



AGENDA

ECONOMIC DEVELOPMENT, BUSINESS AND CORPORATE COMMITTEE

16 OCTOBER 2017

MEMBERSHIP: Councillors B Shields, J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker and J Ryan.

The meeting is scheduled to commence at _____ pm.

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EDBAC17/1 ELECTION OF CHAIRMAN (ID17/1788)	
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The Committee had before it the report dated 5 October 2017 from the General Manager regarding 2017/2018 Operational Plan - September 2017 Quarterly Review.	
Please note: The 2017/2018 Operational Plan – September 2017 Quarterly Review has been provided under separate cover.	
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- EDBAC17/6 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS (ID17/1747)** 70
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- EDBAC17/7 PROVISION OF INFORMATION TO AND INTERACTION BETWEEN COUNCILLORS AND STAFF POLICY (ID17/1750)** 100
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- EDBAC17/10 REPORT OF THE AUDIT AND RISK MANAGEMENT COMMITTEE - MEETING 5 SEPTEMBER 2017 (ID17/1773)** 134
The Committee had before it the report of the Audit and Risk Management Committee meeting held 5 September 2017.
Please note: The Audit and Risk Management Committee Agenda has been provided under separate cover.
- EDBAC17/11 WELLINGTON DESTINATION BRAND CONSULTATION AND IMPLEMENTATION (ID17/1740)** 140
The Committee had before it the report dated 29 September 2017 from the Manager Economic Development and Marketing regarding Wellington Destination Brand Consultation and Implementation.

EDBAC17/12 AUSTRALIAN AIRPORTS ASSOCIATION NATIONAL CONFERENCE - 2017 (ID17/1781)

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The Committee had before it the report dated 10 October 2017 from the Manager Business Services (EDB) regarding Australian Airports Association National Conference - 2017.

EDBAC17/13 SALE OF 2 MOONUL STREET EUMUNGERIE BY PRIVATE TREATY (ID17/1758)

The Committee had before it the report dated 6 October 2017 from the Revenue Accountant regarding Sale of 2 Moonul Street Eumungerie by Private Treaty.

In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the General Manager is of the opinion that consideration of this item is likely to take place when the meeting is closed to the public for the following reason: information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Section 10A(2)(c)).



DUBBO REGIONAL
COUNCIL

REPORT: 2017/2018 Operational Plan - September 2017 Quarterly Review

AUTHOR: General Manager
REPORT DATE: 5 October 2017
TRIM REFERENCE: ID17/1684

EXECUTIVE SUMMARY

The quarterly review for the period ending 30 September 2017 of Council's 2017/2018 Operational Plan (including budget) shows satisfactory implementation with the current financial position estimated to be a balanced budget.

ORGANISATIONAL VALUES

Customer Focused: The Quarterly Budget and Operational Plan reviews progress against the original and revised annual budgets at the end of each quarter of the financial year. Each quarterly review provides explanation for major variations to ensure the Community is informed about Council's progress in delivering outcomes outlined in the Delivery Program.

Integrity: The Responsible Accounting Officer provides recommendations for budget changes and indicates if council will be in a satisfactory financial position at the end of the financial year, as a result of the changes made to the original budgeted position each quarter.

One Team: The Operational Plans & Budgets have been consolidated to include both former Dubbo and Wellington Councils.

FINANCIAL IMPLICATIONS

In accordance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2005, I now advise that the Manager Financial Operations, as the Responsible Accounting Officer of Dubbo Regional Council has reported that she considers the attached Quarterly Operational Plan Review Statements indicate that the financial position of the Council is satisfactory. This is on the basis that the **"result"** for the year is a balanced budget with a forecast operating surplus after capital grants and contributions of \$1,515,431.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the Quarterly Operational Plan Review Statements as at 30 September 2017, as attached to the report of the General Manager dated 5 October 2017, be adopted and such sums voted for such purpose.**
- 2. That the performance review details for each function for the quarter ended 30 September 2017, be noted.**
- 3. That the Statement of the Responsible Accounting Officer that Council is in a satisfactory financial position at the end of the financial year, having regard to the changes herewith to the original budget, be noted.**
- 4. That the contracts, consultants, legal expenses and cash and investments information be noted.**

Mark Riley
General Manager

BACKGROUND

The Local Government (General) Regulation 2005 requires the Responsible Accounting Officer to submit on a quarterly basis to Council a budget review statement that shows a revised estimate of the income and expenditure for the year as follows:

Clause 203 of the Local Government (General) Regulation 2005 provides as follows:

- (1) *“Not later than two months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council’s revenue policy including in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
 - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and*
 - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.”*

REPORT

The Responsible Accounting Officer has reported in respect of the September 2017 Quarterly Review of Council’s Operational Plan as follows:

*“In accordance with the requirements of Clause 203(2) of the Local Government (General) Regulations 2005, I now advise that, as the Responsible Accounting Officer of Dubbo Regional Council, it is considered that the attached Quarterly Operational Plan Review Statements indicate that the financial position of the Council is satisfactory. This is on the basis that the **“result”** for the year is a balanced budget with a forecast operating surplus after capital grants and contributions of \$1,515,431.*

Councils 2017/2018 Operational Plan (including budget) has been prepared on the basis of consolidating the previous Dubbo City and Wellington Councils Operations Plans and Budgets. The current budget structure is based on the previous draft interim organisational structure with the December 2017 quarterly review to be presented based on the recently adopted organisational structure.”

The 2017/2018 Operational Plan (including budget) is obviously outside of the former Councils previously adopted four year Delivery Program. In this regard, a new Community Strategic Plan and Delivery Program are in the process of being developed for the new Dubbo Regional Council. These Plans will be effective for the 2018/2019 Financial Year.

In respect of the September 2017 Quarterly Review document, it is noted that various works carried over from 2016/2017 have now been included in this review. Detail on these projects is provided within the individual Operational Plans for each function where appropriate with the major carryover works being as follows:

Project	Project Status	Carryover
Footpaths and Cycleways - Troy Gully Cyclepath	Application for grant funding lodged.	\$70,710
Footpaths and Cycleways - Brisbane St Reakes-Cobra	Project commenced in July 2017 in association with K and G works below.	\$59,117
Footpaths and Cycleways - Wellington - Paved Footpath Reconstruction	Due for completion in December 2017 in association with road reconstruction Swift Street.	\$184,965
Urban Roads - Macquarie Street (West) Kerb and Gutter	Work due to commence in October 2017.	\$221,033
Urban Roads - Brisbane Street Kerb and Gutter	Project commenced in July 2017.	\$230,803
Urban Roads - Erskine Street Tree Planting	Due for completion in 2 nd quarter 2017/2018 financial year.	\$51,250
Urban Roads - Wingewarra Street	Following completion of water mains and Kerb and Gutter, road works due for completion in the 4 th Quarter of the 2017/2018 financial year.	\$120,000
Urban Roads - Cobra Street / Capstan Drive	Awaiting final Asphaltic Concrete layer, line marking, signage and turf of south east corner. Due for completion October 2017.	\$294,606
Rural Roads - Derribong Street (Wongarbon)	Due for completion in the 2 nd quarter of the 2017/2018 financial year.	\$125,000
Rural Roads - Muronbung Road	Design commenced in July 2017 in association with shoulder works. Project due for completion December 2017.	\$400,000
Sewerage Services - Erskine Street Pump Station Upgrade	Work by contractor proceeding. Due for completion November 2017.	\$2,080,734
Stormwater - Bultje Street Gross Pollution Trap	Tender let and construction scheduled to commence in October 2017.	\$108,494
Social Services - Playmates Cottage	Work by contractor proceeding. Carry over of Grant Funding for the completion on Playmates Cottage in October 2017 and operational in January 2018.	\$1,458,662
Horticultural Services - Victoria Park Skate Ramps Renewal	Construction is completed and the facility re-opening was held 11 August 2017.	\$90,000

Geurie Aquatic Leisure Centre - Pool Resurface	Project has been completed.	\$140,000
Wellington Aquatic Leisure Centre - Maintenance & Renewal	Repair failing infrastructure and water leakage of the Wellington Olympic Pool until replaced in 2017/2018.	\$56,536

Funding for the above works has been transferred from Internally and Externally Restricted Assets.

Funding for the proposed security carpark extension at the Dubbo City Regional Airport of \$280,911 has now been reallocated to help fund the Runway and Lighting project cost post receipt of tender pricing as per Council resolutions of C17/18 that resolved as follows:

“That funding of \$400,000 to complete this project be sourced by way of reallocating funding provided in the 2017/2018 Airport Function Budget for the proposed extension of the security carpark (\$280,911) noting that such carpark extension will not now be proceeding in 2017/2018, and from Council’s Airport Internally Restricted Asset (\$120,000).”

A further holistic study of car parking options for Hire Car Parking and Secure Car Parking is to be undertaken in line with the requirements of the recently announced Rural Fire Service Training Facility which requires the relocation of three buildings, and the future Regular Passenger Transport Apron extension works identified which will require grant funding. Land previously identified for these car parking works restricts these developments, and therefore requires re-design to support the future growth of the Dubbo City Regional Airport.

The Director Infrastructure and Operations will be undertaking a full review of the current works programme to determine what projects can be delivered by 30 June 2018. Any Budget adjustment required will be made during the December 2017 Quarterly Review.

Following advice from the NSW Local Government Grants Commission, Council’s Financial Assistance Grant for the 2017/2018 financial year was \$376,226 in excess of the original budgeted amount of \$10,755,488. The additional grant funds received have been allocated to the Asset Renewal Internally Restricted Asset, pending completion of the initial Corporate Asset Management Plans.

In addition, it is advised that the first instalment of the Financial Assistance Grants (FAG) of \$5,465,951 for 2017/2018 was paid in advance in the 2016/2017 financial year. This will have a significant negative effect on the 2017/2018 Operating Ratio and Operating Result from continuing operations, if the 2018/2019 Financial Assistance Grant is also not also paid in advance.

Council has received formal advice from the State Government of an offer of \$27,760,000, under the Stronger Communities Fund-Tied Grants, for a range of community projects as previously announced by the Member for Dubbo, the Hon Troy Grant, MP.

It is anticipated that Council will receive the full amount of this grant in the second quarter of this financial year. Discussions with Government are proceeding in respect of timeframes for the completion of these works. The projects to be funded are as follows:

Project	Allocation
Dubbo Regional Council Victoria Park Redevelopment - Stage 1	7,100,000
NSW VRA Depot Dubbo	750,000
NSW SES Depot Dubbo	1,550,000
Wellington Swimming Pool redevelopment	4,500,000
Rygate Park Stage 2 Redevelopment - Lighting, fencing and amenities block	565,000
Wellington Justice Museum	250,000
Geurie Multi-Court & recreation complex	245,000
Wiradjuri Tourism Experience	1,500,000
Wellington Caves Tourism complex	1,300,000
Dubbo Traffic Management plan key infrastructure - Fitzroy street lights	10,000,000
TOTAL	27,760,000

In respect of various major capital projects being undertaken within the 2017/2018 budget comment is provided as follows:

Rural Fire Service Training Facilities at the Dubbo Regional Airport

Council's engineering design team are finalising dimensions of the internal roads between Judy Jakins Drive and Arthur Butler Drive, and the stormwater channel to be constructed on the western end of the Rural Fire Service site, adjoining Cooreena Road. This information will formalise the boundaries of the proposed Rural Fire Service training site.

Architects for the Rural Fire Service (Property Beyond) are preparing concept plans for the training facility. Work has commenced on site with trenching and contamination testing of compound and decommissioned rubble drains undertaken. The Development Application for demolition of the compound, with the contamination report forming part of the DA documentation, is currently being prepared.

Development Applications for relocation of three businesses (Country Car Hire, Beals Aircraft Maintenance and Viva Energy) such that the proposed site is clear of improvements is to be lodged with Council during October 2017.

Airport Runway and Lighting Upgrade

Lighting Contractor ADB Safegate are on site undertaking the installation of the pits and conduits. Fulton Hogan the Runway Strengthening Contractors are due on site 11 November 2017 to establish the mobile asphalt plant with overlay works scheduled to commence 15 January 2018 to 16 February 2018 (all works undertaken at night), with grooving and line marking scheduled for 7 May to 13 June 2018.

Playmates Cottage

Construction of Playmates Cottage is on track to be completed on 13 October 2017. Once works are completed, Council's building surveyors will then undertake a final inspection with a view to an Occupation Certificate being issued. Playmates Cottage Committee are coordinating an inspection to gain a Childcare Centre Licence. This inspection is conducted by the Department of Education, NSW Early Childhood Education and Care Directorate. Approval of a childcare licence can take up to 90 days to process.

Dubbo Regional Organics Processing Plant

Council has met with JR & EG Richards on several occasions to facilitate progression of the Contract and establish timeframes for approval procedures for construction of the Dubbo Regional Organics Processing Plant (DROPP) at the Whylandra Waste and Recycling Centre. Richards have appointed a consultant engineer to manage the building works who has finalised the proposed building footprint of the DROPP and office building on the site as well as for stormwater and leachate dams and the management of onsite drainage.

The Contractor has submitted an application to the Environment Protection Authority (EPA) for an operating licence and the Construction Certificate to council for the DROPP and are currently being processed.

Mastec have formally been engaged as the subcontractor to supply, assemble and deliver the new mobile bins to households. Final numbers for the bins and the Assembly and Delivery Plan will be finalised following receipt of all address listings and servicing options from all three councils.

Dubbo Regional, Mid-Western and Narromine Shire Councils are confirmed participants in the Regional Waste Services Contract, an inception meeting is being planned to ensure co-ordinated service implementation.

Boundary Road Extension

The construction of the extension of Boundary Road has an estimated total project cost of \$9.133 million. The project includes two stages:

Stage 1 – Wheelers Lane to Alexandrina Avenue at an estimated cost of \$4.8M

Stage 2 – Alexandrina Avenue to Sheraton Road at an estimated cost of \$4.333M

Since the quarterly financial review statements were completed Council has received formal notification of \$4M in grant funding (HAF programme). An application has also been submitted for \$2.583M in grant funding for this project from the Resources for Regions programme. Based on the construction estimate for the full length of the Boundary Road extension of \$9.133M and coupled with carry over funds from the 2016/2017 year of \$1.852M for this project, an additional amount of \$698,000 has been sourced from Councils internally restricted assets on the basis of completing this important community project in full within this financial year. Accordingly the necessary adjustments will be made to reflect the above at the December 2017 quarterly financial review and at this time it would be noted

that Council has been made aware of the success or otherwise of the Resources for Regions application

Tenders have previously been called to undertake Stage 1 to provide road access and other services including water, sewerage, stormwater drainage and electricity servicing of the expanding residential development in South East Dubbo.

Two tenders have been received and assessed with a tender evaluation report presented to Council this month.

Work is proceeding on the engineering design plans for Stage 2 which are to be completed by the end of 2017 in order to invite tenders early in 2018, pending the outcome of the grant application as previously discussed.

Roads & Maritime Works - Golden Highway

Truck stops at Elong Elong have now been completed. Burrongonumbel Creek project is 98% completed with only guardrail installation to occur. The contractor is due to commence work in mid-October 2017 with completion of the works due at end of October 2017.

Works have been completed on Stage 1 of the Golden Highway reconstruction works at Fitzell Creek heading west for approximately 1 kilometre. Stage 2 being the section up to Mitchell Creek is due to commence in early November 2017. A full width reseal of sealed pavement is scheduled for late October/November for the section of road between Beni flats to Merrilea Lane where shoulder widening (approximately 10 kilometres) was undertaken in the 2016/2017 Financial year.

Gundy Creek Bridge

This project has commenced with the demolition of the existing bridge to make way for the new structure. Following the casting of piles and structural members, work will commence on site in November 2017 to build the new bridge with an anticipated completion date of March 2018.

Erskine Street Pump Station

The construction of the overflow storage is approximately 90% completed with only the pouring of the floor and installation of the cover structure to be completed. The rising main interception manhole at Sewer R was delayed due to the location of the 1500mm stormwater line as redesign and redirection is required. This is due for completion in mid-November 2017 which will complete all aspects of the project.

In regard to the Quarterly Review the following documents are provided under separate cover:

Appendix 1 - Budget Summary for the quarter ended 30 September 2017 reflecting the quarterly adjustments to the Original adopted Budget by Principal Activity and Function.

Appendix 2 - Quarterly Budget Review Statements (QBRs).

Appendix 3 - Quarterly Cash and Investments, Consultancy and Legal Expenses and Contracts Listing Reports.

Appendix 4 - Vandalism Report to 30 September 2017.



DUBBO REGIONAL
COUNCIL

REPORT: Investments Under Section 625 of the Local Government Act

AUTHOR: Director Corporate Services
REPORT DATE: 11 September 2017
TRIM REFERENCE: ID17/1760

EXECUTIVE SUMMARY

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 31 August 2017.

Investments when placed have been done so in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. Interest on investments for the month of August 2017 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of August 2017.

ORGANISATIONAL VALUES

Customer Focused: The investment of Council funds is undertaken in accordance with the adopted Investment Policy and Strategy which seeks to maximise returns for the community based on a conservative approach to investing.

Integrity: All of council investments are placed and managed in accordance with the adopted Investment Policy and Strategy.

One Team: Council's investments are managed under one portfolio.

FINANCIAL IMPLICATIONS

Interest earned on investments has been included within Council's 2017/2018 Operational Plan, with total income generated from the Investment Portfolio forecasted to be in excess of \$3,500,000.00

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information provided within the report of the Director Corporate Services, dated 11 September 2017 be noted.

Craig Giffin
Director Corporate Services

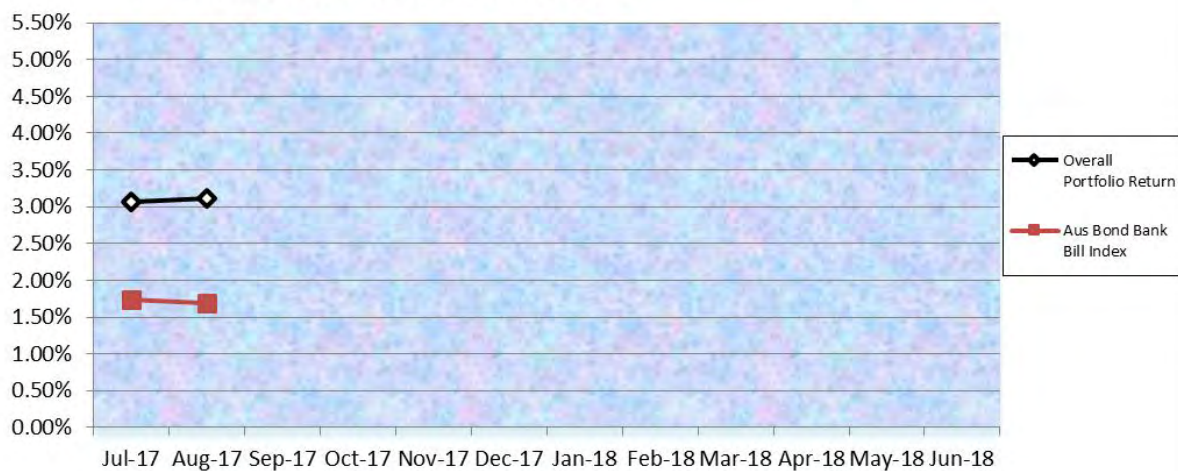
Dubbo Regional Council

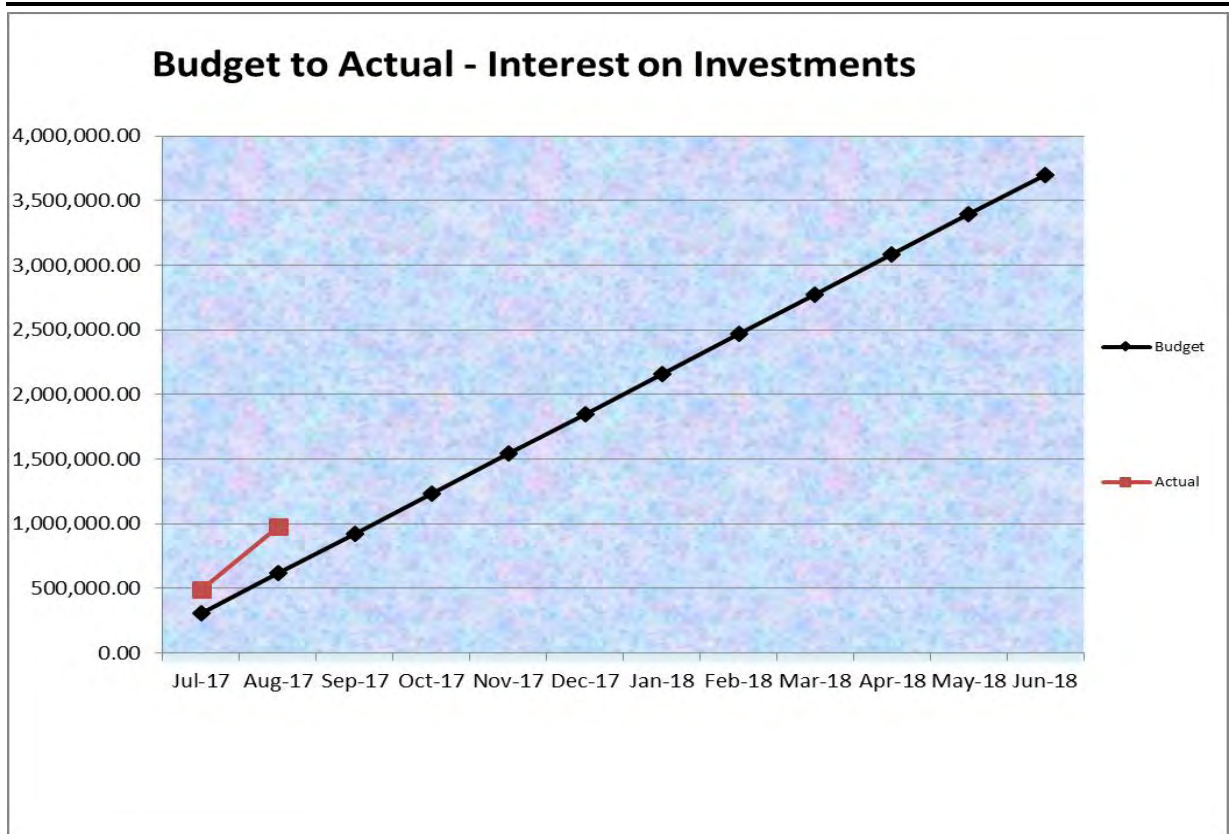
AUGUST 2017 REPORT

Investments	Notes	2017	2018	2018	2018
		Total	Current	Non-Current	Total
		As at 31/07/2017	Maturity By 30/06/2019	Maturity After 30/06/2019	As at 31/08/2017
Cash & Cash Equivalents (Note 6a)					
Cash on Hand and at Bank		\$47,396.85	\$28,400.00	\$0.00	\$28,400.00
Cash-Equivalent Assets (1)					
- Deposits At Call		\$9,571,287.27	\$10,701,958.03	\$0.00	\$10,701,958.03
Total Cash & Cash Equivalents	6(a)	<u>\$9,618,684.12</u>	<u>\$10,730,358.03</u>	<u>\$0.00</u>	<u>\$10,730,358.03</u>
Investments (Note 6b)					
- Long Term Deposits > 3 Months		\$155,621,294.54	\$84,121,294.54	\$68,500,000.00	\$152,621,294.54
- NCD's and FRN's > 3 Months		\$21,251,475.35	\$6,250,000.00	\$15,001,436.49	\$21,251,436.49
- CDO's		\$0.00	\$0.00	\$0.00	\$0.00
Total Investments	6(b)	<u>\$176,872,769.89</u>	<u>\$90,371,294.54</u>	<u>\$83,501,436.49</u>	<u>\$173,872,731.03</u>
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS		<u>\$186,491,454.01</u>	<u>\$101,101,652.57</u>	<u>\$83,501,436.49</u>	<u>\$184,603,089.06</u>

(1) Those Investments where time to maturity (from date of purchase) is < 3 months

FYTD Overall Portfolio Return





Performance Benchmark as per Council Policy

Category	Rate
Bank Bill Index Aus Bond	1.69%
Weighted Average Rate Council's	3.11%

Investment % Held as per Council Policy

Institution	\$ Invested	% Invested	% Allowable	\$ Allowable
<u>Cash on Hand and at Bank</u>				
CASH ON HAND AND AT BANK	28,400.00	0.02%		
<u>Direct Investments</u>				
AMP BANK	10,114,444.31	5.48%	20%	36,920,618
BANK OF QUEENSLAND	32,121,294.54	17.40%	10%	18,460,309
BENDIGO ADELAIDE BANK LIMITED	6,500,000.00	3.52%	10%	18,460,309
COMMONWEALTH BANK	19,000,000.00	10.29%	30%	55,380,927
HERITAGE BANK	2,000,000.00	1.08%	10%	18,460,309
MACQUARIE CREDIT UNION	1,000,000.00	0.54%	1%	1,846,031
NATIONAL AUSTRALIA BANK	23,337,513.72	12.64%	30%	55,380,927
ST GEORGE BANK	50,500,000.00	27.36%	30%	55,380,927
SUNCORP METWAY	7,001,436.49	3.79%	20%	36,920,618
WESTPAC BANK	29,000,000.00	15.71%	30%	55,380,927
TOTAL DIRECT INVESTMENTS	180,574,689.06	97.82%		
<u>Grandfathered Investments</u>				
NEWCASTLE PERMANENT BUILDING SOCIETY	3,000,000.00	1.63%		BBB
QLD TEACHERS MUTUAL BANK LTD	500,000.00	0.27%		BBB
TEACHERS MUTUAL BANK LTD	500,000.00	0.27%		BBB
TOTAL GRANDFATHERED INVESTMENTS	4,000,000.00	2.17%		
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS	184,603,089.06	100.00%		

SUMMARY

Dubbo Regional Council outperformed the 11am Official Cash Rate market benchmark of 1.50%, with an average annualised return of 1.97% for its At Call investments for the month of August 2017. Council also outperformed the Bloomberg AusBond Bank Bill Index of 1.69% for the month, with an average annualised return of 3.11% for its overall portfolio return, including an average annualised return on Term Deposits and Floating Rate Notes of 3.18%.

On the 22 May 2017 Standards and Poor (S&P) downgraded the credit rating of 23 financial institutions. Previously, when investments were placed with these financial institutions they were in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. The impact of the credit rating downgrades has changed where the investments held with these financial institutions fit within Council's Investment Policy. The Bank of Queensland was downgraded from A- to BBB+ which means that the current weighting of Bank of Queensland (17.40%) within Council's Investment Portfolio is over the new allowable holding percentage of 10%, based on the revised BBB+ rating. Previously, 20% was the allowable holding percentage, based on an A- rating.

The Newcastle Permanent Building Society and Teachers Mutual Bank Ltd were also downgraded from BBB+ to BBB, which is now outside Council's Investment Policy, however at the time these investments were placed the credit rating complied with Council's Investment Policy. The Queensland Teachers Mutual Bank Ltd was an investment from the previous Wellington Council with a rating of BBB. Accordingly these investments have been grandfathered due to their current rating of BBB and based on the advice from Council's investment advisor CPG Research and Advisory will be held until maturity.

Current Grandfathered Investments:

INSTITUTION	INVESTMENT	TYPE	%	MATURITY	RATING
Newcastle Permanent Building Society	\$1,500,000.00	TD	3.20%	17/06/2020	BBB
Newcastle Permanent Building Society	\$ 500,000.00	FRN	3.32%	22/03/2019	BBB
Newcastle Permanent Building Society	\$1,000,000.00	FRN	3.34%	24/01/2022	BBB
Queensland Teachers Mutual Bank Ltd	\$ 500,000.00	FRN	2.82%	11/12/2017	BBB
Teachers Mutual Bank Ltd	\$ 500,000.00	FRN	2.82%	04/12/2017	BBB
Total:	\$4,000,000.00				



DUBBO REGIONAL
COUNCIL

REPORT: Investments Under Section 625 of the Local Government Act

AUTHOR: Director Corporate Services
REPORT DATE: 9 October 2017
TRIM REFERENCE: ID17/1777

EXECUTIVE SUMMARY

As required by Clause 212 of the Local Government (General) Regulation 2005, set out below are the details of all monies that Council has invested under Section 625 of the Local Government Act as at 30 September 2017.

Investments when placed have been done so in accordance with the Local Government Act, Local Government Regulations and Council's Investment Policy and Strategy. Interest on investments for the month of September 2017 has been accounted for on an accrual basis. This report details investments and annualised returns for the month of September 2017.

ORGANISATIONAL VALUES

Customer Focused: The investment of Council funds is undertaken in accordance with the adopted Investment Policy and Strategy which seeks to maximise returns for the community based on a conservative approach to investing.

Integrity: All of council investments are placed and managed in accordance with the adopted Investment Policy and Strategy.

One Team: Council's investments are managed under one portfolio.

FINANCIAL IMPLICATIONS

Interest earned on investments has been included within Council's 2017/2018 Operational Plan, with total income generated from the Investment Portfolio forecasted to be in excess of \$3,500,000.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the information provided within the report of the Director Corporate Services, dated 9 October 2017 be noted.

Craig Giffin
Director Corporate Services

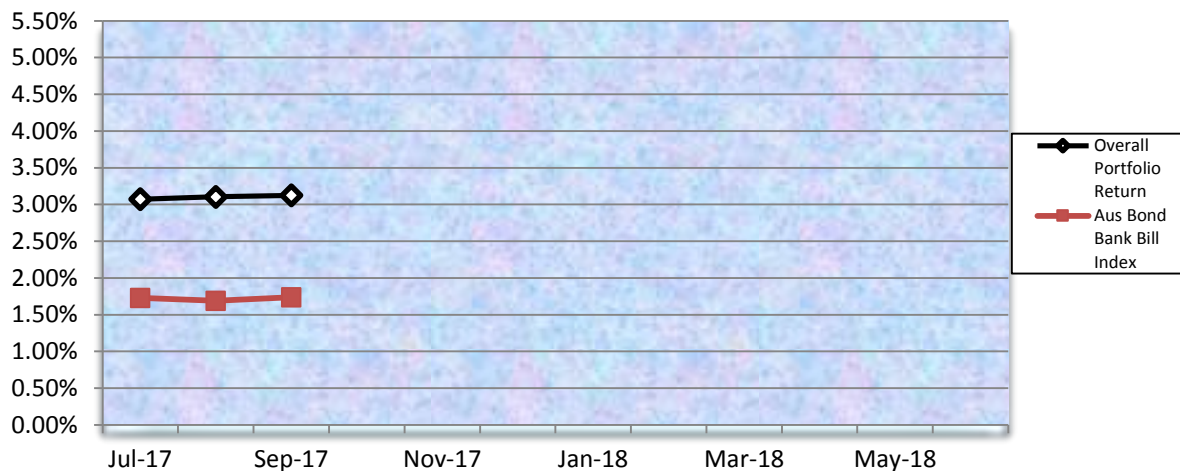
Dubbo Regional Council

SEPTEMBER 2017 REPORT

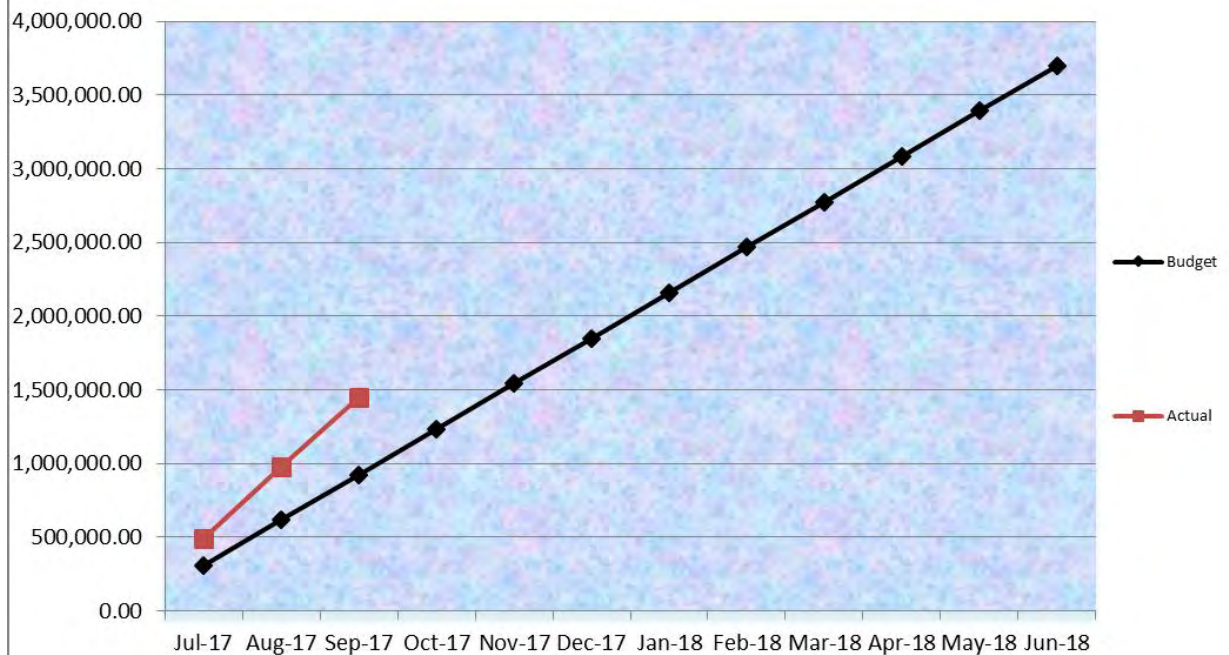
Investments	Notes	2017	2018	2018	2018
		Total	Current	Non-Current	Total
		As at 31/08/2017	Maturity By 30/06/2019	Maturity After 30/06/2019	As at 30/09/2017
Cash & Cash Equivalents (Note 6a)					
Cash on Hand and at Bank		\$28,400.00	\$30,332.71	\$0.00	\$30,332.71
Cash-Equivalent Assets (1)					
- Deposits At Call		\$10,701,958.03	\$9,589,917.84	\$0.00	\$9,589,917.84
Total Cash & Cash Equivalents	6(a)	\$10,730,358.03	\$9,620,250.55	\$0.00	\$9,620,250.55
Investments (Note 6b)					
- Long Term Deposits > 3 Months		\$152,621,294.54	\$76,798,941.31	\$73,500,000.00	\$150,298,941.31
- NCD's and FRN's > 3 Months		\$21,251,436.49	\$6,250,000.00	\$15,001,436.49	\$21,251,436.49
- CDO's		\$0.00	\$0.00	\$0.00	\$0.00
Total Investments	6(b)	\$173,872,731.03	\$83,048,941.31	\$88,501,436.49	\$171,550,377.80
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS		\$184,603,089.06	\$92,669,191.86	\$88,501,436.49	\$181,170,628.35

(1) Those Investments where time to maturity (from date of purchase) is < 3 months

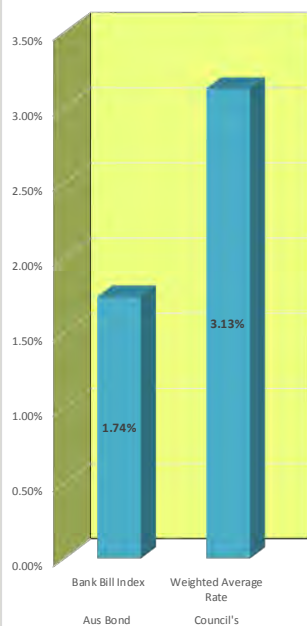
FYTD Overall Portfolio Return



Budget to Actual - Interest on Investments



Performance Benchmark as per Council Policy



Investment % Held as per Council Policy

Institution	\$ Invested	% Invested	% Allowable	\$ Allowable
Cash on Hand and at Bank				
CASH ON HAND AND AT BANK	30,332.71	0.02%		
Direct Investments				
AMP BANK	10,121,903.54	5.59%	20%	36,234,126
BANK OF QUEENSLAND	32,298,941.31	17.83%	10%	18,117,063
BENDIGO ADELAIDE BANK LIMITED	6,500,000.00	3.59%	10%	18,117,063
COMMONWEALTH BANK	19,000,000.00	10.49%	30%	54,351,189
HERITAGE BANK	2,000,000.00	1.10%	10%	18,117,063
MACQUARIE CREDIT UNION	1,000,000.00	0.55%	1%	1,811,706
NATIONAL AUSTRALIA BANK	19,718,014.30	10.88%	30%	54,351,189
ST GEORGE BANK	45,500,000.00	25.11%	30%	54,351,189
SUNCORP METWAY	7,001,436.49	3.86%	20%	36,234,126
WESTPAC BANK	34,000,000.00	18.77%	30%	54,351,189
TOTAL DIRECT INVESTMENTS	177,140,295.64	97.78%		
Grandfathered Investments				
NEWCASTLE PERMANENT BUILDING SOCIETY	3,000,000.00	1.66%		BBB
QLD TEACHERS MUTUAL BANK LTD	500,000.00	0.28%		BBB
TEACHERS MUTUAL BANK LTD	500,000.00	0.28%		BBB
TOTAL GRANDFATHERED INVESTMENTS	4,000,000.00	2.21%		
TOTAL CASH ASSETS, CASH EQUIVALENTS & INVESTMENTS	181,170,628.35	100.00%		

SUMMARY

Dubbo Regional Council outperformed the 11am Official Cash Rate market benchmark of 1.50%, with an average annualised return of 1.98% for its At Call investments for the month of September 2017. Council also outperformed the Bloomberg AusBond Bank Bill Index of 1.74% for the month, with an average annualised return of 3.13% for its overall portfolio return, including an average annualised return on Term Deposits and Floating Rate Notes of 3.19%.



REPORT: Code of Meeting Practice

AUTHOR: Manager Governance and Risk
REPORT DATE: 9 October 2017
TRIM REFERENCE: ID17/1775

EXECUTIVE SUMMARY

Section 360 of the Local Government Act 1993 requires Council to adopt a code of meeting practice that incorporates the requirements of the Local Government (General) Regulation 2005 for the conduct of Council meetings. This Code of Meeting Practice is based on the former Dubbo City Council Code of Meeting Practice and was previously adopted by Dubbo Regional Council (as Western Plains Regional Council) in July 2016. It is proposed that the code now be amended with the inclusion of the introduction of a web streaming capability for all Ordinary Council meetings, Extraordinary Council meetings and Standing Committee meetings where the meeting is open to the public.

It is recommended that the draft Code of Meeting Practice as attached as **Appendix 1**, and the draft Meeting Procedures as attached as **Appendix 2**, be placed on public exhibition for a period of 28 days for a further report to Council following the submission period to consider any public submissions prior to adoption. It is also noted that Section 361(4) of the Local Government Act 1993 states that the submission period must be not less than 42 days from the date of which the draft code is placed on public exhibition.

ORGANISATIONAL VALUES

Customer Focused: This Policy defines the code of meeting practice and meeting procedures in accordance with the Local Government Act and Office of Local Government Meeting Procedures Guidelines to provide a set of procedures for the effective conduct of Council and Committee meetings.

Integrity: This policy has been developed based on the requirements of the Local Government Act and Office of Local Government's Meeting Procedures guidelines.

One Team: This Policy defines the code of meeting practice and meeting procedures in accordance with the Local Government Act and Office of Local Government Meeting Procedures Guidelines to provide a set of procedures for the effective conduct of Council and Committee meetings between Council staff and Councillors.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

Once ultimately adopted the Code of Meeting Practice and Meeting Procedures will be policies of Council.

RECOMMENDATION

That the draft Code of Meeting Practice and Meeting Procedures as appended to this report be placed on public exhibition for 28 days with a further report being presented to Council following the submission period of 42 days.

Michael Ferguson
Manager Governance and Risk

REPORT

Section 360 of the Local Government Act 1993 requires Council to adopt a code of meeting practice that incorporates the requirements of the Local Government (General) Regulation 2005 for the conduct of Council meetings. This Code of Meeting Practice is based on the former Dubbo City Council Code of Meeting Practice and was previously adopted by Dubbo Regional Council (as Western Plains Regional Council) in July 2016. It is proposed that the code now be amended with the inclusion of the introduction of a web streaming capability for all Ordinary Council meetings, Extraordinary Council meetings and Standing Committee meetings where the meeting is open to the public.

It is also advised that the Office of Local Government is currently developing a Model Code of Meeting Practice for all NSW Councils. It is understood that this Model Code of Meeting Practice will contain mandatory and non-mandatory provisions which must be reflected in Council's Code of Meeting Practice. Further information will be provided to Council following the release of this Model Code of Meeting Practice in due course.

It is recommended that the draft Code of Meeting Practice as attached as **Appendix 1**, and the draft Meeting Procedures as attached as **Appendix 2**, be placed on public exhibition in accordance with Section 361 of the Local Government Act 1993 for a period of 28 days for a further report to Council following the submission period to consider any public submissions prior to adoption. It is also noted that Section 361(4) of the Local Government Act 1993 states that the submission period must be not less than 42 days from the date of which the draft code is placed on public exhibition.

Appendices:

- 1 [↓](#) Code of Meeting Practice - October 2017
- 2 [↓](#) Meeting Procedures - October 2017



Code of Meeting Practice

October 2017

DUBBO REGIONAL COUNCIL

Document Revision History	
Description	Date
Amended and Adopted by Council due to merger between Dubbo City and Wellington councils	July 2016
Amended to include provision for web streaming of Council and Standing Committee meetings	October 2017
Notes	
To be submitted to Council in October 2017 for consideration prior to exhibition in accordance with the Local Government Act 1993.	

DUBBO REGIONAL COUNCIL

a) Introduction

This Code of Meeting Practice is to be read in conjunction with the Local Government Act 1993 and the Local Government (General) Regulation 2005. This Code shall govern the proceedings of Council and Council Committee meetings.

(b) Regulations

- (i) The General Manager will send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held and the business proposed to be transacted at the meeting.

Close off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers

The following close-off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers shall apply:

Council/Committee	Meeting Date/Time	Close Off
Ordinary Council	Generally, 4th Monday of each month at 5.30 pm	The Monday seven (7) days prior to the Council meeting at 5.00 pm
Dubbo Local Traffic Committee	2nd Friday preceding the meeting of the Infrastructure, Community and Recreation Committee at 10.00 am	The Monday eleven (11) days prior to the Local Traffic Committee meeting at 5.00 pm
Planning, Development and Environment Committee	The Monday preceding the day of the Ordinary Council meeting at 5:30 pm.	The Monday seven (7) days prior to the Planning, Development and Environment Committee meeting at 5:00 pm.
Infrastructure, Community and Recreation Committee	The Monday preceding the day of the Ordinary Council meeting following the Planning, Development and Environment Committee meeting noting that if there is no requirement to conduct the Planning, Development and Environment Committee it will be scheduled for 5:30 pm on that day.	The Monday seven (7) days prior to the Infrastructure, Community and Recreation Committee meeting at 5.00 pm

DUBBO REGIONAL COUNCIL

Economic Development, Business and Corporate Committee	The Monday preceding the day of the Ordinary Council meeting following the Infrastructure, Community and Recreation Committee meeting	The Monday seven (7) days prior to the Economic Development, Business and Corporate Committee meeting at 5.00 pm
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(ii) Recording and Video Streaming of Council and Committee Meetings

Any person is allowed to record any of the proceedings of a meeting of Council or a Committee of Council subject to that person advising the meeting of his/her intent to do so, except for any part of a Council or a Committee meeting closed to the public.

Those sections of Ordinary or Extraordinary Council meetings, or Standing Committees, that are open to the public shall be live video streamed through an internet streaming service and also be recorded to be available for viewing at a later time through Council's website. These recordings shall be available for four (4) years following the meeting whereby they shall be removed at that time.

(iii) Motions and Amendments

Motions and amendments moved at Council and Committee meetings may be done so verbally but should be accompanied by a written record of the motion or amendment by the mover.

(iv) Recording of Motions and Amendments

1. The following detail must be recorded in the reports of Committee meetings or the minutes of Council meetings:
 - (a) details of each motion moved at a council meeting and of any amendments moved to it;
 - (b) the names of the mover and seconder of the motion or amendment;
 - (c) whether the motion or amendment is carried or lost.
2. That in matters determined by Council, the vote of the individual Councillors be recorded in the minutes where there is one or more Councillors voting against the motion.
3. Despite 2 above, a division is to be called for each planning and each development matter determination of the Council.

(v) Declaring Interests and Attendance at Meetings

DUBBO REGIONAL COUNCIL

- (a) Councillors and staff who declare a pecuniary interest in an item at a Committee or Council meeting shall remove themselves from the meeting and be out of sight during discussion and voting on the item.
- (b) In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being held) the Councillor is taken as being present at the meeting.

(vi) **Casting Vote for Chairperson of a Committee**

The Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine.

(vii) **Order of Business to be Transacted at Ordinary Council Meetings**

The following shall be the order of business to be transacted at Ordinary Council meetings subject to any resolution to vary such order of business.

- (a) Confirmation of Minutes of previous meetings
- (b) Apologies
- (c) Public Forum Time
- (d) Mayoral Minutes
- (e) Correspondence
- (f) Matters Considered by Committees
- (g) Notices of Motion
- (h) Notices of Motion of Rescission
- (i) Delegates' Reports
- (j) Reports from Staff



DUBBO REGIONAL COUNCIL

(k) Questions on Notice as follows:

- (i) Questions on Notice must be lodged in writing with the General Manager no later than 5pm on the Monday of the week prior to the scheduled Ordinary Meeting of the Council.
- (ii) Questions on Notice must directly relate to the business of the Council and must comply with the Local Government (General) Regulation 2005 which provides in Clause 249 that a "Councillor must put every such question directly, succinctly and without argument."

- (l) Comments and Matters of Urgency
- (m) Committee of the Whole

(viii) **Notice of Motion of Rescission**

- (a) A notice of motion to rescind a resolution which is given at the meeting at which the resolution is carried must be signed by three (3) Councillors who are present at the meeting. Should any Councillor wish to submit such a motion, then a five (5) minute recess is to be allowed.
- (b) That where a Councillor formally advises the General Manager during a Council meeting of their intention to lodge a Notice of Motion of Rescission, such notice be required to be lodged by the close of business (5.00pm) two (2) working days after the Council meeting where the resolution was carried. It should be noted that nothing in this clause affects the right of a Councillor(s) under Clause 372 of the Act.

That where a Councillor formally advises the General Manager outside of the completion of a Council meeting of their intention to lodge a Notice of Motion of Rescission, with respect to a resolution carried out at the meeting and on the basis of the General Manager not having commenced implementation of such resolution, such a Notice of Motion of Rescission shall be lodged by the close of business (5.00pm) two (2) working days after the advice of such intention having been received by the General Manager, for consideration by Council in due course. It should be noted that nothing in this clause affects the right of a Councillor(s) under Clause 372 of the Act.

(ix) **Call of the Council**

Clause 234(d) of the Local Government Act 1993 shall not apply to any absence caused by illness or other sufficient cause if such illness or sufficient cause is duly set out in leave of absence received at the meetings from which he/she was absent, and if such leave of absences are accepted by resolution of the Council.

DUBBO REGIONAL COUNCIL

(x) Extraordinary meetings

If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.

(xi) Motions of adjournment

- (a) Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- (b) If a motion for adjournment is negatived, the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- (c) A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

(xii) Certain circumstances do not invalidate Council decisions

Where at a Council meeting, meeting practice matters arise which are in all cases not provided for in this Code, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to proceedings of the Council.

(xiii) Confirmation of Minutes

- (a) A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- (b) Minutes may be confirmed at an extraordinary meeting of the Council.

(xiv) How subsequent amendments may be moved

It is permissible during the debate on an amendment for a further amendment to be foreshadowed. The foreshadowed amendment may be indicated, however any such foreshadowed amendment shall not be moved or debated until the amendment is dealt with.

(xv) Correspondence

- (a) Correspondence with the Council shall be addressed to the Mayor or General Manager.
- (b) Letters shall not be presented or read by members at meetings of the Council.

DUBBO REGIONAL COUNCIL

- (c) Outward correspondence shall be signed by:
- (i) the Mayor;
 - (ii) the General Manager; or
 - (iii) any employee of the Council authorised by the General Manager.

(xvi) **Mode of Address at a Council Meeting**

Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be and that all Councillors with the exception of the chairman, or any Councillor prevented by physical infirmity, shall stand when speaking.

(xvii) **Committee of the Whole Council**

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

(xviii) The public may address Council or a Committee of Council on whether part of a meeting should be closed.

- After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;
- The General Manager would read out any written representations;
- The Chairperson will then ask if any persons wish to make verbal representations;
- The opportunity to speak would be given to each person who wishes to comment;
- Each person addressing the Council or Committee will be allowed to speak for the maximum period of two (2) minutes;
- The Council or Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.



Meeting Procedures

October 2017

DUBBO REGIONAL COUNCIL

Document Revision History
<p>Notes</p> <p>(Incorporating the Local Government Act 1993; the Local Government (General) Regulation 2005; the Council's Code of Meeting Practice and Council's Code of Conduct</p> <p>All Council appointed committees, working parties, sub-committees and other groups are to be conducted within the parameters of Council's Meeting Procedures .</p>

Document Revision History	
Description	Date
Amended and Adopted by Council due to merger between Dubbo City and Wellington councils	July 2016
<p>Notes</p> <p>To be submitted to Council in October 2017 for consideration prior to exhibition in accordance with the Local Government Act 1993.</p>	

DUBBO REGIONAL COUNCIL

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DUBBO REGIONAL COUNCIL

Abbreviations

LGA	Local Government Act 1993
LGGR	Local Government (General) Regulation 2005
CMP	Dubbo Regional Council Code of Meeting Practice
CofC	Model Code of Conduct

DUBBO REGIONAL COUNCIL

INTRODUCTION

These Meeting Procedures are to be read in conjunction with the Local Government Act 1993 and the Local Government (General) Regulation 2005. These Procedures shall govern the proceedings of Council and Council Committee meetings.

1. REQUIREMENT TO MEET***(Sections 365 and 366 LGA and Section (b)(x) CMP)***

- 1.1 The Council is required to meet at least ten (10) times each year, each time in a different month.
- 1.2 If the Mayor receives a request in writing signed by at least two (2) Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within fourteen (14) days after receipt of the request.
(NOTE: The Mayor may be one of the Councillors who signs the request).

2. NOTICE OF MEETINGS***(Section 9 and 367 LGA, Section (b)(i) CMP & Section 232 LGGR)***

- 2.1 A Council must give notice to the public of the times and places of its meetings.
- 2.2
 - (a) A notice of a meeting of a council must be published in a newspaper circulating in the area before the meeting takes place.
 - (b) The notice must specify the time and place of the meeting.
 - (c) Notice of more than one meeting may be given in the same notice.
 - (d) This does not apply to an extraordinary meeting of a council or committee.
- 2.3 The General Manager of a Council must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time and place at which and date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- 2.4 Notice of less than three (3) days may be given of an extraordinary meeting called in an emergency. In regard to Council's meetings, the following applies:
 - (a) That Ordinary meetings of the Council be held on the fourth Monday of each month commencing at 5.30pm except where the Monday is a public holiday, where the Monday clashes with the Annual Conference of the Local Government New South Wales and in December due to Christmas.
 - (b) That at least seventy two (72) hours prior notice being given of the holding of all Ordinary and Extraordinary meetings of Council.
 - (c) That the meeting of the Planning, Development and Environment Committee be held on the Monday preceding the day of Ordinary Council meeting commencing at 5.30pm noting that inspections of any kind be held prior to the meeting.

DUBBO REGIONAL COUNCIL

- (d) That the meetings of the Infrastructure, Community and Recreation Committee be held on the Monday preceding the day of the Ordinary Council meeting commencing immediately following the Planning, Development and Environment Committee meeting noting that if there is no requirement to conduct a Planning, Development and Environment Committee it will be scheduled for 5.30pm on that day.
 - (e) That the meetings of the Economic Development, Business and Corporate Committee be held on the Monday preceding the day of the Ordinary Council meeting following the completion of the Infrastructure, Community and Recreation Committee meeting.
 - (f) The Business Papers for the Planning, Development and Environment Committee, Infrastructure, Community and Recreation Committee and Economic Development, Business and Corporate Committee meetings be delivered on the Thursday prior to such meetings.
 - (g) That business papers for the Ordinary Council meetings be delivered on the Thursday prior to such meetings.
 - (h) That in the month of January each year, no Committee meetings or Ordinary meeting of Council be held on the days set out above. However, an Extraordinary meeting may be held for any urgent matters for 5.30pm on the fourth Monday of January and if necessary, a Planning, Development and Environment Committee, Infrastructure, Community and Recreation Committee and/or a Economic Development, Business and Corporate Committee meeting be held from 4.00pm on that day.
 - (i) That all reports by members of staff be submitted in time to enable full and proper consideration by the Director Corporate Services and the General Manager before being presented to any meeting of a Committee of the Council.
- 2.5 The notice and the agenda for and the business paper relating to the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business paper in that form.

3. QUORUM

(Section 368 LGA and Sections 233, 235 and 260 LGGR, CofC Part 4.25 to 4.29 and Section b (v)(b) of CMP)

- 3.1 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

DUBBO REGIONAL COUNCIL

- 3.2 A meeting of a Council must be adjourned if a quorum is not present:
- (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- 3.3 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson; or
 - (b) in his or her absence - by the majority of the Councillors present; or
 - (c) failing that, by the General Manager.
- 3.4 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 3.5 A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.
- 3.6 Loss of a Quorum as a result of compliance of Council's Code of Conduct is as follows:
- Where a majority of councillors are precluded under Part 4 of Council's Code of Conduct from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
 - Where a majority of councillors are precluded under Part 4 of Council's Code of Conduct from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
 - The Chief Executive will only exempt a councillor from complying with a requirement under Part 4 of Council's Code of Conduct where:
 - a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
 - Where the Chief Executive exempts a councillor from complying with a requirement under Part 4 of Council's Code of Conduct, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
 - A councillor, who would otherwise be precluded from participating in the consideration of a matter under Part 4 of Council's Code of Conduct because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
 - a) the matter is a proposal relating to

DUBBO REGIONAL COUNCIL

- i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
- b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under Part 4 of Council's Code of Conduct.

(NOTE: Council may determine from time to time the quorum for Committees of Council. See 23.3. The quorum for the Economic Development, Business and Corporate Committee, Infrastructure, Community and Recreation Committee and Planning, Development and Environment Committees is four (4)).

- 3.7 In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being conducted) the Councillor is taken to be present at the meeting.

4. MEETING CHAIRPERSON

(Section 369 LGA and Section 236 LGGR)

- 4.1 The Mayor or at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of the Council.
- 4.2 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 the Council.
- 4.3 If no chairperson is present at a meeting of a Council or Committee of Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 4.4 The election must be conducted:
- (a) by the General Manager or in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee, by the person who called the meeting or a person acting on his or her behalf.
- 4.5 If, at an election of a chairperson, two 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.
- 4.6 For the purposes of 4.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

DUBBO REGIONAL COUNCIL

- 4.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 4.8 That at the first meeting of a newly elected Council, Councillors be advised of the above Policy.

5. CHAIRPERSON'S DUTIES - PRECEDENCE AND MOTIONS***(Sections 237 and 238 LGGR)***

- 5.1 When the chairperson rises during a meeting of a Council:
- (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
 - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.
- 5.2 It is the duty of the chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 5.3 The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 5.4 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

6. MOTIONS OF DISSENT***(Section 248 LGGR)***

- 6.1 (a) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (b) If a motion of dissent is carried, 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (c) Despite Section 250 LGGR 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.

7. VOTING AND VOTING ENTITLEMENTS***(Sections 370 and 371 LGA and Section 251 LGGR and Section b (v) (b) CMP)***

- 7.1 Each Councillor is entitled to one vote.

DUBBO REGIONAL COUNCIL

- 7.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.
- 7.3 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- 7.4 The Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine.
- 7.5 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. This does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject-matter of the motion. In the event that a Councillor is physically within the Council Chamber (or room where the meeting is being conducted) the Councillor is taken to be present at the meeting.
- 7.6 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's Minutes.
- 7.7 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two Councillors rise and demand a division.
- 7.8 When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's Minutes.
- 7.9 Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Note: Part 11 of the Local Government (General) Regulation 2005 provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (Section 394 and Section 3 of Schedule 7). Section 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

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8. AGENDA***(Sections 240 and 242 LGGR)***

- 8.1 The General Manager must ensure that the agenda for a meeting of Council states:
- (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council; and
 - (b) if the Mayor is the Chairperson, any matter or topic that the chairperson proposes at the time when the agenda is prepared, to put to the meeting; and
 - (c) any business of which due notice has been given.
- 8.2 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- 8.3 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.
- 8.4 The General Manager must ensure that the details of any item of business to which section 9(2A) of the Act applies are included in an agenda for the meeting concerned.
- 8.5 Nothing in this Section 8 limits the powers of the chairperson under Section 243 LGGR.
- 8.6 The General Manager must ensure that the agenda for an extraordinary meeting of Council deals only with the matters stated in the Notice of Meeting.
- 8.7 Despite 8.6, business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.
- 8.8 Despite Section 250 LGGR, only the mover of a motion referred to in 8.7 can speak to the motion before it is put.

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9. OPEN MEETINGS***(Sections 9 and 10 - 10D LGA and 252 and 253 LGGR)***

- 9.1 A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors.
- 9.2 (a) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (b) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:
- (i) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
- (ii) the requirements of subsection (a) with respect to the availability of business papers do not apply to the business papers for that item of business.
- 9.3 The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- 9.4 The copies are to be available free of charge.
- 9.5 A notice given or a copy of an agenda or of a business paper made available may be given or made available in electronic form.
- 9.6 (a) Everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors; and
- (b) A council must ensure that all meetings of the council and of such committees are open to the public.
- 9.7 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
- (a) by a resolution of the meeting; or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- 9.8 A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises the receipt or discussion of information of the following:
- (a) personnel matters concerning particular individuals (other than Councillors);
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

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- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it; or
 - (ii) confer a commercial advantage on a competitor of the council; or
 - (iii) reveal a trade secret;
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matters affecting the security of the council, councillors, council staff or council property;
- (g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) information concerning the nature and location of a place or an item of aboriginal significance on community land.
- 9.9 A council, or a committee of the council of which all the members are councillors, 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.
- 9.10 A council or a committee of a 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.
- The following is the procedure in which this may be done:
- After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;
 - The General Manager would read out any written representations;
 - The Chairperson will then ask if any persons wish to make verbal representations;
 - The opportunity to speak would be given to each person who wishes to comment;
 - Each person addressing the Council or Committee will be allowed to speak for the maximum period of two (2) minutes;
 - The Council or Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.
- 9.11 A meeting is not to remain closed during the discussion of anything referred to in section 9.8:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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- 9.12 A meeting is not to be closed during the receipt and consideration of information or advice referred to in 9.8(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved; and
 - (b) are clearly identified in the advice; and
 - (c) are fully discussed in that advice.
- 9.13 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 9.9), 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 9.8).
- 9.14 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion; or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.
- 9.15 Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 9.8; and
 - (b) the council or committee, after considering any representations made under section 9.9 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.
- 9.16 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- The grounds must specify the following:
- (a) the relevant provision of section 9.8;
 - (b) the matter that is to be discussed during the closed part of the meeting;
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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- 9.17 If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

10. ORDER OF BUSINESS***(Section 12 LGMR & Section (b)(vii) CMP)***

- 10.1 At a meeting of a Council (other than an Extraordinary meeting), the general order of business is (except as provided by the LGMR) as fixed by the Council Code of Meeting Practice or as fixed by resolution of Council.
- 10.2 The order of business fixed under 10.1 may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- 10.3 Only the mover of a motion referred to in 10.2 may speak to the motion before it is put.
- 10.4 The following shall be the order of business to be transacted at Ordinary Council meetings subject to any resolution to vary such order of business.
- (a) Confirmation of Minutes of previous meetings.
 - (b) Apologies
 - (c) Public Forum Time (*refer below*)
 - (d) Administrator Minutes
 - (e) Correspondence
 - (f) Matters Considered by Committees
 - (g) Notices of Motion
 - (h) Notices of Motion of Rescission
 - (i) Delegate's Reports
 - (j) Reports from Staff
 - (k) Questions on Notice as follows:
 - (i) Questions on Notice must be lodged in writing with the General Manager no later than 5pm on the Monday of the week prior to the scheduled Ordinary Meeting of the Council.
 - (ii) Questions on Notice must directly relate to the business of the Council and must comply with the Local Government (General) Regulation 2005 which provides in Section 249 that a "Councillor must put every such question directly, succinctly and without argument."
 - (l) Comments and Matters of Urgency
 - (m) Committee of the Whole Council

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PROCEDURE FOR ADDRESSING COUNCIL/COMMITTEES**Public Forum:**

- *Any person can apply to address either an Ordinary meeting or Extraordinary meeting of Council on any issue relevant to the responsibilities of Dubbo Regional Council (subject to the statement below regarding tenderers).*
- *Requests to address Council during Public Forum should be made to Council's Director Corporate Services (or nominee) at least two (2) hours prior to the meeting. Applicants shall advise the agenda item/topic to be addressed. Only two (2) speakers shall be able to address the same agenda item/topic.*
- *Requests will be advised to the Mayor prior to the commencement of the meeting.*
- *Each individual address is limited to a maximum of five (5) minutes.*
- *Public Forum is limited to a maximum period of thirty (30) minutes and shall be held following "Apologies" on the Council agenda. The Mayor will generally give first preference to those speakers who have an interest in a matter on the agenda for the meeting. Should there remain time following speakers who have previously nominated, the Mayor will enquire of the Public Gallery, if there are any other speakers.*
- *Should the number of nominated speakers exceed the thirty (30) minute time frame, a decision by Council may extend the time frame for Public Forum by a maximum of ten (10) minutes.*
- *If speakers wish to distribute material to Councillors and officers, twenty (20) copies shall be provided to the Director Corporate Services (or nominee) prior to the meeting.*
- *Where an address relates to an item on the agenda for the subject meeting, the issues raised by the speaker(s) shall be dealt with when Council considers that item as part of the agenda. If questions (maximum two (2)) are raised by the speaker as part of their address, the Mayor may either provide a response or request the General Manager to reply to the speaker at the conclusion of the address. Questions may come from the Councillors to the person addressing Council at the time or to the Mayor or General Manager at the conclusion of the speaker's address. If questions require investigation, they can be taken on notice with the Director Corporate Services to obtain the necessary information for response to the speaker and other Councillors.*
- *Where an address relates to an issue of general interest (ie a matter not listed on the agenda), it cannot be debated by Council except where in accordance with Section 241 of the Local Government (General) Regulation 2005 and Clause b(i) of Council's Code of Meeting Practice (Clause 11 of Council's Meeting Procedure):*
 - a. *motion is passed to have the business transacted at the meeting; and*
 - b. *the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.*

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If a matter of general interest is raised, and is not a "Matter of Urgency" as above, and a Councillor wishes the matter to be considered by Council, a Councillor may, as per Council's Code of Meeting Practice, lodge a Notice of Motion for consideration at a future meeting of the Council.

- *Speakers must conduct themselves with respect to Council and observe the rules of order and meeting procedure as contained in Council's Code of Meeting Practice. As part of Public Forum, the Mayor shall ensure the conduct of public forum is such that presenters:

 - *confine their presentation to a statement of facts*
 - *not insult or make personal reflections or impute improper motives to any Councillor or member of staff*
 - *not say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt*
 - *allow other speakers to put their views without interruption.**
- *Any potential tenderer (being a person or entity, including their agent, employee or representative, that has requested documents or information regarding a tender or quotation) must not be permitted to address a meeting of Council (including any Committee or Working Party of Council) regarding the relevant tender or quotation without the prior written consent of the General Manager.*

In deciding whether to grant such consent, the General Manager may take into consideration: any relevant legislative requirements, tendering guidelines issued by the Office of Local Government from time to time, terms of the relevant tender or quotation documents, Council's Code of Conduct, and the rules of procedural fairness.

(It is noted that Council has a statutory obligation to ensure that any requests for tender or quotation documents, or information or clarification regarding the tender or quotation, from any potential tenderer must be directed to the responsible officer identified in the tender or quotation documents.)

Standing Committees:

It is Council's practice that members of the public who have an interest in matters before Council's standing committees (ie Planning, Development and Environment Committee, Infrastructure, Community and Recreation Committee or Economic Development, Business and Corporate) are advised that they may attend and address those committees. This practice is more informal and there is often interaction/questions/discussions between those persons and the Councillors and staff. This informality has been at the discretion of the Chairperson, noting that only those matters listed on the Committee's agenda will be discussed, matters of "general interest" are not to be raised by the public.

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Committees (other than standing committees), working parties, sub committees and other groups:

It is Council's practice that members of the public who have an interest in matters before the committee, working party, etc, at the discretion of the committee, working party, etc, may attend and address the committee, working party, etc but shall not be permitted to remain in the meeting while the item is considered/determined.

- *Any person who wishes to address Council or its Committee/Working Parties etc under this procedure is to be provided with a copy of the procedure. Such persons are then required to formally advise Council that they have read the procedure and will abide by its contents.*

11. NOTICE OF BUSINESS***(Section 241 LGGR and Section b(i) CMP)***

- 11.1 A Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by Council's code of meeting practice or as is fixed by resolution of the Council.
 - (b) unless notice of the business has been sent to the Councillors in accordance with Section 367 of the Act (see 2.3)
- 11.2 11.1 does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before, the Council; or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236(l) LGGR; or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243 LGGR (see 12.1); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
- 11.3 Despite 11.1, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- Such a motion can be moved without notice.
- 11.4 Only the mover of a motion referred to in 11.3 can speak to the motion before it is put.
- 11.5 The following close-off times for the inclusion of correspondence and notices of motion in Council and Committee Business Papers shall apply:

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Council/Committee	Meeting Date/Time	Close Off
Ordinary Council	4th Monday of each month at 5.30pm (see 2.3(a))	The Monday seven (7) days prior to the Council meeting at 5.00pm
Dubbo Local Traffic Committee	2nd Friday preceding the meeting of the Infrastructure, Community and Recreation Committee at 10.00am	The Monday eleven (11) days prior to the Local Traffic Committee meeting at 5.00pm
Planning, Development and Environment Committee	The Monday preceding the day of the Ordinary Council meeting at 5.30pm (see 2.4(e)).	The Monday seven (7) days prior to the Planning, Development and Environment Committee meeting at 5.00pm.
Infrastructure, Community and Recreation Committee	The Monday preceding the day of the Ordinary Council meeting following the Planning, Development and Environment Committee meeting noting that if there is no requirement to conduct the Planning, Development and Environment Committee, it will be rescheduled for 5.30pm on that day (see 2.4(d))	The Monday seven (7) days prior to the Infrastructure, Community and Recreation Committee meeting at 5.00pm
Economic Development, Business and Corporate Committee	The Monday preceding the day of the Ordinary Council meeting following the Infrastructure, Community and Recreation Committee meeting (see 2.4(c))	The Monday seven (7) days prior to the Economic Development, Business and Corporate Committee meeting at 5.00pm

12. MAYORAL / OFFICIAL MINUTES (Clause 243 LGGR)

- 12.1 If the Mayor is the Chairperson at a meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- 12.2 Such a minute, when put to the meeting, takes precedence over all business on the Council's Agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- 12.3 A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

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13. MINUTES***(Section 375 LGA and Section (b)(xiii) CMP)***

- 13.1 The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- 13.2 The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
- 13.3 A motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.
- 13.4 Minutes may be confirmed at an extraordinary meeting of the Council.

14. MOTIONS AND AMENDMENTS***(Section 375A LGA Sections 245, 246, 247 and 254 LGGR and Sections (b)(iii), (b)(iv) and (xiv) CMP)***

- 14.1 In the absence of a Councillor who has placed a Notice of Motion on the Agenda for a meeting of the Council:
 - (a) Any other Councillor may move the motion at the meeting; or
 - (b) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
- 14.2 A motion or an amendment cannot be debated unless or until it has been seconded. *(Note: This does not apply to an official/Mayoral Minute or a motion that the question be now put. See Section 243(2), Section 250(5) LGGR and 12.2).*
- 14.3 If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

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- 14.4 Motions and amendments moved at Council and Committee meetings may be done so verbally but should be accompanied by a written record of the motion or amendment by the mover.
- 14.5 The following matters must be recorded in the Council's minutes:
- (a) details of each motion moved at a Council meeting and of any amendments moved to it;
 - (b) the names of the mover and seconder of the motion or amendment;
 - (c) whether the motion or amendment is passed or lost.
- Note: Section 375(1) of the Act requires a council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the council (other provisions of this Regulation and of the Act require particular matters to be recorded in a council's minutes).*
- 14.6 That in matters determined by Council the vote of the individual Councillors be recorded in the minutes where there is one or more Councillors voting against the motion.
- 14.7 Despite 14.6 a division is to be called for each planning matter decision and each development matter determination of the Council.
- 14.8 It is permissible during the debate on an amendment for a further amendment to be foreshadowed.
- The foreshadowed amendment may be indicated however any such foreshadowed amendment shall not be moved or debated until the amendment is dealt with.

15. RESCINDING OR ALTERING RESOLUTIONS***(Section 372 LGA and Section (b)(viii) CMP)***

- 15.1 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the Regulations under Section 360 of the LGA and if applicable, Council's Code of Meeting Practice.
- 15.2 If 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.
- 15.3 If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice.
- 15.4 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 negated by the Council, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was negated, as the case may be.

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- 15.5 If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three (3) months. This provision may not be evaded by substituting a motion differently worded but in principle the same.
- 15.6 A motion to which this provision applies 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 Council.
- 15.7 The provisions of this section concerning negated motions do not apply to motions of adjournment.
- 15.8 (a) A notice of motion to rescind a resolution which is given at the meeting at which the resolution is carried must be signed by three (3) Councillors who are present at the meeting. Should any Councillor wish to submit such a motion, then a five (5) minute recess is to be allowed.
- (b) That where a Councillor formally advises the General Manager during a Council meeting of their intention to lodge a Notice of Motion of Rescission, such notice be required to be lodged by the close of business (5.00 pm) two (2) working days after the Council meeting where the resolution was carried. It should be noted that nothing in this Section affects the right of a Councillor(s) under section 372 of the Act.

That where a Councillor formally advises the General Manager outside of the completion of a Council meeting of their intention to lodge a Notice of Motion of Rescission, with respect to a resolution carried at the meeting and on the basis of the General Manager not having commenced implementation of such resolution, such a Notice of Motion of Rescission shall be lodged by the close of business (5.00 pm) two (2) working days after the advice of such intention having been received by the General Manager, for consideration by Council in due course. It should be noted that nothing in this Section affects the right of a Councillor(s) under section 372 of the Act.

16. QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

(Section 249 LGGR)

16.1 A Councillor:

- (a) may, through the Chairperson, put a question to another Councillor; and
- (b) may, through the General Manager, put a question to a Council employee.

NOTE: In reference to 16.1(b), where a Councillor wishes to put a question through the General Manager to a Council employee, the question shall be directed through the Chairperson.

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- 16.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 16.3 The Councillor must put every such question directly, succinctly and without argument.
- 16.4 The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this Section.

17. LIMITATION AS TO NUMBER OF SPEECHES***(Section 250 LGGR)***

- 17.1 A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it as well as the right to speak on any such amendment.
- 17.2 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.
- 17.3 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time. However, 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.
- 17.4 Despite 17.1 and 17.2, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
 - (b) if at least two (2) Councillors have spoken in favour of a motion or amendment and at least two (2) Councillors have spoken against it.
- 17.5 The chairperson must immediately put to the vote, without debate, a motion moved under subclause 17.4. A seconder is not required for such a motion.
- 17.6 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 his or her right of reply under subclause 17.1.
- 17.7 If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed.

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18. QUESTIONS OF ORDER***(Section 255 LGGR)***

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

19. ACTS OF DISORDER***(Section 256 LGGR)***

- 19.1 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
- (a) contravenes the LGA or any regulation in force under the LGA; or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting; or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor or staff member; or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- 19.2 The Chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in 19.1 (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in 19.1 (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in 19.1 (d) or (e).
- 19.3 A Councillor may, as provided by Section 10 (2) (a) or (b) of the Local Government Act, be expelled from a meeting of a Council for having failed to comply with a requirement under 19.2. 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.

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20. HOW DISORDER AT A MEETING MAY BE DEALT WITH
(Section 257 LGGR)

- 20.1 If disorder occurs at a meeting of the Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Council, on re-assembling, must, on a question put from the Chair, decide without debate whether the business is to be proceeded with or not. This section applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- 20.2 A member of the public may, as provided by Section 10(2)(a) or (b) of the Local Government Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

21. POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION RESOLUTION
(Section 258 LGGR)

- 21.1 If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
- (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
 - (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,
- 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 from that place and, if necessary, restrain the Councillor or member from re-entering that place.

22. COMMITTEE OF THE WHOLE
(Section 373 LGA and Section 259 LGGR)

- 22.1 The Council may resolve itself into a Committee to consider any matter before the Council.
- 22.2 All the provisions of this LGGR relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provision limiting the number and duration of speeches.
- 22.3 The General Manager or his/her nominee is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 22.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

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23. COUNCIL MAY APPOINT COMMITTEES***(Section 260 LGGR)***

- 23.1 A council may, by resolution, establish such committees as it considers necessary.
- 23.2 A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- 23.3 The quorum for a meeting of a committee is to be:
- (a) such number of members as the council decides; or
 - (b) if the council has not decided a number, a majority of the members of the committee.

NOTE: All Council appointed committees, working parties, sub-committees and other groups are to be conducted within the parameters of Council's Meeting Procedures

24. FUNCTIONS OF COMMITTEES***(Section 261 LGGR)***

- 24.1 Council will specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

25. NOTICE OF COMMITTEE MEETINGS TO BE GIVEN***(Section 232 and 262 LGGR)***

- 25.1 (a) A notice of a meeting of a council committee of which all members are councillors must be published in a newspaper circulating in the area before the meeting takes place;
- (b) The notice must specify the time and place of the meeting;
- (c) Notice of more than one meeting may be given in the same notice;
- (d) This does not apply to an Extraordinary meeting of a Committee.
- 25.2 The General Manager must send to each Councillor at least three (3) days before each meeting of the Committee, a notice specifying:
- (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- 25.3 However, notice of less than three (3) days may be given of a Committee meeting called in an emergency

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26. NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS***(Section 263 and 264 LGGR)***

- 26.1 A Councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- 26.2 However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.
- 26.3 Non members of a Council Committee of which all members are Councillors may be allowed 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.

The following is the procedure in which this may be done:

- After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson may ask the General Manager if there are any written representations from the public on the proposed closure;
- The General Manager would read out any written representations;
- The Chairperson will then ask if any persons wish to make verbal representations;
- The opportunity to speak would be given to each person who wishes to comment;
- Each person addressing the Committee will be allowed to speak for the maximum period of two (2) minutes;
- The Committee could then close the meeting to consider whether part of the meeting should be closed to the public to consider the subject item.

27. PROCEDURE IN COMMITTEES***(Section 265 and 266 LGGR)***

- 27.1 Subject to 27.2, each committee of the council may regulate its own procedure. (Note:
- (i) In accordance with 7.4, the Chairperson of a Council Committee shall have a casting vote only when the item being voted upon is one which the Committee has delegated authority from Council to determine;
 - (ii) All Council appointed Committees, Working Parties, Subcommittees and other groups are to be conducted within the parameters of Council's Meeting Procedures).
- 27.2 Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

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- 27.3 (a) Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, the committee must ensure that the following matters are recorded in the committee's minutes:
- (i) details of each motion moved at a meeting and of amendments moved to it;
 - (ii) the names of the mover and seconder of the motion or amendment;
 - (iii) whether the motion or amendment is passed or lost.
- (b) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

28. CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES***(Section 267 LGGR)***

- 28.1 The Chairperson of each Committee of the Council must be:
- (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council; or
 - (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.
- 28.2 The Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- 28.3 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.
- 28.4 The Chairperson is to preside at a meeting of a Committee of a 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.

29. ABSENCE FROM COMMITTEE MEETINGS***(Section 268 LGGR)***

- 29.1 A member ceases to be a member of a Committee if the member (other than the Mayor):
- (a) has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or

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(b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year* without having given to the Committee acceptable reasons for the member's absences.

29.2 29.1 does not apply if all of the members of the Council are members of the Committee.

* The expression "year" means the period beginning 1 July and ending the following 30 June.

30. REPORTS OF COMMITTEES

(Section 269 LGGR)

30.1 If in a report of a Committee of the Council, distinct recommendations are made, the decision of the Council may be made separately on each recommendation. It is Council's practice to adopt all recommendations from the Committee by a single motion in adopting the report of the Committee. However, should items within the report be deleted for separate consideration, then the recommendations from the Committee in relation to those items are to be considered in the first instance as the motion.

30.2 The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.

30.3 If a Committee of a 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:

- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
- (b) report the resolution or recommendation to the next meeting of the Council.

31. DISORDER IN COMMITTEE MEETINGS

(Section 270 LGGR)

31.1 The provisions of the LGA and the LGMR 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.

32. COMMITTEE MAY EXPEL CERTAIN PERSONS FROM ITS MEETING

(Section 271 LGGR)

32.1 If a meeting or part of a meeting of a Committee of the Council is closed to the public in accordance with Section 10A of the LGA, any person who is not a Councillor may be expelled from the meeting as provided by Section 10 (2) (a) or (b) of the LGA.

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- 32.2 If any such person, after being notified of such a resolution or direction expelling him or her 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, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering that place.

33. DISCLOSE AND MISUSE OF INFORMATION - PRESCRIBED CIRCUMSTANCE

(Section 412 LGGR)

- 33.1 For the purposes of Section 664 (1B) (c) of the LGA, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the LGA is a prescribed circumstance.

34. INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE MEETING

(Section 272 LGGR)

- 34.1 An inspection of the minutes* of the Council or Committee of the Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- 34.2 The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

* Section 12 of the LGA confers a right to inspect the minutes of a Council or Committee of the Council.

35. ACCESS TO RECORDS

(Section 11 LGA)

- 35.1 A Council and a Committee of which all the members are Councillors 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.
- 35.2 35.1 does not apply if the correspondence or reports:
- (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.

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36. RECORDING OF MEETING OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION***(Section 273 LGGR and Section (b)(ii) CMP)***

- 36.1 A person may record on any recording device the proceedings of a meeting of the Council or a Committee of the Council that are open to the public only with the authority of the Council or Committee. (Note: The authority referred to in this Clause is given under Clause 36.4).
- 36.2 A person may, as provided by Section 10 (2) (a) or (b) of the LGA, be expelled from a meeting of a Council or a Committee of a Council for using or having used a recording device in contravention of this clause.
- 36.3 If any such person, after being notified of a resolution or direction expelling him or her 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.
- 36.4 Council's Code of Meeting Practice states:

Any person is allowed to record any of the proceedings of a meeting of Council or a Committee of Council subject to that person advising the meeting of his/her intent to do so, except for any part of a Council or a Committee meeting closed to the public.

Those sections of Ordinary or Extraordinary Council meetings, or Standing Committees, that are open to the public shall be live video streamed through an internet streaming service and also be recorded to be available for viewing at a later time through Council's website. These recordings shall be available for four (4) years following the meeting whereby they shall be removed at that time.

37. PECUNIARY INTERESTS***(Sections 451, 453, 454, 456, 457, 458 LGA and Section (b)(v) CMP)***

- 37.1 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 interest to the meeting as soon as practicable.
- 37.2 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.

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- 37.3 Councillors and staff who declare a pecuniary interest in an item at a Committee or Council meeting shall remove themselves from the meeting during discussion and voting on the item.
- 37.4 A disclosure made at a meeting of a Council or Council Committee must be recorded in the minutes of the meeting.
- 37.5 A general notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:
- (a) a member, or in the employment, of a specified company or other body; or
 - (b) a partner, or in the employment, of a specified person,
- is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or 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.
- 37.6 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 any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- 37.7 The person in 37.6 is not required to disclose the person's interest as an adviser.
- 37.8 A person does not breach 37.1 or 37.6 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 he or she had a pecuniary interest.
- 37.9 The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
 - (b) that it is in the interests of the electors for the area to do so.

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Notes:

- (1) Reference should be made to Sections 442 and 443 of the LGA and to Clause 7 of Council's adopted Code of Conduct for more details on what constitutes a pecuniary interest and who has a pecuniary interest.
- (2) Section 328B of the Local Government Act requires that where the General Manager reasonably suspects that a Councillor has failed to comply to his/her obligation to disclose a conflict of interest arising from a political donation, the General Manager must refer the matter to the Director-General. Further, Section 460 of the Act allows a person to make a complaint to the Director General of the Office of Local Government that a person has or may have contravened Part 2 of the Act (ie Duties of Disclosure).

38. REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

(Section 244 LGGR)

- 38.1 When a report of a Departmental representative has been presented to a meeting of a Council in accordance with Section 433 of the LGA, the Council must ensure that the report:
- (a) is laid on the table at that meeting; and
 - (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

39. CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

(Section 374 LGA and Section (b)(xii) CMP)

- 39.1 Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:
- (a) a vacancy in a civic office; or
 - (b) a failure to give notice of the meeting to any Councillor or Committee member; or
 - (c) any defect in the election or appointment of a Councillor or Committee member; or
 - (d) a failure of a Councillor or a Committee member to disclose a pecuniary interest at a Council or Committee meeting in accordance with Section 451 of the LGA; or
 - (e) a failure to comply with the Code of Meeting Practice.
- 39.2 Where at a Council meeting, meeting practice matters arise which are in all cases not provided for in Council's Code and Meeting Practice, resort shall be had to the rules, forms and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to proceedings of the Council.

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40. ATTENDANCE OF GENERAL MANAGER AT MEETINGS***(Section 376 LGA)***

- 40.1 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- 40.2 The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- 40.3 However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

41. MOTIONS OF ADJOURNMENT***(Section (b)(xi) CMP)***

- 41.1 Debate shall not be permitted on any motion for adjournment of a meeting of the Council.
- 41.2 If a motion for adjournment is negatived, the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- 41.3 A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these has not been specified.

42. CORRESPONDENCE***(Section (b)(xv) CMP)***

- 42.1 Correspondence with the Council shall be addressed to the Mayor or General Manager.
- 42.2 Letters shall not be presented or read by members at meetings of the Council.
- 42.3 Outward correspondence shall be signed by:
- (i) the Mayor;
 - (ii) the General Manager; or
 - (iii) any employee of the Council authorised by the General Manager.

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43. MODE OF ADDRESS AT A COUNCIL MEETING***(Section (b)(xvi) CMP)***

- 43.1 Councillors shall at all times address other Councillors by their official designation as Mayor or Councillor, as the case may be; and that all Councillors with the exception of the Chairman, or any Councillor prevented by physical infirmity, shall stand when speaking.

44. ABSENCE FROM COUNCIL MEETINGS***(Section 234 LGA and Section (b)(ix) CMP 23A LGGR)***

- 44.1 A Councillor ceases to hold his/her office if absent without prior leave of the Council from three (3) consecutive ordinary meetings of the Council.
- 44.2 44.1 shall not apply to any absence caused by illness or other sufficient cause if such illness or sufficient cause is duly set out in apologies received at the meetings from which he/she was absent, and if such apologies are accepted by resolution of the Council.
- 44.3 A Councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.
- 44.4 If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.
- 44.5 44.4 does not prevent the council from granting further leave of absence in respect of any future council meeting.
- 44.6 A Councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.
- 44.7 A Councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

45. COUNCIL SEAL***(Section 400 LGGR)***

- 45.1 The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- 45.2 The seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager; or
 - (b) at least one Councillor (other than the Mayor) and the General Manager; or
 - (c) the Mayor and at least one other Councillor; or
 - (d) at least two Councillors other than the Mayor.

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- 45.3 The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in 45.2) attest by their signatures that the seal was affixed in their presence.
- 45.4 The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- 45.5 For the purposes of 45.4, a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.



REPORT: Payment of Expenses and Provision of Facilities for the Mayor and Councillors

AUTHOR: Manager Governance and Risk
REPORT DATE: 9 October 2017
TRIM REFERENCE: ID17/1747

EXECUTIVE SUMMARY

Section 252 of the Local Government Act requires Council to adopt a policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. At its Ordinary meeting held 28 August 2017, Council resolved (CCL17/121):

"That the policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached as Appendix 1 to the report of the Director Corporate Services dated 22 August 2017, be placed on Public Exhibition for a period of twenty eight (28) days inviting the public to make submissions."

The draft policy was placed on public exhibition for a period of twenty eight (28) days which closed on 6 October 2017 seeking submissions from the public. During the exhibition period no submissions were received.

Accordingly, the policy (attached as **Appendix 1**) is submitted with a recommendation for adoption.

ORGANISATIONAL VALUES

Customer Focused: This policy was placed on public exhibition for twenty eight (28) days to allow members of the public to make a submission for the consideration of Council. It is also required to ensure a consistent basis of managing costs of the Councillors while undertaking their civic duties.

Integrity: This policy has been based on a template provided by the Office of Local Government to ensure consistent practices across NSW Local Government. It has also been placed on twenty eight (28) days public exhibition prior to adoption by Council.

One Team: This policy ensures that all Councillors' requests for expenses are assessed consistently.

FINANCIAL IMPLICATIONS

The financial implications arising from this report relate to the expenses and provision of facilities detailed in Council's policy.

POLICY IMPLICATIONS

The adoption of this report will form the Council Policy titled Payment Of Expenses And Provision Of Facilities For The Mayor And Councillors.

RECOMMENDATION

That the policy "Payment of Expenses and Provision of Facilities for the Mayor and Councillors" as attached as Appendix 1 to the report of the Manager Governance and Risk dated 9 October 2017, be adopted.

Michael Ferguson
Manager Governance and Risk

Section 252 of the Local Government Act 1993 requires that within the first 12 months of each term of Council, the Council must adopt a Policy concerning the payment of expenses and provision of facilities for the Mayor and Councillors in relation to discharging the functions of civic office. This draft Policy has been developed by integrating the Payment of Expenses and Provision of Facilities for the Mayor and Councillors Policy of the former Dubbo City Council and a template provided by the Office of Local Government to achieve a consistent approach across NSW Local Government.

It is noted that following a recent amendment to the Local Government Act 1993, this Policy is now current for the term of the Council rather than being required to be reviewed on an annual basis. The Act allows for changes to be made to the policy which are not regarded as substantial without the need to place it back on public exhibition.

In accordance with Council's resolution of 28 August 2017, the draft policy was placed on public exhibition inviting submissions from the public. No submissions were received as a result of this exhibition period.

Accordingly, it is recommended that the policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors as attached as **Appendix 1** to the report of the Manager Governance and Risk dated 9 October 2017, be adopted.

Appendices:

- [1](#) Payment of Expenses and Provision of Facilities for the Mayor and Councillors



Policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors

October 2017

Document Revision History	
Description	Date
Adopted by Council for the purpose of public exhibition	28 August 2017
Notes	

DUBBO REGIONAL COUNCIL

POLICY

PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND COUNCILLORS

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PART 1 – INTRODUCTION

1.1 Introduction

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

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

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

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

1.2 Purpose of this Policy

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

1.3 Legislative Provision and Guidance Documents

Local Government Act 1993, Sections 252 and 253

Local Government (General) Regulation 2005, Clauses 217 and 403

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

1.4 Relationship to Annual Fees

The payment of expenses and the facilities which may be provided to the Mayor and Councillors under this Policy shall be provided in addition to the annual fees payable to the Mayor and Councillors as determined by the Council under Sections 248 and 249 of the Act.

1.5 Code of Conduct

Council's Code of Conduct sets the minimum requirements of behaviour for Council officials. The Code of Conduct refers, in part, to the use of Council Resources as follows:

- You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- You must be scrupulous in your use of council property including intellectual property, official services and facilities and must not permit their misuse by any other person or body.
- 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.
- You must not convert any property of the council to your own use unless properly authorised.
- You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

These sections of the Code are relevant to this Policy in that they provide for an overarching standard of behaviour that the Administrator would be expected to display when using Council's resources.

PART 2 – FACILITIES FOR MAYOR AND COUNCILLORS

2.1 Mayor

The Mayor, in carrying out the duties of office, be entitled to receive the following:

- 2.1.1 The use of Mayoral Robes and Chain of Office
- 2.1.2 Suitable office accommodation on the first floor of the Dubbo Civic Administration Building and on the first floor of the Wellington Administration Building including the provision of a computer and software packages that enable email and internet services at both locations.
- 2.1.3 A range of secretarial services including telephone and reception duties, typing, organisation of Civic Receptions including catering, preparation of speeches, press releases and correspondence and other reasonable requests by the Mayor. This

service is reviewed and renegotiated with the Mayor following each Mayoral election.

2.1.4 A motor vehicle for official (civic duties) and private use as follows:

- The provision to the Mayor of a suitable and appropriate official vehicle, to the value of up to \$55,000 (ex GST), fully serviced and maintained, for both civic and private use, with such vehicle type to be at the discretion of the Mayor at the time of changeover, with changeover to occur at not less than 30,000km or 24 months, whichever occurs first noting that the vehicle shall be changed over immediately following each Mayoral election.
- the motor vehicle provided for use by the Mayor may be used by the Mayor for private purposes
- the annual fee payable to the Mayor will be reduced by the value of the private use benefit taken up
- the value of the private use benefit will be determined by applying the rate per kilometre published by Local Government NSW from time to time which is recommended for use by councils when costing motor vehicle benefits in remuneration packages to the number of private use kilometres travelled.
- the Mayor will keep a log of all private use kilometres travelled and submit such log at the end of each month

2.1.5 A mobile telephone for which all expenses are paid but which is to be used exclusively for Council and Civic duties.

2.1.6 Reasonable expenses for the Mayor and partner/accompanying person to attend on behalf of Council in the office of Mayor on official (including conferences) or legal occasions including travel, accommodation subsistence and the like. Attendance at local functions (excluding conferences as defined in Clause 3.1) by the Mayor and partner/accompanying person shall be paid by Council.

2.1.7 If the Mayor so chooses, a credit card facility and a cabcharge facility to be used for expenses incurred in the pursuit of official Council business. The credit card facility is to be used in situations where it is not possible to go through Council's normal procedure for the ordering and/or payment of goods and services.

2.1.8 An allocated carparking space on the western side of the Dubbo Civic Administration Building and secure parking at the Dubbo City Regional Airport (where necessary).

2.2 Councillors

To assist the Councillors, including the Mayor, in discharging the function of Civic Office Councillors are, if they request, entitled to receive the following without reduction to the fees payable under Section 248 of the Act:

2.2.1 Access to a Councillors' Room in the Dubbo Civic Administration Building, suitably equipped with access to telephone, computer terminal connection and printing facilities.

2.2.2 Secretarial service including typing, photocopying, printing and postage for the following purposes:

- a) Initiating correspondence to, and answering correspondence received from,

residents / ratepayers, Members of Parliament, Government Departments, statutory authorities / bodies, other local authorities, other Councillors, local government related bodies and organizations or the general public in relation to the business of the Council or local government subject to a response to petitions received by Councillors will only be made to the principal person who lodges the petition and not all signatories.

- b) Replying to invitations to attend functions/gatherings received in their capacity as a Councillor;
- c) Communications to Councillors and Council's staff on official business;

provided that under no circumstances will the Council permit the facilities provided to be used for the initiation or issue of circular type letters or election material/letters.

- 2.2.3 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 General Manager.

As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

- 2.2.4 Suitable stationery supplies.

- Councillor business cards and name badges
- Postage - official Councillor correspondence - to be directed through the Council's own mail system.

- 2.2.5 Access to Information - Councillors can obtain copies of Council information, if the information is required to enable a Councillor to undertake their role as defined under Section 232 of the Local Government Act 1993.

When seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, Councillors are to direct their enquiries to the General Manager, the relevant Director, or an officer nominated by the Director.

- 2.2.6 Preparation of media material for the Mayor in respect of Council activities and for the chairpersons of Council's Planning, Development and Environment; Infrastructure, Community and Recreation; and Economic Development, Business and Corporate Committees in respect of Committee issues.

- 2.2.7 Access to a suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with discharging the duties of Civic Office.

- 2.2.8 The provision of an electronic tablet device, appropriate broadband communications and a suitable printer located in the Councillor's Room in the Dubbo Civic Administration Building.

- 2.2.9 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.

2.3 General Provisions

Additional to the facilities provided by Council to Councillors and the Mayor under this Policy, it is expected that further expenses may be incurred in the performance of Councillors' and the Mayor's civic duties. Accordingly, Council will provide reimbursement of approved expenses only incurred in the performance of a Councillors' or Mayor's role.

No allowances or expenses other than those expressly contained in this policy are payable to the Mayor or Councillors.

Councillors will not be reimbursed for alcoholic beverages.

2.4 Monetary Limits

Expenses under this policy, in most instances, will be reimbursed based on actual expenditure. However, monetary limits have been applied which set a maximum level of expenditure which Council will reimburse for each type of expense. These limits are listed below in the table.

The monetary limits contained within this policy have been set based on information available on reasonable market rates for the provision of the relevant services. Regional considerations have also been addressed with respect to accommodation costs.

These limits may be amended with any amendment to this policy and will be assessed for relevance and reasonableness on an annual basis in line with the annual policy review.

Expense Type	Refund Basis	Limit Amount	Comment
Registration costs	Actual	None	Includes costs relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council
Accommodation	Actual up to daily limit	As per Table 1 Rates and Allowances of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009	<p>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.</p> <p>Limits are dependent on the location of accommodation, providing for regional differences in costs.</p> <p>Where evidence is provided that accommodation within the above cost range cannot be provided or is not available then the General Manager has the discretion to approve the increase in costs.</p> <p>In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50km from the meeting location.</p>
Out of pocket expenses	Actual up to daily limit	\$100 per day	<p>Expenses in this category may include:</p> <ul style="list-style-type: none"> • Reasonable telephone, facsimile or internet usage • Reasonable refreshments • Meals not included in registration fees, etc <p>The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors:</p> <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods

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Cost of service provided	Actual	None	No payment shall be reimbursed for any component of a ticket which is additional to the service cost of the function, such as a donation to a political party or candidate's electoral fund, or some other private benefit. An additional payment to a registered charity may be acceptable as part of the cost of the function
Enrolment fees	Actual	None	In most cases, Council will arrange and fund attendance of the Mayor and Councillors at training courses
Air Travel	Actual	None	In most cases, Council will arrange and fund the Mayor and Councillors' Air Travel when required
Rail Travel	Actual	None	In most cases, Council will only arrange and fund the Mayor and Councillors' rail travel when requested
Taxi	Actual	None	
Bus	Actual	None	
Use of private motor vehicle	Actual	Per km allowance as defined in the Local Government (State) Award 2017 where km exceed 50km per instance.	As defined in the Local Government (State) Award 2017 "Part 15(x) – Vehicle Allowances"
Incidental expenses associated with attendance at seminars, training courses or official functions	Actual up to daily limit	\$100 per day	Expenses in this category may include: <ul style="list-style-type: none"> • Parking fees • Tolls <p>The following expenses will not be reimbursed and are the responsibility of the Mayor/Councillors:</p> <ul style="list-style-type: none"> • Any traffic or parking fines • Administrative charges for road toll accounts • Alcohol (not consumed as part of meal) • Cigarettes • Mini-bar items including snack foods
Personal care or child care expenses: up to four (4) hours	Actual up to daily limit	\$100 per day	Council will reimburse costs to a maximum of \$100 to cover a four (4) hour engagement of a babysitter or carer where required to allow the Mayor or Councillors to attend any Council, Standing Committee, Meetings, Committee Meetings, Working Party or Council workshops. The four (4) hour period shall include the period of 30 minutes prior to and after the conclusion of the meeting or workshop

Personal care or child care: more than four (4) hours	Actual up to hourly limit	\$15 per hour	An additional hourly rate of up to \$15 per hour will be paid for meetings and workshops etc that go beyond the four (4) hours engagement period referred to above
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PART 3 - TRAVELLING ON COUNCIL BUSINESS

3.1 Definition of Conference

In this part **conference** means conferences, seminars, congresses, forums, workshops, courses, meetings, deputations, information and training sessions, events etc related to the industry of local government and held within Australia.

Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.

Council will allocate a sufficient amount annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Approval to attend a conference or seminar is subject to a written request to the General Manager. In assessing a Councillor request, the General Manager must consider factors including the:

- relevance of the topics and presenters to current council priorities and business and the exercise of the Councillor's civic duties
- cost of the conference or seminar in relation to the total remaining budget.

Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the General Manager with any necessary bookings to be made through the General Manager's office. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to this policy.

3.2 Who may attend conferences

Council will continue to be represented at the Annual Conference or Convention of the Associations as detailed hereunder, subject to appropriate funding provision being provided in the Council's Annual Budget and subject to the usual conditions. Attendance at conferences are to be approved by the Council with the General Manager to approve attendances at seminars and conferences by staff.

ORGANISATION	DELEGATES	OBSERVERS
Local Government NSW	Mayor, or his nominee, two other Councillors as delegates plus an alternate delegate (to act as delegate if required) and Councillors as determined by the Council	General Manager or Nominee and Councillors as determined by the Council
Australian Livestock Markets Association	Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council	General Manager or nominee and the Director Economic Development and Business
Australian Airport Association	Mayor, or his nominee, one Councillor and alternate Councillors determined by the Council	General Manager or nominee and the Director Economic Development and Business
Local Government Women's Conference	Two Councillors and alternate Councillors determined by the Council	General Manager or nominee
Local Government Aboriginal Network Conference	Two Councillors and alternate Councillors determined by the Council	General Manager or nominee
Australian Local Government Association Conference	Mayor, or his nominee	General Manager or nominee

3.3 Conference Costs

The following shall apply for the Mayor and Councillors authorised and/or appointed as delegates under this policy to attend conferences (as defined above):

3.3.1 Registration

The Council in accordance with 2.4 above, will pay all normal registration costs for delegates which are charged by organisers, including those relating to official luncheons, dinners and tours/inspections which are relevant to the interests of the Council.

3.3.2 Accommodation

In accordance with 2.4 above, Council will pay reasonable double room or twin share accommodation costs including the night before and/or after the conference where this is necessary because of travel and/or conference timetables.

3.3.3 Travel

In accordance with 2.4 above, the following travel provisions will apply:

- (a) All reasonable travel costs for delegates to and from the conference location and venue will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the location or circumstances, it may be more appropriate for travel to be undertaken by car or train.
- (b) Where trains are used the Council will provide first class travel, including sleeping berths where available.
- (c) Where travel by motor vehicle is used it should be undertaken by Council vehicle where available, or by private vehicle subject to prior approval of the General Manager.
- (d) Councillors using private vehicles (Councillor's own) in accordance with this policy may claim the kilometre rates for the necessary travel at the rate set by the Local Government State Award 2017 as at the date of travel with such rate deemed to cover and include any claims for accidental damage or repairs to the private vehicle and any loss of no claim bonus and any excess not covered by an insurance. This claim for kilometre allowance is subject to such claim not exceeding economy class air fares to and from the particular destination.
- (e) Where air travel is booked by Council for Councillors, Councillors shall not accrue frequent flyer points under the respective airlines program. This is considered a personal benefit.

3.4 Development Programs

Council will allocate a sufficient amount annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.

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.

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.

Approval for professional development activities is subject to a prior written request to the General Manager outlining the:

- details of the proposed professional development
- relevance to Council priorities and business
- relevance to the exercise of the Councillor's civic duties.

In assessing a Councillor request for a professional development activity, the General Manager must consider the factors set out in this policy, as well as the cost of the professional development in relation to the available budget.

3.5 Out-of-Pocket Expenses

In accordance with 2.4 above, the following out of pocket expenses will apply:

- 3.5.1 So that Councillors, as delegates of the Council attending conferences are not financially disadvantaged, Councillors shall be entitled to claim "out-of-pocket" expenses.
- 3.5.2 The amount of the payment under Clause 3.5.1 shall be equal to reasonable costs substantiated by a tax invoice receipt or statutory declaration to the effect that the expenditure was incurred.
- 3.5.3 Such payment shall be made to cover incidental expenses associated with the conference attendance (and up to the relevant daily limits as per clause 2.4 herewith) such as:
- telephone, facsimile or internet usage. Council will meet the cost of telephone calls from the delegate to his/her family and to Council during the period of the conference. Other telephone expenses are to be paid for by the delegate;
 - breakfasts, lunches, dinners and other meals not included in the registration fee;
 - laundry - Council will meet the cost of reasonable laundry or dry cleaning services whilst at the conference, if necessary;
 - optional activities in a conference program where approved by the General Manager;
 - gifts taken - If it is appropriate that gifts be required for presentations, Council will provide items as determined by the General Manager.
 - gifts received - Council's Code of Conduct should be adhered to at all times. Any gifts received must be declared in Council's Gift Register.

The following items are expressly excluded from incidental expenses that will be funded by Council

- (i) bar fridge - Council will not meet the cost of any expenses incurred from the use of the bar fridge provided in the hotel room or snack food as provided by the bar fridge service.
- (ii) bar service - Council will not meet the cost of any expenses incurred at the bar located within the hotel other than where special guests have been invited for drinks at the request of the Mayor or leader of the Council's delegation or meals as provided for in 2.4.

3.5.4 An advance payment to the Councillor's bank account for "out-of-pocket" expenses under this clause may be paid, subject to any portion being refundable to the Council within seven (7) days of the conclusion of the conference if the actual period of attendance is less than that upon which the allowance was assessed. Any request for a cash advance must be completed on the attached form "Request for Cash Advance for the Purpose of Travelling on Council Business".

3.6 Conference Costs - Payment in Advance

3.6.1 The Council will normally pay registration fees, accommodation costs and airline/train tickets direct to conference organisers/travel agent in advance. Where this is not appropriate or possible an advance payment or cheque equivalent thereto may be paid to the attendee for payment to the appropriate party.

3.6.2 Any advance payments must be properly accounted for on the prescribed form within one (1) month after such conference.

3.7 Conference Costs - Delegates' Accompanying Person

3.7.1 Where the Mayor or a Councillor is accompanied at a conference all costs for, or incurred by, the accompanying person, including travel, breakfast, meals, registration and/or participation in any conference programs, are to be borne by the Councillor/accompanying person and not by the Council. The exception to this is that Council will meet the costs of the official conference dinner for an accompanying person of a Councillor for the Local Government NSW Annual Conference only. Accompanying person's registration, or accompanying person's program fees, are to be paid to the conference organiser, etc. and paid at the time of registration. The Council is prepared to receive such registration and payments and to forward them on to the conference organiser, etc with any Council delegates' registration.

3.7.2 Where the Council meets, on account, any expenditure or cost on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor/accompanying person within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

3.8 Local Functions

Where the Councillor attends local functions on behalf of Council, Council will be responsible for the payment of any fees for both the Councillor and their partner/accompanying person.

3.9 Overseas Travel

Overseas Travel for any purpose which is considered to be relevant to Council business and /or of particular benefit to the local community must be approved by Council. Full details of the travel and the purpose for the travel must be approved on an individual basis. The use of a tabled Mayoral Minute (not included on the Council Agenda) to obtain Council approval for travel is not considered appropriate as it is not consistent with principles of openness and transparency.

Retrospective re-imburement for overseas travel is not permitted.

After returning from overseas the Councillor, or an accompanying member of Council staff, must provide a detailed written report to Council on the aspects of the trip relevant to Council business and/or the local community.

In regard to Sister City Relationships the establishment of a Sister City Relationship will be on the basis that Council bear no cost of staff members, the Councillor or members of the public visiting Sister Cities, with the exception being in respect of the Sister Cities Officer as follows:

That Council fund the salary, travel and accommodation expenses for the Sister Cities Officer to undertake a visit to Minokamo and Wujiang every three years, with the first visit being within the first year of appointment of a new person to the position based upon the following conditions:

- *The visits to both Minokamo and Wujiang being combined during the one (1) overseas trip*
- *A maximum of seven (7) days is spent during any one (1) combined visit*
- *That the Sister City Officer be paid his /her normal salary for a maximum of seven (7) days during any one (1) visit*
- *An economy return air fare being provided from Dubbo to the Sister Cities*
- *The Sister City Officer being paid for subsistence and accommodation during any visit at Level One (1) of the Reasonable Travel Allowance for the Sydney Metropolitan Area as determined from time to time by the Australian Taxation Office and as detailed in Council's Management Policy – Travelling and Subsistence Expense Policy.*
- *Travel insurance, a visa to visit China and travel to and from airports to accommodation being funded by Council.*
- *Council not incurring any other incidental travel costs such as a passport, luggage, clothes, money conversion costs and travel debit / credit card costs.*

3.10 Care

Council will reimburse reasonable costs of care arrangements including childcare expenses and the care of elderly, disabled and/or sick immediate family members of Councillors to allow the Councillors to undertake their Council business obligations. Such costs will be certified by the Councillor to be necessarily incurred in the course of fulfilling their civic duties and/or conducting Council business.

3.11 Expenses Claim Approval

Any claim submitted to Council for reimbursement of expenses must be approved by the Manager Governance and Risk Services having regard to appropriateness of the claim and regard to budget allocations. The General Manager will then authorise the claim approval form.

3.12 Disputes Resolution

Any dispute relating to the administration of this Policy must be made in writing to the General Manager detailing the grounds for the dispute.

Any such disputes will be referred to the next scheduled Ordinary Meeting of the Council for determination and resolution.

PART 4 - LEGAL ASSISTANCE

4.1 Legal and Representation Costs - Enquiries, Investigations, Hearings, etc

4.1.1 Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the Councillor
- 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
- 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.

4.1.2 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 General Manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the Councillor.

4.1.3 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 section.

- 4.1.4 Council will not meet the legal costs:
- of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.

4.1.5 Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

4.2 Legal Advice

Legal advice relating to a pecuniary interest, conflict of interest or matter governed by the code of conduct which in the opinion of the General Manager is necessary to clarify the Councillor's responsibilities in the performance of his/her duties will be provided and paid for by Council.

PART 5 - INSURANCES

5.1 Personal Accident Insurance

Council carries a personal accident insurance policy on Councillors of Council as set out hereunder.

On the lives of ten (10) Councillors whilst engaged on their duties as Councillors of the Dubbo Regional Council, including whilst travelling.

COVERED PERSON(S)/ CATEGORIES

- 1: The Mayor, Chairperson, Elected Members, Councillors, Commissioners and Administrators
- 2: All Employees of the Policyholder
- 3: All Accompanying Spouse/Partners and/or Dependent Child(ren) of Category 1 and 2 Covered Persons and including any persons engaged to undertake sister city visits on the Policyholder's behalf
- 4: All voluntary workers of the Policyholder
- 5: All members of any Committees and Trusts established by the Policyholder including Local Representative Advisory Committees (LRAC)

SCOPE OF COVER

6: Work Experience Students and Other Persons where the Policyholder is required to provide coverage whilst such persons are engaged in any Government Labour Market, Training or Job Creation Projects

7: All Employees of the Policyholder engaged in authorised amateur sporting competitions organised by the Policyholder

Categories 1, 2 and 3:

In respect to this Category "Covered Persons" are covered while engaged on a Journey (as defined) undertaken on the Policyholder's business, including any Incidental Private Travel.

Notwithstanding the above, cover under Section 1 & 2 of this Policy shall be whilst engaged in or on any activity directly or indirectly connected with or on behalf of the Policyholder including whilst travelling directly to and/or from such activity.

Categories 4 and 5:

In respect to this Category "Covered Persons" are covered while engaged on a Journey (as defined) undertaken on the Policyholder's business, including any Incidental Private Travel.

Notwithstanding the above, cover under Section 1 and 4(A) of this Policy shall be whilst engaged in or on any authorised voluntary work directly or indirectly connected with or on behalf of the Policyholder including whilst travelling directly to and/or from such activity.

Category 6:

Cover under the Policy applies to all those hazards to which a Covered Person is exposed whilst actually engaged in or on any Government Labour Market, Training or Job Creation Projects excluding necessary direct travel to and from such activities on behalf of the Policyholder. Provided always that the Policy shall only apply in respect of such work officially organised by and under the control of the Policyholder.

Category 7:

Cover under the Policy applies to all those hazards to which a Covered Person is exposed whilst actually engaged in any authorised amateur sporting event including necessary direct travel to and from such events. Provided always that the Policy shall only apply in respect of such events officially organised by and under the control of the Policyholder.

SCHEDULE OF BENEFITS	Sum Insured as per Table of Events – Each Covered Person
Section 1 Personal Accident and Sickness	
Part A – Lump Sum Benefits	
Category 1 Events 1 - 30	5 times salary up to a maximum of \$1,000,000 and a minimum of \$500,000
Categories 2 to 6 Events 1 - 30	\$300,000
Categories 1 to 6 – Injury Resulting In Surgery	\$20,000
Part B - Weekly Benefits Injury	
Category 1 (156 weeks)	100% of Salary up to \$4,000
Categories 2 to 6 (156 weeks)	100% of Salary up to \$3,000
Part C – Injury Resulting in Fractured Bones	
Categories 1 to 6	\$5,000
Part D – Injury Resulting in Dental Procedures	
Categories 1 to 6	\$5,000

All other Sections as shown in the policy schedule.

AGGREGATE LIMIT OF LIABILITY FOR ALL COUNCILS COMBINED

Applicable to Sections 1 and 2 only	
(A) Any one Event	\$10,000,000
(B) Non-Scheduled Flights	\$1,000,000
(C) Any one event with respect to War/Civil War	\$500,000
(D) Any one Period of Insurance with respect to War/Civil War	\$1,000,000
(E) Section 2 – Kidnap and Ransom	\$2,000,000
Note: (C) and (D) above are applicable to Afghanistan, Chechnya, Iraq and Somalia only.	

AGE LIMITATIONS Compensation is limited for Covered Persons aged ninety (90) years or over and in respect of each Dependent Child(ren) aged eighteen (18) years or under as per the General Provisions and Conditions Applicable to the Policy noted in the Policy wording.

5.2 Professional Indemnity/Public Liability Insurance

- (i) General Liability – indemnify each insured person(s) for all costs, charges, expenses and defence costs **but** excluding **fin**es and **penalties** incurred in relation to any **prosecution** (criminal or otherwise) of any insured person(s), attendance by any insured person(s) at any official investigation, examination, inquiry or other proceedings ordered or commissioned during the period of insurance by any official body or institution that is empowered to investigate the affairs of the Council by reason of any **wrongful act** wherever or whenever committed or allegedly committed by the insured person(s) in their capacity as insured person(s), **BUT** subject to any limitations or conditions set out in the policy of insurance which is, at the direction of the Council.

- (ii) Professional Indemnity - for matters arising out of the Councillor's performance of civic duties or exercise of the functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council bona fide and/or proper and is carried out in good faith, as required under 731 of the Local Government Act, BUT subject to any limitation or conditions set out in the policy of insurance, which is, at the direction of Council, taken out.

5.3 Councillors' and Officers' Liability Insurance

Councillors' and Officers' Liability Insurance provides limited financial protection to Councillors and staff in circumstances where they may be named as an individual to a claim, and the normal protections under the Local Government Act or Council's General and Professional Liability insurance are not available.

The protection provided covers the liability to pay civil damages, the claimant's legal costs, and the Councillor's or staff member's costs incurred in the claim (policy limit \$10million). The protection extends to the estate and heirs of a deceased Councillor or staff member.

The policy specifically excludes protection for claims brought by a Councillor or staff members against another Councillor or staff member.

PART 6 - ANNUAL FEES - MAYOR AND COUNCILLORS

6.1 Fees Payable to Councillors

Pursuant to Section 248 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fees to be paid to a Councillor for the following year commencing 1 July, provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal. Such payment shall be subject to Section 254A of the Regulations and any specific resolution of the Council under Section 254A.

6.2 Fees Payable to the Mayor

Pursuant to Section 249 of the Act, the Council shall, prior to 30 June each year, set by resolution, the annual fee to be paid to the Mayor for the following year commencing 1 July provided that such fee shall be within the range for the Council determined annually by the Local Government Remuneration Tribunal.

NOTE:

In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with a Councillor under which the Councillor agrees to forego all or part of their annual fee in exchange for the Council making contributions to a complying superannuation fund on their behalf.

PART 7 – PROCESSES

7.1 Approval, payment and reimbursement arrangements

- 7.1.1 Expenses should only be incurred by Councillors in accordance with the provisions of this policy.
- 7.1.2 Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 7.1.3 Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
- local travel relating to the conduct of official business
 - carer costs
- 7.1.4 Final approval for payments made under this policy will be granted by the General Manager or their delegate.

7.2 Direct payment

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

7.3 Reimbursement

- 7.3.1 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 to the General Manager.

7.4 Advance payment

- 7.4.1 Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 7.4.2 The maximum value of a cash advance is \$100 per day of the conference, seminar or professional development to a maximum of \$500.
- 7.4.3 Requests for advance payment must be submitted to the General Manager for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.
- 7.4.4 Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
 - reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

7.5 Notification

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

7.6 Reimbursement to Council

- 7.6.1 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:
- Council will invoice the Councillor for the expense
 - the Councillor will reimburse Council for that expense within 14 days of the invoice date.
- 7.6.2 If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

7.7 Timeframe for reimbursement

- 7.7.1 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.

**DUBBO REGIONAL COUNCIL
EXPENSES OF MEMBERS OF COUNCIL**

(Local Government Act, 1993)
Section 252

NAME: _____ DATE: _____

NOTES:

1. Claim to be submitted in accordance with Council's Policy – Payment of Expenses and Provision of Facilities for the Mayor and Councillors.
2. Expenses claimed must be substantiated by Tax Invoice/Receipts or Statutory Declaration (see over).

TRAVELLING EXPENSES

Date	Meeting/Function	Distance Travelled:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Total distance travelled: _____ km @ _____ ¢ per km
(office use)

Engine size _____ cc \$ _____
(office use)

OUT OF POCKET EXPENSES

Function/Occasion: _____

Date: _____

Summary of Expenses claimed:

_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL PAYABLE \$ _____
(office use)

Name of Claimant: _____

Signature of Claimant: _____ Date: _____

Payment Approved _____ MANAGER GOVERNANCE AND RISK

Payment Authorised _____ GENERAL MANAGER

STATUTORY DECLARATION

(1) Here insert name, address and occupation of person making the declaration

I, (1) (Name)

(Address)

.....

(Occupation)

(2) Here insert matter declared to. Where the matter is long, add the words "as follows:" and then set the matter out in numbered paragraphs.

do solemnly and sincerely declare (2)

I make this solemn declaration by virtue of the *Statutory Declarations Act 1959* as amended and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

(3) Signature of person making the declaration. (3).....

Declared at (place)

on (date)

before me (in the presence of),

(4) Signature of person before whom the declaration is made. (4)

(5) Here insert title of person before whom the declaration is made. (5)

NOTE 1.-A person who wilfully makes a false statement in a statutory declaration under the *Statutory Declarations Act 1959* as amended is guilty of an offence against that Act, the punishment for which is a fine not exceeding \$200 or imprisonment for a term not exceeding six months or both if the offence is prosecuted summarily, or imprisonment for a term not exceeding four years if the offence is prosecuted upon indictment.

NOTE 2.-A statutory declaration may be made before a Magistrate, a Justice of the Peace, a Commissioner for Affidavits, a Commissioner for Declarations, a Notary Public, a person before whom a statutory declaration may be made under the law of the State in which the declaration is made, an Australian Consular Officer or an Australian Diplomatic Officer as defined by section two of the Consular Fees Act 1995, a chiropractor, a dentist, a legal practitioner, a medical practitioner, a nurse, a patent attorney, a pharmacist, a veterinary surgeon, an agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public, a bailiff, a bank officer with five or more years of continuous service, a building society officer with five or more years of continuous service, the chief executive officer of a Commonwealth court, a civil marriage celebrant, the clerk of a court, a credit union officer with five or more years of continuous service, the holder of a statutory office, the Judge of a court, the Master of a court, a member of the Australian Defence Force who is an officer or a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with five or more years continuous service or a warrant officer within the meaning of the Act, a member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants, a member of the Institute of Corporate Managers, Secretaries and Administrators, a member of the Institution of Engineers, Australia other than at the grade of student, a member of the Parliament of the Commonwealth, the Parliament of a State, a Territory legislature or a local government authority of a State or Territory, a minister of religion registered under Division 1 of Part IV of the Marriage Act 1961, a permanent employee of the Commonwealth or of a Commonwealth authority or a State or Territory or of a State or Territory authority or a local government authority with five or more years continuous service, a permanent employee of the Australian Postal Corporation with five or more years continuous service who is employed in an office supplying postal services to the public, a police officer, the Registrar or Deputy Registrar of a court, a Senior Executive Service officer of the Commonwealth or of a State or Territory or of a Commonwealth, State or Territory authority, a Sheriff, a Sheriff's officer, or a teacher employed on a full-time basis at a school or tertiary education institution.

DUBBO REGIONAL COUNCIL

**REQUEST FOR CASH ADVANCE FOR THE PURPOSE OF
TRAVELLING ON COUNCIL BUSINESS**

(THIS FORM MUST BE SUBMITTED TO MANAGER GOVERNANCE AND RISK SERVICES A MINIMUM
OF SEVEN (7) WORKING DAYS PRIOR TO REQUIRED DATE TO ENSURE PAYMENT OF ADVANCE IS
RECEIVED BY REQUIRED TIME)

NAME: _____ DATE: _____

PURPOSE OF TRAVEL: _____

START DATE: _____ END DATE: _____

AMOUNT OF CASH ADVANCE REQUESTED: \$ _____
(Maximum Cash Advance Request = \$100 per day)

BANK ACCOUNT DETAILS FOR CASH ADVANCE

Name of Account: _____

Bank Name: _____

BSB: _____ Account Number: _____

I understand that this is an application for a cash advance for the purpose of travelling on
Council business. I agree to return any monies not spent from this cash advance and to provide
tax invoices/receipts to justify any expenditure incurred from this advance.

Signed: _____ Date: _____

Payment Authorised: _____
General Manager



REPORT: Provision of Information to and Interaction Between Councillors and Staff Policy

AUTHOR: Manager Governance and Risk
REPORT DATE: 5 October 2017
TRIM REFERENCE: ID17/1750

EXECUTIVE SUMMARY

Based on the provisions in the Local Government Act 1993, Councillors and staff have distinctly different roles to play in council. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the Environmental Planning and Assessment Act and the Local Government Act, for applications for development consent and local approvals. The General Manager with the senior officers of council is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

However, the distinction between these two roles may be unclear. There often needs to be personal interaction between Councillors and senior officers, particularly regarding access to and provision of information, to effectively integrate policy making and service delivery. This has created the need for guidelines that help Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

Formalising procedures to specify how these rights should be exercised should be done without trying to restrict a Councillor's legal right to access staff and information. This policy is not intended to limit any statutory and common law rights Councillors have to access information. However, Councillors should avoid any perceptions of wrongdoing when exercising their rights as an elected representative, particularly the appearance of trying to improperly influence staff.

It is recommended that the draft Council policy titled Provision of Information to and Interaction Between Councillors and Staff be adopted.

ORGANISATIONAL VALUES

Customer Focused: This Policy defines acceptable interactions between Councillors and staff and the access to information for Councillors in accordance with the Local Government Act and Model Code of Conduct so Councillors have a clear understanding of requirements.

Integrity: This policy has been developed based on the requirements of the Local Government Act and Office of Local Government's Model Code of Conduct.

One Team: Adoption of this policy ensures that appropriate communications between staff and Councillors are defined and maintained for the effective operations between these teams.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The adoption of this report will form the Council Policy titled Provision of Information to and Interaction Between Councillors and Staff.

RECOMMENDATION

That the draft Council policy titled “Provision of Information to and Interaction Between Councillors and Staff” as attached as Appendix 1 to the report of the Manager Governance and Risk dated 5 October 2017, be adopted.

Michael Ferguson
Manager Governance and Risk

REPORT

Based on the provisions in the Local Government Act 1993, Councillors and staff have distinctly different roles to play in council. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the Environmental Planning and Assessment Act and the Local Government Act, for applications for development consent and local approvals. The General Manager with the senior officers of council is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

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The draft policy as attached addresses a number of matters including:

- Definitions of the roles of the Governing Body, Mayor, Councillors and General Manager
- Inappropriate Actions
- Access to Information and Council Records
- Use and Security of Confidential Information
- Interaction Between Councillors and Council Staff
- Access to Council Offices

It is recommended that the draft Council policy titled "Provision of Information to and Interaction Between Councillors and Staff" be adopted.

Appendices:

- 1 [u](#) Draft Council Policy - Information and Interaction Between Councillors and Staff



Policy for the Provision of Information to and Interaction Between Councillors and Staff

October 2017



DUBBO
REGIONAL
COUNCIL

COUNCIL POLICY

POLICY FOR THE PROVISION OF INFORMATION TO AND INTERACTION BETWEEN COUNCILLORS AND STAFF

Date September 2017

Council Resolution Date

Clause Number

Responsible Position Manager Governance and Risk

Branch Governance and Risk

Division Corporate Services

Version 1.0

TRIM Reference Number TBC

Review Period Two (2) years

Review Date October 2019

Consultation Not applicable

Document Revision History	
Description	Date
Notes	
This draft policy will be presented to Council at its October 2017 Ordinary Council meeting for consideration.	

POLICY

PURPOSE

Based on the provisions in the Local Government Act 1993, Councillors and staff have distinctly different roles to play in council. The Council is responsible for the strategic direction and for determining the policy framework of Council. The Council also has a statutory role as the consent authority, under both the Environmental Planning and Assessment Act and the Local Government Act, for applications for development consent and local approvals. The General Manager with the senior officers of council is responsible for the effective management of the organisation and the carrying out of Council's policies and strategic objectives.

However, the distinction between these two roles may be unclear. There often needs to be personal interaction between Councillors and senior officers, particularly regarding access to and provision of information, to effectively integrate policy making and service delivery. This has created the need for guidelines that help Councillors and staff to understand fully their respective roles and how they should operate, in order to perform their job effectively.

Formalising procedures to specify how these rights should be exercised should be done without trying to restrict a Councillor's legal right to access staff and information. This policy is not intended to limit any statutory and common law rights Councillors have to access information. However, Councillors should avoid any perceptions of wrongdoing when exercising their rights as an elected representative, particularly the appearance of trying to improperly influence staff.

This policy will:

- provide clear communication channels to ensure the speedy provision of accurate information;
- recognise the particular circumstances of the Council;
- require adequate training of staff and Councillors (as part of the induction process for Councillors and staff) on the need for the policy and its requirements;
- provide appropriate sanctions for non-compliance; and
- be reviewed as required to monitor its effectiveness and compliance.

BACKGROUND AND RELATED LEGISLATION

Chapters 9 and 11 of the Local Government Act 1993 set out the statutory roles and duties of Councillors and the General Manager. Chapter 9 includes the following provisions.

1. *Who Comprise the governing body? (section 222)*

The elected representatives, called "councillors," comprise the governing body of the council.

2. *Role of the governing body (section 223)*

(1) The role of the governing body is as follows:

- (a) to direct and control the affairs of the council in accordance with this Act,

- (b) to provide effective civic leadership to the local community,
 - (c) to ensure as far as possible the financial sustainability of the council,
 - (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,
 - (e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
 - (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
 - (g) to keep under review the performance of the council, including service delivery,
 - (h) to make decisions necessary for the proper exercise of the council's regulatory functions,
 - (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
 - (j) to determine the senior staff positions within the organisation structure of the council,
 - (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
 - (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.
- (2) The governing body is to consult with the General Manager in directing and controlling the affairs of the council.

3. *Role of the Mayor (section 226)*

The role of the Mayor is as follows:

- (a) to be the leader of the Council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council,
- (e) to preside at meetings of the Council,
- (f) to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the Council,

- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council,
- (i) to promote partnerships between the Council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council,
- (k) in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community,
- (l) to carry out the civic and ceremonial functions of the Mayoral office,
- (m) to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the Councillors, to lead performance appraisals of the General Manager,
- (o) to exercise any other functions of the Council that the Council determines.

4. *The role of a Councillor (section 232)*

The role of a Councillor is:

- (1) The role of a Councillor is as follows:
 - (a) to be an active and contributing member of the governing body,
 - (b) to make considered and well informed decisions as a member of the governing body,
 - (c) to participate in the development of the integrated planning and reporting framework,
 - (d) to represent the collective interests of residents, ratepayers and the local community,
 - (e) to facilitate communication between the local community and the governing body,
 - (f) to uphold and represent accurately the policies and decisions of the governing body,
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

5. *Functions of general manager (section 335)*

The general manager of a Council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
 - (b) to implement, without undue delay, lawful decisions of the council,
-

- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

SCOPE

The objectives of this policy are to:

- provide a documented process on how councillors can access council records;
- ensure councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the council;
- ensure that councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;
- provide direction on councillors' rights of access to council buildings; and
- provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy.

POLICY

INAPPROPRIATE INTERACTIONS

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

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

It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

ACCESS TO INFORMATION AND COUNCIL RECORDS

Councillor access to information

- The General Manager and Public Officer (Director Corporate Services) are responsible for ensuring that members of the public and councillors can gain access to the documents available under GIPA Regulation Part 2.
- The General Manager must provide councillors with information that is reasonably necessary for exercising the functions of their civic office including their role in exercising community leadership, communicating Council policy and decisions to the community and representing the views of residents and ratepayers to Council.

Councillor requests for information

- This policy states that Councillors are not to contact staff below the level of Branch Manager.
- Requests for information must be in writing addressed to the General Manager (and under normal circumstances) will be replied to within 14 days.
- Councillors must draft the request carefully and precisely detail the information, or the nature of the information, sought. It is expected that Councillors must act reasonably in making a request for information.
- When dealing with a request by a Councillor for information, the General Manager will act reasonably. Where appropriate, information will be provided by way of informal access in accordance with the GIPA 2009. Given that a Councillor may need information to perform their public duty, if a request is to be denied, reasons for the refusal must be provided.
- Where it is believed that significant resources will be required to respond to a request for information, the General Manager will advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication will also be given of what other matters will not be able to be attended to as a result of compiling the requested information.
- Councillors may then lodge a formal application for access to documents under GIPA 2009 noting that an application fee is to be paid and additionally a processing charge for dealing with an access application may be imposed.
- Councillors who have been refused access to information are entitled to lodge a request under the GIPA Act. The GIPA Act provides three options to have a decision reviewed: an internal review by the agency (in this case, the Council); an external review by the information Commissioner; or external review by the Administrative Decisions Tribunal.

NOTE:

It is not always possible to draw a clear line between the leadership and policy roles of a Councillor under Section 232 of the LGA and undertaking operational activities, which are the responsibility of staff. Councillors need to have an understanding of operational issues and access to accurate and timely information to make decisions required of them. The understanding can often only be obtained with the assistance of advice provided by staff through the General Manager.

- Members of staff of council must provide full and timely information to councillors sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- Councillors who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public; that is, requests for information may be made under the GIPA Act.

Councillors to properly examine and consider information

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

Use of certain Council information

In regard to information obtained in your capacity as a Council official, you must:

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

Use and security of confidential information

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

Personal information

When dealing with personal information, you must comply with:

- (a) *the Privacy and Personal Information Protection Act 1998*
- (b) *the Health Records and Information Privacy Act 2002*
- (c) the Information Protection Principles and Health Privacy Principles
- (d) Council's Privacy Management Plan
- (e) the Privacy Code of Practice for Local Government

INTERACTION BETWEEN COUNCILLORS AND COUNCIL STAFF

Obligations of Councillors

- Each Council is a body corporate. The Councillors are the governing body of the Council. The governing body has the responsibility of directing and controlling the affairs of the Council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- Councillors must not:
 - (a) direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or Committee resolution, or by the Mayor exercising their power under section 226 of the Act (section 352)
 - (b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
 - (c) contact a member of the staff of the council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager.
 - (d) contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor exercising their power under section 226 of the Act. This does not apply to Council's external auditors who, in the course of their work, may be provided with information by individual Councillors.

Obligations of staff

- The General Manager has the following functions (Section 335)
 - (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
 - (b) to implement, without undue delay, lawful decisions of the council,
 - (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
 - (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,

- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
 - (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
 - (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
 - (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
 - (i) to direct and dismiss staff,
 - (j) to implement the council's workforce management strategy,
 - (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.
- Members of staff of Council must:
 - (a) give their attention to the business of Council while on duty
 - (b) ensure that their work is carried out efficiently, economically and effectively
 - (c) give effect to the lawful decisions, policies and procedures of the Council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

- You must act in accordance with Council's Code of Meeting Practice, the Local Government Act 1993 and the Local Government (General) Regulation 2005 during Council and committee meetings.
- You must show respect to the chair, other Council officials and any members of the public present during Council and Committee meetings or other formal proceedings of the Council.

ACCESS TO COUNCIL OFFICES

- Councillors are entitled to have access to the Council chamber, Mayor's Office and Mayor's Conference Room (subject to availability), Councillors' Rooms and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the General Manager.
- Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- Councillors must ensure that when they are within a staff area, they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

BREACHES OF THIS POLICY

- Any person, whether or not a Council official, may make a complaint alleging a breach of the Code of Conduct with regard to Inappropriate Interactions as specified in 6.7 of the Model Code of Conduct.
- For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a Councillor to comply with an applicable requirements of this policy constitutes misbehaviour. (section 440F).

Protected disclosures

- The Public Interest Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- The purpose that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.
- If a complaint under this Policy is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of Council's Public Interest Disclosures policy or the Public Interest Disclosures Act as set out in section 22 as below:

"An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

- (a) the person consents in writing to the disclosure of that information, or*
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or*
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so."*

Reporting breaches of the Code of Conduct

- You should report suspected breaches of this Policy by Councillors, members of staff of Council (excluding the General Manager) or delegates to the General Manager in writing.
- Where you believe that the General Manager has breached this Policy, you should report the matter to the Mayor in writing.
- Where you believe that the Mayor has breached the Code of Conduct you should report the matter to the Minister for Local Government in writing.
- Councillors should not make allegations of suspected breaches of the Code at Council meetings or in other public forums.

RESPONSIBILITIES

The Manager Governance and Risk is responsible for this policy.

DRAFT



REPORT: Disclosure of Interest Returns

AUTHOR: Manager Governance and Risk
REPORT DATE: 5 October 2017
TRIM REFERENCE: ID17/1751

EXECUTIVE SUMMARY

The Local Government Act 1993 requires Councillors and designated persons to lodge Disclosure of Interest returns in accordance with Section 449.

Section 450A requires that the General Manager not only keep a register of the returns, but is to table the returns at the first meeting after the last date for their lodgement.

The Office of Local Government has requested that it be advised of any failures to lodge; in this regard, it is advised that the Administrator and all designated persons have lodged their returns.

ORGANISATIONAL VALUES

Customer Focused: Although this is a statutory requirement, the filing of interest returns enhances the accountability and the transparency provisions of the Act.

Integrity: The purpose of these Sections of the Act is to enhance the accountability and the transparency provisions of the Act. All disclosure of interest returns have been returned in accordance with the Local Government Act.

One Team: The disclosure of interest returns applies to the former Administrator, Councillors and designated staff across the organisation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

That the tabling of the Disclosure of Interest Returns as detailed in the report be noted and the Office of Local Government be advised accordingly.

Michael Ferguson
Manager Governance and Risk

BACKGROUND

The Local Government Act 1993 requires Councillors and designated persons to lodge disclosure of interest returns in accordance with Section 449. Section 450A requires that the General Manager not only keep a register of the returns but is to table the returns at the first meeting after the last date of their lodgement.

REPORT

The purpose of these Sections of the Act is to enhance the accountability and the transparency provisions of the Act. It also ensures that breaches of the Act are brought to notice as soon as they occur. Additionally, it is to assist the Office of Local Government in its investigative role regarding breaches of the Disclosure of Interest provisions.

In respect of the Disclosure of Interest Returns for the 2016/2017 period it is advised that these relate to the Administrator, General Manager and designated staff.



REPORT: Related Party Disclosure Policy

AUTHOR: Manager Governance and Risk
REPORT DATE: 6 October 2017
TRIM REFERENCE: ID17/1754

EXECUTIVE SUMMARY

At Council's Audit, Risk and Improvement Committee meeting held 1 June 2017 with respect to item ARIC17/15 – Related Party Disclosure Policy, the Audit, Risk and Improvement Committee resolved:

1. *That it be noted that the draft Related Party Disclosure Policy has been reviewed by the Audit, Risk and Improvement Committee.*
2. *That legal advice be sought regarding the content and implementation of this policy.*
3. *That following receipt of legal advice the reviewed draft policy be forwarded to Council's Executive Staff Committee for consideration.*
4. *That following consideration by the Executive Staff Committee, the draft policy be forwarded to Council for consideration and adoption.*
5. *That members of the Audit, Risk and Improvement Committee be forwarded the Related Party Disclosure Policy following adoption of the policy by Council.*

This recommendation was subsequently adopted by Council.

Accordingly, legal advice has been sought and recommendations made within the legal advice have been included in the draft policy. This draft policy is now attached to this report for the consideration of Council.

ORGANISATIONAL VALUES

Customer Focused: The adoption of this policy ensures transparency surrounding transactions between Key Management Personnel and their related parties.

Integrity: This policy ensures Council's compliance with AASB124 and reporting requirements of Council's annual financial statements.

One Team: This policy has been developed to apply throughout the organisation to the respective key management personnel.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

POLICY IMPLICATIONS

The adoption of this report will form the Council Policy titled Related Party Disclosures Policy.

RECOMMENDATION

That the draft Council policy titled “Related Party Disclosures” as attached as Appendix 1 to the report of the Manager Governance and Risk dated 6 October 2017, be adopted.

Michael Ferguson
Manager Governance and Risk

REPORT

At Council's Audit, Risk and Improvement Committee meeting held 1 June 2017 with respect to item ARIC17/15 – Related Party Disclosure Policy, the Audit, Risk and Improvement Committee resolved:

1. *That it be noted that the draft Related Party Disclosure Policy has been reviewed by the Audit, Risk and Improvement Committee.*
2. *That legal advice be sought regarding the content and implementation of this policy.*
3. *That following receipt of legal advice the reviewed draft policy be forwarded to Council's Executive Staff Committee for consideration.*
4. *That following consideration by the Executive Staff Committee, the draft policy be forwarded to Council for consideration and adoption.*
5. *That members of the Audit, Risk and Improvement Committee be forwarded the Related Party Disclosure Policy following adoption of the policy by Council.*

This recommendation was subsequently adopted by Council.

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions. Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations by users of financial statements.

AASB 124 requires the relationship between Council and any subsidiary be disclosed irrespective of whether there have been transactions between them. AASB 124 provides that Council must disclose the nature of the related party relationship as well as information about those transactions and outstanding balances including commitments, in its financial statements necessary for users to understand the potential effect of the relationship on the financial statements.

To enable Council to comply with AASB 124, Council's key management personnel are required to declare full details of any related party transactions, other than those defined in this policy as a non-material ordinary citizen transaction. Such information will be retained and reported, where necessary, in Council's annual financial statements.

Accordingly, legal advice has been sought and recommendations made within the legal advice have been included in the draft policy. Council's Executive Leadership Team considered this item at its meeting of 12 October 2017 for referral to Council. This draft policy is now attached to this report for the consideration of Council.

Appendices:

- [1](#) Draft for Council - Related Party Disclosures Policy



DUBBO
REGIONAL
COUNCIL

COUNCIL POLICY

Related Party Disclosure Policy

Date 6 October 2017

Council Resolution Date

Clause Number

Responsible Position Manager Governance and Risk Services
Branch Governance and Risk Services
Division Corporate Services
Version 0.1
TRIM Reference Number
Review Period 2 years
Review Date July 2019
Consultation Audit and Risk Management Committee June 2017

Document Revision History	
Description	Date
Draft adopted by Audit and Risk Management Committee for review by legal advisors prior to submission to Council.	June 2017
Reviewed by Crennan Legal with advice provided	September 2017
Notes	

POLICY

PURPOSE

The objective of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for Council to achieve compliance with the *Australian Accounting Standard AASB 124 - Related Party Disclosures*.

BACKGROUND AND RELATED LEGISLATION

- Australian Accounting Standard AASB 124 - Related Party Disclosures.
- Code of Accounting Practice and Financial Reporting (Update 25) General Purpose Financial Statements – Note 28

SCOPE

This policy applies to related parties of Council and related party transactions with Council, as defined within this policy.

DEFINITIONS

To assist in interpretation, the following definitions apply:

Term	Definition
AASB 124	The Australian Accounting Standards Board, Related Party Disclosures Standard.
Close members of the family of a person	<p>In relation to a key management person, those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council, including:</p> <ul style="list-style-type: none"> • that person's children and spouse or domestic partner; • children of that person's spouse or domestic partner; and • dependants of that person or that person's spouse or domestic partner. <p>For the purpose of AASB124, close family members could include extended members of a family (such as, without limitation, parents, siblings, grandparents, uncles/aunts or cousins) if they could be expected to influence, or be influenced by, the key management person in their dealings with Council.</p>
Control	<p>The power to govern the financial and operating policies of an entity so as to obtain benefits from its activities. Control of an entity is present when there is:</p> <ul style="list-style-type: none"> • power over the entity; • exposure or rights to variable returns from involvement with the entity; and • the ability to use power over the entity to affect the amount of

	returns received.
Entity	Includes a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.
Joint control	The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.
Key management personnel	Those persons having authority and responsibility for planning, directing and controlling the activities of Council, either directly or indirectly. Specifically, key management personnel of Council are: <ul style="list-style-type: none"> • Councillors (including the Mayor and Deputy Mayor); • General Manager; • Directors
Key management personnel compensation	All forms of consideration paid, payable, or provided in exchange for services provided, and including: <ul style="list-style-type: none"> • short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees; • post-employment benefits such as pensions, other retirement benefits, postemployment life insurance and post-employment medical care; • other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation; and • termination benefits.
Ordinary citizen transaction	A transaction that an ordinary citizen would undertake with Council, which is undertaken on an arm's length basis and in the ordinary course of carrying out Council's functions and activities. <p>With regard to key management personnel and their close family members, examples of ordinary citizen transactions assessed as unlikely to be material in nature include:</p> <ul style="list-style-type: none"> • paying rates and utility charges; • parking fees at rates available to the general public; • paying fines on normal terms and conditions; • pet registration fees; and • using Council's public facilities after paying the corresponding fees or where those facilities are available to members of the public for free.

Related party transaction	A transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.
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POLICY

Council is committed to responsible corporate governance, including compliance with laws and regulations governing related party transactions.

Related party relationships are a normal feature of commerce and business. For example, entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

A related party relationship could influence the normal business operations of Council even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties. Alternatively, one party may refrain from trading with Council because of the significant influence of another.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with related parties) may affect assessments of Council's operations by users of financial statements.

AASB 124 requires the relationship between Council and any subsidiary be disclosed irrespective of whether there have been transactions between them. AASB 124 provides that Council must disclose the nature of the related party relationship as well as information about those transactions and outstanding balances including commitments, in its financial statements necessary for users to understand the potential effect of the relationship on the financial statements.

To enable Council to comply with AASB 124, Council's key management personnel are required to declare full details of any related party transactions, other than those defined in this policy as a non-material ordinary citizen transaction. Such information will be retained and reported, where necessary, in Council's annual financial statements.

Related Parties

A **related party** is a person or entity that is related to Council.

- (a) A person or a close member of that person's family is related to Council if that person:
 - i. Has control or joint control of Council
 - ii. Has significant influence over Council
 - iii. Is a member of the key management personnel of Council
- (b) An entity is related to Council if any of the following conditions apply:
 - i. The entity and Council are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);

- ii. The entity is an associate or joint venture of Council (or an associate or joint venture of a member of a group of which Council is a member);
- iii. The entity is a joint ventures of a third entity and Council is an associate of the third entity;
- iv. The entity is a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council;
- v. The entity is controlled or jointly controlled by a person identified in (a) above;
- vi. A person identified in (a)(i) has significant influence over the entity or is a member of the key management personnel of the entity (or of a parent of the entity);
- vii. The entity, or any member of a group of which it is a part, provides key management personnel services to Council.

Entities related to Council

Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties. If an entity holds, directly or indirectly (for example, through subsidiaries), 20% or more of the voting power, it is presumed that the entity has significant influence, unless it can be clearly demonstrated that this is not the case.

The existence of significant influence by Council is usually evidenced in one or more of the following ways:

- representation on the board of directors or equivalent governing body of the investee;
- participation in policy-making processes, including participation in decisions about dividends or other distributions;
- material transactions between the entity and its investee;
- interchange of managerial personnel; or
- provision of essential technical information.

Where the relationship is determined to be that of parent and subsidiary, the relationship will be disclosed irrespective of whether there have been transactions between Council and the entity. Otherwise Council will identify transactions with such entities and these may give rise to extra disclosure in Council's annual financial statements.

Council will identify transactions with these entities and may need to make extra disclosure about them in Council's annual financial statements.

Disclosure of Related Party Transactions

- A. Subject to C below, related party transactions will be disclosed regardless of whether a price is charged.
- B. The following are examples of transactions that are disclosed if they are with a related party:
 - (a) purchase or sale of goods (finished or unfinished);

- (b) purchase or sale of property and other assets;
- (c) rendering or receiving services;
- (d) leases;
- (e) transfers of research and development;
- (f) transfers under licence agreements;
- (g) transfers under finance arrangements (including loans and equity contributions in cash or in kind);
- (h) provision of guarantees or collateral;
- (i) commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised) and;
- (j) settlements of liabilities on behalf of the entity or by entity on behalf of the related party.

C. Disclosure of related party transactions that are ordinary citizen transactions or are assessed by Council to be not material for disclosure in Council's general purpose financial statements will not be disclosed.

Key management personnel compensation is also required to be disclosed, on an aggregate basis only.

Transactions with related parties will be identified through self-assessment to be notified to Council by key management personnel.

Materiality (Material)

Whether a related party transaction is material and therefore to be disclosed in Council's general purpose financial statements is an assessment which will be undertaken by Council.

The assessment of whether omitting or misstating the transaction either individually or in aggregate with other transactions, could influence decisions that users make on the basis of Council's financial statements. A transaction may be material by either size or nature.

When assessing whether such transactions are significant, the closeness of the related party relationship shall be considered as will other factors relevant in establishing the level of significance of the transaction such as whether it is:

- Significant in terms of size
- Carried out on non-market terms
- Outside normal day-to-day Council operations
- Disclosed to regulatory or supervisory authorities
- Reported to senior management
- Subject to Council approval

Regard must be given to transactions that are collectively but not individually significant.

Prior to preparing the disclosure in Council's annual financial statements all related party transactions are to be assessed for materiality. Transactions that are not considered material will not be disclosed.

Disclosure Requirements

AASB 124 provides that Council must disclose all material and significant related party transactions in its annual financial statements by aggregate or general description and include the following detail:

- the nature of the related party relationship; and
- relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments, and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - details of any guarantee given or received;
 - provision for doubtful debts related to the amount of outstanding balances; and
 - the expense recognised during the period in respect of bad or doubtful debts due from related parties.

Identifying Related Party Transactions with Key Management Personnel and their Close Family Members

The method for identifying the close family members and associated entities of key management personnel will be by self-assessment. All key management personnel are responsible for self-assessing their own related parties on at least an annual basis. Key management personnel are responsible for informing the General Manager when any changes to those related parties occur outside of those times. The self-assessment will be recorded on the prescribed Related Party Declaration Form (RPD Form).

The completed RPD Form must be provided to the General Manager by no later than the following periods during a financial year (the specified notification period):

- 30 days after the commencement of the application of this policy;
- 30 days after a key management person commences their term of employment with Council;
- 30 days after there is a change to the close family members and associated entities of key management personnel;
- 31 January and 30 June.

If it is brought to Council's attention that any related party of a key management person has not been declared, an immediate review will be triggered, and the effected key management person will be required to review their existing declaration.

Key management personnel must also complete a Related Party Transactions Notification (RPT Notification) using the prescribed form, notifying any related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members. This notification requirement does not apply to ordinary citizen transactions which are not material, or to key management personnel compensation which will be captured separately by Finance staff (eg Councillor X uses Council's public swimming pool throughout the summer and pays the standard entry fee to access the facility is an ordinary citizen transaction).

The completed RPT Notification must be provided to the General Manager by no later than 30 June, for related party transactions during that financial year.

At least 30 days before a specified notification period, the Manager Governance and Risk Services will provide key management personnel with a RPD Form and/or RPT Notification, as applicable. These forms will also be provided at the end of each month throughout the year to allow the KMP to cumulatively complete the annual return.

Registers of Related Parties and Related Party Transactions

The Manager Governance and Risk Services will maintain a register of existing key management personnel related party declarations.

The Manager Governance and Risk Services will also maintain and keep up-to-date a register of related party transactions that captures and records the specified information for each existing or potential related party transaction during a financial year.

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
- the name of the related party;
- the nature of the related party's relationship with Council;
- whether the notified related party transaction is existing or potential;
- a description of the transactional documents the subject of the related party transaction; and
- the information specified in this policy under the heading *Disclosure Requirements*.

Privacy

Information provided by key management personnel and other related parties shall be held by Council for the purpose of compliance with Council's legal obligations under AASB 124 and shall be otherwise disclosed only where required by the *Government Information (Public Access) Act 2009* and *Privacy and Personal Information Protection Act 1998*.

Affected parties are entitled to access their personal information held by Council. They can also request that Council amends their personal information to ensure that it is accurate and, with

regard to the purpose for which the information was collected, is relevant, up-to-date, complete and not misleading.

Review

This policy will be reviewed periodically every two years from the date of adoption and whenever any of the following events occur:

- a corporate restructure occurs impacting key management personnel;
- relevant legislation or policy is amended or replaced;
- other circumstances as determined from time to time by a resolution of Council; or
- changes to the Local Government Code of Accounting Practice and Financial Reporting.

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and relevant staff as follows:

Councillors, Executive and Relevant Managers

- Comply with this policy by identifying and self-reporting details of related parties and related party transactions to the Manager Governance and Risk Services.

Manager Governance and Risk Services

- Provide advice and assistance to Councillors, Executive and Relevant Managers in relation to this policy. It should be noted that holders of Key Management Positions as defined in this policy, may consider obtaining independent legal advice in the completion of the required disclosures
- Maintain a register for each of related party declarations and related party transactions.

Manager Financial Operations

- Disclose all material and significant related party transactions in Council's annual financial statements as stipulated by AASB 124.

RELATED DOCUMENTS

- Related Party Declaration Form
- Related Party Transactions Notification by Key Management Personnel

**KEY MANAGEMENT PERSONNEL
Related Party Declaration
2016/2017**



Private and Confidential	
Related Party Declaration by Key Management Personnel (KMP)	
Name of Key Management Person:	
Position of Key Management Person:	
<p>List details of close family member, entities that are controlled/jointly controlled by you and entities that are controlled/jointly controlled by close family members</p> <p><i>(Please refer to definitions in Related Party Disclosures Policy and consider the additional guidance provided in the Related Party Disclosures Information Sheet for KMP)</i></p>	
Name of person or entity	Relationship
<p>I <i>(insert full name)</i>, <i>(insert position)</i> declare that that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the Council's Related Party Disclosures Policy which details the meaning of the words 'close family members' and 'entities controlled, or jointly controlled, by myself or my close family members'.</p>	
Declared at:	<i>(insert place)</i>
on the	<i>(insert date)</i>
Signature of KMP:	

DRAFT

**RELATED PARTY TRANSACTIONS
NOTIFICATION BY
KEY MANAGEMENT PERSONNEL**



Name of Key Management Person: _____

Position of Key Management Person: _____

Please read the Related Party Disclosure Policy which explains what a related party transaction is and the purposes for which Council is collecting, and will use and disclose, the related party information provided by you in this notification.

Please Complete either Section 1 or Section 2

Section 1 (Please tick if applicable)

No related party transactions have been carried out in the past 6-month period and I am not aware of any related party transactions anticipated in the future.

Section 2

Please complete the table attached for each related party transaction with Council that you, or a close member of your family, or an entity related to you or a close member of your family:

- a) has previously entered into and which will continue in the future, or
- b) has entered into, or is reasonably likely to enter into, in the future.

Notification

I, (Name) _____, (Position) _____ notify that,

to the best of my knowledge, information and belief, as at the date of this notification, the above list and attachments, if any, includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the reporting period.

I make this notification after reading the Related Party Disclosure Policy provided by Dubbo Regional Council, which details the meaning of the words “related party”, “related party transaction”, “close members of the family of a person” and, in relation to an entity, “control” or “joint control” and the purposes for which this information will be used and disclosed.

I permit access to this information for the purpose of compliance with Council’s legal obligations and disclosure.

Signature: _____

Date: _____

Description of Related Party Transaction	Is transaction existing or potential?	Tick box if transaction is financial in nature	Related Party's Name (Individual or Entity) Include ABN if known	Relationship with Related Party	Description of Transaction Documents or Changes to the Related Party Relationship
		<input type="checkbox"/>			
		<input type="checkbox"/>			
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		<input type="checkbox"/>			

Note:- Please attach additional pages if not enough room supplied above as well as any supporting information that would be useful in the assessment of these related party transactions.



**DUBBO REGIONAL
COUNCIL**

Report of the Audit and Risk Management Committee - meeting 5 September 2017

AUTHOR: Administration Officer - Governance
REPORT DATE: 9 October 2017

The Committee had before it the report of the Audit and Risk Management Committee meeting held 5 September 2017.

RECOMMENDATION

That the report of the Audit and Risk Management Committee meeting held on 5 September 2017, be adopted.

Appendices:

- 1 Agenda - Audit and Risk Management Committee -
05/09/2017

*Provided under separate
cover*



**REPORT
AUDIT AND RISK MANAGEMENT
COMMITTEE
5 SEPTEMBER 2017**

PRESENT:

Core Members (Voting):

Mr Michael Kneipp (Administrator), Mr A Fletcher (Independent Member) and Mr J Walkom (Independent Member).

Attendees (Non-Voting):

Mr M Monarco (Audit Office) via teleconference, the General Manager, the Internal Auditor, the Director Corporate Services, the Manager Governance and Risk, the Manager Financial Operations.

Mr J Walkom assumed chairmanship of the meeting.

The proceedings of the meeting commenced at 11am.

WELCOME

AUD17/8 LEAVE OF ABSENCE (ID17/1549)

A request for leave of absence was received from Mr S Bassett, who was absent from the meeting due to personal reasons.

RECOMMENDATION

The Committee recommends that such request for leave of absence be accepted and Mr S Bassett be granted leave of absence from this meeting.

AUD17/9 DECLARATIONS OF INTERESTS (ID17/1550)

No conflicts of interest were declared.

**AUD17/10 REPORT OF THE AUDIT, RISK AND IMPROVEMENT MANAGEMENT
COMMITTEE - MEETING 1 JUNE 2017 (ID17/1551)**

The Committee had before it the report of the Audit, Risk and Improvement Committee meeting held 1 June 2017.

RECOMMENDATION

That the report of the Audit, Risk and Improvement Committee meeting held on 1 June 2017, be adopted.

At this juncture with the agreement of the Committee, Clause AUD17/18 Enterprise Risk Management was brought forward to be considered at this point.

AUD17/18 ENTERPRISE RISK MANAGEMENT (ID17/1539)

The Committee had before it the report dated 22 August 2017 from the Director Corporate Services regarding Enterprise Risk Management.

RECOMMENDATION

- 1. That the policy titled “Enterprise Risk Management” as attached as Appendix 1 to the report of the Director Corporate Services dated 8 August 2017 be adopted subject to the inclusion of defining the role of the Audit and Risk Management Committee as approved by the Chair.**
- 2. That the “Enterprise Risk Management Plan” as attached as Appendix 2 to the report of the Director Corporate Services dated 8 August 2017 be noted.**

The Manager Governance and Risk left the meeting.

AUD17/11 2016/2017 FINANCIAL STATEMENTS ARRANGEMENTS (ID17/1525)

The Committee had before it the report dated 21 August 2017 from the Director Corporate Services regarding 2016/2017 Financial Statements Arrangements.

RECOMMENDATION

That the information contained within the report of the Director Corporate Services dated 21 August 2017 be noted.

AUD17/12 INTERNAL AUDIT PROGRAMME 2017-2019 (ID17/1532)

The Committee had before it the report dated 21 August 2017 from the Internal Auditor regarding Internal Audit Programme 2017-2019.

RECOMMENDATION

1. That the information contained within the report of the Internal Auditor dated 21 August 2017 be noted.
2. That the Audit Programme for 2017/2018 be adopted, noting that Council's General Manager may request specific reviews, as and when required, which may impact the Audit Programme implementation.
3. That the General Manager be requested to hold discussions with the General Managers of Bathurst Regional and Orange City Council's with a view to increasing the level of resources provided to the internal audit function.
4. That the issue of Work Health and Safety as identified in the Risk Register as an inherent risk be the subject of a status report from the Director Corporate Services to the next meeting of the Audit and Risk Management Committee.

AUD17/13 INTERNAL AUDIT REVIEW REPORT - CASH RECEIPTING PROCESS (ID17/1537)

The Committee had before it the report dated 21 August 2017 from the Internal Auditor regarding Internal Audit Review Report - Cash Receipting Process.

RECOMMENDATION

1. That the information contained within the report of the Internal Auditor dated 21 August 2017 and agreed management action plans be noted.
2. That the Internal Auditor be requested to further review cash receipting at the Wellington Caves Operations for further advice to the General Manager and Committee members.

AUD17/14 ARMC ACTION LIST AS AT AUGUST 2017 (ID17/1451)

The Committee had before it the report dated 10 August 2017 from the Internal Auditor regarding ARMC Action List as at August 2017.

RECOMMENDATION

1. That the information contained in the report of the Internal Auditor dated 10 August 2017 be noted.
2. That all items marked as completed be deleted from the list including action item 2017 -11/06/2017 Audit Improvement and Risk Committee Charter Review, which has been completed.

AUD17/15 ARMC ACTION LIST - INTERNAL AUDIT DATA ANALYSIS - INVOICE DATE EARLIER THAN PURCHASE ORDER DATE STATISTICS (ID17/1512)

The Committee had before it the report dated 18 August 2017 from the Internal Auditor regarding ARMC Action List - Internal Audit Data Analysis - Invoice date earlier than purchase order date statistics.

RECOMMENDATION

That the information contained within the report of the Internal Auditor dated 18 August 2017 be noted.

AUD17/16 AUDIT AND RISK MANAGEMENT COMMITTEE (ARMC) CHARTER (ID17/1546)

The Committee had before it the report dated 29 August 2017 from the General Manager regarding Audit and Risk Management Committee (ARMC) Charter.

RECOMMENDATION

- 1. That the draft Audit and Risk Management Committee Charter be adopted.**
- 2. That the Internal Audit Guidelines, as prepared by Premier and Cabinet, Division of Local Government, dated September 2010, be noted.**

AUD17/17 ICAC REPORT - INVESTIGATION INTO THE CONDUCT OF THE FORMER CITY OF BOTANY BAY CHIEF FINANCIAL OFFICER AND OTHERS (ID17/1547)

The Committee had before it the report dated 23 August 2017 from the Internal Auditor regarding ICAC Report - Investigation into the conduct of the former City of Botany Bay Chief Financial Officer and others.

RECOMMENDATIONS

- 1. That the information contained within the report of the Internal Auditor dated 23 August 2017 be noted.**
- 2. That the Internal Auditor present a report to the next scheduled meeting of the Audit and Risk Management Committee regarding the eight ICAC recommendations and how they relate to Dubbo Regional Council.**

**AUD17/19 CONTRACT PAYMENTS AND CONTRACT VARIATIONS 1 JULY 2016 TO 30 JUNE
2017 (ID17/1531)**

The Committee had before it the report dated 21 August 2017 from the Director Corporate Services regarding Contract Payments and Contract Variations 1 July 2016 to 30 June 2017.

RECOMMENDATION

That the information contained within the report of the Director Corporate Services dated 21 August 2017 be noted.

AUD17/20 OPERATION JAREK - UPDATE ON ACTIONS TO DATE (ID17/1536)

The Committee had before it the report dated 21 August 2017 from the Director Corporate Services regarding Operation Jarek - Update on Actions to Date.

RECOMMENDATION

That the information contained within the report of the Director Corporate Services dated 21 August 2017 be noted.

The meeting closed at 12.50pm.

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CHAIRMAN



DUBBO REGIONAL
COUNCIL

REPORT: Wellington Destination Brand Consultation and Implementation

AUTHOR: Manager Economic Development and
Marketing
REPORT DATE: 29 September 2017
TRIM REFERENCE: ID17/1740

EXECUTIVE SUMMARY

Through two phases of community consultation Dubbo Regional Council staff have worked to develop a proposed brand for destination marketing activity for Wellington. Also included in this report is supporting concept marketing collateral, reflecting market positioning and the product promise of Wellington. Destination branding has been identified as a key action for marketing development in many of the former Wellington Council plans and research papers as early as 2013. These plans identified the need for a more targeted approach to destination marketing which would identify the township of Wellington separate from the Council organisation.

Through the consultation process Council received 69 formal submissions, spoke to 100 stakeholders across the community and monitored social media chatter. Through this staff were able to identify two key areas for brand development which were of most importance to the community and that would connect with target markets. These key areas were the physicality of the landscape of Wellington, its beauty and the way the landscape makes the community feel and secondly the personality of Wellington, the warm, approachable and connected community filled with fun loving people and larger than life characters.

The proposed brand concept was completed in house by skilled, qualified and experienced staff in the marketing and graphic design teams and was kept to a budget of less than \$5,000.

ORGANISATIONAL VALUES

Customer Focused: Development of Destination Wellington Brand will assist in the holistic development and growth of Wellington as a key anchoring destination for the Dubbo Regional LGA. The Brand Project focuses on community consultation and collaboration to ensure the delivery of a brand which best represents the offering of Wellington as a desirable tourism, investment, development and relocation location.

Integrity: The Destination Wellington Brand Project targeted key stakeholders and the community of Wellington, to ensure that the township and its surrounding villages are accurately represented across a suite of marketing and promotional themes that best promote the product promise of Wellington and uphold the integrity of Wellington as a unique location for tourism, investment, development and relocation location.

One Team: The Destination Wellington Brand Project will be the first step in the development of a specific brand identity for Wellington as a unique product for investment, tourism and relocation but will also be the catalyst for a strategy on the integration of the Dubbo City destination brand and the Organisational Brand. Development of the Wellington destination brand will provide a platform for future marketing activity and provide the township with an identity separate from the previous Wellington Council logo which was used across both Council and destination based promotions and communications.

FINANCIAL IMPLICATIONS

The Wellington Destination Brand Project will be funded from the City Development Operations Budget – Economic Development Projects.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the information contained within the report of the Manager Economic Development and Marketing dated 29 September 2017 be noted.**
- 2. That the proposed Wellington destination brand for full brand guideline development and integration into destination attraction marketing activity across visitation, investment and relocation markets be adopted.**

Joanna Howard

Manager Economic Development and Marketing

BACKGROUND

Based on plans of the former Wellington Council, Council's Economic Development and Marketing Branch have consulted with key stakeholders in Wellington to develop and implement a destination brand for Wellington.

The former Wellington Council Delivery Plan 2014-2018 identified the importance of strategic and holistic growth of the Wellington township and the role that branding plays in that development. As part of the former Wellington Council's Delivery Plan under Future Direction 1 – Growth, Prosperity and Employment, Strategic outcome 1.4 identifies “a recognised ‘Wellington’ brand that promotes the opportunities and benefits of living, working or visiting”. The importance of appropriate destination branding is also reflected in Council's current Economic Development Action Plan.

The former Wellington Council's Destination Management Plan, several other council plans including the former Council's Destination Management Plan, 2014-2017 and the Destination and Tourism Research Paper commissioned by the former Council all identify the need for destination branding as a key development outcome for holistic economic growth for Wellington. As identified in these plans, a new brand for Wellington needs to be transferable across key areas for economic growth including visitation, investment and social economies.

First round of targeted consultation occurred during the first two weeks of September 2017 and targeted forty key stakeholders across the community including a cross section of industry groups, tourism, business, cultural and lifestyle stakeholders. Five concepts for the brand were delivered through one on one and small group consultations across a targeted cross section of businesses, anchor tourism products, community groups and residents. Concept 1a and the positioning statement ‘Start your adventure’ was the most popular with over 66% of stakeholders and as such proceeded to public exhibition.

The second round of consultation was full public exhibition for 28 days concluding on 27 September 2017. This report recommends a final brand based on the two rounds of consultation and market research.

REPORT

The community preferred concept for the development of the Wellington destination brand as identified through phase one of the consultation was refined based on feedback and placed on public exhibition for comment, closing on 27 September 2017.

The selected brand-mark that was put on consultation was the preferred logo and market campaign line of over 66% of the some 40 participants consulted. The key outcomes of what made the selected brand mark the most applicable to Wellington and its target markets were clearly identified and two major propositions for both marketing and brand development were identified as follows:

- Physical attributes of Wellington. Key for tourism attraction and residential pride, the mountains, the water bodies, the agricultural industry and the cultural history.
- The personality of Wellington's people. Cheeky, warm, Australian larrikin, outdoorsy, adventurous and fun.

These key themes formed the basis of the further development of the selected brand, the campaign line was softened with scripted text and the brandmark itself was refined to better reflect natural landscape of the mountains, nature, the waterways, agricultural industry and the inclusion of a stacked version of the logo which was developed to better reflect the Aboriginal culture in line with feedback received through Elders and community groups. This brand and sample marketing material was placed on public exhibition to the wider community for a period of 28 days.

Feedback was also actively sought from the community by contacting the original stakeholders from the first consultation group, through one on one meetings, leveraging off existing community groups, Council organised meetings and cultural meetings with local elders and other aboriginal key stakeholders. This resulted in Council staff receiving general feedback from close to 100 members of the community.

During the public exhibition period the Wellington Destination Brand Project received 71 formal submissions. Informal discussions were also held through social media and Council staff also noted phone conversations and comments made in person as part of the brand development. A mix of positive comments and constructive feedback was received and used in the development of the proposed brand.

Much of the feedback that was received regarding the former Wellington Council brand and its use for marketing was attached to multi-generational residents of the Community and the desire not to change. Further investigation into the reason behind this attachment revealed a connection to the landscape and the feeling that its beauty relays and instils in the local community. It is important to note that the final implemented destination brand needs to inspire community pride but also be transferrable across target markets for visitation, investment attraction and development and residential attraction. Many residents contacted throughout the consultation also discussed the need to 'move forward' with positive marketing activity, the freshness of the brand, the positive impact that leveraging off the established visitation of Dubbo and the Great Western Plains and the platform already in place from its marketing activity, along with the potential investment opportunity that developing a destination brand specific to Wellington would provide. This development is also completing an activity which has been identified by the community and the former Wellington Council since 2013.

Through the submissions themes for implementation in the final refinement of the proposed destination brand for Wellington have been identified and are as follows:

Theme	Identified feedback	Identified market area	Integration into proposed brand and market positioning	Number of submissions
Resident connection to 'where the mountains and the rivers meet'	A collection of feedback received was specifically from residents that were passionate about the feeling that they believed the reference to landscape evoked in the community.	Residential pride and attraction	Market positioning will represent the importance of the landscape in the way it make residents feel as part of the community. Rivers and mountains continue to be represented in the landmark.	18
Graphic representation of the brand	<p>Positive feedback on the fresh feel of the brand, clean lines and more modern feel.</p> <p>Concern on how the brand looks when reversed to black and white.</p> <p>Connection to culture.</p> <p>Yellow leaf representation of nature not identifiable.</p>	Brand development	<p>Keep the fresh look and feel of the brand.</p> <p>Refine and simplify the brand to reverse into black and white effectively. Include in brand guidelines the requirements when the brand is reversed in black and white.</p> <p>Consultation with cultural stakeholders has been conducted and implemented in all development stages of the brand.</p> <p>Yellow leaf shape altered. Representation of agricultural industry and ochre colour simplified for easier interpretation.</p>	12
Market position – Start your adventure	<p>Target market geographic locations.</p> <p>Concern over the word adventure and whether Wellington has adventurous</p>	Brand positioning	The campaign line 'start your adventure' is not part of the landmark itself and does not have to be used when it's not appropriate. For example it may not be used in investment collateral focused on heavy industry	4

	product promise.		<p>development, but may be used for small pop up activity or start up small business advertising.</p> <p>Marketing material and campaigns are targeted to the best market for each product promise for the destination. Target markets have been developed based on the product promise of Wellington and include family adventure tourism, and leisure travellers.</p> <p>More specifically family's with younger children and compatriots in the 'self - drive' market from Sydney and Newcastle areas. Also leveraging off the Dubbo City Regional Airport passengers and flight locations.</p> <p>Adventure tourism is a key product offering for Wellington with great anchor attractions including Burrendong Dam and Arboretum, Mount Arthur, Wellington Caves, Wellington Boot Carnival and nature walks in the surrounding villages.</p> <p>Start your adventures can also be transferable to:</p> <ul style="list-style-type: none"> - Starting a holiday - Starting a small business - Making a residential move - Buying first home or starting a family. 	
Business attraction	Importance of attracting business.	Investment attraction	Branding will form the platform for investment market attraction	1 (mentioned in some additional

			marketing and marketing materials.	submissions as a secondary comment)
General feedback				
Point of difference for Wellington NSW, to identify as different from Wellington NZ.			NSW incorporated into full brand suite so to be identified in National Campaigns as a NSW locality. Example represented in the attached Appendix 1 of proposed example marketing materials.	1 formal submission but discussed frequently through consultation.
Allocation of budget			The development of the destination brand for Wellington has been completed in house by skilled and qualified staff in the Marketing and Graphic Design teams. Allocation of funds to this development is through internal cost recovery of \$5000.	7
General Positive			"I LOVE IT" Moving forward with fresh new design mentioned frequently and general support for the brand development as a platform for further marketing.	5
General Negative			"Leave the brand alone" general comments to leave brand as is. Comments on Council amalgamations.	23

Through the second round of public consultation staff were able to gain a greater understanding of the wider community's connection to the landscape and the ideas of business people, tourism operators, cultural leaders and the community regarding the expectations of the Wellington destination brand and its application to their specific needs. Through this second round of consultation the brand was simplified to better represent the landscape – specifically the mountains and the rivers and waterways, the sun and the agricultural flats. The font for the word 'Wellington' was softened to bring a warmer, approachable connection to the brand that was not clear in the full capitalised version, the marketing campaign line has been changed to a script font to bring personalisation to the brand and better represent the people of Wellington as warm, inviting, fun and adventurous.

To address the needs of Wellington in national, regional and industry specific marketing a suite of brandmarks has been developed to be interchanged as appropriate. This is often the case in modern brand development and is interpreted as full, stacked and icon branding. These versions can all be found in **Appendix 1**.

The full brand includes the unstacked version of the graphic and the grey NSW, the stacked version of the logo includes a compact 'stacked' version of the graphic integrated into the word Wellington and the campaign logo includes the script font 'start your adventure'.

Development of the brand will also include the population of a Wellington specific image library. All advertising will include locally sourced content, photos, locations and people. The importance of the personality of Wellington was clear through all consultation phases, and representing the promise and personality of Wellington by using the people of Wellington is a genuine and translatable way to successfully engage both the community and target markets.

The concept brand for consideration has been integrated into some example marketing collateral through the attached appendices to this report. These marketing materials show examples of the way that destination market positioning would be used to market Wellington. There is a strong focus on character and evoking a feeling. The imagery is designed to support the market position of fun, adventure, positivity, friendly larrikins and creating good times with good people. Whilst the positioning is light, bright and inviting it is a more sophisticated approach to marketing that what has previously been achieved, but the focus on characters and emotions of the people are genuine and it does not feel over-styled or processed – creating a point of difference from the surrounding competing marketing activity of Mudgee, Orange or the Central Coast.

SUMMARY

Dubbo Regional Council staff developed through two phases of consultation the proposed concept destination branding for Wellington. This consultative approach to brand development was successful in determining the importance of brand representation both for the residential community as well as markets external to Wellington.

The importance of the physicality of the landscape and the personality of the Wellington people were used as the two key propositions for the brand development. The proposed brand concept is flexible enough to be applicable to investment, residential and visitation markets and provides a valuable and achievable product promise for Wellington.

Formal and informal submissions made throughout the consultation process were integrated into this final proposed concept and the budget allocated for the development of the brand which has been created by qualified, skilled and experienced staff in the graphic design and marketing teams is less than \$5000.

The proposed brand has been incorporated into concept marketing material which is attached to this report. Market campaign line can be used or left out as required. Market positioning is focused on creating a genuine product promise for Wellington across all target markets by focusing on real feelings, experiences, places and characters of Wellington.

Appendices:

- [1](#) Wellington destination brand final concept

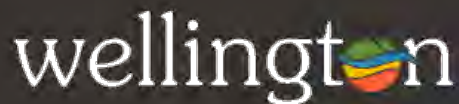
STACKED FORMAT



HORIZONTAL FORMAT



REVERSED LOGO FILES



FONTS

SUNSET LIGHT

abcdefghijklmnopqrstuvwxyz
1234567890!@#\$%^&*()

SUNSET MEDIUM

abcdefghijklmnopqrstuvwxyz
1234567890!@#\$%^&*()

JUST LOVELY

abcdefghijklmnopqrstuvwxyz
1234567890!@#\$%^&*()

COLOUR PALETTE



MOUNTAIN GREEN
PMS 576



RIVER BLUE
PMS 7468



OCHRE RED
PMS 166



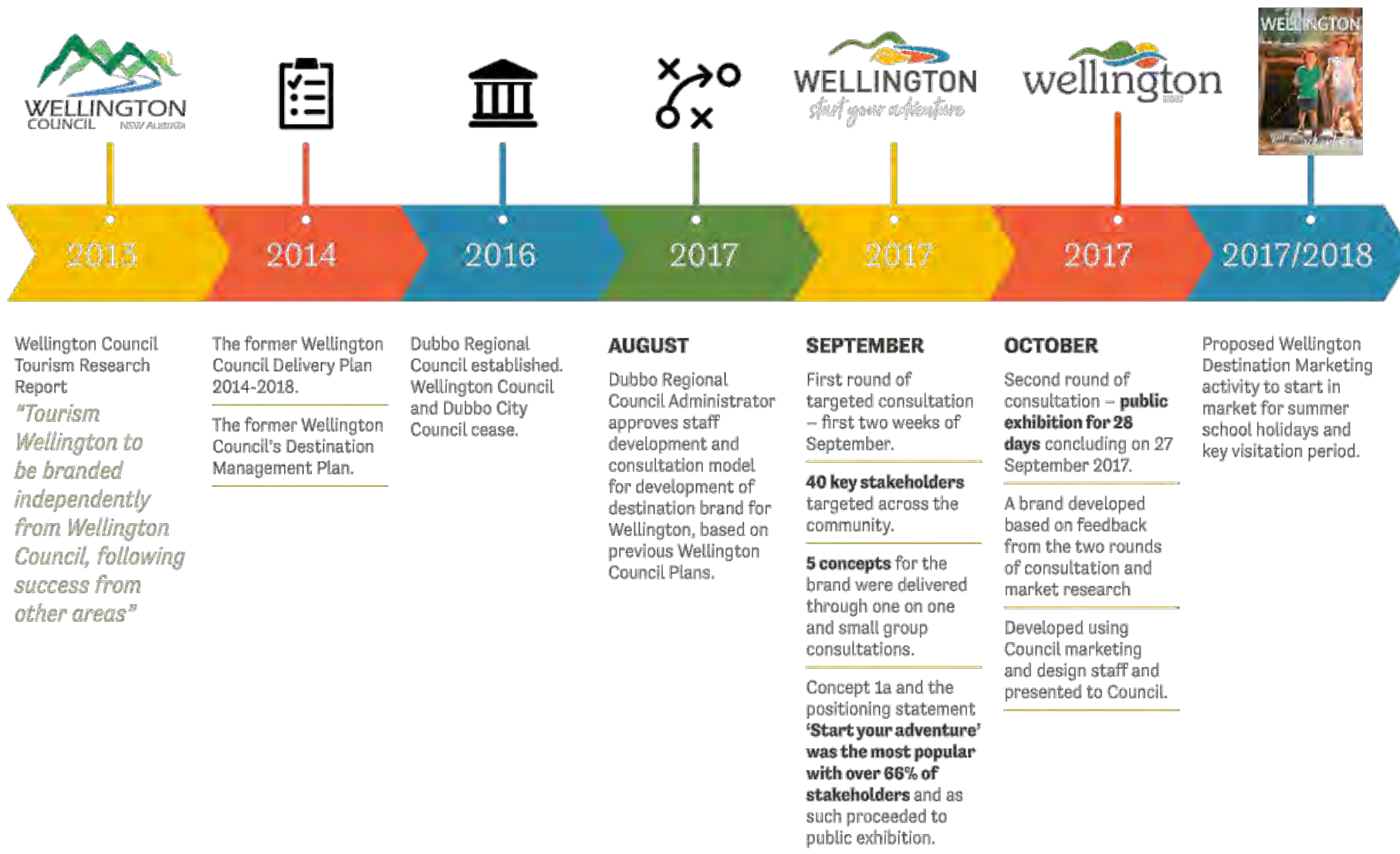
SUNNY YELLOW
PMS 7408

CO-BRANDING



USE OF LOGO





TARGET MARKET: INVESTMENT

Horizontal logo with NSW

Ochre colour

Corporate styling



With low overheads, a connected community and unique investment opportunities, Wellington is the right place to foster your business dream.

Demographics

Estimated residential population from 2011 to 2016 of Wellington increased by 1.9% from 6,494 people to 6,655 people.

8,655 Population (Census 2011)

41 Median Age (Census 2011)

2011 Census Data:

- Male 4,427
- Female 4,066
- Families 2,144
- Average children per family 2

Economic Data

411,008 Land area (Hect) | **\$363m** Gross Regional Product (2014) | **\$884** Per Hectare Gross Regional Product (2014) | **\$42.77** Per Capita Gross Regional Product (2014) | **\$160** Per Worker Gross Regional Product (2014)

Output

Total Output in the area is estimated at \$690.221 million. The major contributors to output are:

\$620m Total Output | **\$130.76m** Agriculture, Forestry & Fishing (20.1%) | **\$92.299m** Rental, Hiring & Real Estate Services (14.9%) | **\$68.366m** Public Administration & Safety (11.0%) | **\$328.79m** Other (58.0%)

Employment

Total Employment in the area is estimated at 2,258 jobs. The major contributors to employment are:

2,258 Jobs | **491** Agriculture, Forestry & Fishing (21.7%) | **357** Public Administration & Safety (15.6%) | **265** Health Care & Social Assistance (11.7%) | **1,145** Other (50.7%)

Visitor profile

DOMESTIC DAY VISITOR	DOMESTIC OVERNIGHT VISITOR	INTERNATIONAL VISITOR
\$175 Average spend per trip (2014)	3 Average stay (nights) \$413 Average spend per trip (2014) \$157 Average spend per night (2014)	23 Average stay (nights) \$1,171 Average spend per trip (2014) \$50 Average spend per night (2014)

For more information
 Contact: Dubbo Regional Council's Economic Development Officer
 P: (02) 6801 4000 | E: economic.development@dubbo.nsw.gov.au

wellington
 investinwellington.com.au



Open the doors and start your adventure.

With low overheads, a connected community and unique investment opportunities, Wellington is the right place to foster your business dream.

Spread your wings and invest in Wellington.

investinwellington.com.au **wellington**

SMALL BUSINESS

**TARGET MARKET:
NEW RESIDENTS**

Stacked logo
"landscape"

River Blue brand
colour

'Cheeky'
personality



TARGET MARKET:
VISITORS

Stacked logo
"landscape"

Natural green
brand colour

Start your
adventure



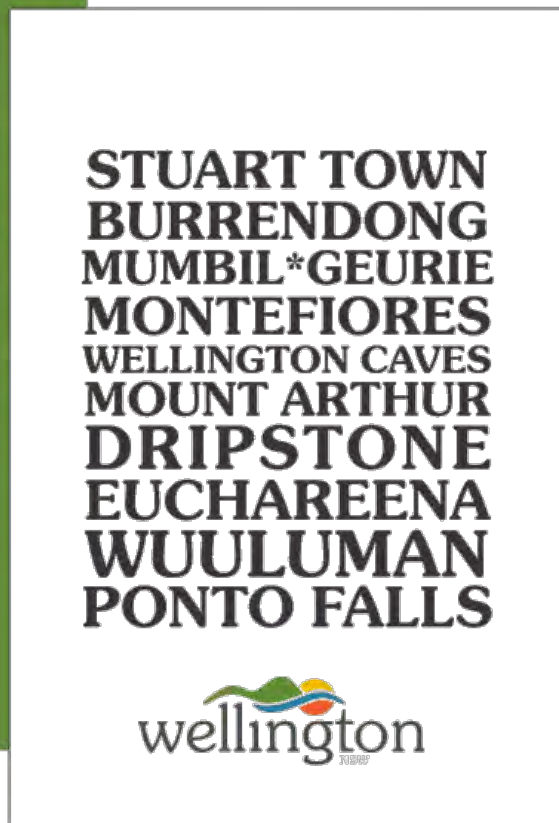
QANTASLINK



MERCHANDISE CONCEPTS



TEA TOWEL



TEA TOWEL



POSTCARD



DUBBO REGIONAL
COUNCIL

REPORT: Australian Airports Association National Conference - 2017

AUTHOR: Manager Business Services (EDB)
REPORT DATE: 10 October 2017
TRIM REFERENCE: ID17/1781

EXECUTIVE SUMMARY

The Australian Airports Association National Conference is to be held at the Adelaide Convention Centre 13 to 17 November 2017.

Council's draft policy in respect of "Payment and Expense and Provision of Facilities for the Mayor and Councillors" provides for the Mayor or his nominee, one Councillor and alternate Councillors determined by the Council with the General Manager to approve attendances at seminars and conferences by staff. This policy will be considered for adoption by Council in October 2017.

ORGANISATIONAL VALUES

Customer Focused: Attendance at the conference provides representation from Council to hear from industry regarding latest developments and innovations in airport technology, best practice principles, view safety products and principles and additional non-aeronautical revenue opportunities. In addition provides the opportunity to network with industry leaders, professionals and stakeholders.

Integrity: Council will adopt a policy for the Payment of Expenses and Provision of Facilities for the Mayor and Councillors in the near future which will address attendance at this conference into the future. Time constraints do not allow adoption of this policy prior to the date of the conference.

One Team: All Councillors are given the opportunity to attend the conference and final attendance is determined by the Council.

FINANCIAL IMPLICATIONS

Funding has been provided in the Airport Budget to enable Councillors and staff to attend the Australian Airports Association National Conference 2017.

POLICY IMPLICATIONS

There are no policy implications arising from this report.

RECOMMENDATION

- 1. That the attendance by Council representatives at the 2017 Australian Airport Association Conference to be held in Adelaide, South Australia, from 13-17 November 2017 be determined by the Council.**
- 2. That the General Manager approve attendance by staff at the 2017 Australian Airport Association Conference.**

Natalie Nissen

Manager Business Services (EDB)