



AGENDA

CORPORATE SERVICES COMMITTEE

12 NOVEMBER 2024

MEMBERSHIP: Councillors J Black, L Butler, S Chowdhury, J Cowley, M Dickerson, R Ivey, P Toynton, K Richardson, A Ryan, P Wells and M Wright.

The meeting is scheduled to commence at 5:30 PM.

	Page
CSC24/42 ELECTION OF CHAIRPERSON (ID24/2022)	
CSC24/43 LEAVE OF ABSENCE (ID24/2053)	
CSC24/44 CONFLICTS OF INTEREST (ID24/2054) In accordance with their Oath/Affirmation under the Act, and Council's Code of Conduct, Councillors must disclose the nature of any pecuniary or non-pecuniary interest which may arise during the meeting, and manage such interests accordingly.	
CSC24/45 MONTHLY REPORTING SNAPSHOT FOR COUNCILLORS - OCTOBER 2024 (ID24/2071) The Committee had before it the report dated 5 November 2024 from the Corporate Strategy Performance Coordinator regarding Monthly Reporting Snapshot for Councillors - October 2024.	3
CSC24/46 INVESTMENT UNDER SECTION 625 OF THE LOCAL GOVERNMENT ACT - OCTOBER 2024 (ID24/1944) The Committee had before it the report dated 1 November 2024 from the Chief Financial Officer regarding Investment Under Section 625 of the Local Government Act - October 2024.	16
CSC24/47 CUSTOMER EXPERIENCE PERFORMANCE MEASURES (ID24/1645) The Committee had before it the report dated 4 November 2024 from the Manager Customer Experience and Engagement regarding Customer Experience Performance Measures.	33

- | | | |
|-----------------|---|----|
| CSC24/48 | DUBBO AUSTRALIA DAY 2025 - CHANGE OF LOCATION (ID24/2016) | 38 |
| | <p>The Committee had before it the report dated 31 October 2024 from the Manager Corporate Governance regarding Dubbo Australia Day 2025 - Change of Location.</p> | |
| CSC24/49 | FUTURE USE OF 74 WINGEWARRA STREET (THE GREENS) (ID24/2018) | 43 |
| | <p>The Committee had before it the report dated 31 October 2024 from the Director Organisational Performance regarding Future Use of 74 Wingewarra Street (The Greens).</p> | |
| CSC24/50 | OFFICE OF LOCAL GOVERNMENT REFORM PROPOSAL FOR CODE OF CONDUCT AND MEETING PRACTICES (ID24/2009) | 51 |
| | <p>The Committee had before it the report dated 30 October 2024 from the Chief Executive Officer regarding Office of Local Government Reform Proposal for Code of Conduct and Meeting Practices.</p> | |
| CSC24/51 | MACQUARIE FORESHORE EVENTS PRECINCT AND OLD DUBBO GAOL HERITAGE PLAZA - ADDITIONAL FUNDING REQUIREMENTS (ID24/2047) | |
| | <p>The Committee had before it the report dated 31 October 2024 from the Manager Building Assets regarding Macquarie Foreshore Events Precinct and Old Dubbo Gaol Heritage Plaza - Additional Funding Requirements.</p> | |
| | <p><i>In accordance with the provisions of Section 9 (2A) of the Local Government Act 1993 the Chief Executive Officer 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: commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)).</i></p> | |



DUBBO REGIONAL
COUNCIL

REPORT: Monthly Reporting Snapshot for Councillors - October 2024

DIVISION: Strategy, Partnerships and Engagement
REPORT DATE: 5 November 2024
TRIM REFERENCE: ID24/2071

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none">Provide review or update	
Issue	<ul style="list-style-type: none">Provide high level report snapshots for Councillors regarding Council's Financial Performance, Facility Performance and Customer Experience.	
Reasoning	<ul style="list-style-type: none">Councillors are provided high level data and reporting on a monthly basis for visibility and oversight on performance trends.	
Financial Implications	Budget Area	There are no budget implications from this report.
Policy Implications	Policy Title	There are no policy implications from this report.

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership

CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance

Delivery Program Strategy: 4.1.3 Council provides quality customer service

RECOMMENDATION

That the information contained within the report of the Corporate Strategy and Performance Coordinator, dated 5 November 2024, be noted.

Jessica Brown
Director Strategy Partnerships and Engagement

ZJ
Corporate Strategy
Performance Coordinator

REPORT

This report is an information only report. **Appendix 1** contains high-level data and statistics from the Finance, Services and Facility Performance, and Customer Experience dashboards for the month of October 2024.

Data collected at the time of the reporting may not have been validated/audited and numbers are subject to change pending published annual reports.

Major Projects: As at the end of October 2024, Council's Your Say platform was showcasing 74 Community consultation or engagement projects, with 27 of these being active capital works projects.

APPENDICES:

[1](#) Reporting Snapshot - October 2024

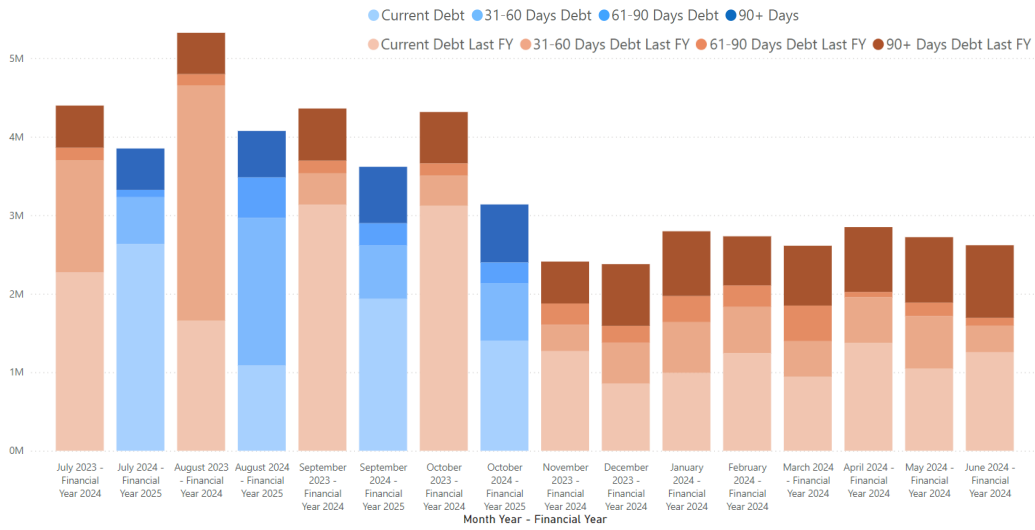


FINANCIAL PERFORMANCE DASHBOARD

REPORT PRINT DATE: 05/11/2024

Associated fees are outline in Council’s Fees and Charges document; however the overdue balances below do not include rates, annual charges or capital grants.

2024/2025 Financial Year Overdue Debt

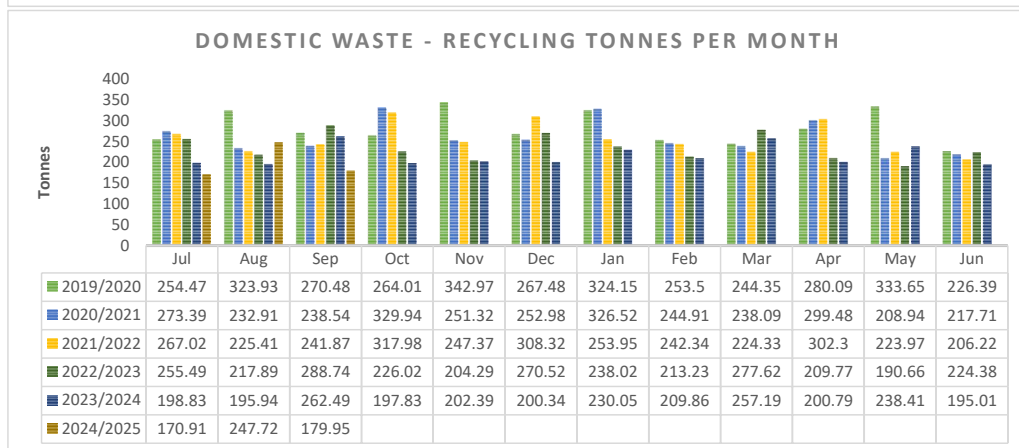
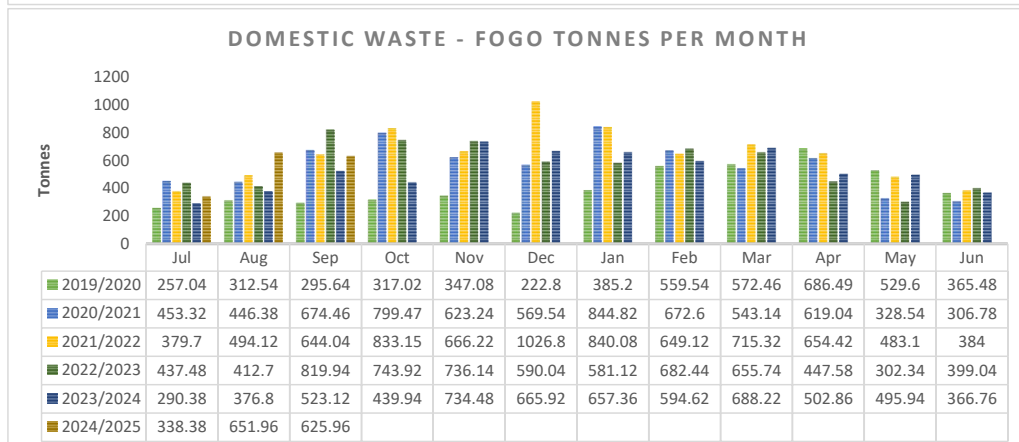
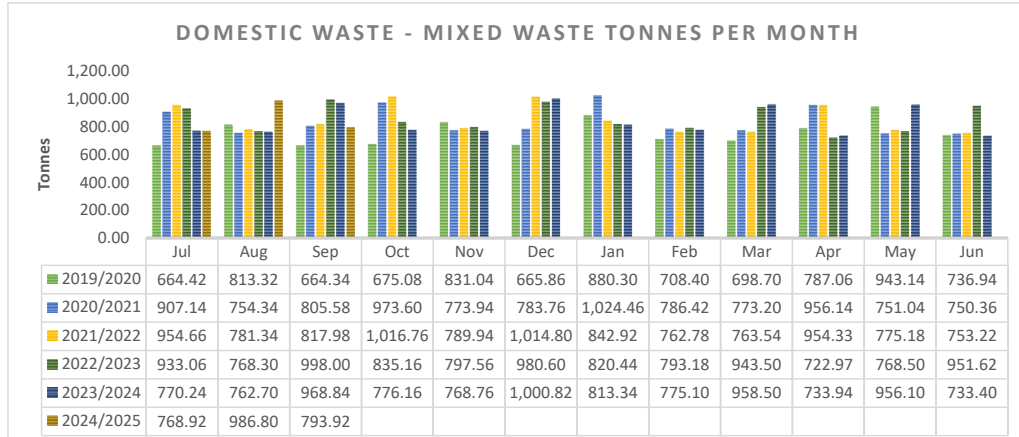




**FACILITY AND SERVICE
PERFORMANCE DASHBOARD**

REPORT PRINT DATE: 05/11/2024

SERVICES PERFORMANCE

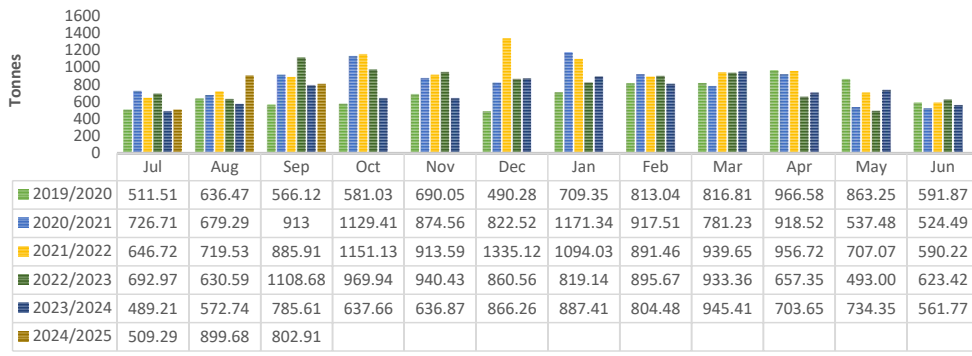




FACILITY AND SERVICE
PERFORMANCE DASHBOARD

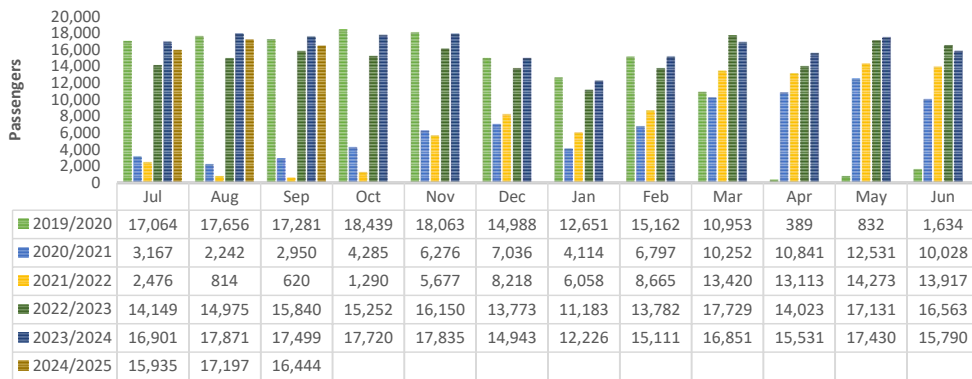
REPORT PRINT DATE: 05/11/2024

DOMESTIC WASTE - DIVERTED FROM LANDFILL
TONNES PER MONTH

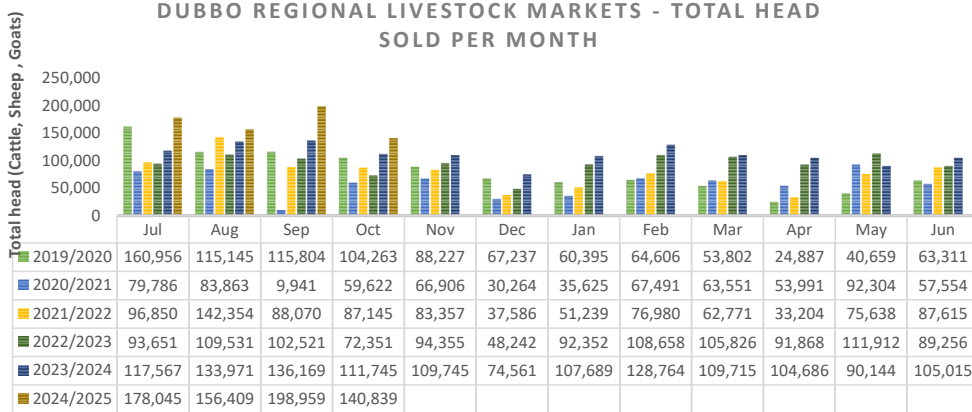


PASSENGERS & VOLUME – COMMERCIAL

DUBBO REGIONAL AIRPORT - PASSENGERS PER MONTH



DUBBO REGIONAL LIVESTOCK MARKETS - TOTAL HEAD SOLD PER MONTH

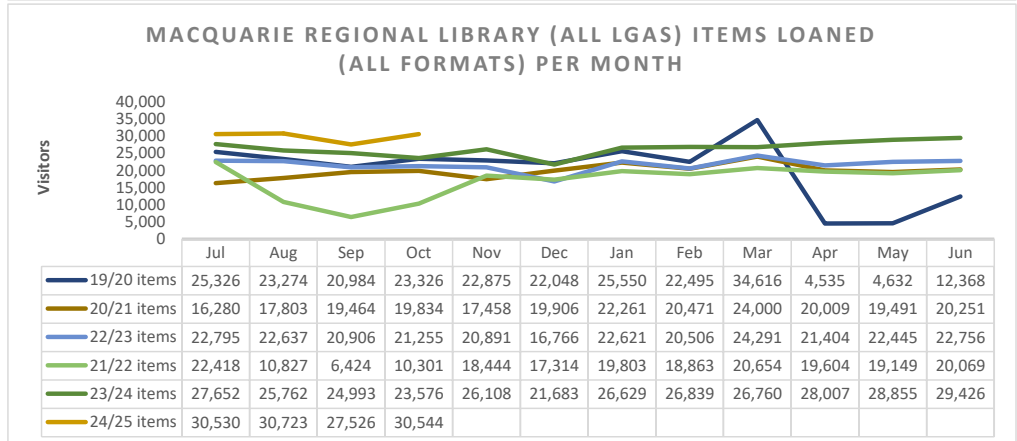
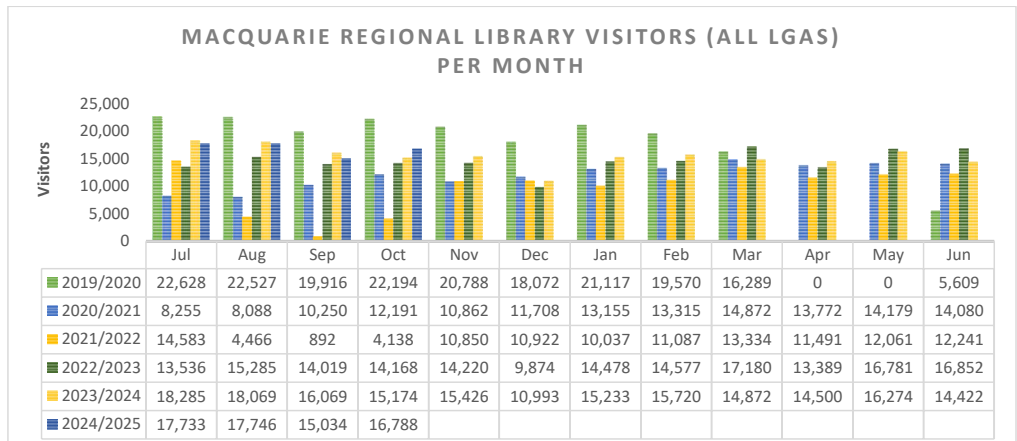
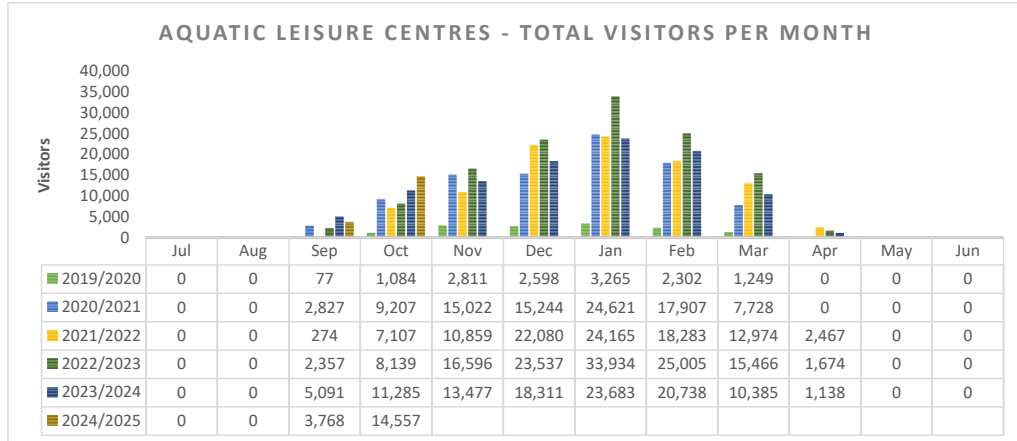




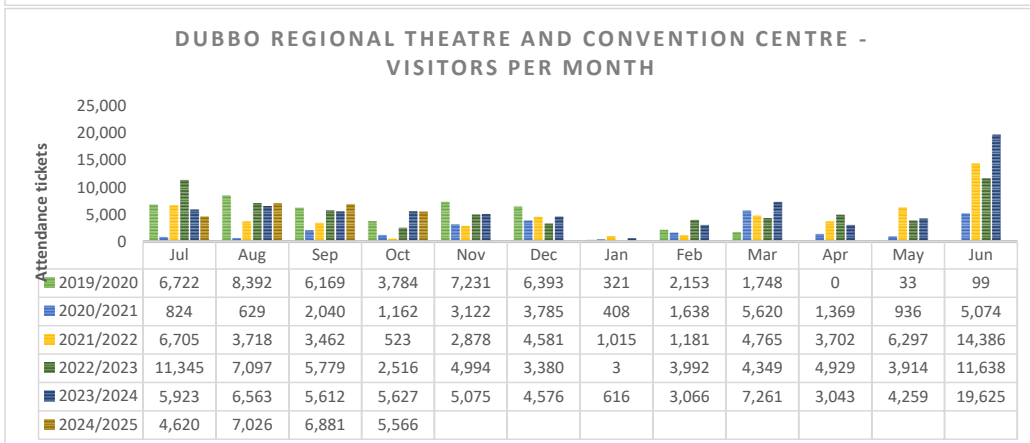
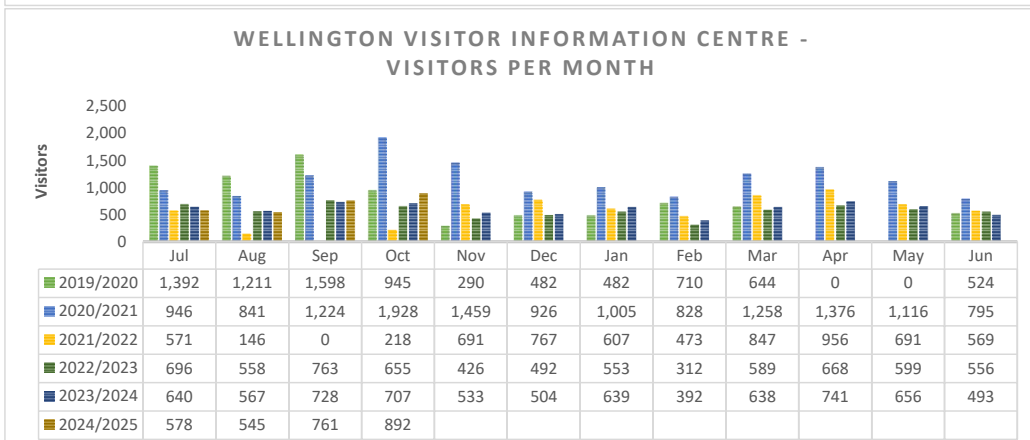
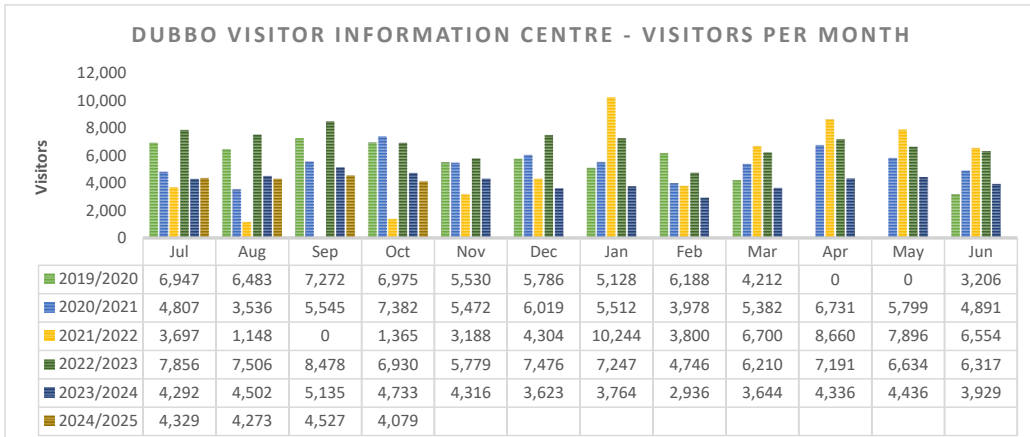
**FACILITY AND SERVICE
PERFORMANCE DASHBOARD**

REPORT PRINT DATE: 05/11/2024

VISITORS & CUSTOMERS – COMMUNITY



VISITORS & CUSTOMERS – TOURISM & CULTURAL

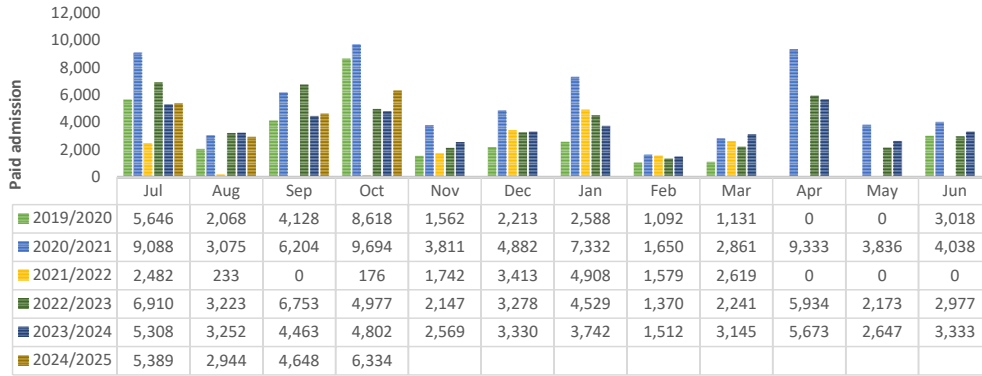




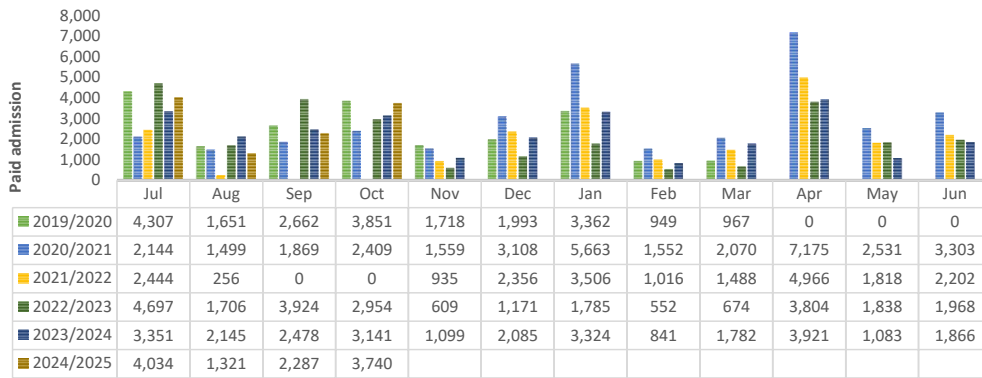
FACILITY AND SERVICE
PERFORMANCE DASHBOARD

REPORT PRINT DATE: 05/11/2024

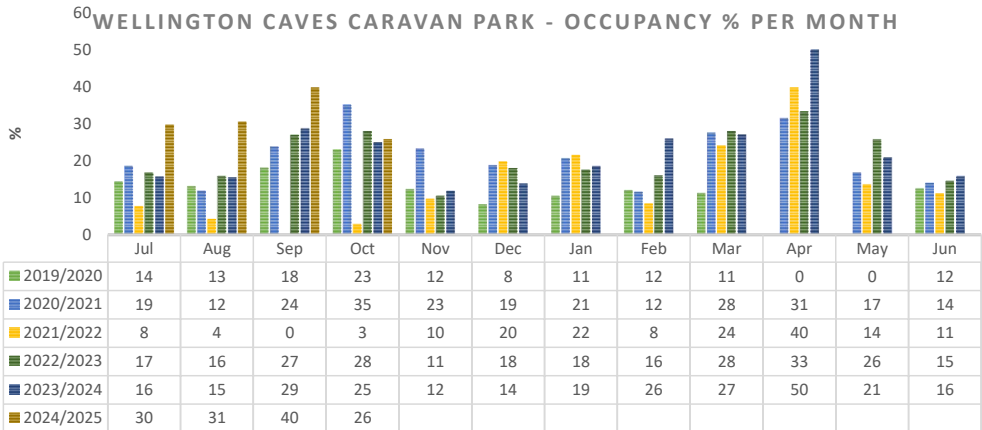
OLD DUBBO GAOL - VISITORS PER MONTH



WELLINGTON CAVES - PAID ADMISSION PER MONTH



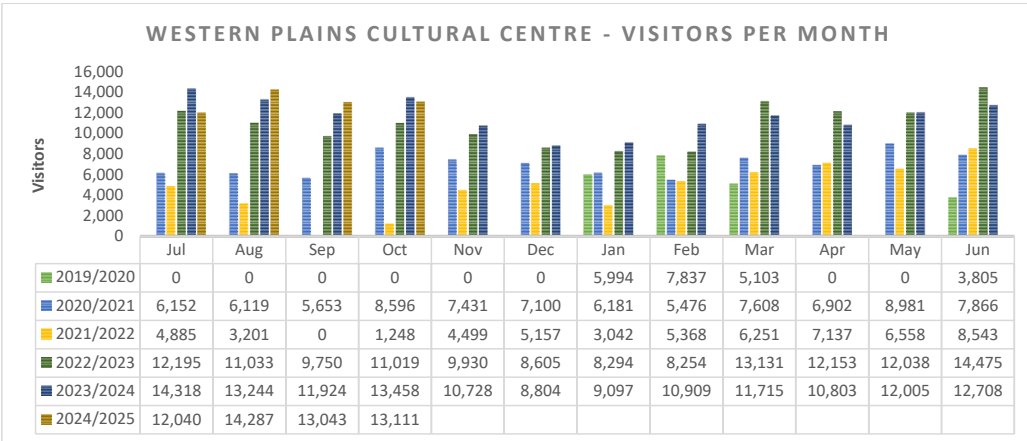
WELLINGTON CAVES CARAVAN PARK - OCCUPANCY % PER MONTH





FACILITY AND SERVICE
PERFORMANCE DASHBOARD

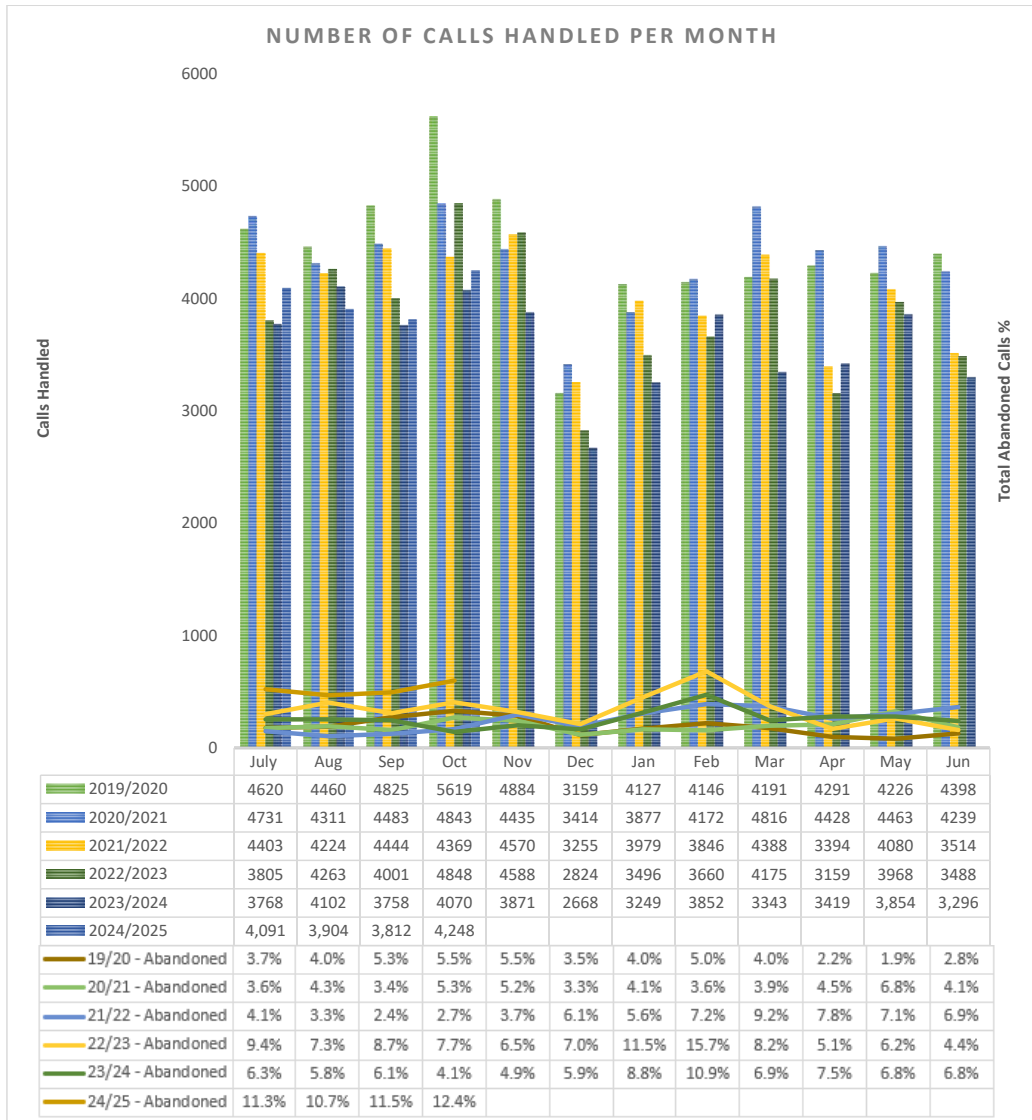
REPORT PRINT DATE: 05/11/2024





CUSTOMER EXPERIENCE
CHARTER DASHBOARD

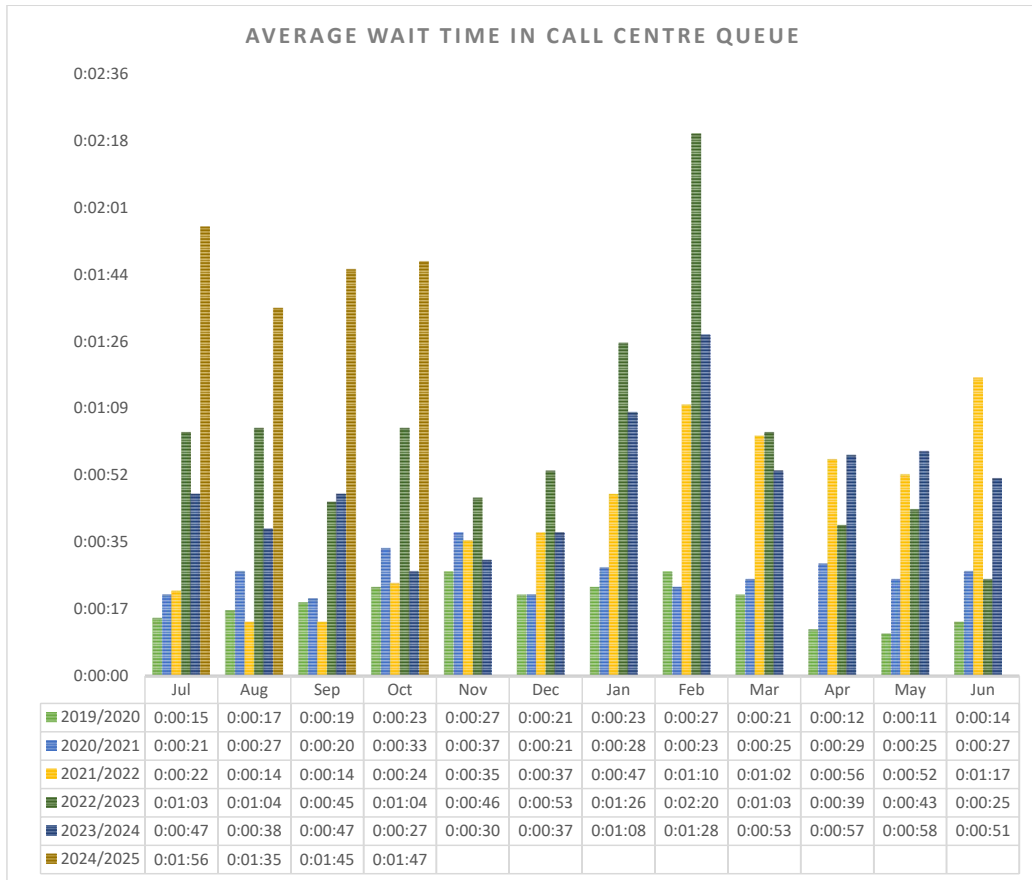
REPORT PRINT DATE: 05/11/2024





CUSTOMER EXPERIENCE
CHARTER DASHBOARD

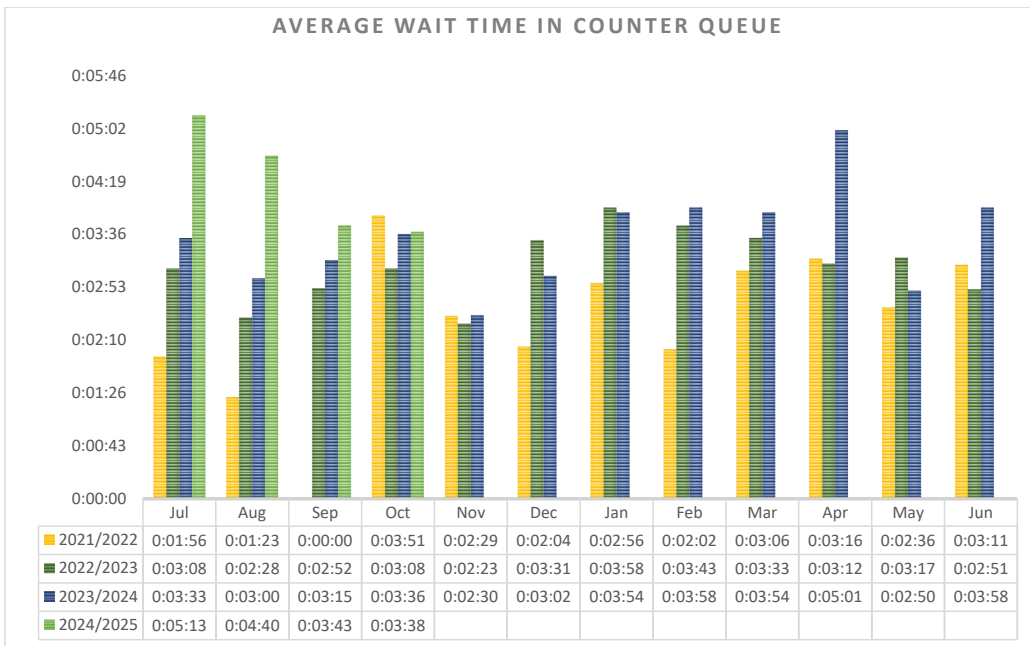
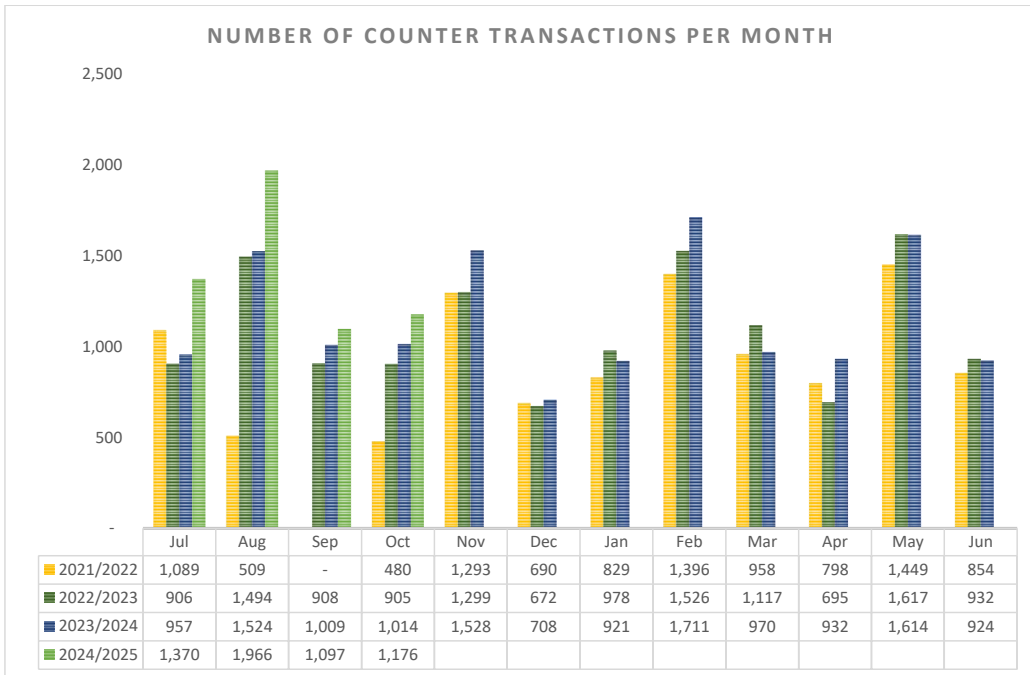
REPORT PRINT DATE: 05/11/2024





CUSTOMER EXPERIENCE
CHARTER DASHBOARD

REPORT PRINT DATE: 05/11/2024



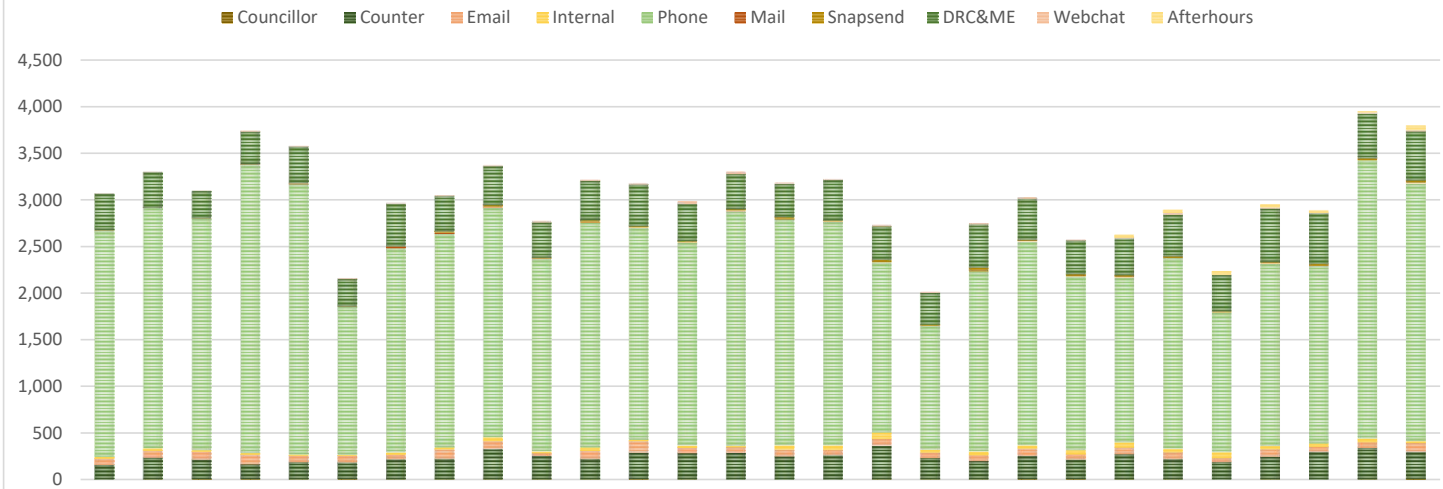
Note: Sep 2021 , COVID-19 closure.



DUBBO REGIONAL COUNCIL
 CUSTOMER EXPERIENCE CHARTER
 DASHBOARD

REPORT PRINT DATE: 05/11/2024

CUSTOMER SERVICE REQUEST TOTAL PER MONTH BY CATEGORY



	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24
Afterhours																						29	34	39	33	27	13	50
Webchat	2	4	5	8	8	8	7	5	9	13	11	13	26	25	15	7	14	9	12	16	9	9	17	4	12	6	11	11
DRC&ME	391	384	292	354	394	295	457	381	417	380	422	449	400	379	354	436	359	342	464	443	362	397	447	390	571	541	479	529
Sapsend	0	0	0	0	0	0	0	18	24	8	25	18	15	22	23	17	28	15	44	20	24	24	20	15	23	23	22	32
Mail	1	1	3	4	9	2	20	7	8	2	2	0	0	2	1	0	0	0	0	0	0	0	0	0	0	1	0	1
Phone	2,433	2,577	2,485	3,091	2,900	1,590	2,191	2,292	2,459	2,067	2,411	2,272	2,177	2,518	2,427	2,394	1,825	1,327	1,929	2,184	1,867	1,769	2,045	1,497	1,956	1,906	2,986	2,762
Internal	16	25	14	16	11	9	23	21	42	17	38	14	22	13	45	48	70	30	38	33	41	55	36	63	29	33	37	20
Email	68	78	86	103	70	73	51	101	83	35	84	125	61	61	72	60	75	57	66	83	56	72	73	41	84	60	63	100
Counter	158	233	211	161	186	180	217	222	328	249	222	284	279	285	249	260	358	231	195	247	210	271	221	190	244	293	338	286
Councillor	0	1	4	4	2	5	1	1	1	2	1	4	3	0	0	0	2	2	3	4	6	1	1	0	1	0	1	7

Note: Snap Send Solve tracking implemented Feb 2023
 Afterhours CRM's lodged implemented April 2024



REPORT: Investment Under Section 625 of the Local Government Act - October 2024

DIVISION: Organisational Performance
REPORT DATE: 1 November 2024
TRIM REFERENCE: ID24/1944

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Provide review or update Fulfil legislative requirement/compliance 	
Issue	<ul style="list-style-type: none"> Investment under Section 625 of the <i>Local Government Act 1993</i>. 	
Reasoning	<ul style="list-style-type: none"> Section 212 of the Local Government (General) Regulation 2021 Section 625 of the Local Government Act 1993 Council's Investment Policy and Strategy 	
Financial Implications	Budget Area	Organisational Performance
	Funding Source	Interest Earned on Investment
Policy Implications	Policy Title	Investment Policy 2024
	Impact on Policy	There are no policy implications arising from this report

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principle themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership
 CSP Objective: 4.2 The resources of Council are sustainably managed.
 Delivery Program Strategy: 4.2.1 The system of raising revenue is equitable and revenue from grants and other income sources is maximised

RECOMMENDATION

That the information contained within the Investment under Section 625 of the Local Government Act Report be noted.

Jane Bassingthwaighe
Director Organisational Performance

SW
Chief Financial Officer

BACKGROUND

As required by Section 212 of the *Local Government (General) Regulation 2021*, this report contains the details of all monies that Council has invested under Section 625 of the *Local Government Act 1993* dated as at the last day of the reporting month.

In accordance with the *Investment Ministerial Order* dated 12 January 2011, Dubbo Regional Council (Council) may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

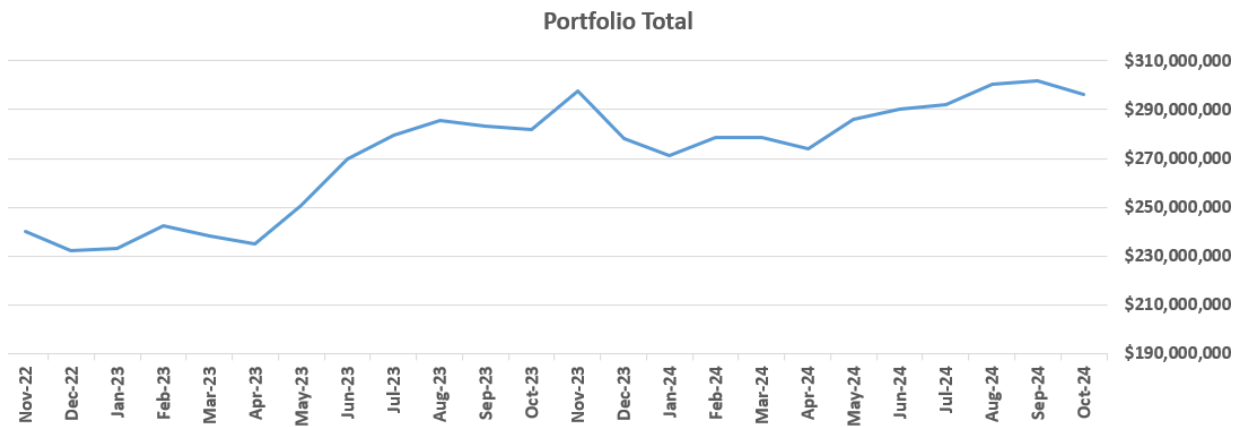
- a. any public funds or securities issued by or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b. any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- c. interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- d. any bill of exchange which has a maturity date of not more the 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- e. A deposit with the New South Wales Treasury Corporation on investment in an Hour-Glass investment facility of the New South Wales Treasury Corporation.

Investments, when placed, have been done so in accordance with the *Local Government Act*, *Local Government (General) Regulations 2021* and Council's Investment Policy and Strategy. Interest on investment has been accounted for on an accrual basis. This report details investments and annualised returns for the reporting month. Attachment 1 provides more detailed information on Council's investment portfolio for this period.

REPORT

Portfolio Overview

As of 31 October 2024, Council had a total investment Portfolio Face Value of \$296,323,341.42. This is inclusive of Councils Cash at bank consisting of General Funds, Sewer Funds, Water Funds, and restricted Grant Funding. Laminar Capital have provided a Market Value of \$300,380,133.51 for Council's Total Investment Portfolio.



Portfolio Fund Breakdown

Portfolio Breakdown – Current Month			
Fund	Total Amount Invested	PFA Bank Account Balance	Total
General	\$121,000,000.00	\$25,352,308.52	\$146,352,308.52
Water	\$52,000,000.00	\$9,535,579.13	\$61,535,579.13
Sewer	\$78,000,000.00	\$10,435,453.77	\$88,435,453.77
Total	\$251,000,000.00	\$45,323,341.42	\$296,323,341.42

Portfolio Breakdown – Previous Month			
Fund	Total Amount Invested	PFA Bank Account Balance	Total
General	\$125,000,000.00	\$27,083,660.08	\$152,083,660.08
Water	\$52,000,000.00	\$9,686,665.76	\$61,686,665.76
Sewer	\$78,000,000.00	\$10,085,803.81	\$88,085,803.81
Total	\$255,000,000.00	\$46,856,129.65	\$301,856,129.65

Key Movements

Investment Activity during the month was as follows:

- Investment Maturities – funds returned to Council:

ADI	Instrument	Amount	Funded by
Suncorp	Term Deposit	\$3,000,000.00	Water
Commonwealth	Term Deposit	\$4,000,000.00	General

- New Investments Purchased – funds paid out by Council:

ADI	Instrument	Amount	Funded by
Westpac	Term Deposit	\$3,000,000.00	Water

Notable Bank Account activity during the month was as follows:

- Notable Extraordinary Income – funds received by Council of an extraordinary nature:

Government Grant	\$1,000,000.00	Water
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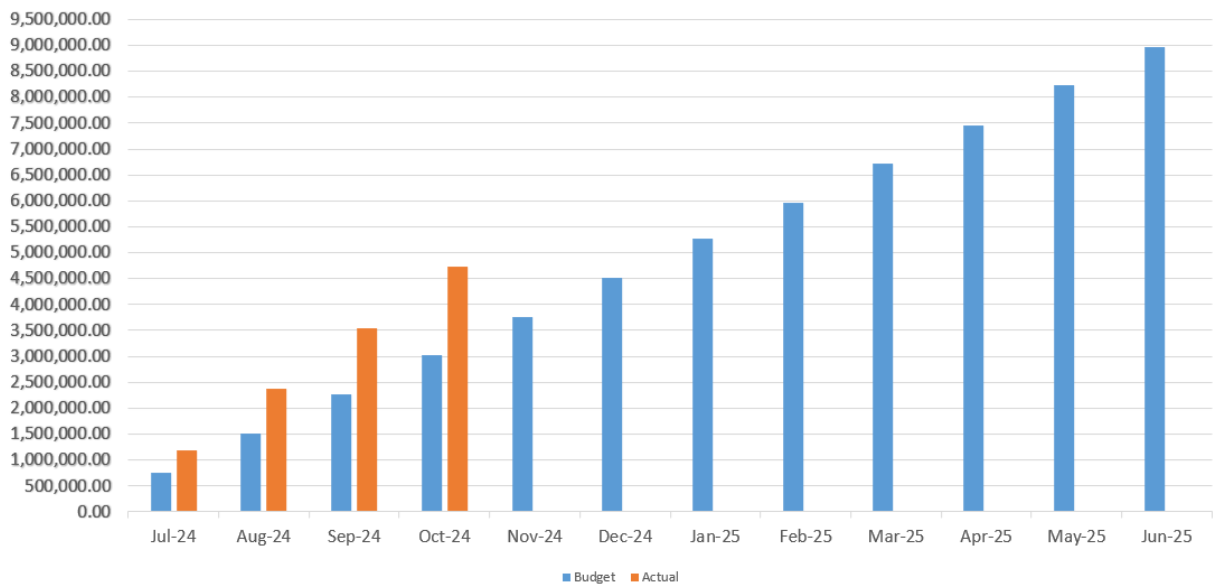
- Notable Expenditure – funds paid out by Council:

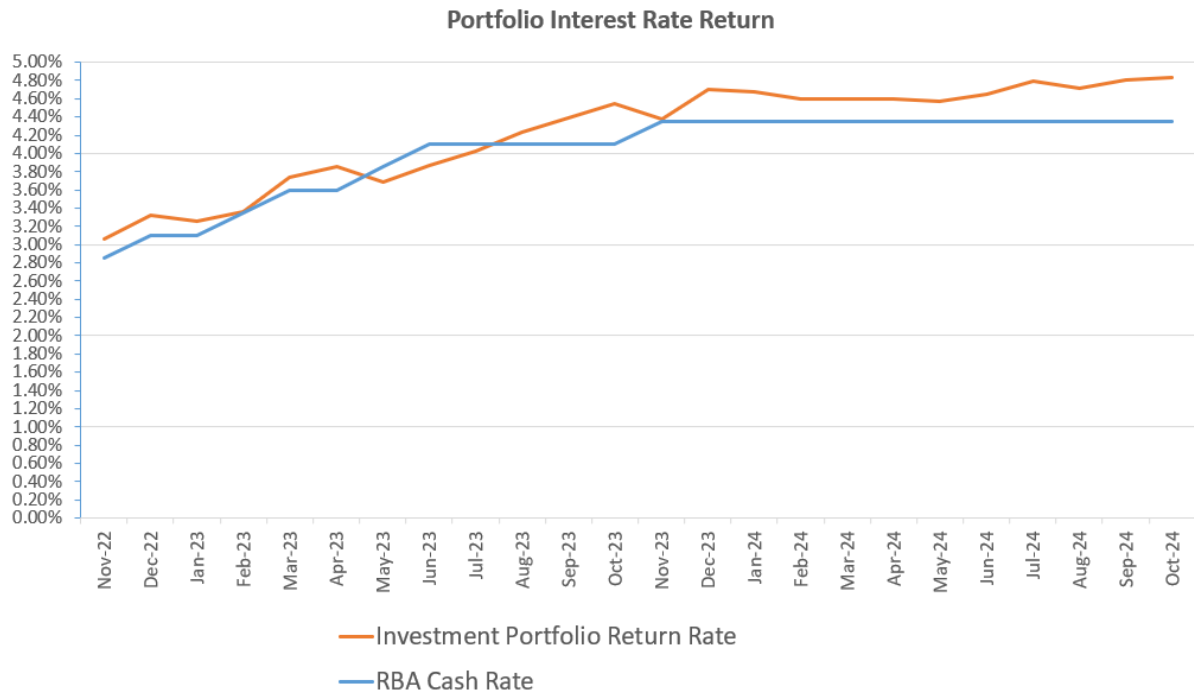
Project milestone	\$3,273,370.10	General
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Investment Interest Overview:

Interest earned on investments has been included within Council’s 2024/2025 Operational Plan, with total income generated from the Investment Portfolio forecast to be in excess of \$8,957,302.00.

Budget to Actual - Interest on Investments





Council has investments totalling \$31,000,000.00 Face Value which were invested with fixed interest rates below the current Official Cash Rate of 4.35%. Investments totalling \$18,000,000.00 will mature in the 2025 Financial Year with interest rates of 0.90% and 1.70%. Longer term investments beyond 30 June 2025 totalling \$13,000,000.00 were invested with interest rates ranging from 1.70% to 4.25%. These investments were placed with competitive interest rates at the time the investments were made.

Summary

Cash Account

Council outperformed the 11.00 am Official Cash Rate market benchmark for one month return of 4.35%, achieving a return of 4.75% for its At Call investments.

Investment Portfolio

Council outperformed the one-month Bloomberg AusBond Bank Bill Index of 0.37%, with an average return of 4.83% for its overall portfolio return.

Consultation

- Laminar Capital Pty Ltd provides advisory services to Council on any investment related decision.

Resourcing Implications

- The management of Council's investment portfolio is a primary activity of a staff member within Council's Financial Operations branch.

APPENDICES:

1 [↓](#) Investment Report - Laminar Report - October 2024 - Attachment

Dubbo Regional Council

Investment Report

1 October 2024 to 31 October 2024



Portfolio Valuation As At 31 October 2024

Security	Security Rating	ISIN	Face Value Original	Face Value Current	Fl Cap Price/ Unit Price/ Share Price	Unit Count/ Share Count	Accrued Interest Price	Market Value	% Total Value	Running Yield	Reported Running
At Call Investment											
NAB At Call In	S&P ST A1+		45,323,341.42	45,323,341.42	100.000		0.000	45,323,341.42	15.09%	4.75%	
			45,323,341.42	45,323,341.42				45,323,341.42	15.09%	4.75%	
Covered Fixed Bond											
SunBank 3.25 24 Aug 2026 COVEREDFIX	Moodys Aaa	AU3CB0239267	5,000,000.00	5,000,000.00	97.358		0.601	4,897,950.00	1.63%	2.95%	
			5,000,000.00	5,000,000.00				4,897,950.00	1.63%	2.95%	
Fixed Rate Bond											
MACQ 1.7 12 Feb 2025 Fixed	S&P A+	AU3CB0270387	8,000,000.00	8,000,000.00	99.132		0.370	7,960,160.00	2.65%	1.65%	
NTTC 0.9 15 Jun 2025 - Issued 04 Feb 2021 - Dubbo Regional Council Fixed	Moodys Aa3		5,000,000.00	5,000,000.00	100.000		0.340	5,017,000.00	1.67%	0.90%	
NTTC 0.9 15 Jun 2025 - Issued 10 Feb 2021 - Dubbo Regional Council Fixed	Moodys Aa3		5,000,000.00	5,000,000.00	100.000		0.340	5,017,000.00	1.67%	0.90%	
NTTC 4.8 15 Dec 2028 - Issued 30 August 2024 - Dubbo Council Fixed	Moodys Aa3		5,000,000.00	5,000,000.00	100.000		0.815	5,040,750.00	1.68%	4.80%	
RABOBK 4.25 12 May 2026 Fixed	Moodys Aa2	AU3CB0233898	5,000,000.00	5,000,000.00	99.330		1.986	5,065,800.00	1.69%	3.71%	
			28,000,000.00	28,000,000.00				28,100,710.00	9.36%	2.34%	
Floating Rate Note											
Auswide 0.9 17 Mar 2025 FRN	Moodys Baa2	AU3FN0067393	5,000,000.00	5,000,000.00	100.029		0.641	5,033,500.00	1.68%	5.32%	
Auswide 1.3 10 Jun 2025 FRN	Moodys Baa2	AU3FN0069555	5,000,000.00	5,000,000.00	100.229		0.799	5,051,400.00	1.68%	5.72%	
Auswide 1.5 07 Nov 2025 FRN	Moodys Baa2	AU3FN0073037	3,500,000.00	3,500,000.00	100.408		1.372	3,562,300.00	1.19%	5.89%	
BOQ 0.63 06 May 2026 FRN	S&P A-	AU3FN0060406	5,000,000.00	5,000,000.00	99.927		1.174	5,055,050.00	1.68%	4.98%	
MYS 0.65 16 Jun 2025 FRN	Moodys Baa2	AU3FN0061024	8,000,000.00	8,000,000.00	99.925		0.625	8,044,000.00	2.68%	5.07%	
MYS 1.3 13 Oct 2025 FRN	Moodys Baa2	AU3FN0072369	8,000,000.00	8,000,000.00	100.441		0.266	8,056,560.00	2.68%	5.72%	
UBS Aust 0.5 26 Feb 2026 FRN	Moodys Aa3	AU3FN0058608	4,500,000.00	4,500,000.00	100.012		0.877	4,540,005.00	1.51%	4.85%	
			39,000,000.00	39,000,000.00				39,342,815.00	13.10%	5.35%	
Term Deposit											
BOQ 5.42 29 Nov 2024 365DAY TD	S&P ST A2		4,000,000.00	4,000,000.00	100.000		4.989	4,199,574.80	1.40%	5.42%	
BOQ 5.2 02 Dec 2024 549DAY TD	S&P ST A2		2,000,000.00	2,000,000.00	100.000		2.137	2,042,739.72	0.68%	5.20%	
BOQ 5.2 02 Dec 2024 549DAY TD	S&P ST A2		3,000,000.00	3,000,000.00	100.000		2.137	3,064,109.58	1.02%	5.20%	
BOQ 5.42 30 Jan 2025 427DAY TD	S&P ST A2		8,000,000.00	8,000,000.00	100.000		4.989	8,399,149.60	2.80%	5.42%	
BOQ 4.95 03 Mar 2025 181DAY TD	S&P ST A2		2,000,000.00	2,000,000.00	100.000		0.787	2,015,731.50	0.67%	4.95%	
BOQ 4.95 10 Apr 2025 762DAY TD	S&P ST A2		5,000,000.00	5,000,000.00	100.000		3.173	5,158,671.25	1.72%	4.95%	
BOQ 4.8 02 Feb 2026 549DAY TD	S&P A-		5,500,000.00	5,500,000.00	100.000		1.184	5,565,095.91	1.85%	4.80%	
BOQ 4.76 21 Sep 2026 1461DAY TD	S&P A-		5,000,000.00	5,000,000.00	100.000		0.496	5,024,778.10	1.67%	4.76%	
BOQ 4.91 23 Sep 2027 1826DAY TD	S&P A-		4,000,000.00	4,000,000.00	100.000		0.511	4,020,447.12	1.34%	4.91%	

BOQ 5.15 03 Mar 2028 1827DAY TD	S&P A-	3,000,000.00	3,000,000.00	100.000	3.400	3,102,012.33	1.03%	5.15%
BOQ 5.15 03 Mar 2028 1827DAY TD	S&P A-	2,000,000.00	2,000,000.00	100.000	3.415	2,068,290.42	0.69%	5.15%
BOQ 5.15 03 Mar 2028 1827DAY TD	S&P A-	2,000,000.00	2,000,000.00	100.000	3.400	2,068,008.22	0.69%	5.15%
BOQ 5.23 May 2028 1462DAY TD	S&P A-	2,000,000.00	2,000,000.00	100.000	2.219	2,044,383.56	0.68%	5.00%
BOQ 4.75 02 Aug 2029 1826DAY TD	S&P A-	4,000,000.00	4,000,000.00	100.000	1.171	4,046,849.32	1.35%	4.75%
CBA 5.39 22 Nov 2024 364DAY TD	S&P ST A1+	4,000,000.00	4,000,000.00	100.000	5.050	4,202,014.24	1.40%	5.39%
CBA 4.78 20 Dec 2024 731DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	1.598	5,079,884.95	1.69%	4.78%
PCCU 5.2 13 Jun 2025 364DAY TD	S&P ST A2	5,000,000.00	5,000,000.00	100.000	1.980	5,099,013.70	1.70%	5.20%
JUDO 5.2 22 May 2025 365DAY TD	S&P ST A2	3,000,000.00	3,000,000.00	100.000	2.308	3,069,238.35	1.02%	5.20%
JUDO 5.2 22 May 2025 365DAY TD	S&P ST A2	2,000,000.00	2,000,000.00	100.000	2.308	2,046,158.90	0.68%	5.20%
JUDO 5.13 16 Dec 2025 550DAY TD	S&P BBB	3,000,000.00	3,000,000.00	100.000	1.954	3,058,608.48	1.02%	5.13%
JUDO 5.13 16 Dec 2025 550DAY TD	S&P BBB	4,000,000.00	4,000,000.00	100.000	1.954	4,078,144.64	1.36%	5.13%
JUDO 1.7 16 Sep 2026 1826DAY TD	S&P BBB	3,000,000.00	3,000,000.00	100.000	0.210	3,006,287.67	1.00%	1.70%
MACQCU 5.12 18 Feb 2025 365DAY TD	Unrated ST UR	2,000,000.00	2,000,000.00	100.000	3.577	2,071,539.72	0.69%	5.12%
NAB 4.95 02 Dec 2024 90DAY TD	S&P ST A1+	4,000,000.00	4,000,000.00	100.000	0.787	4,031,463.00	1.34%	4.95%
NAB 5.07 28 Feb 2025 365DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	3.403	5,170,157.55	1.72%	5.07%
NAB 5.07 28 Feb 2025 365DAY TD	S&P ST A1+	3,000,000.00	3,000,000.00	100.000	3.403	3,102,094.53	1.03%	5.07%
NAB 5.25 02 Jul 2025 397DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	2.201	5,110,034.25	1.70%	5.25%
NAB 5.3 07 Jul 2025 376DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	1.844	5,092,205.50	1.70%	5.30%
NAB 5.45 07 Jul 2025 371DAY TD	S&P ST A1+	12,000,000.00	12,000,000.00	100.000	1.822	12,218,597.28	4.07%	5.45%
NAB 5.4 08 Jul 2025 365DAY TD	S&P ST A1+	4,000,000.00	4,000,000.00	100.000	1.701	4,068,054.80	1.35%	5.40%
NAB 5.2 04 Aug 2025 367DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	1.282	2,025,643.84	0.67%	5.20%
NAB 5.3 15 Aug 2025 385DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	1.408	2,028,169.86	0.68%	5.30%
NAB 4.9 10 Sep 2025 365DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	0.685	2,013,693.16	0.67%	4.90%
NAB 5.2 24 Sep 2025 488DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	2.279	5,113,972.60	1.70%	5.20%
SunBank 5.18 05 Feb 2025 365DAY TD	S&P ST A1+	1,500,000.00	1,500,000.00	100.000	3.803	1,557,050.96	0.52%	5.18%
SunBank 5.11 06 May 2025 455DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	2.492	5,124,600.00	1.71%	5.11%
SuncorpGp 5.11 13 Aug 2025 547DAY TD	S&P ST A1	5,000,000.00	5,000,000.00	100.000	3.654	5,182,700.00	1.73%	5.11%
Westpac 5.09 18 Mar 2025 365DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	3.166	5,158,278.10	1.72%	5.09%
Westpac 5.09 18 Mar 2025 365DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	3.166	2,063,311.24	0.69%	5.09%
Westpac 5.29 30 Apr 2025 365DAY TD	S&P ST A1+	1,000,000.00	1,000,000.00	100.000	0.014	1,000,144.93	0.33%	5.29%
Westpac 5.01 23 Jul 2025 516DAY TD	S&P ST A1+	5,000,000.00	5,000,000.00	100.000	0.947	5,047,354.80	1.68%	5.01%
Westpac 5.15 27 Oct 2025 458DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	0.042	2,000,846.58	0.67%	5.15%
Westpac 5.15 27 Oct 2025 458DAY TD	S&P ST A1+	2,000,000.00	2,000,000.00	100.000	0.042	2,000,846.58	0.67%	5.15%
Westpac 5.2 08 Jan 2026 549DAY TD	S&P AA-	4,000,000.00	4,000,000.00	100.000	0.328	4,013,106.84	1.34%	5.20%
Westpac 5.2 08 Jan 2026 549DAY TD	S&P AA-	2,000,000.00	2,000,000.00	100.000	0.328	2,006,553.42	0.67%	5.20%
Westpac 5.2 08 Jan 2026 549DAY TD	S&P AA-	2,000,000.00	2,000,000.00	100.000	0.328	2,006,553.42	0.67%	5.20%

Westpac 5.17 30 Apr 2029 1826DAY TD	S&P AA-	4,000,000.00	4,000,000.00	100.000	0.014	4,000,566.56	1.33%	5.17%
Westpac 4.5 14 Aug 2029 1826DAY TD	S&P AA-	4,000,000.00	4,000,000.00	100.000	0.962	4,038,465.76	1.34%	4.50%
Westpac 4.56 04 Oct 2029 1826DAY TD	S&P AA-	3,000,000.00	3,000,000.00	100.000	0.337	3,010,119.45	1.00%	4.56%
		179,000,000.00	179,000,000.00			182,715,317.09	60.83%	5.06%
Total Portfolio		296,323,341.42	296,323,341.42			300,380,133.51	100.00%	4.75%

Portfolio Valuation By Categories As At 31 October 2024

Short Term Issuer/Security Rating Group	Market Value	% Total Value
N/R	2,071,539.72	0.69%
A2	35,094,387.40	11.68%
A1	5,182,700.00	1.73%
A1+	128,531,760.17	42.79%
Portfolio Total	170,880,387.29	56.89%

Market Value by Security Rating Group (Short Term)



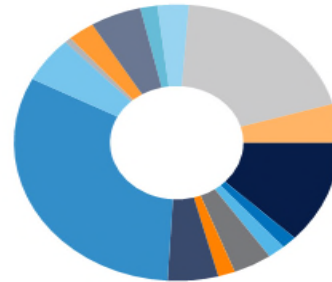
Long Term Issuer/Security Rating Group	Market Value	% Total Value
BBB+ to BBB-	39,890,800.79	13.28%
A+ to A-	40,955,074.98	13.63%
AA+ to AA-	43,755,920.45	14.57%
AAA	4,897,950.00	1.63%
Portfolio Total	129,499,746.22	43.11%

Market Value by Security Rating Group (Long Term)



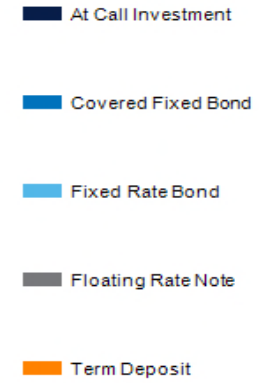
Issuer	Market Value	% Total Value
Auswide Bank Limited	13,647,200.00	4.54%
Bank of Queensland Ltd	57,874,891.43	19.27%
Commonwealth Bank of Australia Ltd	9,281,899.19	3.09%
People's Choice Credit Union	5,099,013.70	1.70%
Judo Bank	15,258,438.04	5.08%
Macquarie Bank Ltd	7,960,160.00	2.65%
Macquarie Credit Union Limited	2,071,539.72	0.69%
MyState Bank Ltd	16,100,560.00	5.36%
National Australia Bank Ltd	95,297,427.79	31.73%
Northern Territory Treasury Corporation	15,074,750.00	5.02%
Rabobank Nederland Australia Branch	5,065,800.00	1.69%
ANZ	11,579,600.96	3.85%
Suncorp Group Ltd	5,182,700.00	1.73%
UBS Australia Ltd	4,540,005.00	1.51%
Westpac Banking Corporation Ltd	36,346,147.68	12.10%
Portfolio Total	300,380,133.51	100.00%

Market Value by Issuer



Security Type	Market Value	% Total Value
At Call Investment	45,323,341.42	15.09%
Covered Fixed Bond	4,897,950.00	1.63%
Fixed Rate Bond	28,100,710.00	9.36%
Floating Rate Note	39,342,815.00	13.10%
Term Deposit	182,715,317.09	60.83%
Portfolio Total	300,380,133.51	100.00%

Market Value by Security Type



Term Remaining	Market Value	% Total Value
0 to < 1 Year	215,060,007.29	71.60%
1 to < 3 Years	55,900,680.60	18.61%
3 to < 5 Years	29,419,445.62	9.79%
Portfolio Total	300,380,133.51	100.00%

Note: Term Remaining is calculated using a weighted average life date (WAL) where appropriate and available

Market Value by Term Remaining



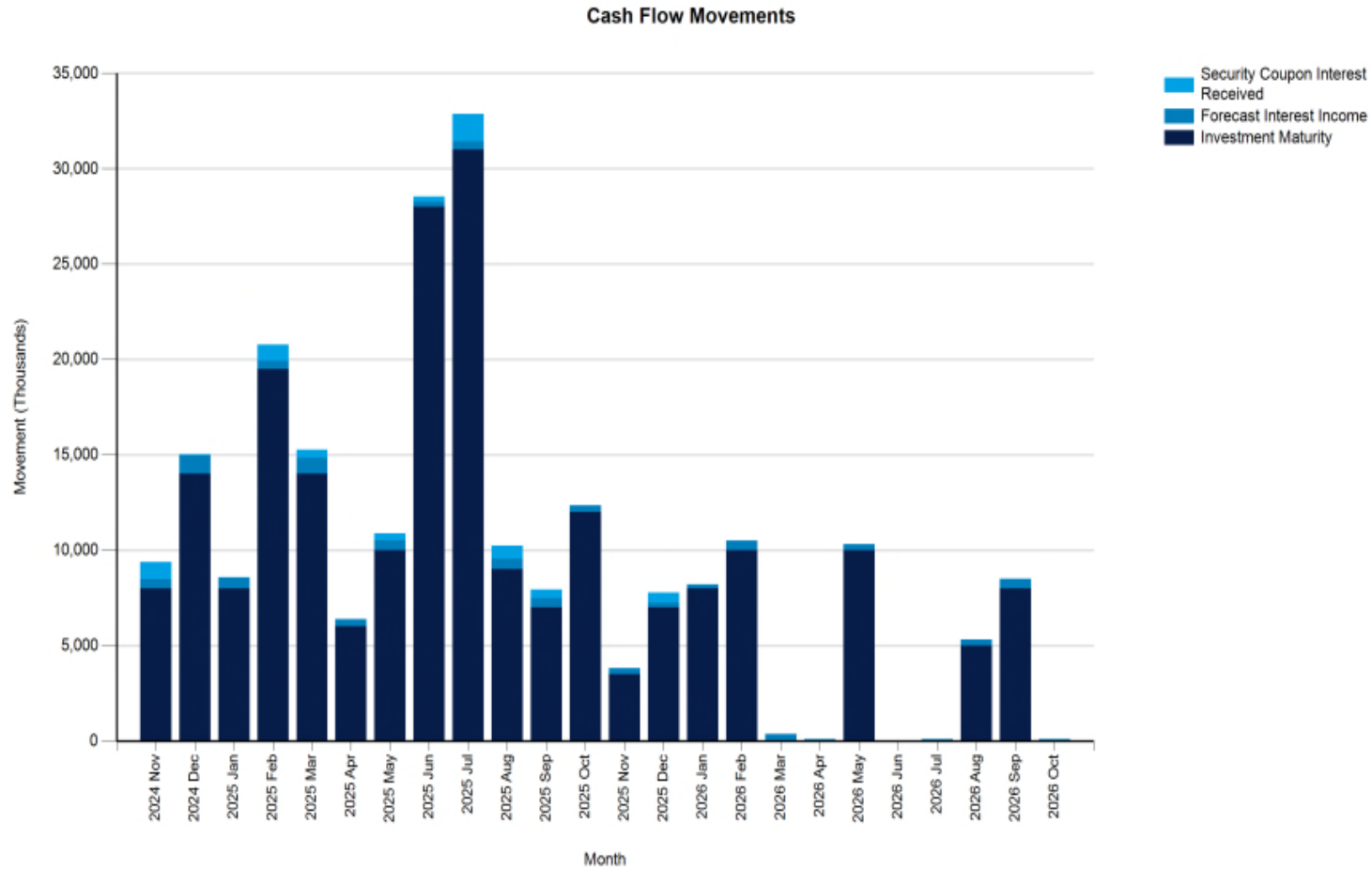
Performance Statistics For Period Ending 31 October 2024

Trading Book		1 Month	3 Month	12 Month	Since Inception
Dubbo Regional Council	Portfolio Return (1)	0.39%	1.15%	5.06%	2.77%
	Performance Index (2)	0.37%	1.12%	4.45%	2.21%
	Excess Performance (3)	0.02%	0.03%	0.61%	0.56%

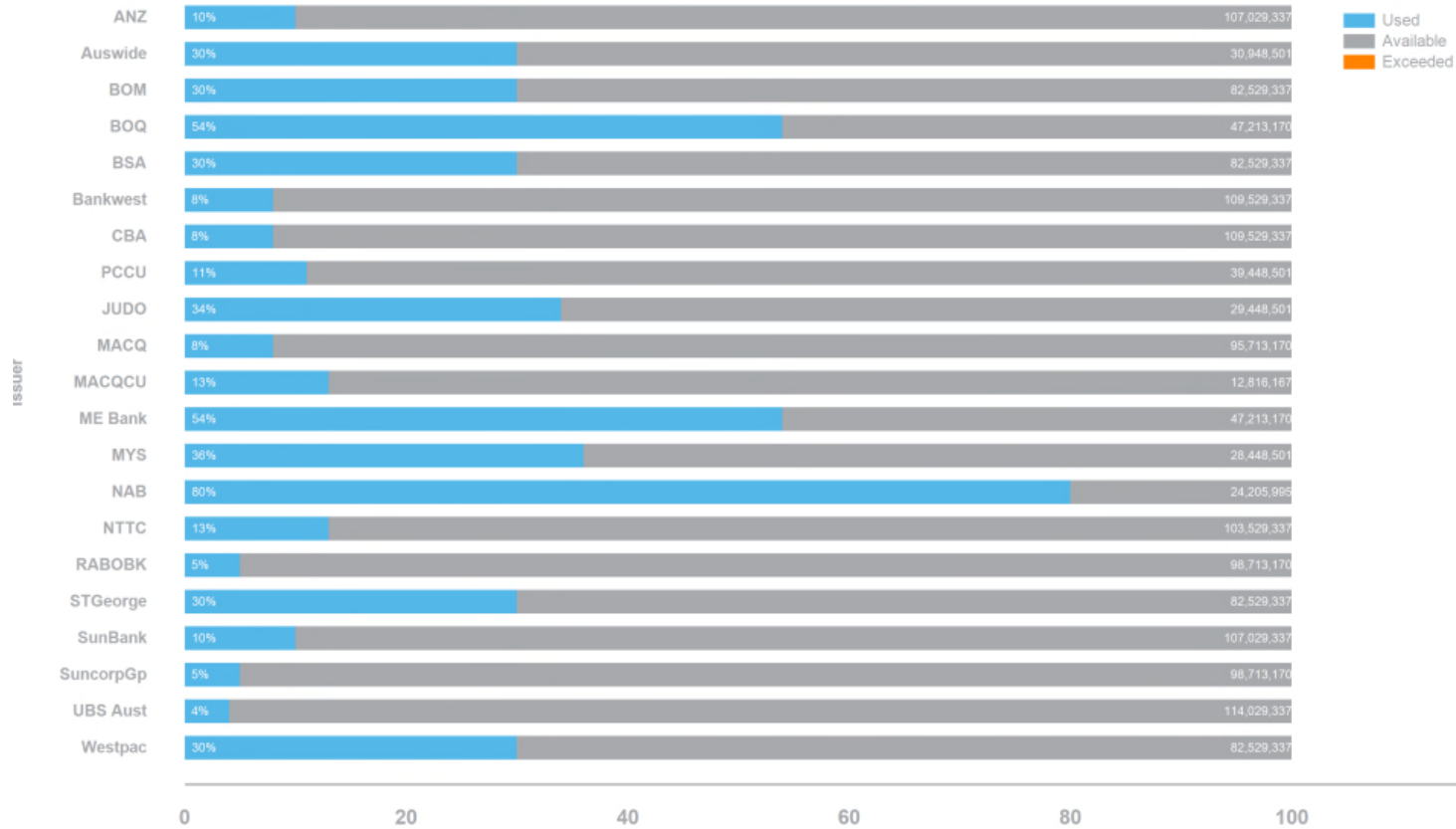
Notes

- 1 Portfolio performance is the rate of return of the portfolio over the specified period
- 2 The Performance Index is the Bloomberg AusBond Bank Bill Index (Bloomberg Page BAUBIL)
- 3 Excess performance is the rate of return of the portfolio in excess of the Performance Index

Trading Book	Weighted Average Running Yield
Dubbo Regional Council	4.75



Issuer Trading Limits





DUBBO REGIONAL
COUNCIL

**REPORT: Customer Experience
Performance Measures**

DIVISION: Strategy, Partnerships and Engagement

REPORT DATE: 4 November 2024

TRIM REFERENCE: ID24/1645

EXECUTIVE SUMMARY

Purpose	Provide update.	
Issue	To provide an update on the Customer Experience improvement program, including performance measures and results across 2021 through to 2023.	
Reasoning	To provide insights from 2021 through to 2023 across customer correspondence channels, including actions put in place for organisational metrics.	
Financial Implications	Budget Area	Customer Experience and Engagement
	Funding Source	Operational Budget
	Proposed Cost	Nil
	Ongoing Costs	Nil
Policy Implications	Policy Title	Customer Experience Strategy and Customer Experience Charter
	Impact on Policy	The report outlines actions and results in accordance with the provisions of the strategy.

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

- Theme: 4 Leadership
- CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
- Delivery Program Strategy: 4.1.3 Council provides quality customer service

RECOMMENDATION

That the information contained within the report of the Manager Customer Experience and Engagement, dated 4 November 2024, be noted.

Jessica Brown
Director Strategy Partnerships and Engagement

CC
Manager Customer
Experience and
Engagement

BACKGROUND

The Customer Experience improvement program commenced in 2021 with the development of the Customer Experience Charter. The charter details our commitment to providing quality customer service, emphasising that Customer Experience is a whole-of-Council effort and everyone's responsibility. We hold each other accountable for our service commitments. To further set out our vision, the Customer Experience Strategy was adopted later in 2021 with a three-year action plan. The strategy aligns closely with our Customer Experience Charter and is based on insights gathered through engagement, research, customer surveys, and metrics. Our vision is: "To make life easier for our residents, businesses, and visitors, ensuring your experience is positive, more often."

Assessments in the broader context within and around Council were conducted to understand interdependencies and influences. There was significant reform activity already underway, both operationally (how Council runs its business) and in relation to service delivery. Some initiatives within the three-year action plan are still in the planning stages, while others are either underway or have been implemented. The intent of the Customer Experience Strategy was to ensure that improvements and changes introduced by the strategy could be integrated with other projects to develop a cohesive and ongoing program of improvement work. This required recognising and understanding the nature and scope of each customer correspondence area to reform, identifying opportunities for leverage or synergy, prioritising, and acknowledging incremental progress without losing sight of Council's holistic, long-term vision for the future.

The Customer Experience Strategy Influences:

- Dubbo Regional Council's Customer Experience Charter.
- Ongoing refinement of online Services – DRC&ME and Webchat function.
- Customer Request Management System (CRM) with developed dashboards to track progress, redevelopment of internal workflows for effective outcomes and a call back system for all service requests lodged.
- Process mapping and improvement.

Current Performance:

Council's current and past performance was analysed to identify where improvement efforts should be focused. The Community Satisfaction and Needs Surveys from 2019 and 2022 were examined in detail.

The survey indicated that in 2022, two-thirds of the respondents were satisfied with Council's customer services (73.4% satisfaction), but this was still 7% below the 2019 score (79.2% satisfaction). When asked how Council could improve their experience, the highest themes were follow-through (30%) and responsiveness (26%), consistent from 2019 to 2022.

Council already has several strategic improvement priorities in Customer Experience, and the key priorities for improvement are:

From Current Challenges to Future State:

1. **Fragmented Pathways:** Customers currently experience Council as opaque, being passed around, repeating themselves, and being unsure about contact points. Council have implemented:
 - A seamless, single view of the customer.
 - Streamlined, low-friction pathways to services.
 - Consolidated contact and touchpoints.
2. **Inconsistent Channels:** Council's channels lacked strong strategic alignment and were over-promoted without insight-driven, targeted use and resource allocation. Council have implemented:
 - Channels that are consistent and convenient.
 - Efficiency balanced with a good experience.
 - Efficiency through the ability to target channel use.
3. **Responsiveness:** While service delivery is generally good, there was a need to improve follow-up, reactivity, and a sense of representation and transparency for customers. Council have implemented:
 - Insight-driven, proactive, and responsive services.
 - Agile adaptation of service delivery to meet community needs.
4. **High-Cost, Intensive Interactions:** Council did not historically take full advantage of modern service delivery models and channels, resulting in inefficient, one-size-fits-all experiences. Council have implemented:
 - Intuitive self-service pathways to services – DRC&ME our online transactional portal.
 - Choice and convenience to empower customers.
 - Reviewed staff resources to ensure optimal deployment.
5. **Organisational/Operational Culture:** Council staff are working towards a holistic one-team approach, which will result in a cohesive and collaborative environment, enhancing our overall customer experience potential. Council have implemented:
 - A culture of natural and organic innovation and collaboration.
 - Internal operations and workflows that actively support our customer experience improvement initiatives.

This report outlines the actions put in place and our progress, particularly a key action from the Customer Experience Strategy in alignment with the Customer Experience Charter, specifically the Customer Request Management review of all services and finding efficiencies in the way we respond to and manage service requests. The report provides insights from 2021 through to 2023 across customer correspondence channels.

REPORT

Performance measures against the Customer Experience Standards committed through the Customer Experience Charter.

Council has implemented an organisational metric to measure and monitor performance against the Customer Experience Standards outlined in the Customer Experience Charter. This includes an internal Customer Correspondence Dashboard, accessible to all Council staff, to track overdue correspondence. Overdue items are reviewed quarterly at Executive Leadership meetings to ensure responsiveness and accountability.

The Customer Experience Charter standards are regularly monitored and reported through the Integrated Planning and Reporting process, covering metrics related to customer requests and correspondence.

As outlined in the Charter, Council evaluates performance by tracking calls answered within 60 seconds through the main contact number 02 6801 4000. The following data reflects performance measurements over the past three years:

- **80% calls within 60 seconds through the Customer Experience Call Centre:**
 - 2021/2022 Financial Year: Measurement met, result 93%.
 - 2022/2023 Financial Year: Measurement met, result 92%.
 - 2023/2024 Financial Year: Measurement met, result 95%.

- **Respond to and/or acknowledge messages by close of business the following working day:**
 - 202/2022 Financial Year: 1,721 Messages – 99% completed within KPI.
 - 2022/2023 Financial Year: 4,465 Messages – 94% completed within KPI.
 - 2023/2024 Financial Year: 3,775 Messages – 98% completed within KPI.

Currently, there are 154 overdue messages outside of the KPI.

- **Respond to your correspondence within 10 working days and provide ongoing updates until resolution:**
 - 2021 Calander Year: 129,832 customer correspondence emails. Currently 1,902 actions remain outstanding, resulting in a 99% completion rate. Additionally, 13% of responses exceeded the Key Performance Indictor (KPI) of 10 working days.
 - 2022 Calander Year: 121,585 customer correspondence emails. Currently 2,847 actions remain outstanding, resulting in a 99% completion rate. Additionally, 13% of responses exceeded the Key Performance Indictor (KPI) of 10 working days.
 - 2023 Calander Year: 97,202 customer correspondence emails. Currently 2,255 actions remain outstanding, resulting in a 98% completion rate. Additionally, 13% of responses exceeded the Key Performance Indictor (KPI) of 10 working days.
 - 2024 Calander year, up until October 2024: 289 outstanding overdue customer correspondence emails.

- **Acknowledge all Customer Service Requests within 3 working days and notify of completion or provide an update within 14 working days:**
 - 2021 Calander Year: 18,509 Customer Requests received, with a 76.5% closure rate.
 - 2022 Calander Year: 19,700 Customer Requests received, with a 59.5% closure rate.
 - 2023 Calander Year: 20,265 Customer Requests received, with a 72% closure rate.

The average resolution time (hours) across all CRM categories is 532.84, equating to an average of 22 days until resolution.

The Customer Experience branch actively updates customers on the progress and resolution of their Customer Request Management (CRM) cases. The following data reflects the number of notifications and the corresponding customer engagement rates over the past three years:

 - 2021 Calander Year: 1,624 notifications, with a 9% conversion rate.
 - 2022 Calander Year: 3,121 notifications, with a 16% conversion rate.
 - 2023 Calander Year: 6,708 notifications, with a 33% conversion rate.

Customer Experience benchmark satisfaction is measured across all touchpoints and is reflected in the overall satisfaction measures with Council. Over 35,000 surveys are conducted across all touchpoints per year. The table below outlines the overall satisfaction with Council across various methods:

Year	Call Centre Interactions	Counter Interactions	Webchat Interactions	Email Signature survey block on external emails Interactions
2021	95%	98%	92%	88%
2022	95%	98%	88%	84%
2023	95%	97%	90%	82%

Consultation

Customer correspondence is monitored monthly throughout the organisation with a discussion item quarterly at Executive Leadership meetings.

Next Steps

The implementation of the Customer Experience improvement program has yielded significant improvements in service delivery. Dubbo Regional Council’s commitment to a seamless customer journey, enhanced responsiveness, and the integration of modern service delivery models has already resulted in higher satisfaction rates and more efficient service management.

However, the data highlights that there is still work to be done to meet all our strategic goals. Ongoing efforts to refine processes, improve response times, and foster a culture of continuous improvement are essential. Council is confident that by building on the progress made, we will continue to enhance the customer experience and meet the evolving needs of our community.



REPORT: Dubbo Australia Day 2025 - Change of Location

DIVISION: Organisational Performance
REPORT DATE: 31 October 2024
TRIM REFERENCE: ID24/2016

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement 	
Issue	<ul style="list-style-type: none"> On 25 July 2024, the former elected body resolved to hold the ceremony for the Dubbo Australia Day event on Sunday 26 of January 2025, at 8am in Victoria Park. Both events for Wellington and Dubbo have been resolved for date, time and location. 	
Reasoning	<ul style="list-style-type: none"> The Governance team have completed the expression of interest process and formed committees for the Dubbo Australia Day and the Wellington Australia Day Committee. Both of these Committees have already met. The Dubbo Australia Day Committee have asked for consideration to move the location of the ceremony from Victoria Park to the Dubbo Regional Theatre and Convention Centre (DRTCC), being an inside venue across the road. No other changes are being requested for the ceremonies. 	
Financial Implications	Budget Area	Corporate Governance
	Funding Source	Australia Day celebrations
	Proposed Cost	Budget \$46,400
	Ongoing Costs	Annual budget allocation
Policy Implications	Policy Title	N/A
	Impact on Policy	N/A
Consultation	Dubbo Australia Day Committee	Request following Committee meeting

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership
 CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
 Delivery Program Strategy: 4.1.2 Council's decision-making processes are open, transparent and accountable

RECOMMENDATION

- 1. That Council give consideration to moving the Dubbo Australia Day event from Victoria Park to the Dubbo Regional Theatre and Convention Centre (DRTCC).**
- 2. That no other changes be made to the Australia Day Event for Dubbo.**

Jane Bassingthwaight
Director Organisational Performance

AR
Manager Corporate
Governance

BACKGROUND

Previous Resolutions of Council

25 July 2024	<ol style="list-style-type: none">1. <i>That Dubbo Australia Day civic ceremony and event be held at 8:00am on Sunday 26 January 2025 at Victoria Park.</i>2. <i>That an Expression of Interest process be undertaken to form Australia Day Event Committees for Dubbo and Wellington.</i>3. <i>That any additional activities surrounding the civic ceremonies for 2025 be determined between Council Events team and the Australia Day Events Committees.</i>
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In July 2024 the former elected body resolved to hold the Wellington Australia Day event on the evening of Saturday 25 January and the Dubbo Australia Day event on the morning of Sunday 26 January per the above resolutions. This follows the format of the previous two years.

REPORT

The Corporate Governance team have completed the expression of interest process and both the Wellington and Dubbo Australia Day Committees have already met and planning is underway for the events and award nominations.

The Wellington Australia Day Committee met on Tuesday 29 October and is working to the resolution of Council, there are no changes requested for Wellington.

The Dubbo Committee met on Friday 25 October and has requested that Council consider moving the ceremony, from Victoria Park to the DRTCC indoor venue (across the road from Victoria Park). No other changes have been requested.

Consultation

The Dubbo Australia Day Committee met on 25 October and gave lengthy consideration to the current resolution of council and particularly the venue being Victoria Park.

The Committees request to move the location for the ceremony to the indoor venue DRTCC is based on the following:

- Consideration for the high temperatures in January – in the past two years the Committee have noticed community members leaving immediately following the ceremony and this is likely due to the increasing temperature.
- Community members have not spent much time at the associated food stalls or displays in the past two years and vendors may get a better response if they are set up inside the DRTCC or close to the entrance of the DRTCC where people can linger inside and escape the heat for the morning or intermittently.
- The Committee have observed an older demographic attend the Australia Day Ceremony and they may be more comfortable at the DRTCC with air conditioning and better access and stability on the flat surfaces.

- The acoustics will be better and more controlled, i.e. more speakers and no weather effects or open areas. This would address previous feedback from community members who have advised that it was difficult to hear speakers from the back of the seated areas.
- No need for a wet weather contingency plan (including having to make the call at the last minute if needed).

The Events and Partnerships Co-ordinator spoke to the capabilities of the DRTCC as an alternative venue:

- There are multiple linked areas that could be used including the smaller Oxley room, the larger Convention foyer, the entire civic centre room with stage (where regular Citizenship ceremonies are held), the outside kerb area and the adjacent Council carpark area.
- All of these indoor areas have air conditioning and flat surfaces for access.
- Better bathroom locations and more bathroom facilities.
- In house audio equipment and support, compared to portable audio systems and speakers required for Victoria Park.
- On site permanent power, cool rooms and fridges compared to hired/delivery/collection of portable cool rooms, generator, seating and shelter as required at Victoria Park.
- Use of commercial kitchen facilities for cooking or catering needs.
- The Dubbo District Concert Band could be situated on stage and in more favourable conditions such as shade and air conditioning compared to Victoria Park using temporary marquees.
- Using existing chairs and fixed seating compared to hiring this equipment for Victoria Park.
- Significant time savings using existing DRTCC facilities, compared to staff setting-up the ceremony for Victoria Park in the heat of the day prior to the ceremony, and hiring security services for the night to ensure the equipment remains in situ.

Resourcing Implications

- Staffing requirements would be reduced to approximately 6 staff, instead of up to 10.
- The reduction in the need to hire equipment for services and set up of the event.
- The expected savings would be the ability to no longer require to:
 - hire equipment – chairs, marquees, tables etc
 - hire PA system
 - have electrical contractor to mark up the park, check power and hire generator
 - hire a stage
 - hire security overnight to keep set up equipment intact.
- Approximate cost savings from the above is calculated between \$9,500 - \$10,000.
- Additional savings would include staffing costs:
 - No requirement for outdoor staff to assist with setting up of event afternoon prior to Australia Day and to have them to return to assist with pack up on the day – this requires on call and overtime payments.

- No requirement for the full governance team (7 staff) to be involve the day before and on the day again overtime costs involved.

Preferred Option

- Fifteen of the last sixteen Australia Day ceremonies have been held in various locations in Victoria Park with one exception (moving to the DRTCC due to wet weather).
- On the one occasion that the Australia Day event was held indoors it was a success and was well received by the community at the time.
- The reasons outlined above in this report would support trialling the DRTCC venue for 2025.
- The benefits for this option would include cost savings, streamlined set up and pack down, less staff needed to set up and pack down, the easy access for all.
- These awards are presented to highly regarded members of our community to recognise their achievements and contributions and the more formal indoor setting would reflect the gravatas of the Awards.
- Likewise, the Citizenship Ceremony is held indoors throughout the year and provides for a formal indoor setting for the importance of this occasion.

Planned Communications

- If adopted by council, Governance and Corporate Communication staff will ensure adequate notification and advertising of the change of location.

Timeframe

Key Date	Explanation
27 November 2024	Advertising to commence to promote the location for the Dubbo event



REPORT: Future Use of 74 Wingewarra Street (The Greens)

DIVISION: Organisational Performance
REPORT DATE: 31 October 2024
TRIM REFERENCE: ID24/2018

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek direction or decision Strategic project update 	
Issue	<ul style="list-style-type: none"> Dubbo Regional Council acquired 74 Wingewarra Street, the Old Dubbo Bowling Club (The Greens), from the Dubbo RSL on 24 October 2024. 	
Reasoning	<ul style="list-style-type: none"> To determine the short-term use of the facility while the strategic long term plan for the site is undertaken. 	
Financial Implications	Budget Area	Building Assets
	Funding Source	Various depending on the option resolved
	Proposed Cost	Various depending on the option resolved
	Ongoing Costs	Various depending on the option resolved
Policy Implications	Policy Title	N/A
	Impact on Policy	N/A
Consultation	NSW Rugby	As the existing user of the facility, various discussion have been held regarding: <ul style="list-style-type: none"> Ongoing ownership of the facility Maintenance issues

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

- Theme: 5 Liveability
- CSP Objective: 5.3 The lifestyle and social needs of the community are supported
- Delivery Program Strategy: 5.3.2 A variety of youth activities and entertainment is available
- Theme: 5 Liveability
- CSP Objective: 5.5 Our community has access to a diverse range of recreational opportunities
- Delivery Program Strategy: 5.5.2 Unique recreation and open space facilities are available

Theme:	5 Liveability
CSP Objective:	5.6 The diversity of our heritage, cultural services and facilities are maintained and promoted
Delivery Program Strategy:	5.6.1 Our community participates in and celebrates the high quality of cultural services and facilities available

RECOMMENDATION

- 1. That Council determine one of the following three options:**
 - a. That Council offers a two-year lease of The Greens to NSW Rugby;**
 - b. That Council undertakes an Expression of Interest process for a two-year Lease of The Greens; or**
 - c. That Council seek quotes for the demolition of the facility on 74 Wingewarra Street.**
- 2. That a report be provided to Council on the outcome and final endorsement.**

Jane Bassingthwaite
Director Organisational Performance

JB
Director Organisational
Performance

BACKGROUND

In 2019, Council staff commenced negotiations with the Dubbo RSL Club regarding a proposed land swap between Council owned land in Keswick Estate and the Dubbo City Bowling Club site in Wingewarra Street, Dubbo, owned by the Dubbo RSL Club.

The strategic intent at the time of the land swap between Council and Dubbo RSL was that it would enable the development of a new RSL with a purpose-built sporting club and associated facilities within walking distance of the future residents in the burgeoning residential area of southeast Dubbo. Further, that the purchase of the old Dubbo Bowling Club lot would provide Dubbo Regional Council with a strategically located large block of land and contribute to the opportunity for the development of a broader 'Community Precinct' concept, enhancing the cultural and/or sporting facilities in the Victoria Park precinct for both residents and visitors of Dubbo.

Council took control of 74 Wingewarra Street with a Licence Agreement commencing on 14 June 2021. Dubbo RSL took the items that were of value to them and left the remainder of the furniture and other items. There was a considerable amount of work by the Cultural Team to bring the facility to its current state, with removal of rubbish, installation of air-conditioning, flooring, building works and irrigation works of approximately \$300,000 of expenditure.

Over the years under a Licence Agreement with the Dubbo RSL, Dubbo Regional Council, with the improvements to the facilities, has been able to hire the space to commercial and community groups. In December 2022, after an Expressions of Interest process, a sub licence of two years (one plus one-year option) was provided to NSW Rugby to establish a Regional Rugby Hub in Dubbo, who have expressed an interest in making the site their regional home base for the long term.

On 19 September 2023, Council was served a Notice of Rescission of the Land Swap Deed with the Dubbo RSL Memorial Club Ltd, which also rescinded the contract for sale of the two parcels of land.

Following the Council resolution in October 2023 authorising the Chief Executive Officer to enter into negotiations with the Dubbo RSL, an agreement was finally resolved in April 2024, with settlement of the two parcels of land on the 24 October 2024.

At the Culture and Community Committee on 13 June 2024, NSW Rugby presented to the Council the outcomes in community from their Hub at the former Dubbo City Bowling Club.

Previous Resolutions of Council

<p>24/04/2024 CSC24/14</p> <p>Value to Negotiate with the Dubbo RSL for the Old Dubbo Bowling Club Update</p>	<ol style="list-style-type: none"> 1. That Council agrees to sell proposed Lot 102 on DP1301426, being 3.3ha of Lot 200 on DP1280301: <ol style="list-style-type: none"> a. to Dubbo RSL Memorial Club Ltd A.C.N. 000 965 355 or an associated entity; b. for the consideration outlined in the body of this report; and c. pursuant to terms outlined in the body of this report. 2. That Council agrees to purchase 74 Wingewarra Street, Dubbo (properly described as Lot 415 on DP754308) from Dubbo RSL Memorial Club Ltd A.C.N. 000 965 355 for the consideration, and on terms, as outlined in the body of this report. 3. That the contract for the sale of the property described in resolution 1 and in resolution 2 (above) be executed under the common seal of Council. 4. That the Chief Executive Officer be delegated power to execute any operational documentation relating to the finalisation of the sale of the property described in resolution 1 and resolution 2 (above). 5. That all matters relating to this report remain confidential to Council with the exception of the sale price for Lot 102 on DP1301426 (3.3. ha of Keswick land) being \$1.5 million and the purchase price of 74 Wingewarra Street Dubbo (the former Dubbo City Bowling Club) being \$1.5 million. 6. That the Council and RSL Memorial Club Ltd A.C.N. 000 965 355 or an associated entity come to agreed terms and for the agreement to be signed by 30 June 2024.
<p>21/03/2024 CCL24/46</p> <p>(CSC24/7)</p>	<ol style="list-style-type: none"> 1. That Council resubmits an updated Expression of Interest to Dubbo RSL for 74 Wingewarra Street, Dubbo, with an increase of 10% on the original Expression of Interest. 2. That all documentation in relation to this matter remain confidential to Council.
<p>CCL23/351 14/12/2023</p>	<ol style="list-style-type: none"> 1. That Council submits an Expression of Interest for 74 Wingewarra Street Dubbo for the value as recommended in the Preston Rowe Valuation report, 'The Greens' 74 Wingewarra Street Dubbo, report as received today. 2. That a report be provided to Council following the outcome of the Expression of Interest for 74 Wingewarra Street Dubbo. 3. That all documentation in relation to this matter remain confidential to Council.
<p>26/10/2023 CCL23/298</p> <p>Strategic Plan for Acquisition of the Former Dubbo City</p>	<ol style="list-style-type: none"> 1. That the CEO be authorised to enter into negotiations with the Dubbo RSL Memorial Club to purchase the former Dubbo city bowling club site. 2. That a subsequent report be brought to Council with the outcome of the negotiations

Bowling Club Site	3. <i>That the information contained within this report remain confidential to the council.</i>
28/09/2023 CCL23/255 Rescission of land swap - Dubbo RSL Memorial Club Ltd	1. <i>That it be noted that the Dubbo RSL Memorial Club has exercised their right of rescission of the Land Swap Deed, further noting that this relates to the Dubbo RSL property that is the site of the former Dubbo City Bowling Club ad a 3.3 hectare portion of Council’s Keswick Estate.</i> 2. <i>That the CEO provide a report to the October 2023 meeting of council that will provide a broad over view of the possible future strategic use of the former Dubbo City Bowling club site and any previous planning undertaken to date and possible options for purchase from Dubbo RSL Memorial Club.</i>
23/03/2023 CCL23/80 Macquarie Conservatorium Of Music Update	1. <i>That this Council actively investigates ways in which it can support the Macquarie Conservatorium to find short to medium accommodation.</i> 2. <i>That Council continue with development of a future focused Cultural Precinct Plan at the Western Plains Cultural Centre, and continue to engage with cultural stakeholders such as the Macquarie Conservatorium of Music in the process.</i> 3. <i>That Council notes the valuable education, cultural and economic benefit of the Dubbo Region having a Conservatorium.</i>
23/02/2023 CCL23/54 Construction Of Henty Road As Part Of Land-Swap Agreement With Dubbo RSL Memorial Club Ltd	1. <i>That Council does not proceed with a temporary road, and undertakes the construction of a four-lane road as detailed in the report, from the roundabout at the intersection of Boundary Road and Stream Avenue, along the entire eastern frontage of the proposed lot the subject of the land-swap deed dated 15 September 2020 between Council and Dubbo RSL Memorial Club Ltd.</i> 2. <i>That works for the construction of the road are not commenced until the land swap is confirmed.</i> 3. <i>That all documentation in relation to this matter remain confidential to Council.</i> 4. <i>That any documents arising from this report are signed under the common seal of Council.</i>
8/12/2022 CCL22/311a Expressions Of Interest The Greens Update	1. <i>That based on the independent review of the EOI applications that Council enters into a sub-Licence Agreement with NSW Rugby Union for 74 Wingewarra Street, Dubbo (The Greens), for an annual sub licence fee of \$31,460 (including gst) and all operating costs with an estimated annual value of \$43,000 (including gst) for a term of one year and one year option.</i> 2. <i>That Council delegate authority to Chief Executive Officer to negotiate the other terms of the Licence Agreement, including the amount of rent which may be the subject of a grant for financial assistance under s356 of the Local Government Act</i>

	<p>1993.</p> <ol style="list-style-type: none"> 3. That any necessary documentation in relation to this matter be executed under the Common Seal of Council. 4. That the premises must be shared by successful applicant with existing licence holder Dubbo Film Makers who occupies a portion of the site. 5. That all applicants be notified of the outcome of the Expressions of Interest. 6. That the information contained within this report remain confidential to the Council.
<p>28/09/2020 CW20/25</p> <p>Land Swap With Dubbo RSL - Keswick And Dubbo City Bowling Club</p>	<ol style="list-style-type: none"> 1. That Council proceed with the land swap with Dubbo RSL of the Council owned 3.3 ha vacant land parcel at Keswick Estate, for the RSL owned Dubbo City Bowling Club. 2. That the land swap be undertaken by way of exchange of contracts for sale. 3. That following contract settlement, Council permit Dubbo RSL to continue to operate the Dubbo Bowling Club under a licence agreement until the RSL have an alternative location in which to operate a bowling club, noting that the licence agreement would have a maximum term of two years. 4. That the Dubbo City Bowling Club site is to be classified as operational land upon its acquisition by Council. 5. That all documentation in relation to this matter be executed under Power of Attorney.
<p>22/07/2019 CW19/18</p> <p>Proposed Land Swap Arrangement</p>	<ol style="list-style-type: none"> 1. That Council endorse the initial draft land swap arrangement as detailed in the body of this report. 2. That a further report to be considered by Council when all details are finalised. 3. That the documents and considerations in regard to this matter remain confidential to the Council.

REPORT

Recent work has been undertaken to understand the possible strategic use for the site, but there is no current Community Precinct Plan at this time. Early investigations into this potential have commenced, but much more work is required to bring that concept to a point whereby Council may consider a strategic decision at a Master Plan level.

Discussions have been held with NSW Rugby who are keen to remain in the facility, as the disruption to the Sub License over the last year with the uncertainty of the future ownership prevented them developing the site as originally planned. NSW Rugby have provided feedback on the site and still have some ongoing maintenance issues that can be resolved now that ownership has been finalised. There continues to be ongoing issues with attempted break ins, people sleeping rough and drug use, under the covered area.

The main risk of leaving the facility untenanted is the increase of vandalism. This has been experienced with underutilised facilities such as the vacant build in Hawthorn Street that was previously occupied by NSW Health.

Consultation

- NSW Rugby provided an update on the status of the acquisition of The Greens and maintenance issues.

Resourcing Implications

- Resourcing implication will vary depending on the option resolved.

Options Considered

Option 1 - Lease The Greens to NSW Rugby

Offer a two-year Lease of The Greens to NSW Rugby to provide a facility that supports their ongoing NSW regional programs.

Noting that the previous arrangement was a Sub License of the facility due to the facility being owned by Dubbo RSL (Dubbo Regional Council had a License with Dubbo RSL). The new arrangement will be a Lease as Council now owns the facility.

- Pro: No change in the current tenant.
- Pro: Having a permanent tenant using the facility will reduce the risk and cost of vandalism.
- Pro: NSW Rugby have proven to provide quality outcome for our community.
- Pro: Secures NSW Rugby in Dubbo for another two years to continue the development of the programs.
- Pro: The facility is being utilised while work continues on the strategic development of a long-term plan for the site.
- Con: Other potential users of the facility are not provided an opportunity to use it for other purposes.
- Con: NSW Rugby are currently paying under market value, and NSW Rugby have no expressed what ongoing Lease Fee with Council (therefore could be more or less than current amount paid).
- Con: Repairs to the building are required which are estimated to be \$40,000.

Option 2 – Expression of Interest of The Greens

Undertake an Expression of Interest (EOI) for use of The Greens, to provide the opportunity for other community group to use the facility for the next 2 years.

- Pro: Having a permanent tenant using the facility will reduce the risk and cost of vandalism.
- Pro: Provides an opportunity for other potential users of the facility to express interest.

- Pro: EOI could provide an opportunity for a commercial use that has the ability to pay market rate.
- Pro: The facility is being utilised while work continues on the strategic development of a long-term plan for the site.
- Con: Potential EOI from community groups would request to paying under market value.
- Con: Repairs to the building are required which are estimated to be \$40,000.

Option 3 - Demolish the Building

Demolish the building and develop the land as a car parking area that would be utilised by the existing facilities.

- Pro: Surrounding facilities would benefit from additional car parking.
- Pro: No risk or additional costs from vandalism.
- Pro: No ongoing maintenance costs
- Con: Perception from the community of demolishing the facility with no future planned development of the site.
- Con: No identified funding for the cost of demolition (estimated at \$200,000) or establishment of a car park.

Next Steps

- Communicate the outcome of the report to the relevant stakeholders



REPORT: Office of Local Government Reform Proposal for Code of Conduct and Meeting Practices

DIVISION: Chief Executive Officer
REPORT DATE: 30 October 2024
TRIM REFERENCE: ID24/2009

EXECUTIVE SUMMARY

Purpose	<ul style="list-style-type: none"> Seek endorsement Seek direction Fulfil legislated requirement/Compliance 	
Issue	<ul style="list-style-type: none"> The NSW Government via the Office of Local Government is proposing reforms of the Code of Conduct framework and the Code of Meeting Practice via a discussion paper and have requested submissions by 15 November 2024. 	
Reasoning	<ul style="list-style-type: none"> Dubbo Regional Council is experienced from previous terms, pre-December 2021, as to the dysfunction created by the Administration of the Procedures of Code of Conduct. The Code of Meeting Practice informs the rules of Council decision making and any changes should strengthen, not inhibit good practices. 	
Financial Implications	Budget Area	Corporate Governance
	Funding Source	N/A
	Proposed Cost	N/A
	Ongoing Costs	N/A
Policy Implications	Policy Title	Code of Conduct and Code of Meeting Practice
	Impact on Policy	Changes to the policies to reflect the new changes to legislation
Consultation	Governance	Effectiveness of Code of Conduct Procedures and briefings/ workshops for Councillors.

STRATEGIC DIRECTION

The Towards 2040 Community Strategic Plan is a vision for the development of the region out to the year 2040. The Plan includes six principal themes and a number of objectives and strategies. This report is aligned to:

Theme: 4 Leadership
 CSP Objective: 4.1 Council provides transparent, fair and accountable leadership and governance
 Delivery Program Strategy: 4.1.2 Council's decision-making processes are open,

transparent and accountable

Theme:	4 Leadership
CSP Objective:	4.1 Council provides transparent, fair and accountable leadership and governance
Delivery Program Strategy:	4.1.4 Statutory requirements are met and services are provided in a cost-effective and timely manner

RECOMMENDATION

That Council note the Chief Executive Officer will make a submission to the Office of Local Government by 15 November 2024, based on the information contained in this report and any additional points raised on the floor of this Corporate Services Committee meeting.

Murray Wood
Chief Executive Officer

MW
Chief Executive Officer

BACKGROUND

The Office of Local Government has released a discussion paper called “Councillor Conduct and meeting practices” which outlines the proposed reforms to the Code of Conduct and Council Meeting practices. This discussion paper calls for submissions from Councils (due COB on 15 November 2024) and is included at **Appendix 1**.

Previous Resolutions of Council

CW21/9	<ol style="list-style-type: none">1. <i>That the report of the Chief Executive Officer, dated 11 June 2021, be noted</i>2. <i>That the Draft Terms of Reference (attached as Appendix 1) be adopted with the relevant changes made.</i>3. <i>That Pinnacle Integrity be engaged to undertake the Independent Enquiry Investigation.</i>4. <i>That the report be made available publicly, with the exception of Appendix 2 on the original report which must remain confidential.</i>
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Council in mid-2021 initiated a review of the Administration of Procedures for the Code of Conduct. There was significant community concern at that time that previous complaints were not managed appropriately.

Whilst the report was necessarily confidential following the rules of the Code of Conduct regarding confidentiality, the public finding was that:

“inquiry identified systemic issues regarding the management of Code of Conduct complaints. This, in the main, involved a failure to consistently apply the Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW”

REPORT

1 Code of Conduct reform

The discussion paper states, “Councillors and Community members report dissatisfaction with the process for resolving code of conduct complaints – being expensive, overly legal, prone to political sparring, and not timely, with average timeframes exceeding 12 months and more than 24 months if they are then referred to OLG for further investigation.”

A report (CCL24/252 Annual Report on Complaint Statistics Under Council’s Code of Conduct) provided to the October 2024 Ordinary Meeting of Council showed the comparative costs to a community when dysfunction is allowed to perpetuate compared to more normal periods.

Annual Reporting Comparisons

Reporting Period	Number of Code of Conduct Complaints Received	Total Expenditure
2020/2021	55	\$236,000.00
2021/2022	9	\$61,392.60
2022/2023	4	\$16,170.00
2023/2024	4	\$13,868.25

Of the 55 complaints received in 2020/2021, there were very few meaningful outcomes for the community. The extended leave of the then Mayor was a timely coincidence and not the direct outcome of a code of conduct complaint or process.

When Councillors or community weaponise the Code of Conduct through public calls for lodging of Code of Conducts this leads to a significant lodging of complaints (and costs to council) and the process takes so long that it is ineffective at changing behaviour. This fundamentally should be the point of a Code of Conduct, that the poor behaviour is corrected.

The proposed reforms aim to increase the effectiveness of the Code of Conduct process, including timely and meaningful outcomes. Following the lived experience at DRC, this is highly supported, and staff are well placed to make a submission to the OLG on the discussion paper.

One of the proposed changes is to form a Local Government Privileges Committee made of “senior and experienced mayors and ex-mayors from across NSW to meet and assess complaints against councillors” with this committee being supported by OLG. This should be conceptually supported by Council as a more efficient mechanism than currently exists.

Council also requests that public calls for inappropriate use of Code of Conduct complaints to create political pressure should also be considered by a Privileges Committee as against expected behaviours.

The proposed reforms also concentrate on a clearer definition of misbehaviour, being a three-limb approach to defining misbehaviour, which has merit and seems appropriate conceptually to address matters not captured by existing legal definitions or case law. (pages 12 and 13).

The proposed ‘Dispute resolution and penalty framework’ is also supported, as the two-step process requiring initial consideration by the General Manager/CEO or Mayor creates an opportunity for conflict of interest to be realised and, as described in the OLG consultation document, is currently overly slow.

Whilst there would be no role of privately hired investigators, used to avoid a conflict of interest currently, it is assumed that the cost of the Privileges Committee would be worn by the Council concerned. It would be a positive outcome for Councils to have indicative costings available to understand the cost of the new framework.

The proposed reforms include OLG having the discretion to issue a PIN for minor breaches of conflict of interests; ideally to streamline the management of these complaints. The discussion paper seeks feedback on “What level of PIN is appropriate?” for a breach that is minor or administrative in nature. A category of breaches/penalties similar to driving offences illustrated below could be an effective way to manage these complaints with definite and timely outcomes (with an escalation point depending on multiple PINs etc):

Offence	Penalty notice fines	Points	Double demerits?	Law
Vehicle lights	\$136	1	No	Road Rules 2014
Drive during period of darkness without prescribed lights				Rule 215-1 (1)

Does Council think this amount for a PIN is appropriate? Does Council consider PINs appropriate in themselves as a tool? The elected body should consider this proposal as they would be the subject of a PIN framework.

2 Restoring dignity to council meetings

Whilst there is much subjective commentary in this chapter on the rationale for proposed reforms to the Model Code of Meeting Practice. It is a more appropriate statement to add “and maintain” to the statement “to restore the prestige and dignity of the council chamber.” As with many policy settings, these are created for the non-compliant cohort but apply to all, expecting that a large percentage of Councils would maintain the formalities of the Chamber, with a smaller cohort have reached a stage of dysfunction or disrespectful debate.

Dubbo Regional Councils Code of Meeting practice (follows the Model Code) and already requires Councillors, where physically able, to address the meeting standing. DRC does not require Councillors to stand when the Mayor enters the room, this practice was implemented previously and also abandoned depending on the Mayor of the day.

In regard to banning briefing sessions, it is acknowledged that there has been misuse by a limited number of Councils as per the findings of ICAC. However, in DRC’s case the pre-meeting briefings are booked for one hour immediately prior to the meeting and are procedural in nature and chaired by the CEO as opposed to the Mayor/Councillors. The briefings allow for clarification or requests for more information so staff can prepare further information ready for the Council meeting. There is strictly no debate on matters and no decision making.

The current briefings are a valuable resource to the elected body where procedural questions and clarity on the Code of Meeting Practice can be provided, as well as providing individual assistance to Councillors on potential alternative motions and report authors answering questions so Councillors can participate in extensive debate during the Council meetings.

The further concern is workshops and would they be caught in a legislative definition of pre-meeting briefings. Councillors come from a wide variety of backgrounds and experience (and

candidates for local government elections are not required to have any set or formal qualifications). In the regional context the services of provided by Council include more than the typical roads, parks, childcare libraries, pools etc. Dubbo Regional Council is a water and sewer utility, provides an RPT airport that is home to an emergency service hubs, one of the major livestock markets in Australia and a natural karst (caves) system of national significance. It is a very diverse and complex service business to community. To expect Councillors, and particularly new Councillors, to understand the details of a technical matter and only gain information from Council meetings would not be amenable to good decision making in the chamber.

Take the example of the procurement of utilities such as electricity. It is a much more complex procurement than twenty years ago, being a specialist market created by government policy that requires Councillors to be given the opportunity to understand its detailed nuance prior to a Council meeting determining the outcome of a tender that also addresses policy settings such as Net Zero targets for both Council and the State. Previously a Council would just have one option to purchase power from and there was no consideration of moving to Net Zero targets.

The purposeful or unintended banning of workshops that are intended to create understanding on complex issues that will be brought to a future decision of Council would harm the local government sector in terms of informed decision making. It is arguable that the government body would be at risk of automatic deferral to specialist advice of staff without due consideration.

Briefings and workshops have value for decision makers of the elected body. The subjects to be discussed in briefings or workshops should be viewed through a risk management lens ensuring no decisions are made and there is a significant reduction in corruption opportunity as has been realised in some metropolitan based Councils. In this regard it is accepted that matters such as planning approval matters could be prohibited in briefings.

The Community should have confidence in the decision-making body of Council. These briefings and workshops educate elected members and broaden their individual understanding of the range of infrastructure that Council maintains, which they would not otherwise have knowledge of, nor are they expected to.

It is acknowledged that the mayor by nature of the role must have access to more information at a point in time than fellow Councillors. However, and arising from dysfunction during the 2017/2021 term, Dubbo Regional Council has a policy that requires staff to share information equally with all Councillors. This addressed the risk that a Mayor/General Manager (CEO) could manipulate access to information to achieve an outcome in the Chamber at the expense of good governance and decision making. In legislating to manage the risk of pre-meeting briefing sessions there should be consideration given to legislating/regulating the requirement to share information equally unless evidence exists of breach of confidentiality and legal privilege by a Councillor or Councillors.

Whilst the DRC community in speaking at public forum has been respectful when corrected by the Chair as to the appropriate behaviour required by the Code of Meeting Practice, the

proposed reforms to allow for expelling for public disorder and an issuing of a PIN would provide the foundation to ensure good behaviour could be enforced.

Consultation

- Staff will make a submission to OLG aligned with the comments in this report, and any notable discussion points from the floor during this Corporate Services Committee meeting.

Resourcing Implications

- The outcome on the potential reforms may have an impact on council resources but this will be unknown until a final position is reached.
- Current governance staff and resources are expected to absorb these.

Planned Communications

- A copy of the submission to OLG will be circulated to Councillors.

Next Steps

- Submission due to OLG by COB on 15 November 2024.

APPENDICES:

- 1 [↓](#) Councillor Conduct and Meeting Practices Discussion Paper - LG NSW

Office of Local Government



Councillor conduct and meeting practices

A new framework

September 2024

olg.nsw.gov.au



Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Councillor conduct and meeting practices

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More information

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The need for change – returning local democracy to councils

Strong and thriving communities need effective local government. No other level of government is as close to the issues and people.

Effective local government comes when councillors are visibly in control of their councils. How councillors act and how appropriately and transparently decisions are made at meetings is critical in demonstrating to the community that their elected representatives understand the consequences of their decisions, and then make the best possible decisions they can for their community as a whole.

Unfortunately, the existing councillor conduct framework is not delivering on the need for transparency or the necessary degree of respect in the community for the role that councillors have.

Closed council briefing sessions are being used to make decisions away from the public view. Council debates on issues are too often personal slanging matches, rather than forums for robust but respectful discussions on what is best for the community.

Similarly, we have seen a growth in the number of complaints, often over trivial issues. Data from the Office of Local Government (OLG) has shown there has been 4289 complaints over the last 3 years (2020/21 to 2022/23) through the code of conduct process. Overall:

- 420 were referred for preliminary enquiries and then discontinued
- 136 were investigated as potential pecuniary interest matters
- 102 were investigated as potential misconduct (not pecuniary interest)
- 36 related to public interest disclosures, and
- 2 related to political donations

But of these thousands of complaints, in the years since 2020/21 OLG has:

- taken action against 14 councillors by way of a suspension or reprimand
- referred 4 councillors to the NSW Civil and Administrative Tribunal (NCAT) for misconduct, and
- disqualified and dismissed one councillor on the basis of Independent Commission Against Corruption (ICAC) recommendations

The volume of frivolous complaints is crowding out the ability of the OLG and the sector to adequately deal with councillors who abuse their office or cause serious governance problems. It is critical the framework that governs both the behaviour and meeting practices of councillors ensures the community can observe and comment on the behaviour of councillors, instead of inhibiting the operation and function of local democracy.

The weaknesses of existing frameworks

The simple, but compelling premise is local councils should be accountable to their community with council staff being accountable to their councillors, through the General Manager. The best way to achieve this aim is for councils to provide strong and effective representation, leadership, planning and decision making. Unfortunately, this simple concept has been lost.

How councillors behave, how they deliberate and the responsibilities they hold should be modelled on how members of Parliament are expected to behave and act. As the governing body, councillors should act fairly, ethically and without bias in the interests of the local community, and they should be responsible employers and provide a consultative and supportive working environment for staff. A criticism made about the current framework for councillor conduct or meeting practices is that they do not reflect local government's status as an independent third tier of government: it allows an unelected State Government official to determine penalties and guilt thus undermining the status of local government.

While most local councils and local councillors do the right thing with the best intent, there are some councillors who are not so motivated. In these cases, the current councillor behavioural framework, as implemented in NSW, does not facilitate the best outcomes or resolve issues.

In relation to complaint management, it is not considered acceptable to create better complaint management pathways for the processing of code of conduct complaints. The current code of conduct simply enables too many complaints about councillors, all too often for political or vexatious reasons.

It is for this reason that the Government has embarked upon a new approach that refocuses the limited resources of the State on those concerns that matter most: serious misbehaviours and attempts by councillors to enrich themselves through their office.

Weaknesses of the current framework include:

- The councillor conduct framework distracts from, rather than enhances, robust democratic debate. Complaints are weaponised for political reasons, or to silence dissent from other elected representatives.
- Councillors and community members report dissatisfaction with the process for resolving code of conduct complaints – being expensive, overly legal, prone to political sparring and not timely, with average timeframes exceeding 12 months and more than 24 months if they are then referred to OLG for further investigation.
- Issues are not being addressed and resolved at the local level – instead complaints are escalated unnecessarily to the State Government to resolve because of the view that public censure from the local council is not a 'strong enough' punishment.
- Communities and councillors report that council decision making is not transparent – with decisions being seen as made behind closed doors, information not being provided or withheld, too much use of closed to the public briefings or councils going into closed sessions for no adequate rationale.
- Bad councillor behaviour is not considered to have been addressed quickly enough and when sanctions are imposed it is too late or of little consequence.
- There is a lack of clarity around OLG's role as the sector regulator – taking too long to resolve matters and not focussing on the important financial and government concerns in the sector, instead spending time focussed on individual councillor behaviour.
- OLG reports challenges in relying on the reports of council conduct reviewers – investigations into councillors need to be done afresh, the process is cumbersome with multiple feedback loops and serious sanctions can only come from suspensions handed down by NCAT.

With so much focus on the bad behaviour of a limited number of councillors there is not enough attention given to the good work that councillors do. The role of a councillor is a noble public service, and the local government behavioural framework should support those who seek to do the right thing and punish those that are not so motivated.

Options for a better approach

Improving the councillor conduct framework and the meeting practices of councils can be achieved but will require changes to the Local Government Act 1993 (the Local Government Act), as well as updating the various regulations, codes and policies that apply. Some of the work to update the regulations and codes can be done quickly, while others requiring legislative change will take some time.

This paper provides an overview of the proposed new approach to both the councillor conduct framework and meeting practices. The proposals are to:

- Make OLG directly responsible for dealing with pecuniary interest and significant non-pecuniary conflicts of interest, with sanctions (suspensions and loss of pay) being determined by an appropriate tribunal or body,
- Refer behavioural based concerns about councillor conduct to a State-wide panel of experienced councillors to judge their peers,
- Reset the code of conduct to be similar to Parliamentary Codes, making it clear the expected patterns of councillor behaviour,
- Ensure the community can observe local democratic processes by banning closed to the public briefing sessions, while at the same time restoring the dignity and prestige of the council chamber.

These changes are only proposed for councillors and there is no change proposed for the code of conduct for Local Government staff. Feedback from stakeholders is that the existing code of conduct of staff remains fit for purpose and is largely effective.

Seeking your views

This discussion paper has been prepared to seek the views of the community, key stakeholders and the local government sector about the proposed changes.

Submissions will be accepted to **COB Friday 15 November 2024**.

All input received through this consultation process **may be made publicly available**. Please let us know in your submission if you **do not want** your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the Government Information (Public Access) Act 2009). There is a privacy policy located on OLG's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

Further information about how to make a submission is provided at section 7 of this paper.

What are the principles of change?

In preparing the proposed reforms the following principles have guided the discussion and the intent of the changes:

- **Council leadership and decision making is paramount** – it is critical that the sector, as the third tier of government, is given independence to make decisions in the best interests of the community
- **Freedom of speech** – as elected officials, councillors have the constitutional right and democratic responsibility to speak freely about issues affecting their local community and to advocate for the interests of that community
- **Transparency and accountability** – as a democracy councils need to hear, consider and debate issues in an open manner
- **Significant penalties should only be imposed by a judicial or quasi-judicial body** – to ensure procedural fairness and thorough testing of allegations, significant penalties should be given by bodies such as the NSW Civil and Administrative Tribunal
- **A strong and proportionate local government regulator** – the role of OLG should be to create the framework for local government, ensure councils, joint organisations (JOs), and county councils have the capacity to operate within the framework so that the regulator intervenes as rarely as needed
- **Subsidiarity** – decisions are made at the level closest to those impacted by those decisions
- **Justice is timely and proportionate** – where allegations are made, they should be heard, tested and dealt with as quickly as possible.

Question

Are we missing anything in the principles of change?

Potential changes to the code of conduct and oath of office

The key proposed reform for the councillor behavioural framework is to move to a streamlined, aspirational Code of Conduct. This is equivalent to the Code of Conduct framework for NSW Members of Parliament available [here](#) and [here](#).

The aspirational Code of Conduct would clearly and succinctly outline the behavioural expectations of local councillors (approximately 2-3 pages) in easy-to-understand language. It would then be supported by a clearer framework and definitions for misbehaviour of elected officials.

The aspirational Code of Conduct would not set out the definitions of misbehaviour as these would be legislated as explained in later sections of this discussion paper.

Separating the behavioural expectations in a Code of Conduct from definitions of misbehaviour reflects a positive approach to councillor behaviour. The separation also recognises that the majority of councillors want to do the right thing and they should have easy access to the standards expected of them.

The revamped Code of Conduct could also be aligned to the Oath of Office for local councillors ensuring that the behavioural standards and expectations are clear and understood when a councillor takes office. The existing framework can make it difficult to understand the behavioural expectations and standards upon councillors.

Importantly, the revamped Code of Conduct will not seek to restrain the ability of a councillor to speak publicly on matters pertaining to their council, even when that councillor is disagreeing with, or being critical of, the decisions of the majority.

It is proposed to make the new Code of Conduct an aspirational code of expected behaviours instead of enforceable for local councillors.

Question

What are the key elements of an aspirational Code of Conduct that should be enshrined?

Question

What are your views about aligning the Oath of Office to the revamped Code of Conduct?

Potential changes to the definitions and assessment of councillor misbehaviour

The current Local Government Act defines councillor misconduct as a breach of the Local Government Act or other regulatory provisions, which includes the Code of Conduct. This means that it is difficult for the average person to understand the definition of misconduct as they need to reference several other regulatory instruments and policy documents to determine what constitutes.

It is proposed in the revised framework that misbehaviour will be more clearly defined and articulated within the Local Government Act, with the reference to regulations and other statutory instruments only for further enunciation or explanation.

These definitions, which are described in later sections would cover:

- Pecuniary conflicts of interests, (for example decisions that financially benefit the councillor or a close associate),
- Significant non-pecuniary conflicts of interests (for example where a councillor participates in a decision and a direct advantage/disadvantage is created for a person or company the councillor is friendly with or associated with), and
- Councillor misbehaviour in public office (for example, poor conduct in meetings leading to exclusion by the Mayor or Chair of the Committee).

This will make clearer to all participants in the local government sector what is considered misbehaviour by a local councillor.

The definitions of misbehaviour do not change the other legislative requirements. Communities, residents, workers and fellow councillors expect their elected officials to act in an appropriate and ethical way, including observing workplace health and safety, environmental and criminal laws. If there is an offence or complaint under these other laws, people should

seek redress from the appropriate regulator including SafeWork, Independent Commission Against Corruption or the NSW Police.

The behavioural standards in the revamped Code of Conduct will reinforce the expectation that councillors are community leaders and therefore exemplars of good behaviour. As community leaders it is also expected councillors will meet legislative obligations. Therefore, misbehaviour only needs to be defined as those issues which go to the nature of councillors as elected officials, being conflicts of interest or misbehaviour in public office.

These are the expectations that are upon councillors because of the public trust that is placed in them as elected officials. In this way it more closely reflects, with appropriate adjustments the framework that applies to other elected officials in other levels of Government.

Conflicts of interest

The first proposed limb of the revised misbehaviour definition is a councillor's failure to manage a conflict of interest.

Management of conflicts of interest is important to ensure that councillors act and are seen to act in the public good, not for private benefit or personal gain. Conflicts of interest arise when there is a conflict, perception or potential of a conflict between an official's private interests and public duty.

The test for pecuniary interests is quite clear as it is an objective test; would a councillor or one of their close associates (spouse, family members), receive a financial benefit as a result of a decision. However, testing whether there is a non-pecuniary conflict of interest is more challenging.

Pecuniary interests

It is proposed to align the definition of pecuniary interests for NSW councillors with those that are utilised and defined for NSW members of parliament, requiring disclosure of the following interests:

- Real property – property in which councillors have an ‘interest’
- Sources of income – all income over \$500 other than salary of office
- Gifts – all gifts of cumulative value of more than \$500
- Contributions to travel – of value of more than \$250 (including flight upgrades)
- Interests and positions in corporations – eg stocks and shares, directorships
- Positions in unions and professional or business organisations
- Debts – of cumulative value of more than \$500, excluding home loans or debts for goods and services disposed of within a year
- Dispositions of property
- Engagement to provide a service involving use of a councillor’s position and
- Discretionary disclosures.

It is proposed that the interests for disclosure by the councillor are similarly extended to the interest of a spouse or de facto partner, relative, or partner or employer, or a company or other body of which the councillor, or their nominee, partner or employer, is a shareholder or member. This extends only to the extent the councillor is aware or should be aware of such interests.

It is proposed there remains an absolute prohibition on a councillor being involved in any matter before council where a pecuniary conflict of interest exists, unless otherwise determined via regulation.

It is also proposed to give extended investigation powers to OLG to investigate and request information on corporate structures such as trust or companies to

determine underlying beneficial ownership and interests.

OLG, as the agency responsible for investigating alleged breaches of pecuniary interests, needs clear powers to compel the production of information and/or records, to ensure that pecuniary interest returns are provided and made publicly available. If there is non-compliance with an OLG direction, which may include the requirement to make a declaration, remedies such as penalty infringement notices (PIN) should be available to ensure cooperation with investigative processes.

Question

Is the proposed pecuniary interest framework appropriate? Is anything missing?

Non-pecuniary interests

A conflict of interest does not necessarily have to be financial in nature. It could also arise from familial or personal relationships, affiliations or memberships. It is equally important that such conflicts are managed appropriately to ensure that decision making is seen to be transparent and remains in the public interest.

An interested and informed observer should be confident a decision made by a councillor is free from bias or a reasonable apprehension of bias. This means that any concerns about a potentially significant conflict of interest should be declared and appropriately managed.

The nature and breadth of non-pecuniary interests naturally means that the framework for management of such interests is more nuanced, with the management approach often dependent upon the individual circumstances of the case.

It is also important to recognise that councillors, as representatives of their community, reside within their community, so memberships of clubs, congregational

memberships etc should not automatically be seen as conflicts of interest.

If a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict that should be publicly declared, if the councillor considered it of minor consequence, it wasn't controversial, or the councillor did not hold the casting vote.

Alternatively, if a decision of a councillor directly advantages (or disadvantages) a particular individual or organisation the councillor is friendly with or associates with, then that can be a conflict requiring the councillor to recuse themselves from being involved in the decision-making process if there was a major advantage or disadvantage (or potential for), if it was controversial or the vote of the councillor was critical.

The appropriate test for whether a non-pecuniary interest should be declared is based on an objective test, not in the mind of the individual who is subject to the conflict of interest. The test is whether a reasonable and informed person would perceive that the councillor could be influenced by a private interest when carrying out their official functions in relation to a matter.

Whether the councillor abstains themselves from a decision, or decides to participate, the continued and timely disclosure of interests is critical. Disclosure ensures the community is aware of any potential conflicts and how the councillor is managing and responding to the issue.

Councillors should remain as vigilant about disclosure of non-pecuniary interests as they are about pecuniary interests.

Question

Do you agree with the principles of what constitutes a significant or major non-pecuniary interest?

Property developers and real estate agents

The NSW Government has made a commitment to ensure the conflicts of interest that exist between a councillors' public duties to make decisions on behalf of communities and the private interests that exist in securing a profit as a developer or real estate agent are addressed. A simple change to ban developers or real estate agents from being councillors is not possible as it infringes the right to political free speech implied by the Australian Constitution.

Ordinarily conflicts of interest are managed through declarations and withdrawing from decision making. However, in the case of property development and real estate interests, where so much of what a council does is related to land and the potential for speculation in the changes of land value arising from planning, development and infrastructure decisions, it can be impossible to isolate the precise interests that would drive a councillor's decision.

Without some way of managing these conflicts, the community confidence that planning, development and infrastructure decisions are taken transparently in the public interest will erode. Given the importance of planning, development and infrastructure decisions to resolving the housing crisis, driving the move to net zero through the electrification of the economy and building community resilience to disasters, it is critical to restore confidence.

To address this concern, an alternative means of managing the inherent conflict of councillors undertaking real estate and development business activity is being considered which involves requiring councillors to divest themselves from real estate or development business activities and contractual obligations.

Legislation is being drafted that will:

- identify how developers and real estate agents are identified,
- create the obligation to divest and not enter into real estate or development business arrangements through contracts,
- establish the penalties, including disqualification, where a councillor engages in contractual arrangements with real estate agents or developers,
- ensure there are exemptions so councillors can buy and sell their own property using a real estate agent, and
- create transitional arrangements for the introduction of the new obligations.

Question

Are there any other specific features that should be included to address concerns about councillors undertaking real estate and development business activities?

Councillor misbehaviour in public office

The third proposed component of a revised definition of misconduct is misbehaviour in public office.

Misbehaviour in public office would cover behaviour which is inconsistent or outside of the norms of behaviour expected from a councillor, particularly given their role as a community leader. Given the discussion is about behaviour rather than action, there is a much greater degree of interpretation, and it is appropriate that councillors judge their fellow councillors on whether they could be considered to have misbehaved.

There would be three limbs to this proposed misbehaviour definition being conduct that:

- Is unbecoming of a councillor
- Brings council into disrepute; and/or
- Is assessed as being outside the norms and expectations of a sitting councillor.

The first two tests of this framework are established legal concepts with existing case law and precedents.

Unbecoming conduct means behaviour more serious than slight, and of a material and pronounced character. It means conduct morally unfitting and unworthy, rather than merely inappropriate or unsuitable, misbehaviour which is more than opposed to good taste or propriety. Conduct unbecoming refers to the conduct that is contrary to the public interests, or which harms his/her standing of the profession in the eyes of the public. Examples can be referenced in *Oei v The Australian Golf Club [2016] NSWSC 846*.

To bring something into disrepute is to lower the reputation of the profession or organisation in the eyes of ordinary members of the public to a significant extent. It is a higher threshold than the test of bringing an individual into disrepute - (*Zubkov v FINA (2007) CAS 2007/A/1291*).

The third limb of the misbehaviour definition allows consideration of behaviours and actions of a sitting councillor which are considered egregious or problematic that are otherwise not captured by the other elements of the definitions.

As this is a test of appropriate behaviour, the determination of whether the misbehaviour occurred would be undertaken by the peers of the councillor. This would involve the formation of an 'Local Government Privileges Committee' (Privileges Committee) of senior and experienced mayors and ex-mayors from across NSW to meet and assess the complaints made against councillors. The Privileges Committee would be supported by OLG, but decisions would be made by the mayors or ex-mayors on the Privileges Committee who would draw on their expertise as mayors, as well as having served at least two council terms as a councillor.

There would also be an opportunity to apply these principles to poor behaviour in meetings, particularly where a councillor has failed to comply with the directions given by the mayor or Privileges Committee Chair.

Question

Is this the appropriate threshold to face a Privileges Committee?

Question

How else can complaints be minimised?

Addressing inappropriate lobbying

A number of investigations by the Independent Commission Against Corruption (ICAC) has led to recommendations to put in place measures to address concerns about lobbying of councillors. ICAC has been concerned about councillors having relationships with development applicants that pose a conflict of interest, concerns with councillors meeting with development applicants in private settings to discuss their applications, and concerns about councillors receiving gifts and inducements as part of lobbying activities to improperly influence council decision-making.

Lobbying is an important feature of democratic representative government, and all councillors get lobbied by residents, businesses and community groups. However, inappropriate lobbying that isn't declared presents certain risks and can lead to corrupt behaviour or improper decision-making. On the recommendation of ICAC to address these risks, OLG is developing lobbying guidelines and a model policy on lobbying for councils to adopt that will:

- address how professional lobbyists are identified and the obligations on councils and councillors if they met a professional lobbyist,
- set out inappropriate behaviours when being lobbied,
- identify steps to be taken to ensure transparency,
- require council officials to report inappropriate or corrupt lobbying behaviours to the councils general manager.

The development of lobbying guidelines and a model policy on lobbying will ensure councillors and councils understand these risks and have effective controls in place to address them.

Question

What key features should be included in lobbying guidelines and a model policy?

Dispute resolution and penalty framework

Consistent with the principles outlined earlier, it is proposed that there be a significant change to the dispute resolution and penalties framework for misbehaviour.

While the overall intent is to reduce the weaponisation of the complaints process and reduce the number of complaints, there is also a need for more timely resolution of matters and ensure that the limited investigation and regulator resources are directed to the more significant misbehaviour matters.

There is also an opportunity to bring the dispute resolution framework more into line with that used in other levels of government.

The approach being proposed is to create clear separation between the process for consideration of conflicts of interest and the processes for consideration of misbehaviour. This has the benefit of removing general managers from being central to the complaint process.

Under the reforms, the investigation of serious conflicts of interest would be put entirely into the hands of OLG. The approach also removes the existing 'two step' process of referrals to conduct reviewers and then OLG.

There would be no investigations of misbehaviour, instead councillors would be required to demonstrate to their peers why their actions, which may have led to the complaint, were appropriate to the circumstances.

To implement these new approaches, changes to the systems and structures of investigation and complaints handling are needed.

Abolishing the 'two step process'

The existing process for complaints is set out in the Procedures for the Administration of the Model Code of Conduct.

In simple terms, the complaint process involves the general manager or the mayor receiving a complaint, determining whether the complaint is valid and referring the matter to a complaints coordinator within the council, who will in turn appoint an external conduct reviewer. Once the conduct reviewer investigates the issue, interviews the complainant and the subject of the complaint, as well as any other relevant people, provides a report to the council and the council makes a decision, many months can pass.

As it currently stands, if OLG, receives a referral following the council consideration of a complaint, they are then expected to rely on the investigation report of the conduct reviewer to make an assessment. However, investigation reports prepared by conduct reviewers may satisfy the evidentiary standard required for a councillor to be censured but may not satisfy the higher evidentiary standard required to support disciplinary action under the misbehaviour provisions under the Local Government Act, such as suspension or disqualification. OLG's experience is that rarely can it rely on these reports and must instead recommence an investigation process if it decides to pursue the matter.

Instead of this existing two-step process:

- Complaints about conflict of interest matters would be made directly to OLG, and
- Complaints about misbehaviour would be made directly to the Local Government Privileges Committee via a dedicated webform.

Under the proposed approach, there would be no role for privately hired investigators to determine whether the Code of Conduct has been breached.

Giving OLG the power to issue penalty infringement notices

In order to ensure information is provided to OLG more effectively, it is proposed to enable OLG the discretion to issue penalty infringement notices (PINs) for minor or insignificant breaches of the conflicts of interest declarations. The PINs would be primarily utilised in circumstances where the breach is considered minor or administrative in nature – for example an inadvertent failure to lodge a return of interests.

This change to PINs is designed to allow a quick process for dealing with minor matters to free up limited regulatory resources while still ensuring that sanction for important matters is provided.

Like all other PIN provisions in other NSW legislations there would be the ability for the PIN to be appealed or special circumstances to be considered. Where the breach was considered more serious in nature then it can be referred to an appropriate tribunal or body for more significant punishment.

Question

What level of PIN is appropriate?

NSW Local Government Privileges Committee

Along with the PIN framework, it is also proposed to create a Local Government Privileges Committee (Privileges Committee) to examine all allegations of misbehaviour in public office. This would replace the existing code of conduct review framework and instead aim to provide a speedy process for resolution and assessment of behavioural complaints against councillors. It also allows for the sector to better govern itself. The Privileges Committee would only examine issues of misbehaviour, not conflicts of interest.

The Privileges Committee would be made up by a group of experienced mayors and ex-mayors from across NSW to ensure that a variety of perspectives and experiences are considered. The Privileges Committee would be supported by a small Secretariat from OLG who could be delegated the power by the Privileges Committee to dismiss matters that are vexatious, trivial, where the Privileges Committee lacks jurisdiction, or where there is an alternative remedy available.

The Privileges Committee process would be paid for by either individual councillors or their councils, dependent on the outcome.

Penalties that could be imposed by the Privileges Committee are as follows:

- Censure of the councillor
- Warning of the councillor
- Where referred following misbehaviour in a council meeting, a potential loss of sitting fees
- Referral to an appropriate tribunal or body for more serious sanction, including suspension or disallowance.

As noted above if the breach is deemed serious then the Privileges Committee would have the power to refer a matter to the OLG for preparation of a brief for an appropriate tribunal or body.

Question

Are the penalties proposed appropriate, and are there any further penalties that should be considered?

Referral of significant sanctions to appropriate tribunal or body

Under the existing processes for consideration of complaints, OLG, in particular the Departmental Chief Executive (or their delegate), can suspend a councillor for between 1-3 months with a consequential loss of sitting fees. This creates the situation where a public servant is sitting in judgement on an elected official. Where a greater suspension is appropriate, the Departmental Chief Executive may refer the matter to an appropriate tribunal or body.

To remedy the concerns about whether it is appropriate for an unelected official to stand in judgment on an elected councillor, it is proposed that any significant sanction, such as suspension, significant fine or disqualification from office, can only be undertaken by an appropriate tribunal or body.

This reduces the existing power of the Departmental Chief Executive to impose penalties. It reflects the principle that significant sanctions, including suspension, should only be imposed by a judicial or quasi-judicial body. It also removes the dual roles of the head of OLG, meaning OLG's focus is on preparing the brief of evidence for consideration by the appropriate tribunal or body.

The role of the appropriate tribunal or body would therefore be to look at all serious misconduct matters that have either been referred by the Privileges Committee, appeals from PINs or referrals of conflict of interest matters from the OLG.

Question

Are the existing sanctions available under the Local Government Act sufficient?

Question

Should decisions on sanctions for councillors be made by the Departmental Chief Executive or a formal tribunal with independent arbitrators and a hearing structure?

Restoring dignity to council meetings

A council chamber is a chamber of democracy, and the mayor as figurehead represents the authority of that council.

Unfortunately, many council meetings are conducted without the appropriate level of dignity or reverence for tradition that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other, in fact debate is encouraged, but the debate should be fair and respectful.

A council meeting, and the council chamber itself, should see meetings conducted with dignity. Unfortunately, there are too many examples where the dignity of council meetings has been lost, either because councillors are not appropriately reverential and respectful, or the manner of debate is lowered by inappropriate chamber design or meeting practices.

Proposed reforms to the Model Code of Meeting Practice

To restore the prestige and dignity of the council chamber reforms to the meeting code of practice are being developed to support the mayor in exercising their statutory responsibility to preside at meetings and to ensure meetings are conducted in an orderly and dignified manner.

The proposed reforms will confer the power on mayors to expel councillors for acts of disorder and to remove the councillor's entitlement to receive a fee for the month in which they have been expelled from a meeting.

As a further deterrent against disorderly conduct, councillors will also be required to apologise for an act of disorder at the meeting at which it occurs and, if they fail to comply at that meeting, at each subsequent meeting until they comply. Each failure to apologise becomes an act of misbehaviour and will see the councillor lose their entitlement to receive their fee for a further month.

To provide a check against misuse of the power of expulsion and subsequent loss of entitlement of a fee, councillors will be entitled to a right of review.

Councillors will also be expected to stand, where able to do so, when addressing a meeting and when the mayor enters the chamber.

The proposed reforms will also expand the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a PIN where members of the public refuse to leave a meeting after being expelled.

Question

Are there any other powers that need to be granted to the mayor or chair of the relevant meeting to deal with disorderly behaviour?

Banning briefing sessions

A practice has recently developed in local government where councillors receive briefings from staff that are closed to the public.

As an example, development applications should be considered in the public domain. However, councillors receive private briefings from the council planners before they are dealt with in the public forum of a council or committee meeting. Consequently, members of the public impacted by the council's decision have no idea what the councillors have been told or what has been discussed.

To promote transparency and address the corruption risks identified by the Independent Commission Against Corruption (ICAC) that can arise from a lack of transparency, it is proposed that councils will no longer be permitted to hold pre-meeting briefing sessions in the absence of the public.

Any material provided to councillors, other than the mayor, that will affect or impact or be taken into account by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. This restriction will not apply to mayors. As the leader of the organisation, the mayor needs to have candid conversations with the general manager outside of formal meetings.

To further promote transparency, the proposed reforms will also extend the period that recordings of council and committee meetings must be maintained on a council's website.

Question

Are there any other measures needed to improve transparency in councillor deliberations and decision making?

How to provide feedback?

This discussion paper has been released through the Office of Local Government's communication channels and on the Government's Have your Say Website.

You can make submissions on this proposed framework by **COB Friday 15 November 2024**. Further information is available on OLG website at <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>.

Submissions can be made online here - <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>

OR

in writing to: councillorconduct@olg.nsw.gov.au

OR

Locked Bag 3015 NOWRA NSW 2541

Submissions must be clearly labelled "Councillor Conduct Framework Review"

Please direct any inquiries to the OLG's Strategic Policy Unit at councillorconduct@olg.nsw.gov.au or on (02) 4428 4100.

Next Steps

Feedback from this consultation process will be carefully analysed and incorporated to finalise the revised councillor conduct framework.

OLG will then look to finalise necessary draft legislation, regulations and materials for implementation of the revised model over the coming year. Consultation will continue with the local government on the implementation of the revised framework.

Information about the progress of the Councillor Conduct Framework Review will be available on the [OLG website](#).

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