



GOVERNANCE AND FINANCE COMMITTEE

13 May 2025



COMMUNITY STRATEGIC PLAN 2018-2028

ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA

ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE

ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.



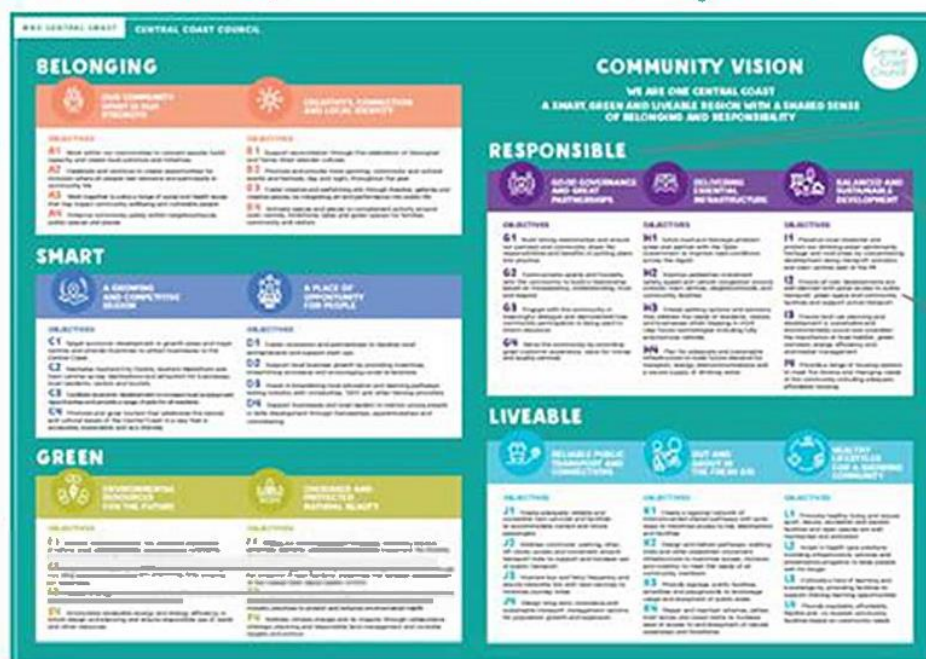
Good governance and great partnerships

G2 Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.



Meeting Notice

**The Governance and Finance Committee
of Central Coast Council
will be held in Function Room 2,
2 Hely Street, Wyong,
on Tuesday 13 May 2025 7:00pm,
for the transaction of the business listed below:**

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Councillor Jared Wright
Chairperson

1.1 INTRODUCTION: WELCOME, ACKNOWLEDGEMENT OF COUNTRY, AND APOLOGIES

WELCOME

ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land on which we live, work and play.

We pay our respects to Darkinjung Country, and Elders past and present.

We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home.

We recognise our future leaders and the shared responsibility to care for and protect our place and people.

RECEIPT OF APOLOGIES

DISCLOSURES OF INTEREST

Item No: 1.2
Title: Disclosures of Interest
Department: Corporate Services

13 May 2025 Economic Development Committee

Reference: F2025/00484 - D16751331

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee 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.*
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*

- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) *Subsections (1) and (2) do 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 part of the council's area, or*
 - (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
 - (a1) *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 section 443) in that person's principal place of residence, and*
 - (b) *the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) *The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
 - (a) *be in the form prescribed by the regulations, and*
 - (b) *contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

Recommendation

That Committee members and staff now disclose any conflicts of interest in matters under consideration at this meeting.

Item No: 1.3
Title: Q3 (March 2025) Operational Plan and Budget Review
Department: Performance and Communications

13 May 2025 Governance and Finance Committee

Reference: F2024/00101 - D16814695



Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Governance and Finance Committee meeting on 13 May 2025.

Item No: 1.4
Title: Reviewed Code of Conduct - for Public Exhibition
Department: Corporate Services



13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16759980
Author: Alysha Croussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends to Council that the Code of Conduct provided as Attachment 1 to this report to be placed on public exhibition for a period of 28 days, with a further report to be presented after the public exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in any amendments to the current Model Code of Conduct.***

Report purpose

To present a reviewed Code of Conduct to be placed on public exhibition.

Executive Summary

Council is required to review its adopted code of conduct within 12 months of the local government elections. The Office of Local Government is currently conducting a review of the Councillor Conduct Framework which will likely result in changes to the Model Code. Pending the prescription of a new Model Code, and noting Council's current Code of Conduct conforms to the Model Code, it is not considered necessary to make any adjustments to the adopted Code of Conduct. It is nevertheless recommended the current Code be placed on public exhibition before being adopted by the elected Council for optimum transparency and community engagement.

Background

Under section 440 of the *Local Government Act 1993* (the Act), Council must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct (Model Code) prescribed by the *Local Government (General) Regulation 2021* (Regulation) and as provided by the Office of Local Government (OLG). A council's adopted code has no effect to the extent that it is inconsistent with the model code in force for the time being.

Section 440(7) states that a Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.

In September 2024, the OLG flagged a new approach to the councillor conduct framework, which would involve reform of the Model Code and associated legislative changes. Council had delayed reviewing its Code of Conduct in anticipation of an early announcement on this matter; however, there has been no such announcement to date.

In order to ensure compliance with Council's post-election obligations, a review of the Code of Conduct has therefore been undertaken against the existing Model Code. No adjustments are considered necessary at this time, noting that Council's existing Code of Conduct conforms with the OLG's current Model Code.

The Code was last amended at the Ordinary Meeting of Council held on 23 July 2024, when Council was under administration. While there is no legislative requirement for the Code to be exhibited as part of the post-election review, it is proposed that the current Code be placed on public exhibition prior to re-adoption for maximum transparency and community engagement.

Stakeholder Engagement

Council has undertaken internal consultation in addition to reviewing information and guidance from the OLG. Similar policies from other councils have also been reviewed to determine common practice and maximise industry consistency.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

No impact on Council's budget or LTFP.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

Reviewing and adopting this policy will ensure that Council fully complies with its legislative responsibilities, and reduce the risk of challenge and possible reputational loss or exposure to legal action.

Critical Dates or Timeframes

Council has a legislative responsibility to review and adopt a Code of Conduct within the first 12 months of a newly elected Council, which falls due in September 2025.

Attachments

1 Code of Conduct for Public Exhibition D16811396

Central Coast Council Code of Conduct

Date Adopted: TBA

Revision: 6

Policy No.: CCC002



DRAFT

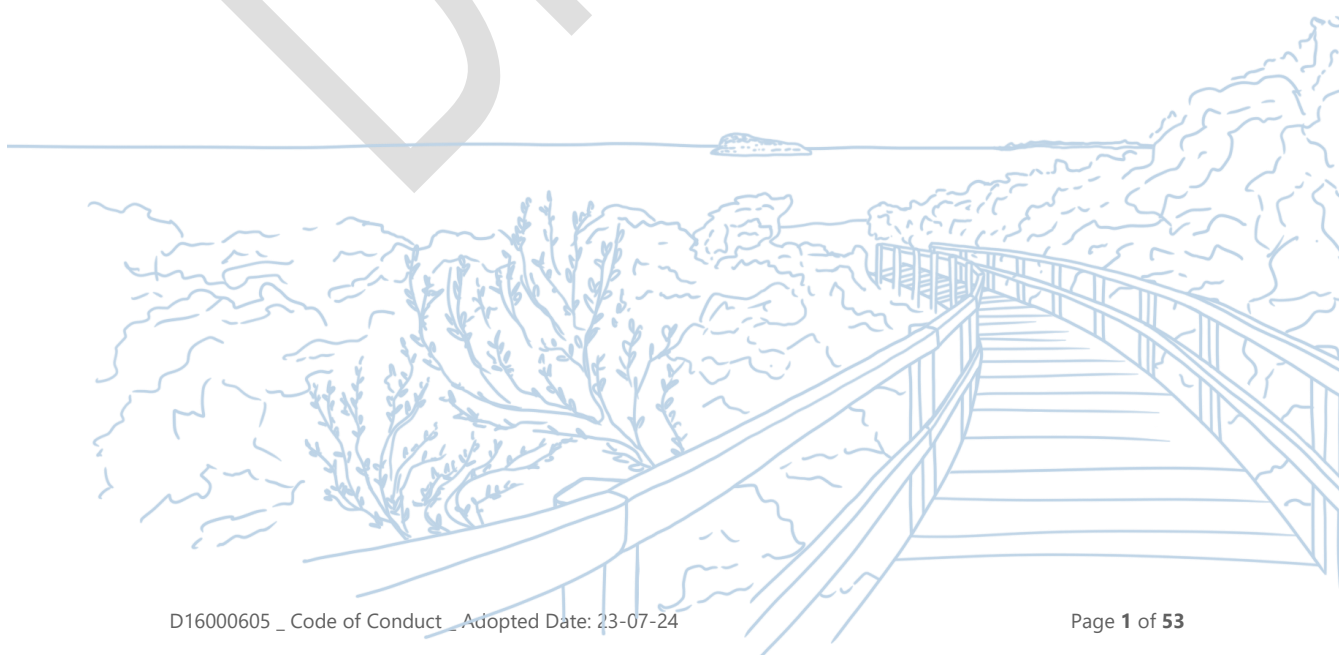


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1. Introduction

- 1.1. This 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)*.
- 1.2. This 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.
- 1.3. Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).
- 1.4. A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.
- 1.5. 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.
- 1.6. 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.
- 1.7. Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.
- 1.8. The Code of Conduct should be read in conjunction with all other Council policies.

2. Definitions

2.1. 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
chief executive officer	includes the executive officer of a joint organisation
child	any person under 18 years of age
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors, community members of wholly advisory committees, volunteers and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and deputy mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state, and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>

joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
reportable conduct	<p>The <i>Children's Guardian Act 2019</i> defines reportable conduct as:</p> <ul style="list-style-type: none"> • A sexual offence committed against, with, or in the presence of a child • Sexual misconduct with, towards, or in the presence of a child • Ill-treatment of a child • Neglect of a child • An assault against a child • Behaviour that causes significant emotional or psychological harm to a child • An offence under section 43B or 316A of the <i>Crimes Act 1900</i>.
the Regulation	the <i>Local Government (General) Regulation 2021</i>
token value	a gift or benefit valued at \$50 or less
voting	a voting representative of the board of a joint organisation
wholly advisory	a council committee that the council has not delegated any functions to

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 - abuse of power in the form of 'malfeasance in office' or 'official misconduct' is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties
 - e) causes, comprises or involves intimidation or verbal abuse - intimidation is to frighten or threaten someone, usually in order to persuade the person to do something he or she does not wish to do
 - 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
 - c) creates a hostile environment, and
 - d) causes a person mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching or offensive language.

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, which includes but is not limited to:
 - i) physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
 - ii) verbal or written threats to inflict physical harm;
 - iii) stalking someone;
 - iv) physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, physically restraining someone or any other form of physical or sexual assault.
- 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
 - i) abusive behaviour which is any behaviour or action designed to control, intimidate, threaten or injure another person.

- 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 chief executive officer or such other staff member nominated by the chief executive officer, 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.

Alcohol and other drugs

- 3.13.** Central Coast Council fosters a culture where it is not acceptable to come to work under the influence of alcohol and/or any other drug that will prevent workers from performing duties in a safe manner. All workers must present for work physically and mentally capable of safely performing their duties.
- 3.14.** You must not consume, carry, purchase, or be under the influence of alcohol or illicit drugs during working hours.

- 3.15.** You are under a duty, when acting as a Council Official, to declare any consumption of drugs, alcohol or medications which may impair your ability.

Child safety behavioural expectations

- 3.15a** You must not conduct yourself in a manner which is deemed reportable conduct in accordance with The Office of the Children's Guardian's Reportable Conduct Scheme. Such conduct includes:

- A sexual offence committed against, with, or in the presence of a child
- Sexual misconduct with, towards, or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- Behaviour that causes significant emotional or psychological harm to a child
- An offence under section 43B or 316A of the *Crimes Act 1900*

Land use planning, development assessment and other regulatory functions

- 3.16.** 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.
- 3.17.** 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

- 3.18.** You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.19.** For the purposes of clause 3.18, 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.
- 3.20.** Clause 3.18 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.
- 3.21.** Clause 3.18 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

- 3.22.** 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.
- 3.23.** 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).
- 3.24.** 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.
- 3.25.** If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

Public comment

- 3.26.** The mayor or chief executive officer will generally be the spokesperson on council business or matters before council. Only council officials with specific delegations are authorised to make public comment about council business or on matters before council on behalf of council. All comments are to be made in accordance with council's associated policies and procedures.
- 3.27.** On social media, such as council's Twitter, Instagram and Facebook accounts, Council spokespeople will be delegated by the chief executive officer.
- 3.28.** If a council official makes a comment on council business using their personal social media accounts, they are under a duty to ensure it is clear that it is a personal opinion, that it is not the official position of council and that the comment is not derogative, malicious, vindictive, defamatory or in any way a breach of the State of NSW or Commonwealth of Australian Anti-Discrimination Laws.
- 3.29.** If a council official chooses to identify themselves as a council official on their personal social media, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity.
- 3.30.** Council officials must not defame other persons, including other council officials. This includes during any meeting of council, meeting of any committee

of council, any public meeting conducted by or for council, or in any publication made by or for council.

4. Pecuniary Interest

What is a pecuniary interest?

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

a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6. You do not have to disclose the following interests for the purposes of this Part:

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

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

What disclosures must be made by a designated person?

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

in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

- 4.9.** A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10.** A designated person must disclose in writing to the chief executive officer (or if the person is the chief executive officer, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11.** Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12.** The chief executive officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13.** A disclosure by the chief executive officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by council advisers?

- 4.16.** A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17.** A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18.** A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

- 4.19.** For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21.** A councillor or designated person must make and lodge with the chief executive officer a return in the form set out in Schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
 - b) 30 June of each year, and
 - c) the councillor or designated person becoming aware of an interest they are required to disclose under Schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).
- 4.22.** A person need not make and lodge a return under clause 4.21, paragraphs a) and b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
 - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23.** A person must not make and lodge a return that the person knows or ought to reasonably to know is false or misleading in a material particular.
- 4.24.** The chief executive officer must keep a register of returns required to be made and lodged with the chief executive officer.
- 4.25.** Returns required to be lodged with the chief executive officer under clause 4.21a) and b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26.** Returns required to be lodged with the chief executive officer under clause 4.21c) must be tabled at the next council meeting after the return is lodged.
- 4.27.** Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of *the Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28.** A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29.** The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
 - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30.** In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31.** A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32.** A general notice may be given to the chief executive officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
 - b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33.** A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34.** A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35.** Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

- 4.36.** Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37.** A special disclosure of a pecuniary interest made for the purposes of clause 4.36c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38.** The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.39.** A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

5. Non-Pecuniary Conflict of Interest

What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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

a close personal relationship with, or another person living in the same household

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

5.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11. If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12. If you are a member of staff of council other than the chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your

manager. In the case of the chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13.** Despite clause 5.10b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14.** Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15.** Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16.** Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17.** For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*
- 5.18.** Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19.** Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20.** A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21.** The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22.** Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

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

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

Personal dealings with council

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

Council Officials and future employment

- 5.30.** Councillors and council staff should not use their position to obtain opportunities for future employment.
- 5.31.** You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside council.
- 5.32.** You must be careful in your dealings with former council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.
- 5.33.** Former council officials must not use or take advantage of confidential information obtained in the course of their official duties at council that may lead to gain or profit.

- 5.34.** At the end of your involvement with council, all council officials must return all council property, documents or items and not make public, or otherwise use, any confidential information gained as a consequence of your involvement with council.

6. Personal Benefit

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

Gifts and benefits

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

- 6.5.** Accepting money or offers of money, or cash-like gifts or benefits, regardless of the amount is strictly prohibited in all circumstances and must be declined and declared.

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

- 6.6.** You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token
 - e) accept an offer of cash or a cash-like gift, 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.
 - h) accept supplier discounts offered for your personal purchase of goods and services that are not available to the general public or a broad class of persons
 - i) accept any gift, benefit, or hospitality, including promotionally branded items, from any supplier, consultant, contractor, or property developer.
- 6.7.** Where you are offered or receive a gift or benefit of any value, you must disclose this promptly to your manager or the chief executive officer in writing. The recipient, manager, or chief executive officer must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit
 - d) the date on which the gift or benefit was received, and
 - e) how the gift or benefit was managed. i.e., accepted and surrendered, refused etc.
- 6.8.** Where you receive a gift or benefit 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.
- 6.9.** Any gift or benefit received because of a purchase incentive scheme will become the property of Council. For example, if purchases from a specific

supplier reach a certain value which results in a gift being rewarded, this gift will become the property of the Council.

Gifts and benefits of token value

6.10. You may accept gifts and benefits of token value, however, gifts and benefits of token value must still be declared. 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 \$50. 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 \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.11. Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value and must not be accepted.

6.12. Gifts and benefits of more than token value 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 \$50
- 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.

6.13. 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.

6.14. Where a gift or benefit of more than token value cannot be reasonably refused or returned, it must be surrendered to Council's Governance Unit.

"Cash-like gifts"

6.15. "Cash-like gifts" include, but are not limited to:

- a) gift vouchers
- b) credit cards
- c) debit cards with credit on them
- d) prepayments such as phone or internet credit
- e) lottery tickets

- f) memberships, or
 - g) entitlements to discounts that are not available to the general public or a broad class of persons.
- 6.14 Accepting money or offers of money or cash-like gifts or benefits in any form is considered an attempt at bribery and is a crime which may be reportable to the Independent Commission Against Corruption (ICAC).

Improper and undue influence

- 6.16.** 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.
- 6.17.** 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.

7. Relationships between Council Officials

Obligations of councillors and administrators

- 7.1.** Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2.** Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the chief executive officer by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the chief executive officer
 - 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 chief executive officer includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5. Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6. You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning

panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting

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

8. Access to Information and Council Resources

Councillor and administrator access to information

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

- 8.4.** Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5.** Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6.** Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

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

Use and security of confidential information

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

Personal information

- 8.12.** When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) Council's Privacy Management Plan Policy
 - e) the Privacy Code of Practice for Local Government
 - f) the *Government Information (Public Access) Act 2009* and Regulation

Use of council resources

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

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

Internet access

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

Council record keeping

- 8.21.** You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22.** All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23.** All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

- 8.24.** You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

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

9. Maintaining the Integrity of this Code

Complaints made for an improper purpose

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

- i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

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

Compliance with requirements under the Procedures

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

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

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

- 9.13.** Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 2022*.

Complaints alleging a breach of this Part

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

General

- 9.16.** You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this Code or its administration.
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10. Policy Administration

Business Group	Office of the Chief Executive Officer
Responsible Officer	Chief Executive Officer
Associated Procedure (if any, reference document(s) number(s))	Procedures for the Administration of the Code of Conduct
Policy Review Date	Four years from date of adoption unless legislated otherwise
File Number / Document Number	D16000605
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Children's Guardian Act 2019</i> ▪ <i>Corporations Act 2001</i> (Cth), ss 9, 50 ▪ <i>Electoral Funding Act 2018</i>, Part 3 of Division 7, section 53 ▪ <i>Environmental Planning and Assessment Act 1979</i> ▪ <i>Government Information (Public Access) Act 2009</i> ▪ <i>Government Information (Public Access) Regulation 2018</i> ▪ <i>Health Records and Information Privacy Act 2002</i> ▪ <i>Interpretation Act 1987</i>, s 21C ▪ <i>Local Government (General) Regulation 2021</i>, cl 193 and 194 ▪ <i>Local Government Act 1993</i>, ss 10A, 66, 223, 226, 252, 328B, 335, 343, 352, 353, 439, 440, 441, 442, 443, 449, 459 and 749, <i>Local Government Act 1993</i> ▪ <i>Privacy and Personal Information Protection Act 1998</i> ▪ <i>Public Interest Disclosures Act 2022</i> ▪ <i>State Records Act 1998</i> ▪ <i>Work Health and Safety Act 2011</i>
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G2: Engage and communicate openly and honestly with the community to build a relationship based on</p>

	trust, transparency, respect and use community participation and feedback to inform decision making.
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Delegations Register ▪ Model Code of Conduct for Local Councils in NSW ▪ Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW ▪ Councillor and Staff Interaction Policy ▪ Code of Meeting Practice

11. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	25 May 2016 Minute No. 11/16 (adoption)	Creation of policy based on updated Model Code of Conduct issued by NSW State Government
2	25 March 2019 Minute No. 223/19 (adoption)	Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2018
3	14 September 2020 Minute No. 457/20 (adoption)	Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2020 issued via Government Gazette number 172 on Friday 7 August 2020.
4	13 December 2022 Minute No. 262/22 (adoption)	Amended to include child safety behavioural expectations in accordance with the Children's Guardian Act 2019.
5	23 July 2024 Minute No. 275/24 (adoption)	Review of the Gifts and Benefits clause to align with best and industry practice, addition of an Alcohol and Drugs clause, and minor amendment to 3.27; also transferred into Council's new policy template.

12. Schedules

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

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

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

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

Part 1: Preliminary

Definitions

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

address means:

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

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

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

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

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

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in

equity, in or over the property, or

- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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

occupation includes trade, profession and vocation.

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

property includes money.

return date means:

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

relative includes any of the following:

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

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:*

A reference in this Schedule or in Schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:*

A reference in this Schedule or in Schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real

property situated in Australia in which the councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations:*

For the purposes of this Schedule and Schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

- 12.** A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
- 13.** A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
- 14.** For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

- 15.** A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the

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

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

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate**, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer** has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - i) a description of the occupation, and
 - ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the

person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

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

Discretionary disclosures

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

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

'Disclosures by councillors and designated persons' return

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

8. This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.
9. 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.

10. The information collected on this form will be kept by the chief executive officer in a register of returns. The chief executive officer is required to table all returns at a council meeting.
11. 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.
12. You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of Councillor or designated person]
as at [return date]
in respect of the period from [date] to [date] [Councillor's or designated person's signature]
[date]

A. Real Property			
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June			Nature of interest
B. Sources of income			
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June Sources of income I received from an occupation at any time since 30 June			
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)	
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June Sources of income I received from a trust since 30 June			
Name and address of settlor		Name and address of trustee	
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June Sources of other income I received at any time since 30 June [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]			
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 each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
E. Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed companies)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)	
G. Positions in trade unions and professional or business associations	
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
H. Debts	
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June	
I. Dispositions of property	
1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time	
2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property	
J. Discretionary disclosures	

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

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

Important information

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

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

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

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

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

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

Special disclosure of pecuniary interests by *[full name of Councillor]*
in the matter of *[insert name of environmental planning instrument]*
which is to be considered at a meeting of the *[name of Council or Council Committee (as the case requires)]* to be held on the day of 20 .

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

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

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

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

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



Item No: 1.5
Title: Draft Code of Meeting Practice - for Public Exhibition
Department: Corporate Services

13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16771620
Author: Warwick Lawrence, Governance Consultant
Alysha Croussos, Section Manager Governance
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends that Council endorses the Draft Code of Meeting Practice provided as Attachment 1 to this report to be placed on public exhibition for a period of 28 days, allowing submissions from the public up to 42 days, with a further report to be presented after the exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in a new Model Code of Meeting Practice being prescribed.***

Report purpose

To seek endorsement of the proposed amendments to Council's Code of Meeting Practice and approval to undertake a public consultation process.

Executive Summary

Council is required to adopt a Code of Meeting Practice no later than 12 months of the local government elections. It is anticipated that, as part of the Office of Local Government's review of the Councillor Conduct Framework, a new Model Code of Meeting Practice will be prescribed. Pending the prescription of a new Model Code, a number of minor amendments are proposed to the current Code to reflect Council meeting practice and to ensure Council satisfies its post-election legislative obligation.

Background

Section 360 of the *Local Government Act 1993* (the Act) requires Council to adopt a Code of Meeting Practice (CoMP) which incorporates the mandatory provisions of the Model Code of Meeting Practice (Model Code), no later than 12 months after an ordinary election of Councillors. The Model Code also contains non-mandatory provisions that can be amended to suit local circumstances.

Section 361 of the Act also requires that, prior to adoption of a CoMP, the draft Code be publicly exhibited for not less than 28 days, and a period of not less than 42 days be provided for submissions to be made to the Council.

As Councillors are aware, the Office of Local Government (OLG) is currently undertaking a review of the Councillor Conduct Framework and meeting practices. Although the OLG anticipated that a new Model Meeting Code would be prescribed in early 2025, this has not occurred to date.

Report

While the new Code has not yet been prescribed, Council is nevertheless obliged to comply with its post-election obligation to adopt a CoMP. Pending the release of a new Model Code, it is proposed to make a number of minor amendments to the existing CoMP to reflect current Council meeting practice. These amendments are shown in the draft CoMP at (Attachment 1) and detailed in the following table.

Clause	Proposed Amendment	Commentary
Clause 9 – Order of business	Adding “Minutes of Committee meetings” to the order of business.	As Council has adopted a standing committee structure, it is proposed that the order of business be updated to reflect this, with consideration of committee minutes and recommendations to follow “Items Considered by Exception”.
Clause 9 - Order of Business	Changing the order of business to allow Mayoral minutes to be considered after “Confirmation of Minutes”.	Section 10.7 of the Code of Meeting Practice provides that Mayoral minutes should take

		precedence over all other business of the Council. The current order of business provides for consideration of any Mayoral minute after items considered by exception. It is proposed any Mayoral minute instead be considered after the minutes of the previous meeting have been confirmed.
10.20, 10.21 and 10.22 – Laying an item 'on table'	<p>Addition of the following clauses:</p> <p>10.20 A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.</p> <p>10.21 At the end of the Council meeting at which the item was 'laid on the table' the chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.</p> <p>10.22 If and when the item is 'taken off the table' debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers list to be recommenced.</p>	Council's current CoMP does not specifically make reference to this procedural motion. For clarity, and to formalise the future use of this procedure, it is recommended that it be included in the COMP.

Stakeholder Engagement

Council has undertaken internal consultation with affected Business Units in addition to reviewing information and guidance from the OLG. Similar policies from other councils have also been reviewed to determine common practice and maximise industry consistency.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.



Risk Management

Reviewing and adopting this policy ensures that Council fully complies with its legislative responsibilities, thus reducing the risk of challenge and possible reputational loss or exposure to legal action.

Critical Dates or Timeframes

Council has a legislative responsibility to adopt a Code of Meeting Practice within the first 12 months of a newly elected Council, which falls due in September 2025.

Attachments

1   DRAFT - Code of Meeting Practice - 1.5.25 D16813116

Central Coast Council

Code of Meeting Practice

Date Adopted: xx/xx/xx

Revision: 10

Policy No.: CCC001



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1. Policy Objectives

- 1.1. Council's Code of Meeting Practice is prescribed in accordance with the Model Code of Meeting Practice for Local Councils in NSW, section 360 of the *Local Government Act 1993* (**the Act**) and the *Local Government (General) Regulation 2021* (**the Regulation**).
- 1.2. Meeting procedures contribute to good public decision-making and increase Council's transparency and accountability to its community.
- 1.3. Meetings will address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.
- 1.4. Meetings will be held in an environment which facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.5. Councils are encouraged to hold open Council Meetings as far as practicable and must, to the greatest extent possible, vote by open means (such as by show of hands). In this way, members of the public can witness the conduct of a Council Meeting.
- 1.6. Members of the public can also investigate the background to Council decisions by inspecting the business papers of the meeting. Through a combination of minutes, public attendance and open meetings, accountability is achieved.

2. Meeting Principles

- 2.1. Council and committee meetings should be:
 - 2.1.1. **Transparent** – Decisions are made in a way that is open and accountable;
 - 2.1.2. **Informed** – Decisions are made based upon relevant, quality information;
 - 2.1.3. **Inclusive** – Decisions respect the diverse needs and interests of the Central Coast community;
 - 2.1.4. **Principled** – Decisions are informed by the principles prescribed under Chapter 3 of the Act;
 - 2.1.5. **Trusted** – Our community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community;
 - 2.1.6. **Respectful** – Councillors, staff and meeting attendees treat each other with respect;
 - 2.1.7. **Effective** – Meetings are well organised, effectively run and skilfully chaired; and
 - 2.1.8. **Orderly** – Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3. Policy Scope

- 3.1. This Code applies to all meetings of Council, Committees of Council of which the members are Councillors, and Committees whose members include both Councillors and other persons.
 - 3.2. All Councillors, staff and community members participating in meetings of Council and committees of Council must act in accordance with this Code.
-

4. Public Forums

- 4.1. The Council may hold a Public Forum prior to each Ordinary Meeting of the Council for the purpose of hearing verbal 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. The conduct of Public Forums is outlined in the Public Forum Policy.
-

5. Before the Meeting

Timing of Ordinary Council Meetings

- 5.1. Ordinary Meetings of Council will be held on the fourth Tuesday of the months of January to November inclusive and on the second Tuesday of the month of December at 2 Hely Street, Wyong commencing at 6.30 PM.
- 5.2. Council shall, by resolution, set or vary the frequency, time, date and place of its Ordinary Meetings.
- 5.3. Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
- 5.4. The Agenda Paper will be distributed by 5:00 PM no less than three business days before the meeting.

Extraordinary Meetings

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

(Section 366 of the Act)

Notice to the Public of Council Meetings

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

(Section 9(1) of the Act)

- 5.7. The location of Extraordinary Meetings will be that specified for the conduct of Ordinary Meetings.
- 5.8. Notice of a meeting of Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on Council's website, and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 5.9. Notice of more than one meeting may be given in the same notice.
- 5.10. The copies are to be available to the public as nearly as possible to the time they are available to Councillors.

(Section 9(3) of the Act)

Notice to Councillors of Ordinary Council Meetings

- 5.11. The Chief Executive Officer must send to each Councillor, at least three (3) days before each meeting of 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.

(Section 367(1) of the Act)

- 5.12. 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.

(Section 367(3) of the Act)

Notice to Councillors of Extraordinary Council Meetings

- 5.13. Notice of less than three (3) days may be given to Councillors of an Extraordinary Meeting of Council in cases of emergency.

(Section 367(2) of the Act)

Giving Notice of Business to be Considered at Council Meetings

- 5.14. A Councillor may give notice of any business they wish to be considered by Council at its next Ordinary Meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the Notice of Motion must be submitted to the Chief Executive Officer using the standard template by 5:00 PM seven (7) business days before the meeting is to be held. A Councillor is limited to submitting one Notice of Motion per Ordinary Meeting under this Clause.
- 5.15. A Councillor may, in writing to the Chief Executive Officer, 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.
- 5.16. If the Chief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of Council has legal,

strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer 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 Council.

- 5.17.** A Notice of Motion for the expenditure of funds or redirection of resources on works and/or services other than those already provided for in 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 Chief Executive Officer must either:
- 5.17.1. 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 Council, or
 - 5.17.2. 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.
- 5.18.** Councillors are to liaise with the Chief Executive Officer (or their nominee) for assistance in costing Notices of Motion and identifying potential funding sources in sufficient time to complete the Notice of Motion and meet the deadline in Clause 5.14.

Questions With Notice

- 5.19.** A Councillor may, by way of a notice submitted under Clause 5.14, ask a question for response by the Chief Executive Officer about the performance or operations of Council. A Councillor is limited to submitting one Question with Notice per Ordinary Meeting under this Clause. A Question with Notice must not comprise a question with multiple parts to it.
- 5.20.** A Councillor is not permitted to ask a Question with Notice that comprises a complaint against the Chief Executive Officer or a member of staff of Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of Council.
- 5.21.** The Chief Executive Officer or their nominee may respond to a Question with Notice by way of a report included in the business papers for the next meeting of Council or orally at the meeting. If the preparation of a response is likely to divert significant time and resources of staff the response will be provided no later than the second Ordinary Meeting of Council following the meeting at which the Question was published.

Agenda and Business Papers for Ordinary Meetings

- 5.22.** The Chief Executive Officer must cause the agenda for a meeting of Council or a Committee of Council to be prepared as soon as practicable before the meeting and no later than three (3) days prior to the meeting.

- 5.23.** The Chief Executive Officer must ensure that the agenda for an Ordinary Meeting of Council states:
- 5.23.1. all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
 - 5.23.2. 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
 - 5.23.3. all matters, including matters that are the subject of staff reports and reports of Committees, to be considered at the meeting, and
 - 5.23.4. any business of which due notice has been given under Clause 5.14.
- 5.24.** Nothing in Clause 5.23 limits the powers of the Mayor to put a Mayoral Minute to a meeting under Clause 10.6.
- 5.25.** The Chief Executive Officer must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of Council.
- 5.26.** Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:
- 5.26.1. 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
 - 5.26.2. states the grounds under section 10A(2) of the Act relevant to the item of business.
- (Section 9(2A)(a) of the Act)*
- 5.27.** The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, 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

- 5.28.** 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

- 5.29. Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Council and Committees of Council, are to be published on 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 Council and at the relevant meeting.

(Section 9(2) and (4) of the Act)

- 5.30. Clause 5.29 does not apply to the business papers for items of business that the Chief Executive Officer has identified under Clause 5.26 as being likely to be considered when the meeting is closed to the public.

(Section 9(2A)(b) of the Act)

- 5.31. Copies of agendas and business papers must be published on 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.

(Section 9(3) of the Act)

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

(Section 9(5) of the Act)

Agenda and Business Papers for Extraordinary Meetings

- 5.33. The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of Council deals only with the matters stated in the notice of the meeting.

- 5.34. Despite Clause 5.33, business may be considered at an Extraordinary Meeting of Council, even though due notice of the business has not been given, if:

5.34.1. a motion is passed to have the business considered at the meeting, and

5.34.2. the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.

- 5.35. A motion moved under Clause 5.34.1 can be moved without notice but only after the business notified in the agenda for the Extraordinary Meeting has been dealt with.

- 5.36. Despite Clauses 11.20–11.32, only the mover of a motion moved under Clause 5.34.1 can speak to the motion before it is put.

- 5.37. A Motion of Dissent cannot be moved against a ruling of the Chairperson under Clause 5.34.2 on whether a matter is of great urgency.

Pre-Meeting Briefing Sessions

- 5.38. Prior to each Ordinary Meeting of Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting.
- 5.39. Pre-meeting briefing sessions may also be held for extraordinary meetings of Council and meetings of Committees of Council.
- 5.40. Pre-meeting briefing sessions are to be held in the absence of the public.
- 5.41. Pre-meeting briefing sessions may be held by audio-visual link.
- 5.42. The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer, is to preside at pre-meeting briefing sessions.
- 5.43. Councillors (including the Mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
- 5.44. Councillors (including the Mayor) are to make all reasonable efforts to attend pre-meeting briefing sessions.
- 5.45. 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. 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.

6. Coming Together

Attendance by Councillors at Meetings

- 6.1. All Councillors must make reasonable efforts to attend meetings of Council and of Committees of Council of which they are members.
- 6.2. A Councillor may not attend a meeting as a Councillor (other than the first meeting of 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.
- 6.3. Councillor attendance at meetings shall be recorded in the minutes of that meeting, published on Council's website and included in Council's annual report.
- 6.4. A Councillor cannot participate in a meeting of Council or of a Committee of Council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.

- 6.5.** Where a Councillor is unable to attend one or more Ordinary Meetings of Council, the Councillor should request that 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 Council 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.
- 6.6.** 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.
- 6.7.** Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 6.8.** A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary Meetings of Council without being granted a leave of absence at any of the meetings concerned, unless:
- 6.8.1. the holder is absent because they have been suspended from office under the Act, or
 - 6.8.2. because the Council has been suspended under the Act, or
 - 6.8.3. as a consequence of a compliance order under section 438HA.
- (Section 234(1)(d) of the Act).*
- 6.9.** A Councillor who intends to attend a meeting of Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two days' notice of their intention to attend.

The Quorum for a Meeting

- 6.10.** The quorum for a meeting of Council is a majority of the Councillors of Council who hold office at that time and who are not suspended from office.
- (Section 368(1) of the Act)*
- 6.11.** Clause 6.10 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 Council.
- (Section 368(2) of the Act)*
- 6.12.** A meeting of Council must be adjourned if a quorum is not present:
- 6.12.1. 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
 - 6.12.2. within half an hour after the time designated for the holding of the meeting, or
 - 6.12.3. at any time during the meeting.
- 6.13.** In either case, the meeting must be adjourned to a time, date and place fixed:

- 6.13.1. by the Chairperson, or
 - 6.13.2. in the Chairperson's absence, by the majority of the Councillors present, or
 - 6.13.3. failing that, by the Chief Executive Officer.
- 6.14.** The Chief Executive Officer must record in 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 Council, together with the names of the Councillors present.
- 6.15.** 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 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, or a public health emergency, the Mayor may, in consultation with the Chief Executive Officer 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 Council's website and in such other manner that Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 6.16.** Where a meeting is cancelled, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of Council or at an Extraordinary Meeting called under Clause 5.5.

Meetings Held by Audio-Visual Link

- 6.17.** 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 Chief Executive Officer and, as far as is practicable, with each Councillor.
- 6.18.** Where the Mayor determines under Clause 6.17 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:
- 6.18.1. give written notice to all Councillors that the meeting is to be held by audio-visual link, and
 - 6.18.2. take all reasonable steps to ensure that all Councillors can participate in the meeting by audio-visual link, and
 - 6.18.3. cause a notice to be published on the Council's website and in such other manner the Chief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 6.19.** This Code applies to a meeting held by audio-visual link in the same way it would if the meeting was held in person.

Note: Where a Council holds a meeting by audio-visual link, 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

- 6.20.** 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.
- 6.21.** A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons by the Councillor will be prevented for attending the meeting in person.
- 6.22.** 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 6.21.
- 6.23.** 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.
- 6.24.** 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.
- 6.25.** 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:
- 6.25.1. the meetings the resolution applies to, and
 - 6.25.2. 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.
- 6.26.** 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.
- 6.27.** 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.

- 6.28.** 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 the 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.
- 6.29.** 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.
- 6.30.** 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.
- 6.31.** 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 Committee into disrepute.

Entitlement of the Public to Attend Council Meetings

- 6.32.** Everyone is entitled to attend a meeting of Council and a Committee of Council. Council must ensure that all meetings of Council and Committees of Council are open to the public.

(Section 10(1) of the Act)

- 6.33.** Clause 6.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 6.34.** A person (whether a Councillor or another person) is not entitled to be present at a meeting of Council or a Committee of Council or a Public Forum if expelled from the meeting:

6.34.1. by a resolution of the meeting, or

6.34.2. by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

(Section 10(2) of the Act)

Recording and Webcasting of Council Meetings

- 6.35. Each meeting of Council or Committee of the Council is to be recorded by means of an audio or audio-visual device.

(Section 236 of the Regulation)

- 6.36. Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly on [Council's website](#).

- 6.37. At the start of each meeting of the Council or a Committee of Council, the Chairperson must inform the persons attending the meeting that:

6.37.1. the meeting is being recorded and made publicly available on the Council's website, and

6.37.2. persons attending the meeting should refrain from making any defamatory statements.

(Section 236 of the Regulation)

- 6.38. The recording of a meeting is to be made publicly available on Council's website as soon as practicable after the meeting.

(Section 236 of the Regulation)

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

(Section 236 of the Regulation)

- 6.40. Clauses 5.37 and 5.38 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

(Section 236 of the Regulation)

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

Attendance of the Chief Executive Officer and Other Staff at Meetings

- 6.42. The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of Council or a meeting of a Committee of Council of which all of the members are Councillors.

(Section 376(1) of the Act)

- 6.43. The Chief Executive Officer is entitled to attend a meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote.

(Section 376(2) of the Act)

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

- 6.44.1. The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.
- 6.44.2. The Chief Executive Officer and other Council staff may attend meetings of the Council and Committees of the Council by audio-visual link. Attendance by Council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the Chief Executive Officer.

(Section 376(3) of the Act)

7. The Chairperson

The Chairperson at Meetings

- 7.1. The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of Council.

(Section 369(1) of the Act)

- 7.2. If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of Council.

(Section 369(2) of the Act)

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

- 7.3. If no Chairperson is present at a Meeting of Council at the time designated for the holding of the Council Meeting, the first business of the Council Meeting must be the election of a Chairperson to preside at the meeting.
- 7.4. The election of a Chairperson must be conducted:
 - 7.4.1. by the Chief Executive Officer or, in their absence, an employee of Council designated by the Chief Executive Officer to conduct the election; or
 - 7.4.2. by the Public Officer.
- 7.5. 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.
- 7.6. For the purposes of Clause 7.5, the person conducting the election must:
 - 7.6.1. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - 7.6.2. then fold the slips so as to prevent the names from being seen, mix the slips up and draw one of the slips at random.
- 7.7. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

- 7.8. Any election conducted under Clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the Council Meeting.

Chairperson to have Precedence

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

8. Mode of Address

- 8.1. If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 8.2. Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 8.3. A Councillor is to be addressed as 'Councillor [surname]'.
- 8.4. A Council Officer is to be addressed by their official designation or as Mr/Ms[surname].

9. Order of Business for Ordinary Council Meetings

- 9.1. The general Order of Business for an Ordinary Meeting of Council shall be:
- 9.1.1. Opening the Meeting
 - 9.1.2. Acknowledgement of Country
 - 9.1.3. Apologies/Requests for Leave of Absence
 - 9.1.4. Disclosures of Interest
 - 9.1.5. Confirmation of Minutes
 - 9.1.6. Minutes of the Mayor
 - 9.1.7. Notice of Intention to Deal with Matters in Confidential Session
 - 9.1.8. Items Considered by Exception
 - 9.1.9. Minutes of Committee meetings
 - 9.1.10. Reports of the Chief Executive Officer and the Executive Leadership Team
 - 9.1.11. Notices of Motion
 - 9.1.12. Questions With Notice
 - 9.1.13. Answers to Questions With Notice
 - 9.1.14. Confidential Items

9.1.15. Conclusion of the Meeting

- 9.2.** The Order of Business as fixed under Clause **Error! Reference source not found.** may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 9.3.** Despite Clauses 11.20–11.32, only the mover of a motion referred to in Clause 9.2 may speak to the motion before it is put.

10. Consideration of Business at Council Meetings

Business that can be Dealt with at a Council Meeting

- 10.1.** Council must not consider business at a meeting of Council:
- 10.1.1. unless a Councillor has given notice of the business, as required by Clause 5.14; and
 - 10.1.2. unless notice of the business has been sent to the Councillors in accordance with Clause 5.11 in the case of an Ordinary meeting or Clause 5.13 in the case of an Extraordinary Meeting called in an emergency.
- 10.2.** Clause 10.1 does not apply to the consideration of business at a meeting, if the business:
- 10.2.1. is already before, or directly relates to, a matter that is already before Council; or
 - 10.2.2. is the election of a Chairperson to preside at the meeting; or
 - 10.2.3. subject to Clause 10.9, is a matter or topic put to the meeting by way of a Mayoral Minute; or
 - 10.2.4. is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of Council.
- 10.3.** Despite Clause 10.1, business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:
- 10.3.1. a motion is passed to have the business considered at the meeting; and
 - 10.3.2. the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.
- 10.4.** A motion moved under Clause 10.3.1 can be moved without notice. Despite Clauses 11.20 - 11.32, only the mover of a motion referred to in Clause 10.3.1 can speak to the motion before it is put.
- 10.5.** A Motion of Dissent cannot be moved against a ruling by the Chairperson under Clause 10.3.2.

Mayoral Minutes

- 10.6.** Subject to Clause 10.9, if the Mayor is the Chairperson at a meeting of 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 Council, or of which Council has official knowledge.
- 10.7.** A Mayoral Minute, when put to a meeting, takes precedence over all business on 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.
- 10.8.** A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by Council, a resolution of Council.
- 10.9.** 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 Council before the next scheduled Ordinary Meeting of Council.
- 10.10.** Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds or redirection of resources 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 Chief Executive Officer on the availability of funds for implementing the recommendation if adopted. The Mayor should liaise with the Chief Executive Officer (or appropriate delegate) for assistance in costing a Mayoral Minute and identifying potential funding sources.

Staff Reports

- 10.11.** A recommendation made in a Council staff report is, so far as it is adopted by Council, a resolution of Council.

Reports of Committees of Council

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

Questions

- 10.14.** A question must not be asked at a meeting of Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with Clauses 5.14 and 5.19.
- 10.15.** A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda.

- 10.16.** A Councillor may, through the Chief Executive Officer, put a question to Council staff about a matter on the agenda. Council staff are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.
- 10.17.** A Councillor or Council staff 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 documents. Where a Councillor or Council staff 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 available meeting of Council.
- 10.18.** Councillors must put questions directly, succinctly, respectfully and without argument.
- 10.19.** The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council staff.
- 10.20.** A Councillor may move a Procedural Motion that an item 'lie on the table'. If the motion is successful, no further debate can be undertaken until there is a Procedural Motion for the item to be 'taken off the table'. Such a motion is not debatable and there can be no amendments or right of reply. This motion can be moved only once during the discussion of any substantive motion and if the motion is carried while an amendment is before the Chair, both the amendment and the original motion are laid on the table.
- 10.21.** At the end of the Council meeting at which the item was 'laid on the table', the Chairperson will remind Councillors that there are matter/s 'on the table' which Council may now wish to consider. Otherwise, the matter/s will appear on the agenda and business paper for the next ordinary Council meeting.
- 10.22.** If and when an item is 'taken off the table', debate resumes where it left off, with Councillors who have already spoken (other than the mover in reply) having no further right to speak, unless the procedural motion to take the item 'off the table' calls for the speakers' list to be recommenced.

11. Rules of Debate

Motions to be Seconded

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

Notices of Motion

- 11.2.** A Councillor who has submitted a notice of motion under Clause 5.14 must be present to move the notice of motion at the meeting at which it is to be considered.
- 11.3.** If a Councillor who has submitted a notice of motion under Clause 5.14 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 Council.

- 11.4.** In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of Council:
- 11.4.1. any other Councillor may, with the leave of the Chairperson, move the motion at the meeting; or
 - 11.4.2. the Chairperson may defer consideration of the motion until the next meeting of Council.

Chairperson's Duties with Respect to Motions

- 11.5.** It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 11.6.** 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.
- 11.7.** Before ruling out of order a motion or an amendment to a motion under Clause 11.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 11.8.** 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

- 11.9.** A motion or an amendment to a motion raised during debate which if passed would require the expenditure of funds or redirection of resources on works and/or services other than those already provided for in 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, Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted. Councillors should liaise with the Chief Executive Officer (or appropriate delegate) for assistance in costing Notices of Motion and identifying potential funding sources in sufficient time for it to be considered at the Meeting.

Amendments to Motions

- 11.10.** An amendment to a motion must be moved and seconded before it can be debated.
- 11.11.** An amendment to a motion must relate to the matter being dealt with in the original motion before 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.

- 11.12. 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.
- 11.13. 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 motion and one proposed amendment can be before Council at any one time.
- 11.14. 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.
- 11.15. 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.
- 11.16. 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

- 11.17. A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before 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.
- 11.18. 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 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.
- 11.19. 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

- 11.20. A Councillor who, during a debate at a meeting of 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.
- 11.21. 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.

- 11.22.** A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 11.23.** Despite Clause 11.22, 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.
- 11.24.** Despite Clause 11.22, Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 11.25.** Despite Clauses 11.20 and 11.21, a Councillor may move that a motion or an amendment be now put, or the Chairperson may put the motion or amendment:
- 11.25.1. 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
- 11.25.2. if at least two Councillors have spoken in favour of the motion or amendment and at least two Councillors have spoken against it.
- 11.26.** The Chairperson must immediately put to the vote, without debate, a motion moved under Clause 11.25. A seconder is not required for such a motion.
- 11.27.** 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 11.20.
- 11.28.** 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.
- 11.29.** 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.
- 11.30.** Debate on any item of business on the agenda or transaction without notice may not continue for more than thirty (30) minutes. At the expiration of this time, the Chairperson will stop the Councillor speaking at the time and, after permitting the mover of the motion three (3) minutes right of reply, put the motion to Council to be voted on in the following form:
- Chairperson:** *"The time for debate has expired. Under Council's Code of Meeting Practice, I now invite the mover of the motion to a maximum of three minutes, right of reply, following which I will put the motion to Council for voting."*
- 11.31.** There will be rare occasions when an issue before Council is one of great importance to the whole of the Central Coast when limiting debate appears inappropriate. In these cases, a Councillor must move, prior to the

commencement of the debate, to remove the time limit on debate contained in Clause 11.30.

- 11.32.** 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.

12. Voting

Voting Entitlements of Councillors

- 12.1.** Each Councillor is entitled to one (1) vote.

(Section 370(1) of the Act)

- 12.2.** The Chairperson of a meeting of Council has, in the event of an equality of votes, a second or casting vote.

(Section 370(2) of the Act)

- 12.3.** 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

- 12.4.** A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 12.5.** 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, Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

- 12.6.** 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

- 12.7.** The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of Council or a Council Committee (including, but not limited to a Committee of 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. (The requirements of this Clause may be satisfied by maintaining a register of the minutes of each planning decision.)

- 12.8.** 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.

- 12.9.** Clauses 12.7–12.8 apply also to meetings that are closed to the public.

(Section 375A of the Act)

13. Dealing with Items by Exception

- 13.1. 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 with the exception of items dealing with financial matters of Council, including the Monthly Finance Report and Investment Report.
 - 13.2. Before Council or a 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 of the 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. Council or a 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 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 Council Meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Clause 9.2.
 - 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 as having been unanimously adopted.
 - 13.7. Councillors must ensure that they disclose 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 Council's Code of Conduct.
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14. Closure of Council Meetings to the Public

Grounds on which Meetings can be Closed to the Public

- 14.1. Council or a Committee of 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:
 - 14.1.1. personnel matters concerning particular individuals (other than Councillors);
 - 14.1.2. the personal hardship of any resident or ratepayer;
 - 14.1.3. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

- 14.1.4. 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 Council; or
 - iii. reveal a trade secret.
- 14.1.5. information that would, if disclosed, prejudice the maintenance of law;
- 14.1.6. matters affecting the security of the Council, Councillors, Council staff or Council property;
- 14.1.7. advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- 14.1.8. information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- 14.1.9. alleged contraventions of the Council's Code of Conduct.

(Section 10A(1) and (2) of the Act)

- 14.2. Council or a Committee of 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.

(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:
 - 14.3.1. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
 - 14.3.2. 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.

(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 14.1.7 unless the advice concerns legal matters that:
 - 14.4.1. are substantial issues relating to a matter in which the Council or Committee is involved, and
 - 14.4.2. are clearly identified in the advice, and
 - 14.4.3. are fully discussed in that advice.

(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.

(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:

- 14.6.1. a person may misinterpret or misunderstand the discussion; or
- 14.6.2. the discussion of the matter may:
- i. cause embarrassment to the Council or Committee concerned, or to Councillors or to staff of the Council, or
 - ii. cause a loss of confidence in the Council or Committee.

(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.

(Section 10B(5) of the Act)

Notice of Likelihood of Closure not Required in Urgent Cases

- 14.8.** Part of a meeting of Council, or of a Committee of 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 5.26 as a matter that is likely to be considered when the meeting is closed, but only if:

- 14.8.1. it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 14.1; and
- 14.8.2. 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.

(Section 10C of the Act)

Representations by Members of the Public

- 14.9.** Council, or a Committee of 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.

(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 5.26 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 10:00 AM on the day of the Council Meeting at which the matter is to be considered.
- 14.12.** The Chief Executive Officer (or their delegate) may refuse an application made under Clause 14.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13.** No more than two (2) Speakers are to be permitted to make representations under Clause 14.9.
- 14.14.** If more than the permitted number of Speakers apply to make representations under Clause 14.9, the Chief Executive Officer 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 Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.15.** The Chief Executive Officer (or their delegate) is to determine the order of Speakers.
- 14.16.** Where Council or a Committee of 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 5.26 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under Clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than two (2) Speakers to make representations in such order as determined by the Chairperson.
- 14.17.** Each Speaker 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.

(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.

(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:
- 14.21.1. the relevant provision of section 10A(2) of the Act;
 - 14.21.2. the matter that is to be discussed during the closed part of the meeting;
 - 14.21.3. 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.

(Section 10D of the Act)

Resolutions Passed at Closed Meetings to be Made Public

- 14.22.** If Council passes a resolution during a Council 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 Council 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.

15. Keeping Order at Meetings

Points of Order

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

Questions of Order

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

Motions of Dissent

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

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:

(Section 182 of the Regulation)

- 15.11.1. contravenes the Act, the Regulation or this Code; or
- 15.11.2. assaults or threatens to assault another Councillor or person present at the meeting; or
- 15.11.3. 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
- 15.11.4. insults, makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct; or
- 15.11.5. 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.

- 15.12.** The Chairperson may require a Councillor:

- 15.12.1. to apologise without reservation for an act of disorder referred to in Clauses 15.11.1, 15.11.2 or 15.11.5; or
- 15.12.2. to withdraw a motion or an amendment referred to in Clause 15.11.3 and, where appropriate, to apologise without reservation; or
- 15.12.3. to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in Clauses 15.11.4 and 15.11.5.

(Section 233 of the Regulation)

How Disorder at a Meeting may be Dealt With

- 15.13.** If disorder occurs at a meeting of Council, the Chairperson may adjourn the Council Meeting for a period of not more than fifteen (15) minutes and leave the Chair. 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 a Council Meeting and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee Meeting. Councillors may only be expelled by resolution of Council or the Committee of Council.

(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.

(Section 10(2)(a) of the Act)

- 15.16.** A Councillor may be expelled from a meeting of the Council for having failed to comply with a requirement under Clause 15.12.

(Section 10(2)(a) or (b) of the Act)

- 15.17.** 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.

(Section 233(2) of the Regulation)

- 15.18.** A member of the public may be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

(Section 10(2)(a) or (b) of the Act)

- 15.19.** 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.

- 15.20.** 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

- 15.21.** 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.
- 15.22.** 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

- 15.23.** 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.
- 15.24.** A person must not live stream or use an audio recorder, camera, 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.

- 15.25.** Without limiting Clause 15.18, a contravention of Clause 15.24 or an attempt to contravene that Clause, constitutes disorderly conduct for the purposes of Clause 15.18. Any person who contravenes or attempts to contravene Clause 15.24, may be expelled from the Council Meeting.

(Section 10(2) of the Act)

- 15.26.** 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. Conflict of Interest

- 16.1.** All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2.** Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the Council's Code of Conduct. Where a Councillor has declared a pecuniary or significant 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

Council decisions

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

(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 Council may not be altered or rescinded except by a motion to that effect of which notice has been given under Clause 5.14.

(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.

(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 5.14.

(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 Councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.

(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 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.

(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.

(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 5.15 with the consent of all signatories to the notice of motion.

- 17.10.** It should be noted that Council does not currently have delegation to make decisions on development applications as these are made by the Local Planning Panel (**LPP**).

- 17.11.** 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.

(Section 372(6) of the Act)

- 17.12.** 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:

17.12.1. a notice of motion signed by three Councillors is submitted to the Chairperson; and

17.12.2. a motion to have the motion considered at the meeting is passed; and

17.12.3. 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.

17.13. A motion moved under Clause 17.12.2 can be moved without notice. Despite Clauses 11.20 – 11.31, only the mover of a motion referred to in Clause 17.12.2 can speak to the motion before it is put.

17.14. A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.12.3.

Recommitting Resolutions to Correct an Error

17.15. 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:

17.15.1. to correct any error, ambiguity or imprecision in the Council's resolution; or

17.15.2. to confirm the voting on the resolution.

17.16. In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of Clause 17.15.1, the Councillor is to propose alternative wording for the resolution.

17.17. The Chairperson must not grant leave to recommit a resolution for the purposes of Clause 17.15.1, 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.

17.18. A motion moved under Clause 17.15 can be moved without notice. Despite Clauses 11.20 – 11.31, only the mover of a motion referred to in Clause 17.15 can speak to the motion before it is put.

17.19. A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.15.

17.20. A motion moved under Clause 17.15 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

18. Time Limits on Council Meetings

18.1. Meetings of Council and Committees of the Council are to conclude no later than 10:00 PM on the night of the meeting.

18.2. If the business of the Meeting is unfinished at 10:00 PM, Council or the Committee may, by resolution, extend the time of the Ordinary Meetings of Council.

- 18.3.** An extension granted under Clause 18.2 will extend the meeting time by 30 minutes with a maximum of two (2) extensions per meeting.
- 18.4.** If the business of the Meetings is unfinished at 10:30 PM and Council does not resolve to extend the Meeting, the Chairperson must either:
- 18.4.1. defer consideration of the remaining items of business on the Agenda to the next Ordinary Meeting of Council; or
 - 18.4.2. adjourn the Meeting of Council to a time, date and place fixed by the Chairperson.
- 18.5.** Clause 18.4 does not limit the ability of Council or a Committee of the Council to resolve to adjourn a Meeting at any time. Any such resolution adjourning the Meeting must fix the time, date and place that the Meeting is to be adjourned to.
- 18.6.** Where an adjournment is made under Clause 18.4 or Clause 18.5, the Chief Executive Officer must:
- 18.6.1. individually notify each Councillor of the time, date and place at which the Meeting will reconvene: and
 - 18.6.2. publish the time, date and place at which the Meeting will reconvene on Council's website and in such other manner that the Chief Executive Officer 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.

19. Responsibilities – Committee of the Whole

- 19.1.** Council may resolve itself into a Committee to consider any matter before Council.
- (Section 373 of the Act)*
- 19.2.** All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches.
- (Clauses 10.20–10.32 limit the number and duration of speeches)*
- 19.3.** The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of Council designated by the Chief Executive Officer, is responsible for reporting to 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.
- 19.4.** Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

20. After the Meeting

Minutes of Meetings

- 20.1.** Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

(Section 375(1) of the Act).

- 20.2.** At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:

- 20.2.1. the names of Councillors attending a Council Meeting and whether they attended the meeting in person or by audio-visual link;
- 20.2.2. details of each motion moved at a Council Meeting and of any amendments moved to it;
- 20.2.3. the names of the mover and seconder of the motion or amendment;
- 20.2.4. whether the motion or amendment was passed or lost; and
- 20.2.5. such other matters specifically required under this Code.

- 20.3.** The minutes of a Council Meeting must be confirmed at a subsequent meeting of the Council.

(Section 375(2) of the Act)

- 20.4.** 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.

- 20.5.** When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

(Section 375(2) of the Act)

- 20.6.** 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.

- 20.7.** The confirmed minutes of a Council Meeting must be published on [Council's website](#). This Clause does not prevent 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

- 20.8.** Council and Committees of 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.

(Section 11(1) of the Act)

- 20.9.** Clause 20.8 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.

(Section 11(2) of the Act)

- 20.10.** Clause 20.8 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.

(Section 11(3) of the Act)

- 20.11.** Correspondence or reports to which Clauses 20.9 and 20.10 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

- 20.12.** The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.

(Section 335(b) of the Act)

21. Council Committees

- 21.1.** This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees whose Members are all Councillors

- 21.2.** Council may, by resolution, establish such Committees as it considers necessary.
- 21.3.** A Committee of Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 21.4.** The quorum for a meeting of a Committee of the Council is to be:
- 21.4.1. such number of members as the Council decides; or
 - 21.4.2. if the Council has not decided a number – a majority of the members of the Committee.

Functions of Committees

- 21.5.** Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions by resolution of Council.

Notice of Committee Meetings

- 21.6.** The Chief Executive Officer or their delegate must send to each Councillor, regardless of whether they are a Committee member, at least three days before each meeting of the Committee, a notice specifying:

21.6.1. the time, date and place of the meeting; and

21.6.2. the business proposed to be considered at the meeting.

21.7. Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

Attendance at Committee Meetings

21.8. A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:

21.8.1. has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or

21.8.2. 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.

21.9. Clause 21.8 does not apply if all of the members of the Council are members of the Committee.

Non-Members Entitled to Attend Committee Meetings

21.10. 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:

21.10.1. to give notice of business for inclusion in the agenda for the meeting; or

21.10.2. to move or second a motion at the meeting; or

21.10.3. to vote at the meeting.

Chairperson and Deputy Chairperson of Council Committees

21.11. The Chairperson of each Committee of the Council must be:

21.11.1. the Mayor; or

21.11.2. if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council; or

21.11.3. if the Council does not elect such a member, a member of the Committee elected by the Committee.

21.12. 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.

21.13. 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.

- 21.14.** 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

- 21.15.** Subject to any specific requirements of this code, each Committee of Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of Council unless Council or the Committee determines otherwise in accordance with this Clause.
- 21.16.** 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 Council or the Committee determines otherwise in accordance with Clause 21.15.
- 21.17.** 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

- 21.18.** 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.
- 21.19.** 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.
- 21.20.** 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 21.19 during a part of the meeting that is webcast.

Disorder in Committee Meetings

- 21.21.** 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

- 21.22.** 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:

- 21.22.1. the names of Councillors attending a meeting and whether they attended the meeting in person or by audio-visual link;
 - 21.22.2. details of each motion moved at a meeting and of any amendments moved to it;
 - 21.22.3. the names of the mover and seconder of the motion or amendment;
 - 21.22.4. whether the motion or amendment was passed or lost; and
 - 21.22.5. such other matters specifically required under this Code.
- 21.23.** 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.
- 21.24.** The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.
- 21.25.** 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.
- 21.26.** When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 21.27.** 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.
- 21.28.** The confirmed minutes of a meeting of a Committee of the Council must be published on Council's website. This Clause does not prevent the Council from also publishing unconfirmed minutes of meetings of Committees of Council on its website prior to their confirmation.

22. Irregularities

- 22.1.** Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:
- 22.1.1. a vacancy in a civic office; or
 - 22.1.2. a failure to give notice of the meeting to any Councillor or Committee member; or
 - 22.1.3. any defect in the election or appointment of a Councillor or Committee member; or
 - 22.1.4. 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
 - 22.1.5. a failure to comply with this Code.

(Section 374 of the Act)

Records management

- 22.2.** Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#).

23. Policy Definitions

the Act:	means the Local Government Act 1993 .
Act of Disorder:	means an act of disorder as defined in Clause 15.11 of this Code.
Amendment:	in relation to an original motion, means a motion moving an amendment to that motion.
Audio Recorder:	any device capable of recording speech.
Audio-Visual Link:	means a facility that enables audio and visual communication between persons at different places.
Business Day:	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
Chairperson:	<p>(a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the Local Government Act 1993; and Clauses 7.1 and 7.2 of this Code; and</p> <p>(b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 21.11 of this Code.</p>
Chief Executive Officer (CEO):	is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the Local Government Act 1993 , or in the absence of that person, the staff designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation.
this Code	means Council's Code of Meeting Practice adopted by Council pursuant to the Local Government Act 1993 .
Committee of the Council:	means a Committee established by the Council in accordance with Clause 21.2 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 19.1.
Council Official:	has the same meaning it has in Council's Code of Conduct.
Day:	means calendar day, unless otherwise stipulated by the Act, Regulations or this Code.
Foreshadowed Amendment:	means a proposed amendment foreshadowed by a Councillor under Clause 11.18 of this Code during debate on the first amendment
Foreshadowed Motion:	means a motion foreshadowed by a Councillor under Clause 11.17 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 Environmental Planning and Assessment Act 1979 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 of Committee members necessary to conduct a Council Meeting.
Regulation:	means the Local Government (General) Regulation 2021 .
Webcast:	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later date.
Year:	means the period beginning 1 July and ending the following 30 June.

24. Policy Administration

Business Group	Corporate Services
Responsible Officer	Director Corporate Services
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	Four years from date of adoption unless legislated otherwise
File Number / Document Number	D15775526
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1993 (NSW) ▪ Local Government (General) Regulation 2021
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Code of Conduct ▪ Delegations Register

25. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Approve Notices of Motion and Councillor Requests for Information	Chief Executive Officer or their delegate
TBA	considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of Council has legal, strategic, financial or policy implications	Chief Executive Officer or their delegate
TBA	Identified under Clause 5.26 business that is likely to be considered when the meeting is closed to the public.	Chief Executive Officer or their delegate

26. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	September 2016	Creation of Central Coast Council Code of Meeting Practice.
2	26 July 2017	Minor amendments to update Code.
3	27 November 2017	Amendments re meeting frequency and times.
4	12 February 2018	Amendments taking into consideration feedback received.
5	24 September 2018	Additions to items resolved by exception, public speakers and time limit.
6	11 June 2019	Amended in accordance with the Model Code of Meeting Practice for Local Councils in NSW
7	28 September 2020	Amending location of where Ordinary Council meetings are held and other minor amendments to update Code.
8	27 April 2021	Amending location of where Ordinary Council meetings are held, providing for timing of meeting during Administration period and amend provision regarding publication of Agenda Paper. Restrictions as to number of Notices of Motion and Questions with Notice. Requirement for identification of source of funds for Notices of Motion and Mayoral Minutes. Requirement for consultation regarding source of funds for Notices of Motion and Mayoral Minutes. Requirement that Councillors make effort to attend pre-meeting briefings. Restriction on items that can be resolved by exception.
9	22 February 2022	Amending to reflect changes to the Model Code of Meeting Practice for NSW Councils. Amending frequency of Ordinary Council Meetings to monthly. Removal of Part 4 – Public Forums.
10	23 July 2024 Min. No. 275/24	Amending policy to incorporate in the new policy template and reinstating the provisions of the Public Forum Policy to align with the Model Code of Meeting Practice.

Item No: 1.6
Title: Draft Public Forum Policy - For Public Exhibition
Department: Corporate Services



13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16788821
Author: Alysha Croussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends that Council endorses the draft Public Forum Policy as amended at Attachment 1 to this report to be placed on public exhibition for a period of 28 days with a further report to be presented after the exhibition period.***
- 2 Notes that the Office of Local Government's reform of the Councillor Conduct Framework has not, to date, resulted in a new Model Code of Meeting Practice being prescribed.***

Report purpose

To seek Council's endorsement of the proposed amendments to Council's Public Forum Policy and approval to undertake a public consultation process prior to formal adoption of the policy.

Executive Summary

The current Model Meeting Code includes non-mandatory provisions authorising councils to hold public forums prior to Council and Committee meetings. These non-mandatory provisions form the basis of Council's current Public Forum Policy, which was adopted in 2022. The Policy has been reviewed and updated, and is now presented for endorsement.

A review of the policy has been undertaken and an amended draft is now before Council for consideration. The policy is required to be placed on public exhibition for at least 28 days after which a further report will be presented to Council. Council is required to consider any submission received during the exhibition period prior to adopting a policy.

Background

Council must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code of Meeting Practice (Model Meeting Code) that is prescribed under the relevant provisions of the *Local Government Act 1993* (Act) and regulations.

The current Model Meeting Code includes non-mandatory provisions authorising Councils to hold public forums prior to Council and Committee meetings. These non-mandatory provisions provide rules of operation for public forums, and Council has in the past amended these provisions to suit local circumstances.

While the rules relating to the operation of public forums can be incorporated within the Code of Meeting Practice, Central Coast Council adopted a separate and stand-alone Public Forum Policy on 22 February 2022. Council's standalone policy basically mirrors the non-mandatory provisions of the current Model Meeting Code with only minor variations.

The Policy requires that it be reviewed at least every four (4) years; however, given that Council has recently come out of administration, it is appropriate that Councillors have an opportunity to review the policy and to consider if current arrangements for public forums are still suitable and to consider any amendments to the policy that staff consider may be of benefit.

Report

It is noted that the current Consultation Draft for the proposed review of the Model Meeting Code foreshadows the Government's intention to delete the non-mandatory provisions relating to Public Forums from the Model Code, providing each Council with the opportunity to develop its own rules relating to the operation of public forums. Council's current approach to public forums is already consistent with the proposed changes.

A review of the current policy has provided the opportunity to suggest amendments which are considered beneficial by making the process clearer, which will provide greater clarity of responsibilities for the parties concerned. Minor amendments including transposing into Council's new policy template, formatting and changes to grammar or language to improve the readability of the policy.

All amendments provided for the Council's consideration have been marked up in the attached Policy, however the table below provides further detailed commentary on some of the more substantial amendments proposed.

Clause	Proposed Amendment	Commentary
4.5	Expand clause 4.5.2 to inform speakers that they must comply with Council's Code of Conduct.	Self-explanatory.
4.6	Delete "to be rotated on a 6-monthly basis".	The Mayor should be provided with the opportunity of chairing all Public Forums or to delegate that responsibility if they choose not to chair. This requirement mirrors that provided in Council's Code of Meeting Practice.
4.6 – 4.12	Clarifying the requirements for applications to speak at the Public Forum.	This includes changing the closing time for applications to speak at the Public Forum and supporting material from 10am on the day to 12pm the day before.
4.19	Introduction of an assessment criteria for when applications to speak exceed the permitted number.	This assessment criteria, to be utilised by the Chief Executive Officer, will ensure that a broad range of views is able to be heard and ensure compliance with this policy.
4.32-4.33	Inclusion of a webcasting clause.	This clause provides guidance on the public forums will be webcast and available on Council's website.
Definitions - Chairperson	Amended for clarity.	Self-explanatory.
Definitions - Committee of the Council	Removed.	Incorrect references to previous clauses that were also incorrect have been removed.

Whilst not a legislative requirement, it is proposed to place the endorsed draft Policy on public exhibition for 28 days and to report back to Council addressing any submissions received during the exhibition period, prior to final adoption by Council.

Stakeholder Engagement

A councillor workshop was held on 12 April 2025.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

There are both regulatory and reputational risks to Council should it not comply with its statutory obligation in reviewing and adopting a council policy.

Critical Dates or Timeframes

The draft policy will be placed on public exhibition for 28 days before a further report is returned to the Committee.

Attachments

DRAFT Public Forum Policy

D16660987

Central Coast Council Public Forum Policy

Date Adopted: XX/XX/20XX
Revision: **X**



DRAFT

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1. Policy Objectives

- 1.1. The purpose of the Policy is to provide members of the community with the relevant process for addressing Council on items to be considered at Ordinary and Extraordinary Meetings of Council.

2. Policy Scope

- 2.1. This Policy applies to any person who wishes to speak at a Public Forum.

3. Policy Statement

- 3.1. Council encourages and supports the opportunity for the public to provide feedback and have input into the decision-making processes of Council. The Public Forum process seeks to:
 - 3.1.1. increase transparency and assist Council in its decision-making process;
 - 3.1.2. provide an opportunity for members of the community to address Council on items of business under consideration; and
 - 3.1.3. improve communication between Council and the local community by providing enhanced access to Council.

4. General

Public Forums will be conducted in accordance with the following:

Frequency and structure

- 4.1. Council may hold a Public Forum prior to each Ordinary Meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the Ordinary Council Meeting. Public Forums may also be held prior to Extraordinary Council Meetings
- 4.2. A maximum of 30 minutes is permitted for each Public Forum.
- 4.3. Only items on the agenda for the subsequent meeting can be discussed at the Public Forum.
- 4.4. Public Forums are to be chaired by the Mayor or their nominee.
- 4.5. At the start of each Public Forum, the Chairperson must inform the persons attending that:
 - 4.5.1. the Public Forum is being recorded and will be made publicly available on Council's website; and

- 4.5.2. speakers at Public Forums must comply with Council's Code of Meeting Practice and should refrain from making any defamatory statements.

Requesting to speak at a Public Forum

- 4.6. To speak at a Public Forum, a person must complete an application in the approved form in its entirety (including speaking notes) via the Public Forum Application Form available on Council's website.
- 4.7. Applications to speak at the Public Forum must be received by 12pm the day before the Public Forum and must identify the item of business on the agenda of the meeting they wish to speak on, and whether they will be speaking 'for' (in agreement) or 'against' (in opposition) the item.
- 4.8. A person can apply to speak on no more than two (2) items of business on the agenda of the meeting.
- 4.9. Councillors, Members of Federal and State Parliament, as well as nominated candidates at Federal, State or Local Government elections are not permitted to speak at a Public Forum.
- 4.10. Persons speaking on behalf of other persons or organisations must declare such interests prior to their presentation.
- 4.11. The Chief Executive Officer or their delegate may refuse an application to speak at a Public Forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.

Provision of supporting material

- 4.12. Approved speakers at the Public Forum must provide any material to be presented in support of their address, and to identify any equipment needs by midday on the day before the Public Forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.

Limits on speakers

- 4.13. No more than eight (8) speakers are to be permitted to speak at each Public Forum.
- 4.14. No more than two (2) speakers will be permitted to speak 'for' or 'against' each item on the agenda.
- 4.15. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address Council on the item of business. If the speakers are not able to agree on whom to nominate to address Council, the Chief Executive Officer or their delegate is to determine who will address Council at the Public Forum.
- 4.16. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer 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.

- 4.17.** Should additional speakers be authorised to address the Public Forum, speaker time limits may be altered by the Chairperson to ensure that as many speakers as authorised to speak can be heard within the 30 minute time allocated for the Public Forum.
- 4.18.** If applications to speak at a Public Forum exceed the maximum allowed in clause 4.13, the following criteria will be considered by the Chief Executive Officer (in consultation with the Mayor) to determine which speakers will be authorised to speak:
- 4.18.1. The degree of public interest in and the importance of the agenda item that is the subject of the speakers address;
 - 4.18.2. If a speaker has addressed Council previously on the same issue;
 - 4.18.3. The number of persons or organisations a speaker has authority to speak on behalf of;
 - 4.18.4. Any reputational issue relating to the speaker of which Council may be aware of;
 - 4.18.5. If a suitable address can be provided by the speaker on the subject matter within the allocated time limit due to the complexity of issues or highly technical nature of issues identified by the speaker in their application to address a forum;
 - 4.18.6. The number of speakers applying to speak on the one issue; and
 - 4.18.7. The order in which the applications were received (and whether they were completed accurately).

Conduct at the Public Forum

- 4.19.** When addressing Council, speakers at Public Forums must comply with Council's Code of Meeting Practice and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of Council's Code of Conduct or making other potentially defamatory statements.
- 4.20.** Speakers will address the Public Forum in the order of the agenda for the following Meeting of Council.
- 4.21.** Each speaker is limited to three (3) minutes which will be strictly enforced by the Chairperson. The Chairperson may approve a 2-minute extension of time to allow a speaker to complete their address but only if speaker numbers allow. Speakers at Public Forums must not digress from the item on the agenda of the Meeting they have applied to address 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.

- 4.22.** 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.
- 4.23.** Speakers are under no obligation to answer a question put through the Chairperson. Answers by the speaker, to each question, are to be limited to one (1) minute.
- 4.24.** Speakers at Public Forums cannot ask questions of the Council, Councillors or Council Staff.
- 4.25.** The Chief Executive Officer or their nominee may, with the concurrence of the Chairperson, address Council for up to three (3) minutes in response to an address to Council at a Public Forum after the address and any subsequent questions and answers have been finalised.
- 4.26.** Where an address made at a Public Forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend that Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.27.** If the Chairperson considers that a speaker at a Public Forum has engaged in conduct of the type referred to in Clause 4.19, 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.
- 4.28.** Clause 4.27 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at Public Forums in accordance with the provisions of the Code of Meeting Practice, including the expulsion of the speaker from the meeting.
- 4.29.** Where a speaker engages in conduct of the type referred to in Clause 4.19, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at a Public Forum for such a period as the Chief Executive Officer or their delegate considers appropriate.
- 4.30.** 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. 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.

Webcasting

- 4.31.** Public Forums will be webcast and made publicly available on Council's website.
- 4.32.** By attending a Public Forum, speakers and other persons consent to an audio-visual broadcast of their address being included in the webcast of the Meeting, transmitted across the internet either concurrently with the Meeting or at a later time.

5. Responsibilities

Compliance, monitoring and review

- 5.1. Suspected breaches or misuse of this Policy are to be reported to the Chief Executive Officer. Alleged breaches of this Policy will be dealt with in accordance with the procedures outlined above, the Code of Meeting Practice and the processes outlined for breaches of the Code of Conduct.

Records management

- 5.2. Staff must maintain all records relevant to administering this Policy in accordance with Council's Information and Records Management Policy and the *State Records Act 1998*.

6. Policy Definitions

Chairperson	(a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the <i>Local Government Act 1993</i> ; and Clauses 6.1 and 6.2 of the Code of Meeting Practice; and (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 20.11 of the Code of Meeting Practice.
Chief Executive Officer (CEO)	is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the <i>Local Government Act 1993</i> , or in the absence of that person, the Staff designated to act for the Chief Executive Officer. Where this Code refers to General Manager, it represents Chief Executive Officer and simply reflects the legislation.
Code of Meeting Practice	means Council's Code of Meeting Practice adopted by Council pursuant to the <i>Local Government Act 1993</i> .
Committee of the Council	means a Committee established by the Council in accordance with the Code of Meeting Practice (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the Whole under the Code of Meeting Practice
Council Official	has the same meaning it has in Council's Code of Conduct
Day	means calendar day, unless otherwise stipulated by the Act, Regulations or this Code.

Webcast	means an audio-visual broadcast of a meeting transmitted across the internet either concurrently with the Meeting or at a later time.
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7. Policy Administration

Business Group	Corporate Services
Responsible Officer	Unit Manager Governance Risk and Legal
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	Four years from date of adoption unless legislated otherwise
File Number / Document Number	D15975479
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Local Government Act 1993</i> ▪ <i>Local Government (General) Regulation 2021</i> ▪ <i>State Records Act 1998</i>
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Code of Conduct ▪ Procedures for the Administration of the Code of Conduct ▪ Code of Meeting Practice ▪ Councillor and Staff Interaction Policy ▪ Information and Records Management Policy

8. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Refuse applications to speak at a Public Forum	Chief Executive Officer or their delegate

9. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	22 February 2022 Minute No. 27/22	Public Forum provisions removed from Council's Code of Meeting Practice to create a stand-alone policy.
2	TBA	Updated to new template, minor wording and format changes



Item No: 1.7
Title: Draft Councillor Expenses and Facilities Policy - for Adoption
Department: Corporate Services

13 May 2025 Governance and Finance Committee

Reference: F2022/02582 - D16786196
Author: Alysha Croussos, Section Manager Governance
Warwick Lawrence, Governance Consultant
Manager: Louise Rampling, Unit Manager Governance Risk and Legal
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1** ***Recommends to Council that the draft Councillor Expenses and Facilities Policy at Attachment 1 be adopted.***
- 2** ***Notes that a letter will be sent to those persons that made a submission during the exhibition period thanking them for their interest and submission.***

Report purpose

To present the exhibited and revised Councillor Expenses and Facilities Policy for adoption.

Executive Summary

The Councillor Expenses and Facilities Policy must be adopted within 12 months of each new term of Council. At the Ordinary Meeting of Council held on 25 March 2025, Council resolved to place the draft policy on public exhibition for a 28 day period. Four (4) submissions were received during the exhibition process. This report addresses the feedback received and recommends adoption of the attached Policy.

Background

The *Local Government Act 1993* ('the Act') provides that Council must adopt a Councillor Expenses and Facilities Policy ('the Policy') within the first 12 months of each term of a council.

Section 252(3) of the Act states that Council must not pay any expense incurred or to be incurred by, or provide any facilities to, Councillors otherwise than in accordance with the Policy. This ensures accountability and transparency for the reimbursement of reasonable expenses and the provision of facilities to Councillors to allow them to undertake their civic responsibilities as elected representatives of their community.

The Office of Local Government ('OLG') provides [Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors](#), as well as a suggested [template Policy](#).

Report

On 25 March 2025, Council resolved to place the draft Policy on public exhibition for 28 days. During the exhibition period, four (4) submissions were received. These consisted of two (2) formal submissions and two (2) submissions providing general feedback or asking for further clarification in relation to the Policy.

Council appreciates all feedback and submissions received as they assist in drafting a policy which aligns with community expectations.

The table below provides a summary of the matters or queries raised in the submissions and how they have been addressed:

Clause	Submission comment	Response
7.45 – Special requirement and carer's expense	<i>Starting on a positive, this is inclusive and speaks to the need to support those in carer roles which I welcome as a local resident.</i>	Noted.
7.27 – Professional development	<p><i>Whilst I acknowledge that all employees benefit from ongoing training, \$13,000 feels excessive when comparing it to other service providers. Therefore, I would recommend that the relevance of this be examined, as there may be more cost-effective training options available locally.</i></p> <p><i>A rationale as to why more sustainable measures such as other service providers or virtual training is not taking place could provide justification for this cost. The investigation into other options may reduce the cost of training and travel.</i></p> <p><i>For those that take up this opportunity,</i></p>	The 2022 Central Coast Council Public Inquiry Report recommended that consideration be given to a mandatory requirement for all councillors to complete an accredited course for company directors, or a course of equivalent rigour developed specifically for local government councillors, within the first twelve months of their election, with refresher courses for councillors who have previously completed such courses. The Company Directors Course offered by

Clause	Submission comment	Response
	<i>the attendees should publicly disclose the training they attended how they aim to use that training to benefit the council and the community for transparency and justification.</i>	<p>the AICD is a well-recognised and accepted professional qualification for Councillors.</p> <p>All requests for professional development will be reviewed for relevance and benefit to Council, prior to receiving the CEO's approval.</p>
7.6 – Interstate, overseas and long-distance intrastate travel expenses	<p><i>I agree that this should be avoided where possible and approval should be given before the travel is booked. The \$10,000 cap per councillor per financial year should be clearly justified. Again, I would recommend public disclosure of what trips were attended, what benefits came from it and how will it impacts the council in the future. This will work to build transparency and accountability.</i></p> <p><i>Furthermore, clarity is needed regarding whether this budget is sperate or overlaps with the conference and seminar funding of \$7000 for the mayor or \$5000 for councillors, and the \$13,000 Company Directors Course budget as it raises the question as to why so much training is being outsourced instead of utilising more cost-effective in-house training that can be rolled out nationally.</i></p>	<p>All requests for travel must be supported with sufficient information to ensure that it has relevance and will provide tangible benefits to Council. Travel must be approved by the CEO prior to bookings being made. The cost of all approved travel will be reported to Council bi-annually and to the community via the Annual Report and on Council's webpage.</p> <p>The allowance for interstate, overseas and long-distance travel is separate to the allowance for conferences and seminars, and the allowance for professional development.</p> <p>In-house training, conferences and seminars all play an important role in ensuring elected representatives have the knowledge and skills necessary to undertake their roles successfully.</p>
7.41 – 7.44 – Information and communications	<i>This equates to \$4000 a year which is \$500 less than the previous limit but it still needs transparency on where this money is going as once a laptop is</i>	In addition to a laptop, the allowance for ICT expenses includes provision for a mobile phone, two SIM

Clause	Submission comment	Response
technology (ICT) expenses	<i>purchased at the start of a political term, it is likely to only require system upgrades to remain functional and many costs at home can be added to individual tax returns.</i>	cards, software licences, accessories, printing and consumable stationery.
General feedback	<i>I recommend that with an aging population who are not digital natives, and to include those who do not have access to the internet, it is important to provide other options that online submissions for this feedback for co-decision making and democratic engagement. I appreciate the opportunity to contribute to this consultation and encourage the council to focus on cost-effectiveness when implementing this new policy.</i>	Council's approach to engagement is guided by the Community Engagement Strategy, which was adopted by Council on 25 March 2025.
General feedback	<i>Why do Councillors need to undertake a paid company director course? I thought that ratepayers elected councillors because of their skill set. We didn't envision having to train them at ratepayers our expense.</i>	See the above response regarding clause 7.27. In addition, it is mandatory under section 185 of the <i>Local Government (General) Regulation 2021</i> for the general manager to ensure that an ongoing professional development program is delivered to the mayor and each councillor during the term.

Following internal review, the Policy has been amended to specify a maximum allowance of \$500 per Councillor for corporate uniform, as the draft Policy did not identify a monetary limit for this expense.

Stakeholder Engagement

A councillor workshop on the Policy was held on 18 February 2025.

Financial Considerations

Financial Year (FY) Implications.

The proposal has cost financial implications for the current FY and outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget does not include the impact of this proposal and the amount will need to be included in a future Quarterly Budget Review. The LTFP does not allow for the ongoing impact and will need to be updated in the next review.

Should Council resolve to increase policy limits as set out in this report, there will be an impact on the 2025-26 budget and subsequent yearly budgets. The impact is an increase in the 2025-26 budget for Councillor expenses as follows:

- \$37,500 per annum for travel costs,
- \$65,000 per annum (over the remaining 3 year term) for the Company Directors Course recommended by the Public Inquiry Report,
- \$30,000 per annum (approximately) for conferences and seminars, noting that the current Policy does not quantify the allowance for attending the LGNSW conference, which is additional to the collective allowance of \$30,000 for seminars and conferences,
- \$33,000 per annum for ICT expenses,

TOTAL: \$165,500 per annum increase.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G2: Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making.

Risk Management

Adopting the Policy will avoid the risk of breaching Council's legislative obligations with respect to payment of councillor expenses and provision of facilities, while at the same time ensuring that elected councillors are not out-of-pocket for performing their civic duties.

Critical Dates or Timeframes

Council must adopt a policy on the payment of expenses and the provision of facilities to the mayor and councillors within the first 12 months of the term.

Attachments



2025 DRAFT Councillor Expenses and Facilities Policy

D16808632

Central Coast Council Councillor Expenses and Facilities Policy

Date Adopted:
Revision:



DRAFT

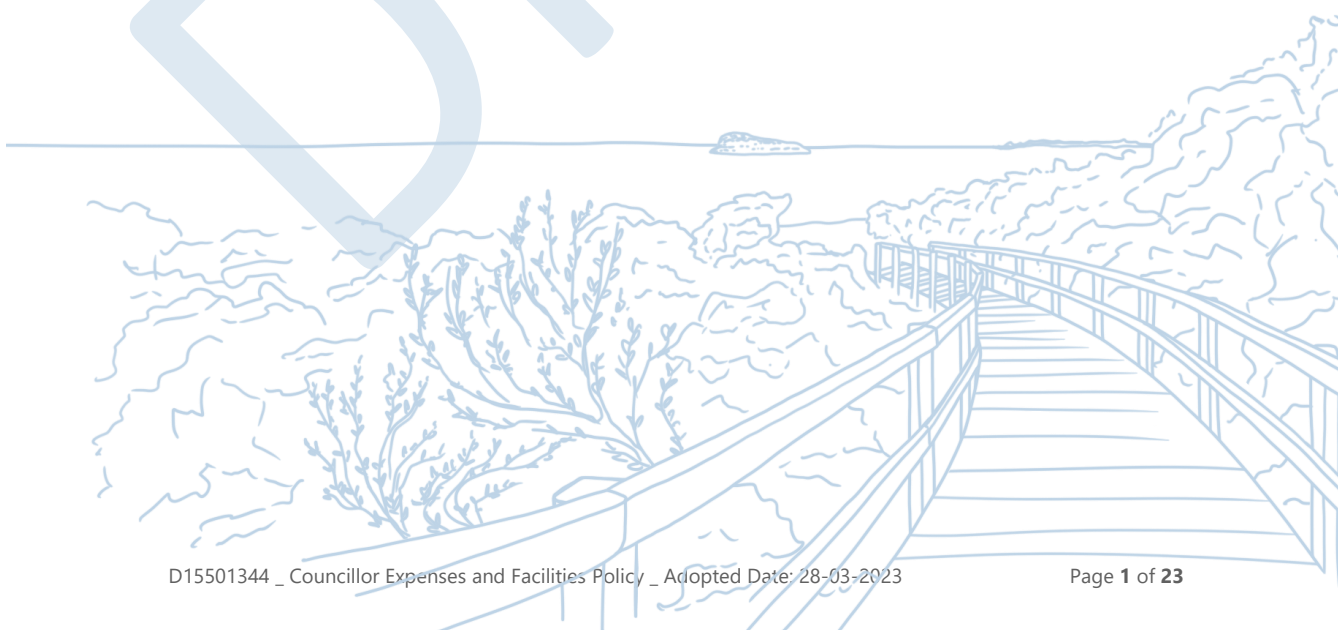


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1. Policy Summary

- 1.1. This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties. The policy ensures accountability and transparency and seeks to align Councillor expenses and facilities with community expectations.
- 1.2. The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 1.3. This policy has been prepared in accordance with the *Local Government Act 1993 (NSW) (Act)* and *Local Government (General) Regulation 2021 (Regulation)*, complies with the Office of Local Government (OLG)'s *Guidelines for the Payment of Expenses and Provision of Facilities to Mayors and Councillors in NSW* and is an adaptation of the OLG's *Model Councillor Expenses and Facilities Policy*.
- 1.4. The following table details the expense types and what Council will pay for where the expense incurred relate to the Mayor and Councillor's civic function or role only, the frequency and maximum amount payable. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
General travel expenses	\$7,500 per Councillor	Per financial year
Corporate uniform	\$500 per Councillor	Per term
Interstate, overseas and long-distance intrastate travel expenses	\$10,000 budget for all Councillors	Per financial year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Provision for partners	Cost of official conference dinner for accompanying person of a Councillor for LGNSW Annual Conference only	Per financial year
Professional development (excluding induction training)	\$2,500 per Councillor \$13,000 per Councillor (AICD course fee)	Per financial year Per term
Conferences and Seminars	\$5,000 per Councillor \$7,000 for the Mayor	Per financial year
ICT expenses	\$4,000 per Councillor	Per financial year
Carer expenses	\$8,000 per Councillor	Per financial year
Access to facilities in a Councillor room	Provided to all Councillors	Per term
Council vehicle and	Provided to the Mayor	Per term

Expense or facility	Maximum amount	Frequency
fuel card		
Reserved parking spaces at Council offices	Provided to the Mayor and Councillors	Per term
Furnished office	Provided to the Mayor	Per term
Administrative support to Mayor and Councillors	Provided to the Mayor and Councillors	Per term

PART A – INTRODUCTION

2. Introduction

- 2.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Central Coast Council (**Council**).
- 2.2. Expenses and facilities provided by this policy are in addition to fees paid to the Mayor and Councillors, as set by Council and determined by the Local Government Remuneration Tribunal as per section 241 of the Act and reviewed annually.
- 2.3. Superannuation, as resolved by Council, will be paid in accordance with section 254B of the Act and as determined by Commonwealth superannuation legislation.

3. Policy Objectives

- 3.1. The objectives of this policy are to
 - 3.1.1. Clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
 - 3.1.2. Enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
 - 3.1.3. Enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
 - 3.1.4. Ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;
 - 3.1.5. Ensure facilities and expenses provided to Councillors meet community expectations;
 - 3.1.6. Support a diversity of representation; and
 - 3.1.7. Fulfil Council's statutory responsibilities.

4. Principles

- 4.1. Council commits to the following principles:
 - 4.1.1. **Proper conduct:** Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions.
 - 4.1.2. **Reasonable expenses:** Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor.
 - 4.1.3. **Participation and access:** Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor.

- 4.1.4. **Equity:** To provide equitable access to expenses and facilities for all Councillors.
- 4.1.5. **Appropriate use of resources:** Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations.
- 4.1.6. **Accountability and transparency:** Clearly stating and reporting on the expenses and facilities provided to Councillors.

5. Private or political benefit

- 5.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 5.2. Facilities provided and expenses reimbursed by Council should benefit the community and the civic role of Councillors who must not obtain private or political benefit from provisions under this policy.
- 5.3. Incidental private use of Council equipment and facilities by Councillors may occur from time to time and does not breach this policy or Council's Code of Conduct. For example, telephoning home to advise that a Council meeting will run later than expected.
- 5.4. Such incidental private use does not require a compensatory payment back to Council.
- 5.5. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council if an actual cost of the private use can be substantiated by Council (in accordance with section 252(2) of the Act).
- 5.6. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political benefit during a re-election campaign:
 - 5.6.1. Production of election material;
 - 5.6.2. Use of Council resources and equipment for campaigning;
 - 5.6.3. Use of official Council letterhead, publications, websites or services for political benefit; and
 - 5.6.4. Fundraising activities of political parties or individuals, including political fundraising events.

PART B – EXPENSES

6. General expenses

- 6.1.** All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 6.2.** Expenses not explicitly addressed in this policy will not be paid or reimbursed.
- 6.3.** Authorising staff are empowered to refuse, or question, a request for payment when it does not accord with this policy or when additional information is required to make an assessment.

7. Specific expenses

Corporate uniform

- 7.1.** Council will provide items of corporate uniform such as a name badge and pin, neckties/scarves, polo shirt and blazer upon request, up to a total of \$500 per Councillor during their term of office.

General travel arrangements and expenses

- 7.2.** All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 7.3.** Each Councillor may be reimbursed up to a total of \$7,500 per financial year for travel expenses incurred while undertaking official business or professional development within NSW. This includes reimbursement of:
 - 7.3.1.** public transport fares;
 - 7.3.2.** the use of a private vehicle or hire car;
 - 7.3.3.** parking costs for Council and other meetings;
 - 7.3.4.** tolls;
 - 7.3.5.** documented ride-share programs, such as Uber, where tax invoices can be issued and
 - 7.3.6.** by Cabcharge or equivalent.
- 7.4.** Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 7.5.** Councillors seeking to be reimbursed for use of a private vehicle must keep a logbook recording the date, distance and the purpose of the travel being claimed. Copies of the relevant logbook contents must be provided with the claim.

Interstate, overseas and long-distance intrastate travel expenses

- 7.6.** In accordance with section 5, Council will scrutinise the value and need for councillors to undertake interstate and overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the council and the local community. This

includes travel to any sister and friendship city arrangements entered into by Council.

- 7.7.** Total interstate, overseas and long-distance intrastate travel expenses for all Councillors will be capped at a total of \$10,000 provided in an annual budget per financial year.
- 7.8.** Councillors seeking approval for any interstate and long-distance intrastate travel must submit a request to, and obtain the approval of, the Chief Executive Officer prior to travel.
- 7.9.** Long distance intrastate travel is travel that is estimated to take more than three hours from the Councillor's residence or requires an overnight stay.
- 7.10.** Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of the Council via resolution, seeking approval prior to travel.
- 7.11.** The case should include:
 - 7.11.1. Objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result and its relevance to the exercise of the Councillor's civic duties;
 - 7.11.2. Who is to take part in the travel;
 - 7.11.3. Duration and itinerary of travel; and
 - 7.11.4. A detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 7.12.** For approved interstate and long-distance intrastate journeys of less than three hours, the class of air travel is to be economy class.
- 7.13.** For approved interstate journeys by air of more than three hours and international travel, the class of air travel may be premium economy where it is available.
- 7.14.** For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 7.15.** Bookings for approved air travel are to be made through the Chief Executive Officer or their delegate.
- 7.16.** For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.
- 7.17.** For all approved overseas travel, Councillors are required to provide a detailed report to Council, outlining the relevance of the trip to Council, outcome and benefits to the local community.

Travel expenses not paid by Council

- 7.18.** Council will not pay any traffic or parking fines or administrative charges for road toll accounts. Toll charges incurred in official travel may be reimbursed in accordance with clause 7.3.

Accommodation and meals

- 7.19.** Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel for conferences or seminars or professional development for expenses not already paid directly by Council and where meals are not already provided as part of the registration costs.
- 7.20.** The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 7.21.** The daily limits for accommodation and meal expenses outside Australia are to be determined by the Chief Executive Officer, being mindful of clause 7.20.
- 7.22.** Councillors will not be reimbursed for the purchase of alcoholic beverages.

Refreshments for Council related meetings

- 7.23.** Appropriate refreshments will be available for Council meetings, Council committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
- 7.24.** As an indicative guide for the standard of refreshments to be provided at Council related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 7.25.** The Act requires all Councillors to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor. Council supports the training, education and ongoing professional development of the Councillors to ensure they develop and maintain the knowledge and skills required to undertake their roles and responsibilities effectively.
- 7.26.** Council will set aside \$2,500 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses, and membership of professional bodies.
- 7.27.** During their term of office, Council will set aside \$13,000 per Councillor for course fees to complete the Company Directors Course offered by the Australian Institute of Company Directors. Councillors who have previously completed this course may undertake a refresher course or an accredited course of equivalent rigour developed specifically for, or which enhances the skills of local government councillors.

- 7.28.** In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (**OLG**). The cost of the induction program will be in addition to the ongoing professional development funding.
- 7.29.** Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 7.30.** Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:
- 7.30.1. Details of the proposed professional development;
 - 7.30.2. Relevance to Council priorities and business;
 - 7.30.3. Relevance to the exercise of the Councillor's civic duties.
 - 7.30.4. Benefit of the proposed professional development to Council and the Councillor;
 - 7.30.5. Whether the professional development should be offered to all Councillors.
- 7.31.** In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 7.30, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 7.32.** Council is committed to ensuring its Councillors are up to date with contemporary issues facing Council and the community, and local government in NSW.
- 7.33.** Council will budget \$7,000 for the Mayor and \$5,000 per Councillor, for each financial year, to facilitate Councillor attendance at conferences and seminars, including the Local Government NSW Annual Conference.
- 7.34.** Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer, except where a Councillor is appointed by resolution as Council's voting delegate/representative for the conference. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:
- 7.34.1. Relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
 - 7.34.2. Cost of the conference or seminar in relation to the Councillor's remaining budget.
- 7.35.** Council will meet the reasonable cost of registration fees, travel and accommodation associated with attendance at conferences approved by the

Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees.

- 7.36. Reimbursement for accommodation and meals not included in the conference fees will be considered in accordance with Clauses 7.19-7.22.
- 7.37. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

Information and communications technology (ICT) expenses

- 7.38. Information and Communication technology (ICT) equipment and services issued or provided for under this Policy may only be utilised by Councillors to undertake their civic duties.
- 7.39. Approval to incur ICT expenses, or for the reimbursement of such expenses, must be obtained using the prescribed form, before the expense is incurred.
- 7.40. In accordance with Council's Information Security Management Policy, ICT equipment issued or provided for under this Policy will be subject to appropriate management to house and encrypt Council data, to ensure Council has the ability to protect customer and corporate data.

ICT Equipment and Services package

- 7.41. During their term of office, Council will budget \$3,000 per Councillor per year to supply Councillors with an ICT equipment and services package that enables Councillors to perform their civic duties. This will include a mobile-enabled device, mobile phone, two SIM cards, software licences and accessories such as carry-bag, phone cover, headset and mouse. Council staff will provide technical support for items in the ICT equipment and services package.
- 7.42. Council may from time-to-time vary the standard equipment in accordance with changes in technology.
- 7.43. Any request for non-standard ICT equipment or software must be made in writing to the CEO. All items provided by Council or for which Council has paid via reimbursement will be Council's property.

ICT and Home Office consumables

- 7.44. In addition to the ICT equipment and services package, Council will provide, or reimburse Councillors for discretionary ICT expenses up to a limit of \$1,000 per financial year for each Councillor. This will cover:
 - 7.44.1. Charges in excess of the supplied call and data limits;
 - 7.44.2. Printing undertaken at Council at supplied rates;
 - 7.44.3. Up to 50% of the monthly access fees for a home internet service, to a limit of \$50 per month; and
 - 7.44.4. Other home office costs such as consumable stationery (eg business cards), printer ink cartridges, global roaming costs or additional equipment.

Special requirement and carer expenses

- 7.45. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible for all.
- 7.46. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 7.47. The Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 7.48. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$8,000 per annum for attendance at official business, plus reasonable travel to and from their principal place of residence.
- 7.49. Childcare expenses may be claimed for dependent children up to and including the age of 16 years, where the carer is not a relative, to allow the Councillor to attend official duties where a relative is unavailable to provide that care. Appropriate evidence will be required to claim this payment.
- 7.50. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

8. Insurances

- 8.1. In accordance with section 382 of the Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this policy.
- 8.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 8.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 8.4. Appropriate travel insurances will be provided for any Councillors travelling on approved interstate and overseas travel on Council business.

9. Legal assistance

- 9.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - 9.1.1. a Councillor defending an action arising from the performance in good faith of a function under the Act provided that the outcome of the legal proceedings is favourable to the Councillor;

- 9.1.2. a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the Councillor; and
 - 9.1.3. a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
 - 9.2. In the case of a Code of Conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct and the conduct reviewer or conduct review panel has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
 - 9.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this clause.
 - 9.4. Council will not meet the legal costs:
 - 9.4.1. of legal proceedings initiated by a Councillor;
 - 9.4.2. of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
 - 9.4.3. for legal proceedings that do not involve a Councillor performing their role as a Councillor.
 - 9.5. Indemnification and/or reimbursement of reasonable legal expenses must be approved by a Council resolution that specifies the maximum amount of such legal expenses, prior to costs being incurred.
-

PART C – FACILITIES

10. General facilities for all Councillors

Facilities

- 10.1.** Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- 10.1.1. a Councillor common room appropriately furnished to include photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol);
 - 10.1.2. access to shared car parking spaces at Council's Administration Building while attending on official business; and
 - 10.1.3. appropriate meeting spaces to allow Councillors to meet with community members as determined by the Chief Executive Officer.
- 10.2.** The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.
- 10.3.** Council may from time to time provide additional facilities for Councillor use such as personal protective equipment for use during site visits.

Stationery

- 10.4.** Council will provide the following stationery to Councillors each year:
- 10.4.1. Electronic letterhead template, to be used only for correspondence associated with civic duties; and
 - 10.4.2. Electronic Christmas or festive message.
- 10.5.** Council may from time to time provide stationery or branded items for Councillor use.

Administrative support

- 10.6.** Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the Chief Executive Officer or their delegate.
- 10.7.** Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

11. Additional facilities for the Mayor

- 11.1.** Council will provide to the Mayor an appropriate motor vehicle with a fuel card, as determined by the Chief Executive Officer. The vehicle will be supplied for use in attending official business and professional development and attendance at the Mayor's office. Incidental private use is permitted, subject to this policy.

- 11.2. A parking space at Council's Administration Building will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
- 11.3. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, and meeting space.
- 11.4. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing appropriate support, as determined by the Chief Executive Officer.
- 11.5. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full-time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
- 11.6. In accordance with this policy, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
- 11.7. When deputising for the Mayor, the Deputy Mayor will be provided with reasonable access to and use the facilities provided to the Mayor under this policy. Expenses incurred by the Deputy Mayor during this time will be attributed to the Mayor.
- 11.8. In the event of a vacancy in office or an extended absence (i.e. more than three weeks) from the Council by the Mayor, the Mayoral vehicle must be returned to Council to be utilised as determined by the Chief Executive Officer.

PART D – PROCESSES

12. Approval, payment and reimbursement arrangements

- 12.1.** Expenses must only be incurred by Councillors in accordance with the provisions of this policy.
- 12.2.** Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 12.3.** Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - 12.3.1. local travel relating to the conduct of official business;
 - 12.3.2. carer costs.
- 12.4.** Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.
- 12.5.** The Chief Executive Officer will provide a system for the request of reimbursements for Councillors. This will include a form whereby Councillors will be required to specifically identify the clause within this policy to which the request relates.

Direct payment

- 12.6.** Council may approve and directly pay expenses. Requests for direct payment must be submitted through the appropriate system for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 12.7.** All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted through the appropriate system.

Notification

- 12.8.** If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 12.9.** If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

- 12.10.** If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - 12.10.1. Council will invoice the Councillor for the expense; and
 - 12.10.2. the Councillor will reimburse Council for that expense within 14 days of the invoice date.

- 12.11.** If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount out of the Councillor's allowance.

Timeframe for reimbursement

- 12.12.** Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

13. Disputes

- 13.1.** If the Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.
- 13.2.** If the Councillor and the Chief Executive Officer cannot resolve the dispute, the Councillor may submit a notice of motion to Council seeking to have the dispute resolved.

14. Return or retention of facilities or equipment

- 14.1.** All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2.** Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make an application to Chief Executive Officer to purchase any such equipment. The Chief Executive Officer will determine an agreed fair market price for the item of equipment.
- 14.3.** The prices for all equipment purchased by Councillors under Clause 14.2 will be recorded in Council's annual report.
- 14.4.** Where a Councillor does not return Council equipment or facilities to Council upon ceasing to hold office as a Councillor, Councillor will invoice them for the cost of those items, based on fair market value as determined by the Chief Executive Officer.

15. Publication

- 15.1.** This policy will be published on Council's website.

16. Reporting

- 16.1.** Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 16.2.** Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full

on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

17. Auditing

- 17.1.** The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

18. Policy Breaches

- 18.1.** Suspected breaches of this policy are to be reported to the Chief Executive Officer.
- 18.2.** Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

19. Policy Definitions

Accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
Act	Means the Local Government Act 1993 (NSW).
Appropriate refreshments	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business.
Chief Executive Officer	Means the General Manager of Council and includes their delegate or authorised representative.
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy.
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted.
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor.
ICT	Means telecommunications and is an acronym for Information Communications and Technology.
Immediate Family	Immediate family according to the Fair Work Ombudsman includes a spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild or sibling of an employee, or a child, parent, grandparent, grandchild or sibling of an employee's spouse or de facto partner. It includes step-relations (e.g. step-parents and stepchildren) as well as adoptive relations.
Incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct.
Long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle.
Maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in the table in the Policy Summary.
NSW	New South Wales.
Official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> • meetings of Council and committees of the whole; • meetings of committees facilitated by Council; • civic receptions hosted or sponsored by Council; and • meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.

Professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor.
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW).
Year	Means the financial year, that is the 12-month period commencing on 1 July each year.

20. Policy Administration

Business Group	Corporate Services
Responsible Officer	Unit Manager Governance Risk and Legal
Associated Procedure (if any, reference document(s) number(s))	
Policy Review Date	Four years from date of adoption unless legislated otherwise
File Number / Document Number	D15501344
Relevant Legislation (reference specific sections)	Local Government Act 1993 (NSW) Sections 252 and 253 Local Government (General) Regulation 2021, Clauses 217 and 403
Relevant desired outcome or objectives as per Council's Delivery Program	Theme 4: Responsible Goal G: Good governance and great partnerships R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.
Related Documents (reference document numbers)	<ul style="list-style-type: none"> • Code of Conduct • Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009 • Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities • Local Government Circular 05-08 Legal assistance for Councillors and Council Employees. • NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009

21. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
EX018	Approval of expenses and facilities under this policy	Chief Executive Officer

22. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	26 July 2017 Minute Number 504/17	New policy adopted pursuant to section 253(2) of the Local Government Act
2	23 October 2017 Minute Numbers 669/17 and 700/17 (public exhibition) 18 December 2017 (adoption)	Major review
3	9 April 2020 Minute Number 268/18	Minor amendments to include provision of corporate uniform to Mayor and Councillors
4	9 July 2020 Minute Number 649/18	Minor amendments
5	27 August 2018 Minute Number 850/18	Minor amendments including admin support staff to support mayor and budget allocation to provide professional development to Mayor and Councillors
6	14 September 2020 Minute Numbers 455/20 and 456/20 (public exhibition) 23 November 2020 Minute Number 1109/20 (adoption)	Amended expenses provisions
7	24 January 2023 Minute Number 8/23 (public exhibition) 28 March 2023 Minute No 21/23 (adoption)	Major review to include references to the Administrator and compliance with model policy set by the Office of Local Government pursuant to section 253(2) of the Local Government Act
8	TBA	Mandatory review following the 2024 Local Government election.

Item No: 1.8
Title: Reviewed Investments Management Policy and
Draft Borrowings Policy - for Adoption
Department: Corporate Services



13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16791550
Author: Michelle Best, Section Manager Financial Accounting and Assets
Executive: Marissa Racomelara, Director Corporate Services

Recommendation

That the Committee:

- 1 Recommends to Council that the reviewed Investments Management Policy at Attachment 1 to be referred to the Audit, Risk and Improvement Committee, and then submitted to Council for adoption.***
- 2 Recommends to Council that the draft Borrowings Policy at Attachment 2 to be referred to the Audit, Risk and Improvement Committee, and then submitted to Council for adoption.***

Report purpose

The purpose of this report is to submit the Investments Management Policy and Borrowings Policy for Committee consideration and endorsement, prior to submission to the Audit, Risk and Improvement Committee (ARIC) and then to Council for adoption.

Background

Council adopted the 'Investments and Borrowings Management Policy' at its meeting on 23 July 2024.

In accordance with the 'Investment Policy Guidelines' issued by the then Division of Local Government in May 2010, Council is required to review the Investments Policy at least annually. Accordingly, the Investments management component of the Policy has been reviewed and minor changes to the content are proposed. Changes proposed are aimed at reducing Council's risk exposure in the current economic climate.

The Borrowings component of the Policy remains unchanged in content.

It is further proposed that the current adopted 'Investments and Borrowings Management Policy' is split into two separate policies:

- Investments Management Policy
- Borrowings Policy

The proposed split will facilitate a more agile review of each respective aspect of the Policy as and when required.

It is proposed that the existing policy be revoked, and separate policies 'Investment Management Policy' (as revised) and 'Borrowings Policy' (with revised review cycle), as attached to this report, be reviewed by ARIC and then be submitted to Council for adoption, through the Governance and Finance Committee.

Report

Investments Management Policy

The proposed Investments Management Policy incorporates the Investments section of the current Investments and Borrowings Policy, as a standalone policy.

The Policy provides an effective, accountable and transparent framework for decision making with respect to managing Council's cash and related investments portfolio.

The Policy is aimed at:

- Ensuring that investments are undertaken in accordance with the relevant legislation.
- Maximising investment returns while maintaining the security of investments and preserving capital through the prudent management of risk.
- Ensuring there is sufficient liquidity to meet all reasonably anticipated cashflow requirements as and when they fall due.

The proposed Policy sets out:

- the approach to investing surplus funds;
- the management of risks associated with investing activities; and
- the management of interest rates.

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

Proposed Changes

Whilst there are no proposed changes to the overall content or structure of the Policy, it is proposed to reduce the maximum portfolio weightings for BBB rated investments from 60% to 45%, and counter party limits for the A (reduced from 20% to 10%) and BBB categories (reduced from 10% to 5%) to reduce risk exposure, considering current economic conditions.

The proposed changes to the limits are based on Council's investments portfolio as at the time of writing this report, to ensure that ongoing compliance to the proposed new limits can be achieved effective from when the new Policy is proposed to be adopted in June 2025.

Upon maturity of new investments, and when surplus funds are invested, the approach will be to actively reduce the holdings in BBB towards a target of 25%, and a reduction of A category counterparty limit to 7.5%, and the BBB counterparty limit to 2%.

It is noted that these limits can be reviewed at any time through an update to the Policy adopted by Council.

The proposed changes are highlighted in the tables below.

Maximum Portfolio Weighting per rating category

Long Term Credit Ratings	Current Maximum Portfolio Weighting	Proposed Maximum Portfolio Weighting
AAA Category	100%	100%
AA Category or Major Bank^	100%	100%
A Category	70%	70%
BBB Category	60%	45%
Unrated	0%	0%

Counter party risk

Individual Institutions Limits		
Long Term Credit Ratings	Current Maximum Exposure	Proposed Maximum Exposure
AAA Category*	100%	100%
AA Category*	30%	30%
A Category	20%	10%
BBB Category	10%	5%
Unrated Category	0%	0%

Borrowings Policy

The proposed Borrowings Policy incorporates the Borrowings section of the current Investments and Borrowings Policy, as a standalone policy.

The Policy addresses matters such as ensuring that Council has regard to the long term and cumulative effects of their decisions when borrowing funds, and states how Council will monitor the impact of borrowings through assessment against the industry benchmark.

The Policy sets parameters that support the utilisation of borrowings, whilst ensuring that Council's financial position and ongoing sustainability are not adversely impacted.

Proposed Changes

It is proposed that the Borrowings Policy has a review cycle of four (4) years from date of adoption.

Stakeholder Engagement

The Policies have been presented to Council's Executive Leadership Team and will be presented to ARIC prior to presentation to Council. Considering the significantly regulated nature of these policies it is considered appropriate that the review by qualified experts included in the Committee and ARIC is sufficient and appropriate, and there is limited utility to be gained by public exhibition of the draft policy, before Council adoption.

Financial Considerations

Financial Year (FY) Implications.

The proposal has revenue financial implications for the current FY and outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Management of Council's investments and borrowings in accordance with the two (2) proposed Policies will ensure prudent and optimised management of Council's cash and investments and borrowings.

The proposed Investments Management Policy supports investment of surplus funds in a manner that balances revenue with risks whilst ensuring liquidity to enable Council to effectively deliver its Operational Plan.

The proposed changes are likely to result in a reduction in interest on investments income, however the extent of the current proposed changes is not anticipated to materially affect Council's financial position. On balance, it is considered that the adverse financial impact of

1.8 Reviewed Investments Management Policy and Draft Borrowings Policy - for Adoption (cont'd)

the proposed changes, is appropriate within the context of higher risk resulting from current economic conditions.

The proposed Borrowings Policy (same as currently adopted) provides guidance on borrowings to ensure that Council borrows funds for the appropriate reason and in a manner that is affordable and financially sustainable.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

All Investments will be managed in accordance with the proposed Investments Management Policy. Any specific circumstances, including, but not limited to, any changes to the rating of the financial institutions, and changes in the wider economic environment, will be taken into consideration through the application of the Investments Management Policy.



The proposed Borrowings Policy will ensure that borrowings are undertaken in a financially sustainable manner as measured through the industry benchmark for debt.

In accordance with legislative requirements the Policies will be reviewed annually, or sooner in the event of a legislative change impacting on the either Policy.

Critical Dates or Timeframes

It is proposed to present the proposed policies at Council's Ordinary Meeting on 24 June 2025.

Attachments

- | | | |
|---|--------------------------|-----------|
| 1  | Draft Borrowings Policy | D16796474 |
| 2  | Draft Investments Policy | D16796473 |

Central Coast Council Borrowings Policy

Date Adopted: XX/XX/20XX
Revision: X



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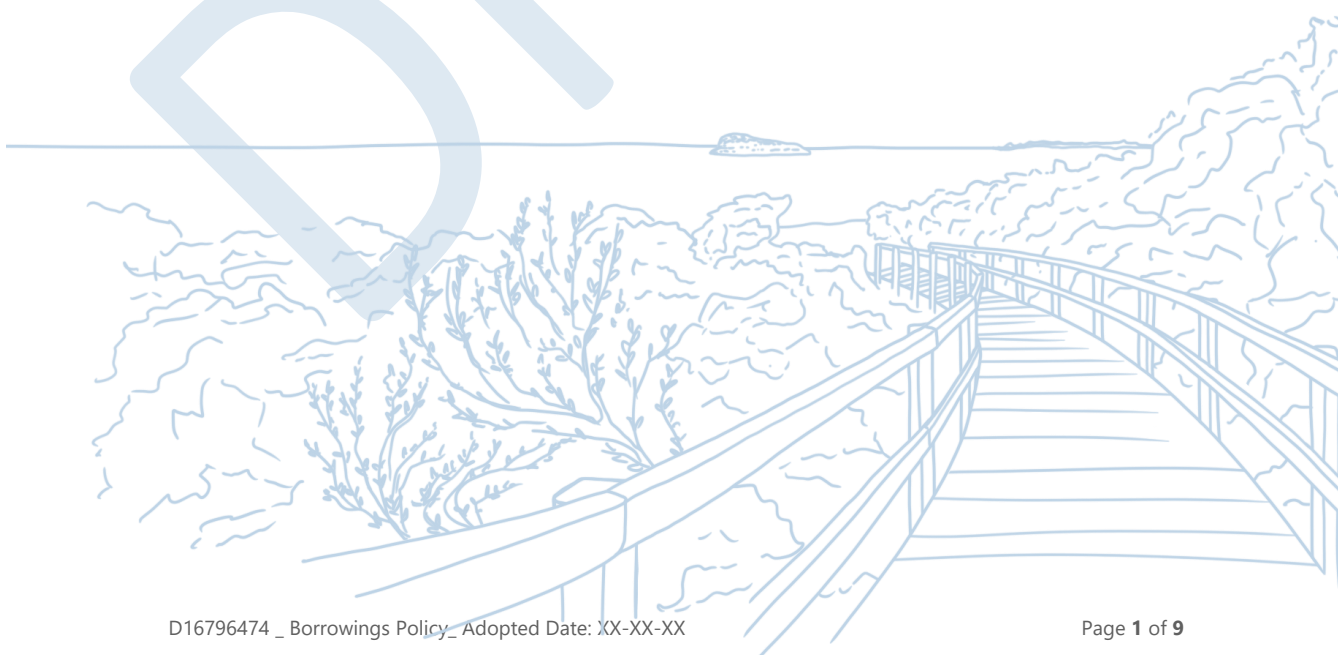


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1. Policy Objectives

- 1.1. To provide an effective, accountable, and transparent framework for decision making, with respect to undertaking borrowings, in accordance with the *Local Government Act 1993 (the Act)*, *Local Government (General) Regulation 2021 (the Regulation)*, and the 13 May 2009 (**Borrowings Order**).
- 1.2. To ensure funding of long dated assets achieves intergenerational equity, that is, that current and future ratepayers both contribute towards the assets they utilise now and in the future.

2. Policy Scope

- 2.1. This Policy applies to all employees who actively manage, or supervise employees who actively manage, Council's internal and external borrowing of funds (including the use of an overdraft facility).

3. Policy Statement

- 3.1. This Policy establishes an effective, accountable, and transparent framework for decision making with respect to managing Borrowings undertaken by Council.
- 3.2. Borrowings must be conducted in a manner that is financially prudent, ensuring that debt levels and servicing costs are manageable and sustainable.

4. Borrowings

- 4.1. Council recognises that loan borrowings for capital works are an important financing mechanism for local government. Loan borrowings provide the opportunity to bring projects forward and to ensure that the full cost of infrastructure is not borne entirely by present day ratepayers.
- 4.2. **Permissible Reasons to Borrow**
Council is only to consider borrowings:
 - 4.2.1. To accelerate capital works projects in Council's Long Term Financial Plan where bringing works forward is cost effective and results in asset management savings over the life of the asset.
 - 4.2.2. For the creation or major refurbishment of a significant infrastructure asset which is unable to be funded from Council's planned long term expenditure.
 - 4.2.3. To enable capital works funded from developer contributions, with repayments from future contributions.
 - 4.2.4. For land or other asset acquisition for strategic property holdings.

4.2.5. Council will not borrow funds for (except through an overdraft as per 4.7):

4.3. Council will **not** borrow funds for (except through an overdraft as per 4.7):

4.3.1. General operating costs, maintenance activities or other service provision that does not require major assets.

4.4. **Internal Borrowings**

When borrowing funds, Council will in the first instance, where appropriate and advantageous for Council, seek to use its own surplus cash funds.

Externally Restricted Funds

4.4.1. Internal Loans from Externally Restricted Reserves must have Ministerial Approval before the Internal Loan can be drawn, in accordance with Section 410(3) of the Local Government Act 1993.

4.4.2. Funds can be borrowed internally within the Section 7.11 Reserves only for the purpose of other Section 7.11 works. These funds cannot be used to fund works that are not part of the Section 7.11 works schedule.

4.4.3. A repayments schedule to repay internal borrowings will be drafted to ensure repayments to Externally Restricted Reserves can be funded and are made as scheduled to ensure timely replenishment of the Plan borrowed from.

Internally Restricted Funds

4.4.4. Where it is identified that Council holds Internally Restricted Reserves that are not required in the short term, those funds can be used as a replacement for an external loan borrowing where the cost of using external funds acquired through borrowings is greater than the foregone earnings on funds that are surplus to current requirements.

4.4.5. The use of Internally Restricted Reserves for a purpose that is different from its original purpose requires Council approval.

4.4.6. Under no circumstances shall funds be borrowed from Trust Accounts.

4.5. **Approach to Borrowings**

When considering borrowings, the following requirements will be met:

4.5.1. New borrowings are made in accordance with relevant legislation

4.5.2. Other measures such as changing the planned timing of project cash flows, internal borrowing, or seeking grants from government or other sources are considered.

4.5.3. It is determined that borrowings are the most appropriate and cost-effective way to provide the cash to enable the delivery of the project/s. Proposals for borrowings must include a detailed business case and cashflow analysis showing:

- (a) For building or purchasing infrastructure - that full funding costs can be repaid over the life of the asset
 - (b) For economic investments - that the investment in a new asset decreases existing costs or provides new revenue in excess of its funding costs (i.e., positive Net Present Value)
 - (c) The future impact on the Long-Term Financial Plan, having regard for the Council's ability to service debt and the whole of life operating costs of the project.
- 4.5.4. The annual debt service expense is affordable in the context of the annual Operational Plan and Council's Long Term Financial Plan, within current budget constraints and allows for current service levels to be maintained.
- 4.5.5. Debt Service Cover ratio is maintained as per the industry benchmark of greater than 2 times.
- 4.5.6. All borrowings must be repaid within the assessed economic life of the asset that it was used to fund.
- 4.5.7. The total of the loan borrowings is sustainable in terms of Council's ability to meet future repayments and budgetary obligations.
- 4.5.8. The risk and cost of borrowing is minimized via a structured procurement program.
- 4.5.9. The spread of debt maturities is within the set funding /refinancing risk limits.
- 4.5.10. Council will review all loans at least annually. Current and future loans will be considered as part of the ongoing review of Council's Long Term Financial Plan, to identify potential early repayment of loans, and future borrowings requirements. We will consider any actions necessary to match our evolving financial requirements and optimize debt cost. This may include:
- (a) Debt consolidation
 - (b) Change to lower cost providers
 - (c) Other changes to loan terms

4.6. Interest Rates Parameters

Council will obtain professional advice regarding determining the period for which the interest rate should be fixed. The factors that will be considered shall include:

- 4.6.1. The level of the interest rate when compared to the long term average official interest rate.
- 4.6.2. Recent movements in the official interest rate.
- 4.6.3. The term of the loan

4.7. Overdraft

- 4.7.1. Council may have an overdraft facility with its transactional Bank
- 4.7.2. An overdraft facility is only used for short term unavoidable and essential cash flow purposes. The use of the overdraft facility will normally occur when the cost of surplus funds held in interest bearing deposits, for which the transfer to cash will incur, a significant penalty and is largely not cost effective.
- 4.7.3. The use of the overdraft facility will generally be avoided through careful cash management practices to ensure sufficient funds are available to fund daily expenditure requirements.
- 4.7.4. At no time is the overdraft facility to be used as an ongoing debt facility or to fund anything except short term cash flows.

5. Responsibilities

Compliance, monitoring and review

- 5.1. Pursuant to section 223 of the Act, the elected Council is responsible for ensuring Council is, as far as possible, financially sustainable. Therefore, it is the responsibility of the elected Council to ensure this policy is designed to achieve that.
- 5.2. Pursuant to section 335 of the Act, the Chief Executive Officer is responsible to conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies, and policies adopted by the elected Council. Therefore, the Chief Executive Officer is responsible for implementing the elected Council's decisions in accordance the borrowings management practices as outlined in this Policy.
- 5.3. The Responsible Accounting Officer is responsible for reporting and reviewing borrowings.
- 5.4. The Chief Financial Officer is responsible for compliance with this Policy and its review at least once a year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendments to this Policy must be by way of Council resolution

Reporting

- 5.5. Council is required to complete the Office of Local Government Borrowing Return detailing projects to be funded from any borrowings for the financial year, on an annual basis.

Records management

- 5.6. Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#).

6. Policy Definitions

Act	means the <i>Local Government Act 1993</i> (NSW)
Borrowing	means cash received from another party in exchange for future payment of the principal, interest, and other finance charges.
Borrowing Costs	means interest and other costs that an entity incurs in connection with the borrowing of the funds
Council	means Central Coast Council
Debt Service Cover Ratio	<i>Operating result before capital (excluding interest and depreciation/impairment/amortisation).</i> <i>Principal repayments plus borrowing costs</i>
Delegated Authority	means any function, duty or power vested in the Council by the Act, that the Council may, within the terms of the Act, delegate to a Council member, Committee of the Council, Chief Executive Officer, employee or person or class of persons approved for the purpose.
Major Banks	means Australian banking groups: <ul style="list-style-type: none"> • Australia and New Zealand Banking Group Limited • Commonwealth Bank of Australia • National Australia Bank Limited • Westpac Banking Corporation This includes ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George). Council may ratify an alternative definition from time to time.
Overdraft facility	means a loan that is not drawn down completely when approved but allows for a series of timed borrowings over a period up to the maximum of the facility.
Year	means from July 1 to June 30 (financial year).

7. Policy Administration

Business Group	Corporate Services
Responsible Officer	Chief Financial Officer
Policy Review Date	Four years from date of adoption
File Number / Document Number	D16796474
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Local Government Act 1993</i> (NSW) ▪ <i>Local Government (General) Regulation 2021</i> (NSW) ▪ Ministerial Borrowing Order (13 May 2009)
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Australian Accounting Standards ▪ Code of Conduct ▪ Delegations Register ▪ Information and Records Management Policy ▪ Local Government Code of Accounting Practice and Financial Reporting

9. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Management of Investments	Finance

10. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	TBA	New Policy adopted (separation of the previous Policy for Investment and Borrowings Management Policy)

Central Coast Council Investments Management Policy

Date Adopted: XX/XX/20XX
Revision: 1



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1. Policy Objectives

- 1.1. The objective of this Policy is:
- 1.1.1. To provide an effective, accountable, and transparent framework for decision making, with respect to investing surplus funds held by Council in accordance with the *Local Government Act 1993 (the Act)*, *Local Government (General) Regulation 2021 (the Regulation)*, and the NSW Local Government Minister's Orders dated 12 January 2011 (**Investments Order**).
 - 1.1.2. To maximise investment returns while maintaining the security of investments and preserving capital through the prudent management of risk.
 - 1.1.3. To ensure there is sufficient liquidity to meet all reasonably anticipated cashflow requirements as and when they fall due.
-

2. Policy Scope

- 2.1. This Policy applies to all employees who actively manage, or supervise employees who actively manage, Council's cash and investments portfolio.
-

3. Policy Statement

- 3.1. This Policy establishes an effective, accountable, and transparent framework for decision making with respect to managing Council's cash and related Investment Portfolio.
- 3.2. Investing activities must be conducted in a manner that is financially prudent, ensuring the preservation of capital, liquidity and returns.
-

4. Investments Management

- 4.1. Investments are to be placed in a manner that seeks to ensure security and the safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- 4.2. **Approach to investing surplus funds:**
- 4.2.1. A strategic approach will be taken when investing funds surplus to immediate requirements, considering short and long term cashflow requirements as identified in Council's Long Term Financial Plan.
 - 4.2.2. Each investment in the portfolio will be evaluated and monitored against a performance benchmark appropriate to the risk and time period of the investment concerned.

4.2.3. All investments under consideration will be assessed to ensure delivery of a level of return appropriate with their risk profile and are competitive with an appropriate peer group of alternative investment options.

4.2.4. The eligibility of an investment is determined by the prevailing Ministerial Investments Order as updated from time to time.

4.3. Risk Management Criteria

Detailed decisions on the purchase and sale of cash investment assets will be mindful of the following risk categories:

Risk	Mitigants
Risk of Capital Loss	Diligent product research, diversification and an intention to hold assets to maturity.
Liquidity risk	Cash flow forecasting, allocation of investment funds to time horizons, maintenance of a "liquidity reserve" through conservative assumptions in cash flow forecasting.
Market timing risk ("not getting a good price on the day")	Stagger investment dates, maintain spread of maturity dates.
Credit risk	Credit risk guidelines imposing required credit rating targets for the portfolio.
Concentration risk ("all eggs in one basket")	Concentration risk guidelines imposing maximum exposure for Individual institutions.
Product risk	Undertake rigorous product research.
Interest Rate (duration) risk	Invest in products within policy with staggered maturity dates to mitigate exposure to interest rate fluctuations.
Income risk	Conservative approach to investment income budgeting.
Reinvestment/Rollover risk	The risk that income will not meet expectations or budgeted requirements because interest rates are lower than expected in future.
Regulatory risk	Portfolio actively managed to comply with legislation, regulations and policy.
Fraud risk	Documented investment procedures and manage portfolio in compliance with policy.
Safe keeping/Clear title risk	Documented investment procedures.

4.4. Credit Management Criteria

- 4.4.1. All new investments must comply with the risk criteria at the time of placement.
- 4.4.2. Prior to investing with a new institution, a diligent review of the credit worthiness of that institution will be undertaken. The Chief Executive Officer or his/her delegate must form their own opinion of the risk attached to an institution and not solely rely on published credit ratings.
- 4.4.3. Standard & Poor's (or equivalent Moody's and Fitch) ratings attributed to each individual institution will be used to determine maximum holdings. If an investment is rated by more than one rating agencies, Council shall use the lower of the ratings.
- 4.4.4. The maximum available limits in each rating category are as follows:

Table 1: Maximum Portfolio Weighting Per Rating Category

Long Term Credit Ratings	Maximum Portfolio Weighting
AAA Category	100%
AA Category or Major Bank^	100%
A Category	70%
BBB Category	45%
Unrated	0%

4.5. Concentration Risk (Counterparty/Institution Credit Framework):

Exposure to individual counterparties/financial institutions will be restricted by their rating as per the APRA standard above, so that single entity exposure is limited, as detailed in the table below:

Table 2: Counter Party Risk

Individual Institution Limits	
Long Term Credit Ratings	Maximum Exposure
AAA Category*	100%
AA Category*	30%
A Category	10%
BBB Category	5%
Unrated Category	0%

4.6. Product, Interest Rate and Income Risk/Term to Maturity Framework:

- 4.6.1. The investment portfolio is to be invested with a conservative approach to income budgeting within the following term to maturity constraints, subject to rigorous product research.
- 4.6.2. To ensure Council has available funds to meet its short-term and long-term operational and capital cash commitments, liquidity targets as set in Table 3 are to be maintained.

Table 3: Term to Maturity

Description	Maximum Exposure
Portfolio allocation:	
Portfolio % < 1Year	100%
Portfolio % > 1 Year < 3 Years	70%
Portfolio % > 3 Years < 5 Years	40%
Portfolio % > 5 Years	5%
Maturity of financial institution securities:	
ADI issues rated A or above	5+ years
ADI issues rated BBB to A	5 years
ADI issues BBB- (Term Deposits only)	1 years

4.7. Regulatory, Fraud and Safekeeping/Clear Title Risk

- 4.7.1. The regulatory framework for investments is embedded within this policy.
- 4.7.2. Risk of fraud is mitigated by documented investment procedures, separation of responsibilities for investment decision making and transaction settlement, with only one account for payment of redemption proceeds, including the use of licensed custodians or third-party registries where applicable.
- 4.7.3. Council uses the following benchmarks to measure investment performance, in relation to both current month and 12-month rolling returns against its return/income objectives:
- (a) Bloomberg AusBond Bank Bill Index
 - (b) 30-day Bank Bill Rate
- 4.7.4. All investments to be in Australian dollars and held in the name of Council.

5. Responsibilities

Compliance, monitoring and review

- 5.1. Pursuant to section 223 of the Act, the elected Council is responsible for ensuring Council is, as far as possible, financially sustainable. Therefore, it is the responsibility of the elected Council to ensure this policy is designed to achieve that.
- 5.2. Pursuant to section 335 of the Act, the Chief Executive Officer is responsible to conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies, and policies adopted by the elected Council. Therefore, the Chief Executive Officer is responsible for implementing the elected Council's decisions in accordance with investments as outlined in this Policy.
- 5.3. The Responsible Accounting Officer is responsible for reporting and reviewing of investments.
- 5.4. The Chief Financial Officer is responsible for compliance with this Policy and its review at least once a year or as required in the event of legislative changes. This Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendments to this Policy must be by way of Council resolution.

Reporting

- 5.5. Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.
- 5.6. Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.
- 5.7. All investments are to be appropriately recorded in Council's financial records and reconciled at least monthly.
- 5.8. A monthly report will be provided to the elected Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and investment interest earned for the year.

Records management

- 5.9. Staff must maintain all records relevant to administering this policy in accordance with Council's [Information and Records Management Policy](#).

6. Policy Definitions

Act	means the <i>Local Government Act 1993</i> (NSW)
Active Secondary Market	means a market where investors purchase securities or assets from other investors, rather than from issuing companies themselves on an arm's length (independent) basis.
ADIs	means Authorised Deposit Taking Institutions A financial institution licensed by the Australian Prudential Regulatory Authority (APRA) to carry on banking business, including accepting deposits from the public. This includes banks, building societies and credit unions.
Bank Bill Swap Reference Rate (BBSW)	means an independent reference rate that is used for pricing securities. Fixed income investors use BBSW since it's the benchmark to price floating rate bonds and other securities. The BBSW is an average of the bank bill rates supplied by banks for various maturities.
Cash	Cash comprises both cheque accounts and daily call accounts with Authorised Deposit Taking Institutions (ADIs). Cash assets typically have a maturity term at the time of placement of being immediately available or available within 24 hours. Cash assets are closely linked with investments but do not constitute investments. Cash is used to meet immediate operational cash needs.
Council	means Central Coast Council.
Delegated Authority	means any function, duty or power vested in the Council by the Act, that the Council may, within the terms of the Act, delegate to a Council member, Committee of the Council, Chief Executive Officer, employee or person or class of persons approved for the purpose.
Externally Restricted Reserves	means those cash and investments where Council is bound by legislation or third-party contractual agreement that restricts the use of funds held.
Internally Restricted Reserves	means those cash and investments that Council has allocated by resolution to identified purposes.

Investment	comprises term deposits and bonds with an active secondary market placed with government (including NSW T-Corp) and ADI's. Investment assets have maturities at the time of placement of 30 days or more.
Major banks	<p>means Australian banking groups:</p> <ul style="list-style-type: none"> • Australia and New Zealand Banking Group Limited • Commonwealth Bank of Australia • National Australia Bank Limited • Westpac Banking Corporation <p>This includes ADI subsidiaries whether or not explicitly guaranteed, and brands (such as St George). Council may ratify an alternative definition from time to time.</p>
Year	means from July 1 to June 30 (financial year).

7. Policy Administration

Business Group	Corporate Services
Responsible Officer	Chief Financial Officer
Policy Review Date	Annually
File Number / Document Number	D16796473
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Local Government Act 1993</i> (NSW) ▪ <i>Local Government (General) Regulation 2021</i> (NSW) ▪ Ministerial Investment Order (12 January 2011)
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Australian Accounting Standards ▪ Code of Conduct ▪ Delegations Register ▪ Information and Records Management Policy ▪ Investment Register ▪ Local Government Code of Accounting Practice and Financial Reporting ▪ Division of Local Government Investment Policy Guidelines 2010

8. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
TBA	Management of investments	Finance

9. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	TBA	New Policy adopted (separation of the previous Policy for Investment Management and Debt Management Policy)

Item No: 1.9
Title: Reviewed Procurement Policy - for Adoption
Department: Infrastructure Services



13 May 2025 Governance and Finance Committee

Reference: F2025/00484 - D16761106
Author: Michael Ross, Unit Manager Procurement and Project Management
Executive: Boris Bolgoff, Director Infrastructure Services

Recommendation

That the Committee:

- 1 Endorses the recommended amendments to the Procurement Policy.***
- 2 Recommends to Council that the reviewed Procurement Policy at Attachment 1 be adopted.***

Report purpose

Present the Governance and Finance Committee with the draft Procurement Policy for review, feedback, endorsement, and recommendation to Council for adoption.

Executive Summary

Council procures goods, services, and works to effectively deliver services and infrastructure to the community. The Procurement Policy outlines the key principles, objectives and requirements that must be followed by all individuals conducting procurement activities on behalf of the Council.

The current Procurement Policy is due for renewal and is presented as a draft for Council's adoption. Upon adoption, the policy will remain in effect for four (4) years.

Background

The Procurement Policy was initially established following the amalgamation of Gosford City Council and Wyong Shire Council and was endorsed by the then CEO in March 2019.

Subsequently, in March 2020, the policy was updated to incorporate Council resolutions related to local supplier support.

The most recent amendment to the Policy occurred in September 2022 to incorporate a commitment to addressing modern slavery, aligning with the *Modern Slavery Amendment Act 2021 (NSW)*. This amendment was endorsed by the CEO.

Report

For the period 1 July 2022 to 28 February 2025, Council has spent an estimated \$1,186,222,101 on goods, services and works. To ensure good practice procurement principles are upheld and compliance with regulatory requirements a Procurement Policy is required. The Procurement Policy is due for renewal, with the attached draft Procurement Policy presented for ELT review and endorsement prior to proceeding to Council for adoption. This report and the attached Policy outline the key amendments proposed and provide some context to support the retention of Local Supplier Support initiatives.

Modern Slavery Prevention

The policy has been amended to incorporate an updated Modern Slavery commitment that aligns with the NSW Anti-slavery Commissioner Guidance on 'Reasonable Steps' released in December 2023. The Modern Slavery component of the procurement policy is required to meet our legislative requirements under the *Local Government Act 1993*, and the *Modern Slavery Act 2018*.

Examples of the actions that Council is required to undertake to ensure compliance with modern slavery requirements include,

- Identifying our modern slavery risks and developing a risk management plan to reduce the likelihood of the risks eventuating.
- Working with and supporting our suppliers reduce the risk of modern slavery.
- Incorporating modern slavery clauses within our contracts that set out requirements to comply and remedies if breeches are identified.
- Provide training to staff.

Local Supplier Support

The draft Procurement Policy retains provisions intended to support local suppliers bid and be successful in supplying goods, services and works to Council.

For the period 1 July 2022 to 28 February 2025, Council spent a total of \$1,186,222,101 of which an estimated \$516,516,520 (44%) was spent on goods, services and works with suppliers that are classed as 'local' under our Procurement Policy. If expenditure with government agencies and commodities or services that cannot be sourced locally (such as electricity, core software systems, and specialised construction services) are excluded from consideration, the percentage of expenditure with local suppliers increases to 57% over the same period.

Furthermore, of the total spend for the period 1 July 2022 to 28 Feb 2025, Council executed 148 contracts with a value of \$505,986,234 via the Open or Selective tendering methods regulated by the *Local Government (General) Regulation 2021*, noting the sourcing of goods and services for the remaining value of Council total spend is typically through the use of prescribed agencies, such as Local Government Procurement (LGP) and in accordance with Councils Procurement Manual and quotation thresholds.

When assessing tenders, the Procurement Policy impacts on the value of local content. If defined as a local contractor, supplier or business, the maximum benefit of 20% or \$150,000 is discounted from the tendered price for assessment. Non-local tenderers still have access to the weighting; however, it is limited to consideration of local content within their tender submissions. Through this process, the Policy has demonstrated \$251,427,424 of spend with local suppliers and an additional \$54,801,409 local spend through non-local suppliers utilising local suppliers and subcontractors.

Reason for proposed amendments

Below is a summary of the proposed changes.

Clause	Proposed Change
1.6	Clarified the requirement for staff to comply with Council procedure, such as the Procurement and Contract Management procedures.
2.4	Clarified the exemption provisions to ensure legislation compliance is met before an exemption can be approved.
6.2 & 6.3	Added additional Modern Slavery requirements to meet legislation requirements and Guidance on Reasonable Steps.
Definitions – Disability Organisation	Added for clarity.
Definitions – Indigenous Business	Added for clarity.

Stakeholder Engagement

External Stakeholders

Stakeholder engagement has occurred with representatives of Local Government Procurement (LGP) who have provided advice on what to include in the Policy to meet Modern Slavery policy expectations set by the NSW Anti-Slavery Commissioner.

Consultation and review of other Council Procurement Policies has been undertaken to understand Procurement Policy inclusions, including the management of Local Supplier

Support Initiatives. Consultation has also occurred with non-local suppliers to understand tendering considerations with the existence of Local Supplier Support Initiatives.

Consideration was given around the benefit of community consultation of the Policy prior to seeking formal adoption, however as the minor Policy changes address legislative compliance and there would be little opportunity to influence the Policy content, there is limited utility to be gained by public exhibition of the draft policy before Council adoption.

Internal Stakeholders

The Policy has been distributed to all Unit Managers, detailing the minor changes that were undertaken to address legislative compliance. A workshop was also facilitated to enable further discussion and consideration of feedback.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes the impact for this proposal.

Analysis of Councils Procurement spend demonstrates significant current spend with local suppliers. It is considered that the primary contributors to this outcome is the Local Supplier Policy Provisions and the geographical size of the Central Coast Local Government Area capturing a significant and diverse supplier base, enabling many of our supply requirements to be sourced locally.

Whilst it is possible that local supplier support initiatives can have an impact on the costs of goods, services and works, it is considered that continuation of the current local support provisions would continue to provide positive benefit to local suppliers whilst not having significant financial impact beyond current state.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.

Risk Management

There is no discernible risk to Council as the proposed Policy does not make significant changes to the current Policy.

Critical Dates or Timeframes

Nil

Attachments

Draft Procurement Policy - March 2025 Revision

D16234976

Central Coast Council Procurement Policy

Date Adopted: XX/XX/20XX
Revision: 7



DRAFT

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1. Policy Objectives

- 1.1. Central Coast Council (**Council**) procures goods, services, and works to effectively deliver services and infrastructure to the community. This Policy outlines the key principles, objectives and requirements that must be adhered to by all those conducting the procurement activities of Council.
- 1.2. The Central Coast community should have confidence that Council will procure goods, services and works in a cost effective and appropriate manner. Central Coast Council suppliers should understand the processes by which goods and services are procured and have confidence that procurement processes of Council are applied fairly and consistently.
- 1.3. Council is required to undertake procurement in accordance with:
 - 1.3.1. the *Local Government Act 1993* (**LGA**) (in particular section 55); and
 - 1.3.2. the *Local Government (General) Regulation 2021* (**Regulation**) (in particular Part 7 – Tendering).

This legislation applies to all contracts for goods, services and works unless a relevant exemption in accordance with the LGA applies. One exemption is where the estimated expenditure for a contract is less than \$250,000 (excluding GST).
- 1.4. Section 23A of the LGA requires that Council consider the Tendering Guidelines for NSW Local Government (October 2009) as part of any tendering process, whether that process is mandated by the LGA or not.
- 1.5. This Policy supports the Council's Statement of Business Ethics that outlines the Council's ethical standards and expectation that suppliers and Council staff will comply with.
- 1.6. Staff undertaking procurement activities are required to comply with Council procedures, including but not limited to the Procurement Procedures and Contract Management Procedures that have been developed to support this policy.

2. Policy Scope

- 2.1. This Policy covers all types of Procurement for all spend categories that include but are not limited to:
 - 2.1.1. Goods and materials, supplies, parts, plant and equipment, information communications and technology hardware and systems.
 - 2.1.2. Services, consultants, labour hire, contractors, information, and communication technology services.
 - 2.1.3. Works, asset and facilities construction, repairs and maintenance, and infrastructure, minor and major capital works.
 - 2.1.4. Disposal of goods and materials.

- 2.2. All Council staff, contractors, consultants, temporary (labour hire) staff, Councillors and Council committees responsible for the procurement or sale of goods, services and works on behalf of Council must comply with this policy and all associated procedures.
- 2.3. This Policy does not confer any delegations of authority upon any person. All delegations to staff are issued by the Chief Executive Officer (CEO).
- 2.4. Applications for exemption from this Policy must be approved in writing by the Chief Executive Officer. Exemptions are only available in limited circumstances consistent with the provisions of the LGA and the Regulation.
- 2.5. This Policy does not apply to employment contracts, real estate property acquisition or sales, sponsorship, grants, re-imbursements, statutory fees and charges, donations or sponsorships.

3. Policy Statement

- 3.1. This Policy should be read in conjunction with the Code of Conduct adopted by Council.
- 3.2. It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.

4. General

- 4.1. Council will:
 - 4.1.1. Apply best practice procurement processes that comply with all legislative requirements and consider the Tendering Guidelines for NSW Local Government.
 - 4.1.2. Be open, honest, transparent, ethical, and accountable in all dealings.
 - 4.1.3. Ensure that appropriate protections are afforded to commercially sensitive and confidential material that is provided to Council by suppliers.
 - 4.1.4. Utilise whole of government and Prescribed Agency Contracts when considered the most beneficial outcome for Council.
 - 4.1.5. Ensure the promotion of fairness and competition.
 - 4.1.6. Obtain value for money.
 - 4.1.7. Promote sustainable procurement principles by:
 - Facilitating the achievement of value for money by incorporating total cost of ownership into procurement decisions.
 - Minimise our ecological footprint through the Procurement of goods and services that can demonstrate zero or reduced

environmental impact including but not limited to the use of products made of recycled materials and the avoidance of single use plastic products where alternatives are available and appropriate.

- Contribute to economic growth in the local economy by supporting local business to compete for Procurement contracts.
- Encourage ethical trading and protect human rights through dealing with organisations that can demonstrate ethical supply chain practices.
- Support within legislative requirements, Disability Organisations, Indigenous Businesses and Social Enterprises for the provision of goods, services and works when available and cost effective.

5. Local Supplier Support

5.1. Council recognises the economic and social benefits that are derived through supporting local businesses to compete and be successful in being awarded contracts for the provision of goods, services and works by Council. Council will support local suppliers by:

- 5.1.1. Only sourcing goods, services and works for contracts with a value less than \$250,000 (excluding GST) from suppliers outside of the Central Coast Region, when the goods, services or works are either not available from Central Coast suppliers or Central Coast Suppliers cannot meet quality, time, or cost requirements.
- 5.1.2. Supporting suppliers to understand the requirements for competing for Council procurement contracts.
- 5.1.3. Providing all (local and non-local) suppliers with increased visibility of Council's forward works program.
- 5.1.4. When contracts are awarded to non-local suppliers, where practical, encourage them to sub-contract local suppliers and contractors in the delivery of services.
- 5.1.5. Providing constructive feedback regarding supplier's tender and quotation submissions, and detail how they can improve.
- 5.1.6. Report on procurement activity with local suppliers.
- 5.1.7. Applying a Local Preference weighting for Tenders. The weighting will be applied to demonstrated local supplier content of all tenders and will be capped so the total financial impact per tender does not exceed \$150,000 Excluding GST. A discount will be applied to the total value of Tender content demonstrated as being sourced by local suppliers in accordance with the below table:

% Discount (weighting) applied to local Price Component of Tenders	
20%	Local Supplier

6. Modern Slavery Prevention

6.1. Council is committed to ensuring:

- 6.1.1. Its operations and supply chains do not cause, involve, or contribute to modern slavery; and
- 6.1.2. Its suppliers, relevant stakeholders, and others with whom we do business respect and share our commitment regarding minimising the risk of modern slavery.

6.2. Statement of Intent

Council is committed to combating modern slavery by:

- 6.2.1. Identifying where our modern slavery risks are in our supply chain and assessing the degree of those risks.
- 6.2.2. Engaging with our suppliers to identify which are committed to minimising the risk of modern slavery in their own supply chains and operations.
- 6.2.3. Including modern slavery clauses in Request for Anything RFx documents and contracts.
- 6.2.4. Providing adequate training for all staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.
- 6.2.5. Working with and supporting our suppliers to reduce the risk of modern slavery, where appropriate.
- 6.2.6. Establishing a complaint process enabling staff and others to raise concerns about modern slavery.

6.3. Application

This policy applies to all persons employed by Central Coast Council's or on Council's behalf in any capacity. The prevention, detection, and reporting of modern slavery in any part of Central Coast Council's operations or supply chain is the employee's responsibility.

7. Responsibilities

Compliance, monitoring and review

- 7.1. The Unit Manager Procurement & Project Management will ensure compliance, monitoring and review of the Procurement Policy.

Records management

- 7.2. Staff must maintain all records relevant to administering this protocol in accordance with Council's [Information and Records Management Policy](#).

8. Policy Definitions

Act	means the <i>Local Government Act 1993</i> (NSW)
Council	means Central Coast Council
Best Practice	means a methodology, technique, set of guidelines, ethics, or ideas that has consistently shown results superior to those achieved with other means, and that is used as a benchmark that represent the most efficient or prudent course of action
Disability Organisation	means an organisation where the majority of the members as well as the Governing body (Board of Directors) are persons with disability.
Indigenous Business	means an eligible Aboriginal and Torres Strait Islander owned business that is at least 50 per cent owned by an Aboriginal person(s) and/or a Torres Strait Islander person(s); and be either a sole trader, partnership, incorporated entity or trading through a trust; and has a current Australian Business Number (ABN)
Local Supplier	<p>To be classed as a 'Local Supplier', suppliers must have either:</p> <p>Registered business address within the Central Coast Local Government Area and permanently employ at least one (1) Full Time Equivalent (FTE) staff member, or</p> <p>A local business premises or facility such as: distribution centre, depot, warehouse, quarry, office, or manufacturing plant located within the Central Coast Local Government Area that employs more than one (1) FTE staff member.</p> <p>To be eligible for the discount the entity must have been in continual operation for a minimum of six (6) months regardless of the registered business location prior to the Tender being advertised.</p>
Prescribed Agency Contract	means an entity prescribed under section 163 (1A) of the Local Government Regulation (General) Regulation 2021.
Procurement	means all activities involved in acquiring goods or services either outright or by lease (including disposal and lease termination). Procurement includes acquiring consumables, capital equipment, real property, infrastructure, and services under consultancies, professional services, facilities management, and construction.
RFx	means a Request For Anything, it encompasses various procurement-related documents, including Request For

	Proposal (RFP), Request For Quote (RFQ), Request For Tender (RFT), and other similar requests.
Social Enterprise	means a business that trades to intentionally tackle social problems, improve communities, provide people access to employment and training, or help the environment.
Sustainable Procurement	means takes a wider view and incorporates the net benefits for both the buying organisation and the wider world. Sustainable Procurement considers the total purchase cost and economic, environmental, and social impacts within a wider framework of good governance, when acquiring goods and services. These four factors together called the quadruple bottom line
Tender	means an offer, lodged in response to a public invitation from Council for amounts above \$250K ex GST that are subject to requirements of section 55 of the Local Government Act 1993 and related regulation.
Tendering Guidelines	means the Tendering Guidelines for NSW Local Government issued by the (then) Director General of the Division of Local Government, NSW Department of Premier and Cabinet in October 2009.
Value For Money	means selecting the supply of goods, services or works, considering both cost and non-cost factors including: <ul style="list-style-type: none"> • Contribution to the Council Strategic Plan and objectives • Fitness for purpose, quality, service and support, risk, and environmental and sustainability factors • Whole-of-life costs, transaction costs associated with the purchase, utilisation, maintenance and disposal of the goods, materials, or assets.
Whole of Government Contract	means a contract or an adopted scheme administered by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth

9. Policy Administration

Business Group	Infrastructure Services
Responsible Officer	Section Manager Procurement Operations
Associated Procedure (if any, reference document(s) number(s))	Nil
Policy Review Date	Four years from date of adoption unless legislated otherwise.
File Number / Document Number	D16234976
Relevant Legislation (reference specific sections)	<p>This Policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> ▪ <i>Building and Construction Industry Security of Payment Act 1999</i> ▪ Chain of Responsibility (CoR) - Heavy Vehicle National Law (HVNL) ▪ <i>Competition and Consumer Act 2010 (Cth)</i> ▪ <i>Government Information (Public Access) Act</i> ▪ <i>Local Government (General) Regulation 2021</i> ▪ <i>Local Government Act 1993</i> ▪ <i>Modern Slavery Amendment Act 2021</i> ▪ <i>Protection of the Environment Operations Act 1997</i> ▪ <i>Work Health and Safety Act 2011</i> ▪ <i>Work Health and Safety Regulation 2017</i>
Link to Community Strategic Plan	<p>Theme 4: Responsible</p> <p>Goal G: Good governance and great partnerships</p> <p>R-G3: Provide leadership that is transparent and accountable, makes decisions in the best interest of the community, ensures Council is financially sustainable and adheres to a strong audit process.</p>
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> ▪ Information and Records Management Policy ▪ Delegations Register ▪ Statement of Business Ethics ▪ Code of Conduct

	<ul style="list-style-type: none">▪ Fraud and Corruption Control Framework▪ Probity Advice Policy▪ Sustainable and Plastic Free Events Policy▪ Unsolicited Proposal Policy▪ Legislative Compliance Policy▪ Work Health and Safety Policy▪ Procurement Manual▪ Contract Management Manual▪ Purchase Card Procedure
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10. Policy Authorisations

No.	Authorised Function	Authorised Business Unit / Role(s)
Nil	Nil	Nil

11. Policy History

Revision	Date Approved / Authority	Description Of Changes
1	9 August 2018	Draft
2	18 February 2019	Final for approval
3	11 March 2019	Approved, Gary Murphy, Chief Executive Officer. CM document number D13492858
4	30 January 2020	Amended to include Local Supplier Support, 30/1/2020. CM document number D13829120
5	9 March 2020	Approved, Central Coast Council Meeting, resolutions 218/20 to 221/20 Amended to reflect Council resolutions above and placed in accessible policy format. Updated Sustainable Procurement principles and references to refer to Single Use Plastic Policy. CM document number D13888146
6	21 September 2022	Amended to incorporate Modern Slavery Amended Act obligations
7	11 March 2025	Transferred policy into new template. Updated Modern Slavery section in response to the Anti-Slavery Commissioner Guidance on Reasonable Steps

Item No: 1.10
Title: North Avoca Surf Life Saving Club - Approval to issue Lease and Licence
Department: Community and Recreation Services



13 May 2025 Governance and Finance Committee

Reference: F2020/00574 - D16812083
Author: Cassie Field, Property Officer Community Services and Facilities
Manager: Phil Cantillon, Unit Manager Leisure Beach Safety and Community Facilities
Executive: Melanie Smith, Director Community and Recreation Services

Recommendation

That the Committee recommends to Council that the Chief Executive Officer be authorised to negotiate, finalise and execute a lease and licence for surf lifesaving purposes for a period of up to twenty (20) years over land at 46 North Avoca Parade, North Avoca (being part of Lot 1 DP543153 and Part Lot 2 DP543153) with North Avoca Surf Life Saving Club.

Report purpose

For Council to approve the issuing of a 20-year lease and licence renewal to North Avoca Surf Life Saving Club for the community facility at 46 North Avoca Parade, North Avoca.

Executive Summary

In April 2024, Council developed and adopted a surf club leasing model, which provides consistency and transparency in fees, tenure, and maintenance responsibilities for all Council surf clubs. The model was fully supported by Surf Life Saving Central Coast.

In line with this model and, given the current Lease for the North Avoca Surf Life Saving Club (The Club) expired in 2022, a new lease and licence has been prepared for the club.

Background

Council owns 12 surf clubs across the region which are operated by Surf Life Saving Clubs under a lease arrangement. From the twelve surf club assets, five (5) are on Council land and seven (7) are on Crown land. Additionally, three (3) surf clubs (The Lakes, North Entrance and MacMasters Beach) have direct leases with the NSW Government, Crown Lands and are not Council assets.

1.10 North Avoca Surf Life Saving Club - Approval to issue Lease and Licence (cont'd)

Staff have worked with Surf Life Saving Central Coast (SLSCC) to develop a realistic and affordable leasing model which aims to give security of tenure to clubs, ensure financial sustainability for Council and surf clubs, and provide consistency and rationale across the leasing arrangements.

Report

In April 2024, a fixed fee tiered model was adopted by Council as the preferred option for Surf Life Saving Club fees. The model provided capped fees and allowed for surf clubs with greater commercial opportunities to pay a higher lease fee, whilst acknowledging the benefit of surf clubs to the community. The fee ranges are fixed at \$5,000 to \$15,000 per year depending on the commercial activities operating at the facility.

Current Status

The current 20-year lease expired in July 2022 and the club is currently operating under a holding over provision. To prevent the need for the tenants to obtain an updated survey at the site, and in line with legal advice, a lease will be issued for the building footprint and a separate License for the area occupied outside the building footprint.

At the Council meeting of 10 December 2024, a motion was carried stating that the CEO (or delegate) cannot execute a lease for a term exceeding 10 years. Under the adopted surf club model, all surf club leases are for a 20-year tenure, so all leases will need to be adopted by Council once their current lease expires. Leases expire at various periods over the next 10 years.

Standard Term Inclusions for Lease

- Lease is for a tenure of a 20-year period with a review date of 15 years into the term of the Lease, which provides security and long-term tenure.
- CPI increase will be applied annually based on an average of the previous three-year actual CPI.
- Clear maintenance responsibilities for both Council and Surf Clubs are aligned to Council's Leasing and Licensing Policy Annexure.
- Any sub-leases are to be reviewed by Council for approval.
- Council staff are to review and approve Surf Club building upgrades, redevelopment plans and funding submissions to ensure they meet building code, planning legislation and community need.
- Rent – Tier One. Surf club operating with a community facility space for hire only.
- Special Conditions (if applicable): standard Surf Club conditions – Facility to be available for Council training and shared spaces with Council Beach Safety staff.

Stakeholder Engagement

Leisure, Beach Safety and Community Facilities Unit Manager and Director Community and Recreation Services have collaborated with the Chief Executive Officer for SLSCC. Internal stakeholders include Facilities and Asset Management, Open Space and Recreation, Roads and Drainage Infrastructure, Leisure Beach Safety and Community Facilities, Legal. All stakeholders were supportive of the lease and licence, and feedback provided was implemented.

Financial Considerations

Financial Year (FY) Implications.

The proposal does not have financial implications for the current year or outer years in the LTFP.

Budget and Long-Term Financial Plan (LTFP) Impact.

The FY adopted budget includes funding for this proposal.

The lease fee is \$5,000pa and this is included in budget forecasts.

Council spends approximately \$180,000 per year in pro-active maintenance of 12 Surf Clubs, with necessary repairs and renewals. This expenditure varies depending on the reactive nature of repairs and damage.

Link to Community Strategic Plan

Theme 1: Belonging

Goal L: Healthy lifestyle for a growing community

B-A4: Enhance community safety within neighbourhoods, public spaces and places.

Risk Management

There is a reputational risk to Council if lease fees are fixed at 100% commercial rate that would be detrimental to the financial sustainability of Surf Life Saving Clubs and their ability to operate.

There is a reputational risk to Council if lease fees are not closely aligned to the current Leasing and Licensing Policy. The proposed model supports Surf Life Saving Clubs by providing a higher subsidy to those clubs that have limited commercial opportunities, whilst clubs with significant sub-lease opportunities which yield commercial income pay the most. This approach is fair and equitable.

**1.10 North Avoca Surf Life Saving Club - Approval to issue Lease and Licence
(cont'd)**

Critical Dates or Timeframes

Nil

Attachments

- | | | |
|----------|---------------------------------|-----------|
| 1 | Lease - North Avoca Surf Club - | D16811947 |
| 2 | Licence - North Avoca SLSC - | D16811944 |