.8576%	1,096	18 May 26
16 Jun 23	QPCU Limited T/A QBANK	2,750,000	5.4138%	1,096	16 Jun 26
	<b>Total</b>	<b>23,750,000</b>			

The following graph highlights Council's investment balances for the past 12 months:



Council's investment portfolio is recognised at market value and some of its investments are based on the midpoint valuations of the underlying assets and are subject to market conditions that occur over the month.

Council's investment balances as at reporting date are detailed in Attachment 1. Definitions on the types of investments are detailed in Attachment 2.

### **Investment Performance and Market Commentary**

At the Reserve Bank of Australia (RBA) meeting on the 8 July 2025, the Board decided to leave the official cash rate at 3.85 per cent. According to the Statement by the Reserve Bank board "...Inflation has fallen substantially since the peak in 2022, as higher interest rates have been working to bring aggregate demand and supply closer towards balance. In the March quarter, headline inflation, which has partly been affected by temporary cost of living relief, was at the midpoint of the target range while trimmed mean inflation was at 2.9 per cent. The baseline forecast in May was for underlying inflation to continue to moderate to around the midpoint of the 2–3 per cent range with the cash rate assumed to follow a gradual easing path. While recent monthly CPI Indicator data suggest that June quarter inflation is likely to be broadly in line with the forecast, they were, at the margin, slightly stronger than expected. With the cash rate 50 basis points lower than five months ago and wider economic conditions evolving broadly as expected, the Board judged that it could wait for a little more information to confirm that inflation remains on track to reach 2.5 per cent on a sustainable basis.

Uncertainty in the world economy remains elevated. While the final scope of US tariffs and policy responses in other countries remains unknown, financial market prices have rebounded with an expectation that the most extreme outcomes are likely to be avoided. Trade policy developments are nevertheless still expected to have an adverse effect on global economic activity, and there remains a risk that households and firms delay expenditure pending greater clarity on the outlook.

Setting aside overseas developments, private domestic demand appears to have been recovering gradually, real household incomes have picked up and there has been an easing in some measures of financial stress. However, businesses in some sectors continue to report that weakness in demand makes it difficult to pass on cost increases to final prices.

At the same time, various indicators suggest that labour market conditions remain tight. Measures of labour underutilisation are at relatively low rates and business surveys and liaison suggest that availability of labour is still a constraint for a range of employers. Looking through quarterly volatility, wages growth has softened from its peak but productivity growth has not picked up and growth in unit labour costs remains high.

There are uncertainties about the outlook for domestic economic activity and inflation stemming from both domestic and international developments. The March quarter national accounts confirmed that domestic demand has been picking up over the past six months. The forecasts in May were for growth in household consumption to continue to increase as real incomes rise. There

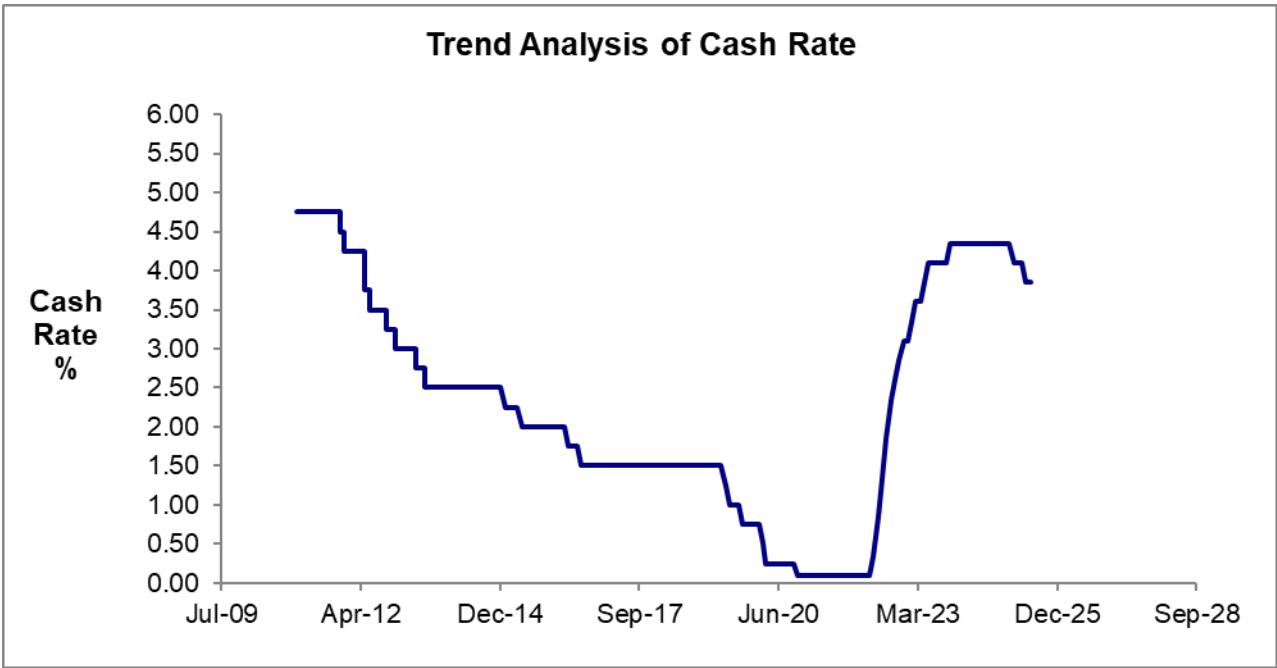
is a risk that the pick-up is a little slower than earlier expected, which could result in continued subdued growth in aggregate demand and a sharper deterioration in the labour market than currently expected. Alternatively, labour market outcomes may prove stronger than expected, given the signal from a range of leading indicators.

There are also uncertainties regarding the lags in the effect of recent monetary policy easing and how firms’ pricing decisions and wages will respond to the balance between demand and supply for goods and services, tight conditions in the labour market and continued weak productivity outcomes.

The Board continues to judge that the risks to inflation have become more balanced and the labour market remains strong. Nevertheless it remains cautious about the outlook, particularly given the heightened level of uncertainty about both aggregate demand and supply. The Board judged that it could wait for a little more information to confirm that inflation remains on track to reach 2.5 per cent on a sustainable basis. It noted that monetary policy is well placed to respond decisively to international developments if they were to have material implications for activity and inflation in Australia.

The Board will be attentive to the data and the evolving assessment of risks to guide its decisions. In doing so, it will pay close attention to developments in the global economy and financial markets, trends in domestic demand, and the outlook for inflation and the labour market. The Board is focused on its mandate to deliver price stability and full employment and will do what it considers necessary to achieve that outcome.”



The following graph provides information on the current RBA monetary policy:



***Recommendation(s)***

1. That the investment report for 30 June 2025 be received and endorsed.
2. That the Certificate of the Responsible Accounting Officer be received and noted.

**Attachments**

- 1  Investment Register June 2025
- 2  Investment Types

# Item Number 45/25 - Attachment 1

## Investment Register June 2025

### BURWOOD COUNCIL INVESTMENT PORTFOLIO as at 30 June 2025

Investment Adviser	Issuer	ADI or N-ADI	Investment Name	Type	Rating S&P	Invested Amount	Market Value as at 30/04/2025	Market Value as at 31/05/2025	Market Value as at Reporting Date	% of Total Invested
<b>Cash</b>										<b>15.99</b>
Council	Commonwealth Bank	ADI	Operating Account	Cash	AA-	706,729	1,084,986	3,923,003	706,729	1.22
Council	Commonwealth Bank	ADI	Cash Deposit Account	At Call	AA-	0	-	-	-	0.00
Council	Commonwealth Bank	ADI	Online Saver	At Call	AA-	8,524,428	1,510,926	1,519,252	8,524,428	14.75
Council	AMP Bank Limited	ADI	AMP Business Saver	At Call	BBB-	1,288	1,282	1,285	1,288	0.00
Council	AMP Bank Limited	ADI	AMP Notice Account	Notice 30 days	BBB-	3,943	3,912	3,928	3,943	0.01
<b>Term Deposits - Less than Three Months</b>										<b>-</b>
										0.00
<b>Term Deposits - Longer than Three Months</b>										<b>40.64</b>
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	3,000,000	3,058,608	3,071,679	3,084,329	5.34
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	-	3,138,781	3,152,795	-	0.00
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,017,885	4,034,192	4,049,973	7.01
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,017,885	4,034,192	4,049,973	7.01
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Term Deposit	AA-	4,000,000	4,022,619	4,038,926	4,054,707	7.02
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Term Deposit	AA-	4,000,000	4,035,844	4,052,185	4,067,999	7.04
Council	National Australia Bank	ADI	National Australia Bank	Term Deposit	AA-	4,000,000	4,137,534	4,154,521	4,170,959	7.22
<b>Term Deposits - Covered Fixed Bond</b>										<b>1.75</b>
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Fixed Bond (4.85%) Semi Annual	AA-	1,000,000	1,005,390	1,008,460	1,012,050	1.75
<b>Floating Rate Notes</b>										<b>41.62</b>
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +65 bps)	BBB	-	2,514,200	2,524,750	-	0.00
Council	National Australia Bank	ADI	National Australia Bank	Floating Rate Notes (90 day BBSW +41 bps)	AA-	1,500,000	1,510,320	1,500,765	1,505,955	2.61
Council	Westpac Banking Corporation Ltd	ADI	Westpac Banking Corporation Ltd	Floating Rate Notes (90 day BBSW +80 bps)	AA-	1,800,000	1,821,438	1,806,246	1,812,564	3.14
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +102 bps)	AA-	2,400,000	2,442,768	2,428,752	2,437,680	4.22
Council	MyState Bank Ltd	ADI	MyState Bank Ltd	Floating Rate Notes (90 day BBSW +130 bps)	BBB	1,500,000	1,506,765	1,514,160	1,519,380	2.63
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +88 bps)	AA-	800,000	802,904	806,336	809,192	1.40
Council	Sumitomo Mitsui Banking Corporation Sydney	ADI	Sumitomo Mitsui Banking Corporation Sydney	Floating Rate Notes (90 day BBSW +110 bps)	A	2,000,000	2,030,540	2,013,480	2,020,440	3.50
Council	Commonwealth Bank of Australia	ADI	Commonwealth Bank of Australia	Floating Rate Notes (90 day BBSW +112 bps)	AA-	3,000,000	3,039,900	3,060,090	3,072,570	5.32
Council	Rabobank U.A Australia Branch	ADI	Rabobank U.A Australia Branch	Floating Rate Notes (90 day BBSW mid + 118 bps)	A	1,500,000	1,519,230	1,524,675	1,531,095	2.65
Council	Newcastle Permanent Building Society	ADI	Newcastle Permanent Building Society	Floating Rate Notes (90 day BBSW +138 bps)	BBB	1,000,000	1,008,600	1,002,760	1,006,940	1.74
Council	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	ADI	The Hongkong and Shanghai Banking Corporation Limited Sydney Branch	Floating Rate Notes (90 day BBSW +105 bps)	AA-	2,000,000	2,029,460	2,043,420	2,026,080	3.51
Council	United Overseas Bank Ltd Sydney Branch	ADI	United Overseas Bank Ltd Sydney Branch	Floating Rate Notes (90 day BBSW +73 bps)	AA-	2,000,000	2,016,380	2,024,180	2,007,480	3.47
Council	Suncorp-Metway Limited	ADI	Suncorp-Metway Limited	Covered Floating Bond (90 day BBSW +105 bps)	AA-	1,500,000	1,523,625	1,510,680	1,516,140	2.62
Council	QPCU Limited T/A QBANK	ADI	QPCU Limited T/A QBANK	Floating Rate Notes (90 day BBSW +170 bps)	BBB-	2,750,000	2,791,800	2,811,408	2,782,423	4.82
<b>Grand Total</b>						<b>56,986,389</b>	<b>56,593,583</b>	<b>59,566,119</b>	<b>57,774,316</b>	<b>100.00</b>

Credit Ratings	
<b>AAA</b>	Extremely strong capacity to meet financial commitments Highest Rating
<b>AA</b>	Very strong capacity to meet financial commitments.
<b>A</b>	Strong capacity to meet financial commitments but somewhat susceptible to adverse economic conditions and changes in circumstances.
<b>BBB</b>	Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.
<b>CCC</b>	Currently vulnerable and dependent on favourable business, financial and economic conditions to meet financial commitments
<b>D</b>	Payment default on financial commitments
<b>+</b>	Means that a rating may be raised
<b>-</b>	Means that a rating may be lowered

#### Certificate of Responsible Accounting Officer

I hereby certify that the investments listed have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Council's Investment Policies at the time of their placement.



Sarah Seaman

Finance Manager

## Investment Types

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### Types of Investments

Council's investment portfolio consists of the following types of investment:

1. **Cash and Deposits at Call** – Cash and Deposits at Call accounts are a flexible savings facility providing a competitive rate of interest for funds which are at call (available within 24hours). These accounts enable us to control Council's cashflows along with council's General Fund Bank account. Interest rates are updated in accordance with movements in market rates.

The following investments are classified as Cash and Deposits at Call:

- Commonwealth Bank of Australia – Online Saver AA-
- Commonwealth Bank of Australia – Operating Account AA-
- AMP Business Saver and Notice – At Call/Notice BBB-

2. **Floating Rate Notes (FRN)** - FRNs are a contractual obligation whereby the issuer has an obligation to pay the investor an interest coupon payment which is based on a margin above bank bill. The risk to the investor is the ability of the issuer to meet the obligation.

FRNs are either sub-debt or senior-debt which means that they are guaranteed by the bank that issues them with sub-debt notes rated a notch lower than the bank itself. The reason for this is that the hierarchy for payments of debt in event of default is:

1. Term Deposits
2. Global Fixed Income Deposits
3. Senior Debt
4. Subordinated Debt
5. Hybrids
6. Preference shares
7. Equity holders

In the case of default, the purchaser of subordinated debt is not paid until the senior debt holders are paid in full. Subordinated debt is therefore more risky than senior debt.



## Reports of Committees

### (Item RC7/25) Burwood Local Traffic Committee - July 2025

File No: 25/34272

Report by Director City Assets

#### **Summary**

Attached are the Minutes of the Burwood Local Traffic Committee meeting of July 2025. The Minutes are hereby submitted to the Ordinary Council Meeting for consideration and adoption by Council.

#### **Operational Plan Objective**

C.4.1 Plan and manage transport infrastructure to meet current and future community needs  
A.40 Investigate traffic hot spots and implement solutions such as pedestrian refuges, roundabouts or traffic calming devices.

#### ***Recommendations***

That the minutes of the Burwood Local Traffic Committee of July 2025 be noted and the recommendations of the Committee as detailed below be adopted as a resolution of the Council.

### (Item LTC27/25) Elm Street, Burwood Heights - Changes to Parking Restrictions

#### ***Recommendation***

That Council approve the additional 'No Parking 4.00am-7.30am Monday' restrictions along the existing '1/4P' restricted area in front 7 Elm Street.

### (Item LTC28/25) Lees Avenue, Croydon Park - Request for Work Zone

#### ***Recommendation***

That council approve the installation of a "Work Zone –7:00am to 5:30pm Monday to Friday & 7:00am to 1:00pm Saturday" on Lees Avenue direct frontage of 64 Linthorn Avenue, Croydon Park, for a length of 20m and a period of 43 weeks.

### (Item LTC29/25) Dickinson Avenue, Croydon - Request for Mobility Parking Space

#### ***Recommendation***

That Council approve the installation of a 6.7m long mobility parking space on-street along the frontage of 28 Dickinson Avenue per the plan in the report.

### (Item LTC30/25) Park Avenue, Burwood - Introduction of Mobility Parking

#### ***Recommendation***

That Council approve the installation of two mobility parking spaces on the northern side of Park Avenue Burwood in the two most western 90 degree angled parking spaces.

**(Item LTC31/25) Rolling Road Closure - Walk to End Domestic Violence*****Recommendations***

1. That Council approve the rolling road closure for the Walk to End Domestic Violence along Park Avenue to Burwood Park, starting at the intersection of Park Avenue and Park Road and continuing to the intersection of Park Avenue and Burwood Road, on Sunday 24 August 2025, from 9:00am to 9:30am.
2. That Burwood Police are to provide traffic control for the event in accordance with requirements from Transport for NSW.
3. That the rolling road closure be noted as a Class 3 Event.

**Attachments**

- 1 [↓](#) Burwood Local Traffic Committee Agenda - 03.07.2025
- 2 [↓](#) Burwood Local Traffic Committee Agenda Late Item - 03.07.2025
- 3 [↓](#) Burwood Local Traffic Committee Minutes - 03.07.2025



## NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING

The July 2025 meeting of the Burwood Local Traffic Committee will be held electronically with the agenda emailed to members for review.

The minutes from the June 2025 meeting have also been emailed to members for confirmation.

All comments are required to be returned to Council by close of business 3 July 2025

Tommaso Briscese  
**General Manager**

2 Conder Street Burwood NSW 2134, PO Box 240 Burwood NSW 1805  
phone: 9911 9911 facsimile: 9911 9900  
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## Agenda

### 1. Acknowledgement of Country

Council acknowledges the Wangal people of the Eora Nation who are the traditional custodians of this land. Council also pays respect to their elders, both past and present, and extends that respect to other First Nations People who may be present.

### 2. Apologies

### 3. Confirmation of Minutes

*That the Minutes of the Burwood Local Traffic Committee held on Thursday, 5 June 2025, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.*

### 4. General Business

(Item LTC27/25)	Elm Street, Burwood Heights - Changes to Parking Restrictions.....	3
(Item LTC28/25)	Lees Avenue, Croydon Park - Request for Work Zone .....	6
(Item LTC29/25)	Dickinson Avenue, Croydon - Request for Mobility Parking Space.....	8
(Item LTC30/25)	Park Avenue, Burwood - Introduction of Mobility Parking .....	10

## **General Business**

### **(Item LTC27/25) Elm Street, Burwood Heights - Changes to Parking Restrictions**

File No: 25/25448

Report by Traffic Engineer

#### **Summary**

It is proposed to amend parking restrictions along Elm Street to assist with waste vehicle navigation along the narrow road.

#### **Background**

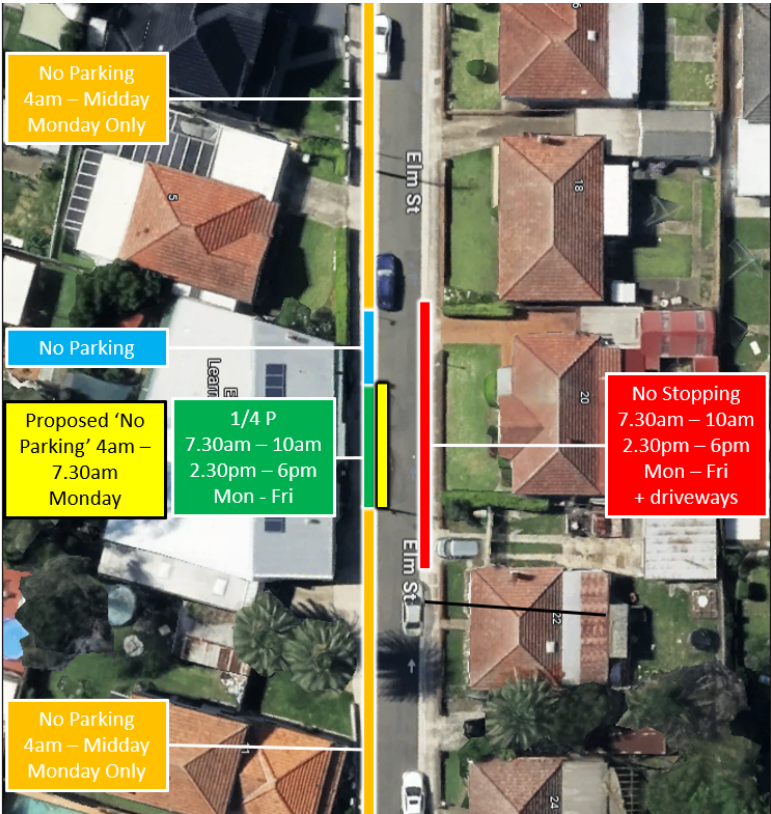
In May 2024, parking restrictions were changed in Elm Street following an internal request from Council's Waste and Cleansing team to assist large waste vehicles to navigate the narrow road. Following consultation with residents Council extended the 'No Parking' restrictions on the western side of Elm Street from '4:00am - 10:00am' to '4:00am - 12:00pm' on Mondays.

Recently the Waste and Cleansing team have advised that the area directly outside Elm Street Early Learning Centre, which does not have any early morning parking restrictions, is used by residents which restricts the ability for waste vehicles to navigate through the street.

#### **Proposal**

To further assist in waste vehicle navigation, it is proposed to implement 'No Parking 4.00am-7.30am Monday' restrictions along the existing '1/4P' restricted length in front the Elm Street Early Learning Centre at 7 Elm Street.

This will ensure a clear pathway for waste vehicles without affecting resident street parking or the pick-up drop-off movements of the early learning centre.



**Consultation**

Consultation was undertaken with the Elm Street Early Learning Centre and they raised no objection to the proposal.

**Financial Implications**

The updated of the timed parking signage is estimated to cost \$300. The cost will be funded from the 2025/26 Traffic Facilities Budget.

**Recommendation(s)**

That Council approve the additional 'No Parking 4.00am-7.30am Monday' restrictions along the existing '1/4P' restricted area in front 7 Elm Street.

**Attachments**

There are no attachments for this report.

**(Item LTC28/25) Lees Avenue, Croydon Park - Request for Work Zone**

File No: 25/26409

Report by Engineer - Traffic &amp; Design

**Summary**

Council has received an application to install a Work Zone along the Lees Avenue frontage of 64 Linthorn Avenue, Croydon Park to facilitate the re-construction of the community hall at the rear of the property (Saint Mary Romanian Orthodox Church).

**Background**

In May 2025 a S4.55 application was submitted to modify Development Application (DA.2010.226) to rebuild the existing community hall as a new two storey building containing a hall at ground floor and a residence at the rear of Church at 64 Linthorn Avenue, Croydon Park. To facilitate the construction works, a 20m long Work Zone has been requested along the site's side frontage on Lees Avenue. This area will be used to deliver materials and other construction related activities for a period of 43 weeks. Works on site are scheduled to commence on 22<sup>nd</sup> July 2025.

The parking along the site frontage on Lees Avenue, Croydon Park is currently unrestricted, as shown below:

**Proposal**

It is proposed to install a 'Work Zone' on Lees Avenue directly fronting the community hall at the rear of the Church as per the diagram below to facilitate the construction and ensure access to the site is not impeded. The Work Zone will apply from 7:00am to 5:30pm on Monday to Friday and 7:00am to 1:00pm on Saturday. No construction activity is to be carried out on a Sunday or public holiday which is consistent with the hours stipulated in the S4.55 application. The Work Zone has



been requested for a period of 43 weeks, which will then be reviewed to determine if it is still required.

The proposed arrangement will result in loss of four on-street parking spaces during the restricted times. Outside the restricted parking times, these areas will be available to the public.



### Consultation

A review of parking occupancy within the street has been undertaken, which has shown that the street is not highly occupied. Parking in Linthorn Avenue has also been reviewed which showed low occupancy during the day, with the streets used primarily by residents and church visitors. As a result, no resident consultation was considered necessary as the proposed 'Work Zone' restrictions will be directly outside the development site and will be restricted to development consent hours only.

### Financial Implications

The 'Work Zone' fees will be charged to the developer as per Council's Fees and Charges.

### Recommendation

That council approve the installation of a "Work Zone –7:00am to 5:30pm Monday to Friday & 7:00am to 1:00pm Saturday" on Lees Avenue direct frontage of 64 Linthorn Avenue, Croydon Park, for a length of 20m and a period of 43 weeks.

### Attachments

There are no attachments for this report.

## (Item LTC29/25) Dickinson Avenue, Croydon - Request for Mobility Parking Space

File No: 25/28412

Report by Engineer - Traffic & Design

### Summary

Council has received a request from the resident at #28 Dickinson Avenue Croydon located at the corner of Liverpool Road (Hume Highway), to install a mobility parking space in front of their property.

### Background

Dickinson Avenue is located on the boundary of Burwood Council and Inner West Council, with properties on the eastern side falling within Inner West Council, including the property at #28. The entire road reserve is within the Burwood Council area.

Dickinson Avenue currently allows unrestricted parking on both sides of the road. Parking occupancy audits have been undertaken in this area which has shown a high demand for parking throughout the entire day.

A review of 28 Dickinson Ave shows that there are two existing off-street parking spaces available at the rear of the site accessed by the driveway that runs off Liverpool Road. The application indicates that the stairs at the rear of the dwelling restrict the resident's accessibility to the house.

The resident has provided a letter of support from their doctor confirming difficulty in accessing the house via the rear staircase.

### Proposal

It is proposed to install a 6.7m long mobility parking space in front of 28 Dickinson Avenue, Croydon, with its usage to be reviewed after 12 months. The space will be located adjacent to the property's path entrance to the front door.



Given the resident's level of mobility, a kerb ramp is not considered to be required at this location, however this will be reviewed post implementation. The mobility parking space is not a permanent fixture and will be reviewed every 12 months. It also allows any other motorists with a disabled parking permit to use the space.

### **Consultation**

The street primarily serves residents and their visitors or commuters. Therefore, resident consultation was deemed unnecessary, as the proposed 'Mobility Parking Space' restrictions will be located directly outside 28 Dickinson Avenue, Croydon.

### **Financial Implications**

The installation of new 'Mobility parking' signage is estimated to cost \$500. The cost will be funded from the 2025/26 Traffic Facilities Budget.

### **Recommendation**

That Council approve the installation of a 6.7m long mobility parking space on-street along the frontage of 28 Dickinson Avenue per the plan in the report.

### **Attachments**

There are no attachments for this report.



**(Item LTC30/25) Park Avenue, Burwood - Introduction of Mobility Parking**

File No: 25/29316

Report by Traffic Engineer

**Summary**

It is proposed to install two mobility parking spaces on Park Avenue as part of the Burwood Park Inclusive Playspace project.

**Background**

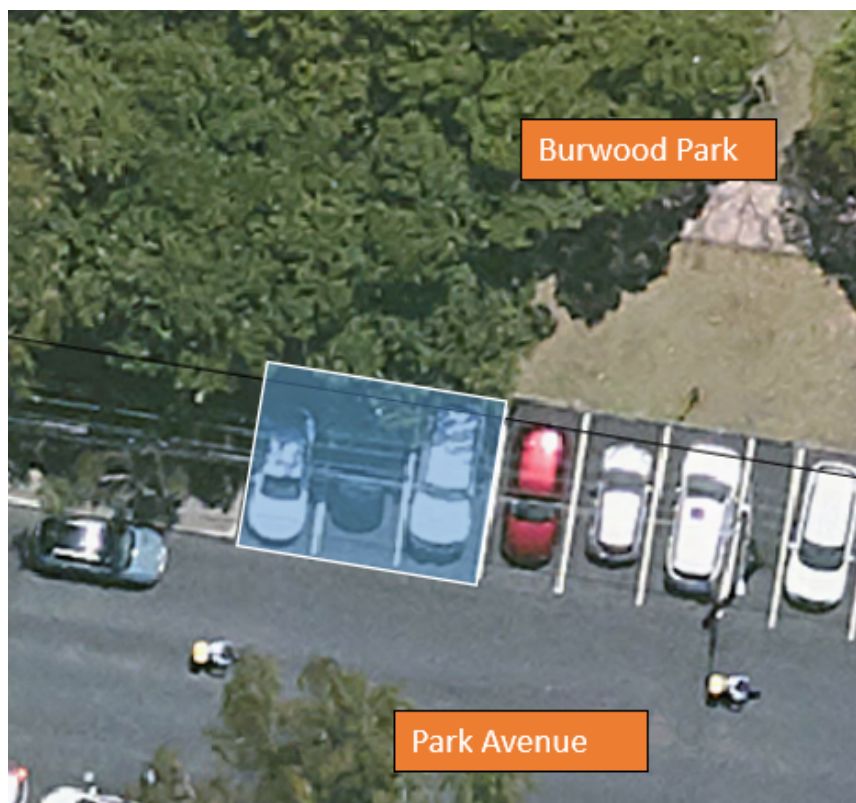
The Burwood Park Inclusive Play Space project supports the transformation of Burwood Park into an inclusive and welcoming recreational precinct with accessible facilities and spaces suitable for all ages and abilities. The project revitalises the existing playground into an all abilities play space with an accompanying accessible toilet block. The upgrades also include new BBQs, picnic shelters, furniture and an all-weather shade structure and outdoor chess board to enhance and transform the space.

The project is proposed to be completed by November 2025, subject to extensions of time.

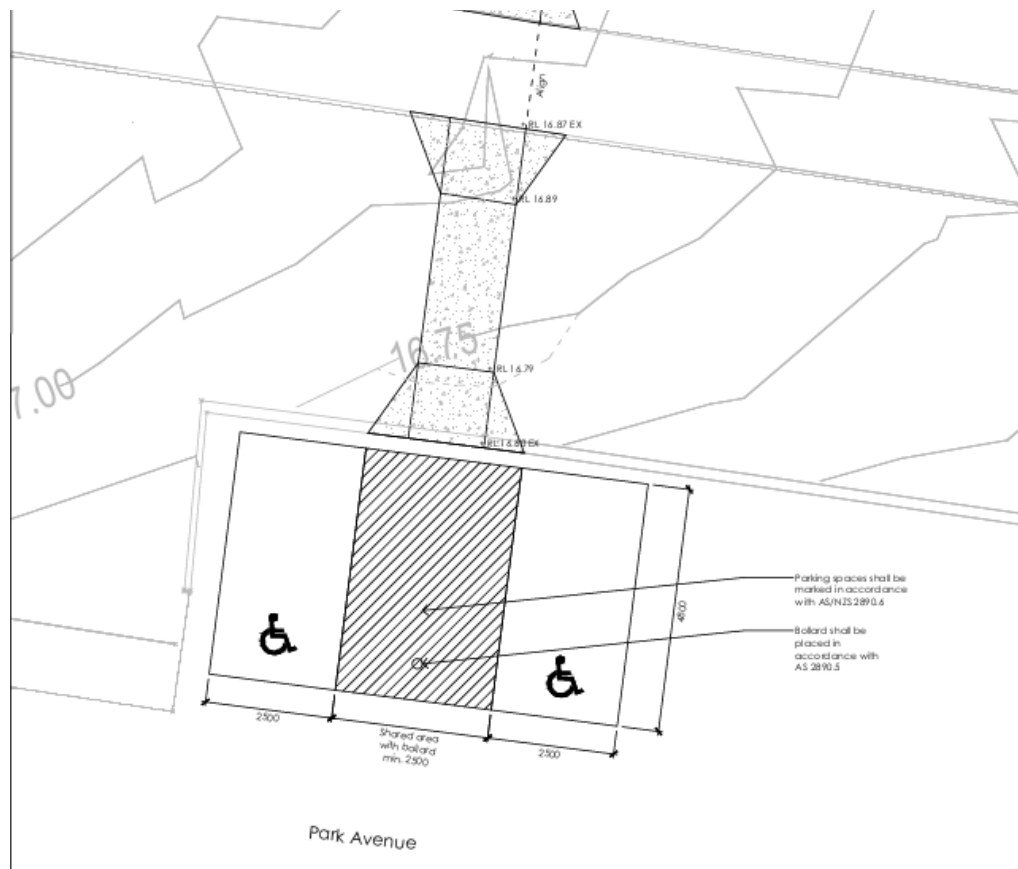
**Proposal**

It is proposed to change three existing parking spaces on the northern side of Park Avenue, Burwood into two mobility parking spaces with a connecting access ramp.

The parking spaces are currently signed '2P Ticket 9am – 10pm, Mon – Sat & Public Holidays' and are shown in the below image.



The proposed Mobility parking configuration is shown in the image below.



### **Consultation**

No consultation was undertaken for the proposal. However, the addition of mobility parking will further the goals of creating an Inclusive Playspace. The 3 spaces are located along the park frontage and will not directly impact residential properties.

### **Financial Implications**

The proposal will lead to the loss of 3 ticketed parking spaces. The cost of signage is estimated to cost \$500, and the cost of the linemarking is estimated to cost \$1200 which will be funded from the 2025/26 Traffic Facilities budget.

### **Recommendation**

That Council approve the installation of two mobility parking spaces on the northern side of Park Avenue Burwood in the two most western 90 degree angled parking spaces.

### **Attachments**

There are no attachments for this report.



## **NOTICE OF BURWOOD LOCAL TRAFFIC COMMITTEE MEETING**

### **Late Items**

The July 2025 meeting of the Burwood Local Traffic Committee will be held electronically with the agenda emailed to members for review.

All comments in relation to the late item are required to be returned to Council by close of business 7 July 2025.

Tommaso Briscese  
**General Manager**

2 Conder Street Burwood NSW 2134, PO Box 240 Burwood NSW 1805  
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## **General Business**

### **(Item LTC31/25) Rolling Road Closure - Walk to End Domestic Violence**

File No: 25/32344

Report by Manager Traffic & Transport

#### **Summary**

Council is organising a community walk in August 2025 to raise awareness of domestic and family violence in our community. Participants will gather at Unity Place and proceed to Burwood Park under a rolling road closure managed by NSW Police. This report seeks the Traffic Committee's approval for the proposed rolling road closure.

#### **Background**

Council, in partnership with the Burwood Police Area Command and the Member for Strathfield, is organising a community march to raise awareness of Domestic and Family Violence.

The proposed 'Walk to End Domestic Violence' is planned for August 2025, marking the first anniversary of the tragic death of Burwood resident Xiaoting Wang, who lost her life to domestic violence.

The event aims to bring the community together, honour her memory, and raise awareness of the need to end domestic and family violence. The march will conclude at the Burwood Park Pavilion with a community BBQ, information stalls, and speeches. The event is expected to conclude by 10.30am.

#### **Proposal**

Approval is sought for a rolling road closure to safely conduct the walk. The proposed date is Sunday 17 August or Sunday 24 August 2025, from 9:00am to 9:30am, pending final confirmation from Burwood Police Area Command.

Participants will assemble at Unity Place near Conder Street and walk southbound along Conder Street, eastbound along Belmore Street, then northbound on Burwood Road, finishing in Burwood Park. The route is approximately 1.3km and the march is expected to take around 20 minutes, based on a crowd of up to 200 people walking at a moderate pace. NSW Police have agreed to facilitate the rolling closure to ensure minimal disruption to local traffic.

Given the minor impact on the traffic and transport network with minimal impact to the non-event community the event is categorised as a Class 3 special event.

A map of the proposed route is included in attachment 1 of the report.

#### **Consultation**

Council will notify affected residents and businesses along the route through a letterbox drop at least one week before the event. Additional promotion and updates will be shared via Burwood Council's social media channels, as well as those of the Burwood Police Area Command and the Member for Strathfield.

#### **Financial Implications**

The rolling road closure will be managed by NSW Police at no cost to Council. Other event expenses will be covered by Council's 2025/26 Events Budget.

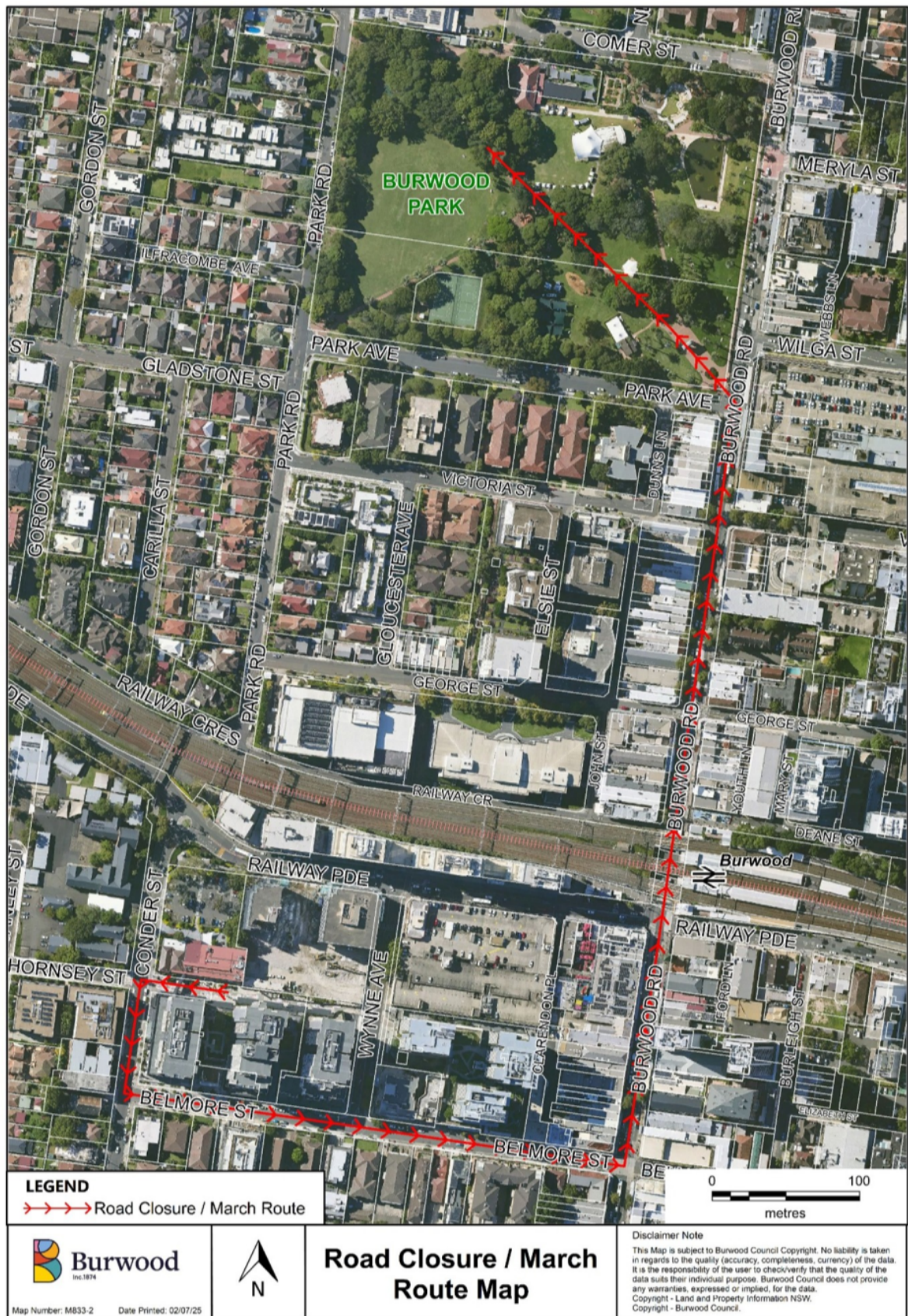
***Recommendations***

1. That Council approve the rolling road closure for the Walk to End Domestic Violence from Unity Place to Burwood Park along Conder Street, Belmore Street and Burwood Road on Sunday 17 August or Sunday 24 August 2025, from 9:00am to 9:30am, pending final confirmation from Burwood Police Area Command.
2. That the rolling road closure be noted as a Class 3 Event.

**Attachments**

- 1 Walk to End Domestic Violence – Rolling Road Closure







## BURWOOD LOCAL TRAFFIC COMMITTEE

MINUTES OF THE MEETING OF THE BURWOOD LOCAL TRAFFIC COMMITTEE held at the ELECTRONICALLY on Thursday 3 July 2025 commencing at 9:00 AM.

### Attendance

Cr John Faker (Mayor) Chairperson  
Mr German Barragan, Transport for NSW  
Ms Fiona McCulloch, representative for State Member for Strathfield  
Mr Michael Pruss, Transit Systems  
Mr Michael Takla, Transit Systems  
Snr Constable Germaine Grant, NSW Police Service  
Mr George El Kazzi, Director City Assets  
Mr Roberto di Federico, Manager Traffic and Transport  
Mr Jeremy Tinslay, Traffic Engineer

### Apologies

There were no apologies.

### Declarations of Interest

There were no declarations of interests by Panel Members.

### Confirmation of Minutes

That the minutes of the ordinary meeting of the Burwood Local Traffic Committee held on Thursday 5 June 2025, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

**General Business**

**(Item LTC27/25) Elm Street, Burwood Heights - Changes to Parking Restrictions**

File No: 25/25448

**Summary**

It is proposed to amend parking restrictions along Elm Street to assist with waste vehicle navigation along the narrow road.

***Recommendation(s)***

That Council approve the additional 'No Parking 4.00am-7.30am Monday' restrictions along the existing '1/4P' restricted area in front 7 Elm Street.

**(Item LTC28/25) Lees Avenue, Croydon Park - Request for Work Zone**

File No: 25/26409

**Summary**

Council has received an application to install a Work Zone along the Lees Avenue frontage of 64 Linthorn Avenue, Croydon Park to facilitate the re-construction of the community hall at the rear of the property (Saint Mary Romanian Orthodox Church).

***Recommendation***

That council approve the installation of a "Work Zone –7:00am to 5:30pm Monday to Friday & 7:00am to 1:00pm Saturday" on Lees Avenue direct frontage of 64 Linthorn Avenue, Croydon Park, for a length of 20m and a period of 43 weeks.

**(Item LTC29/25) Dickinson Avenue, Croydon - Request for Mobility Parking Space**

File No: 25/28412

**Summary**

Council has received a request from the resident at #28 Dickinson Avenue Croydon located at the corner of Liverpool Road (Hume Highway), to install a mobility parking space in front of their property.

***Recommendation***

That Council approve the installation of a 6.7m long mobility parking space on-street along the frontage of 28 Dickinson Avenue per the plan in the report.



**(Item LTC30/25) Park Avenue, Burwood - Introduction of Mobility Parking**

File No: 25/29316

**Summary**

It is proposed to install two mobility parking spaces on Park Avenue as part of the Burwood Park Inclusive Playspace project.

***Recommendation***

That Council approve the installation of two mobility parking spaces on the northern side of Park Avenue Burwood in the two most western 90 degree angled parking spaces.

**(Item LTC31/25) Rolling Road Closure - Walk to End Domestic Violence**

File No: 25/32344

**Summary**

Council is organising a community walk in August 2025 to raise awareness of domestic and family violence in our community. Participants will gather at Unity Place and proceed to Burwood Park under a rolling road closure managed by NSW Police. This report seeks the Traffic Committee's approval for the proposed rolling road closure.

***TfNSW Comment***

No objections from TfNSW.

Please note that the rolling closures will impact TCS at multiple intersections. Temporary road closures at and in the vicinity of TCS require a ROL. Applications must be made to the Transport Management Centre (TMC) for the road closures associated with the event. Please ensure that valid ROLs are obtained for this event.

***Council Response***

Noted, relevant approvals will be obtained prior to event.

***Recommendations***

1. That Council approve the rolling road closure for the Walk to End Domestic Violence along Park Avenue to Burwood Park, starting at the intersection of Park Avenue and Park Road and continuing to the intersection of Park Avenue and Burwood Road, on Sunday 24 August 2025, from 9:00am to 9:30am.
2. That Burwood Police are to provide traffic control for the event in accordance with requirements from Transport for NSW.
3. That the rolling road closure be noted as a Class 3 Event.