

Reports from the Corporate Governance Committee Meeting held at 5.30pm on Tuesday, 30 March 2010.

APOLOGIES

ACKNOWLEDGEMENT OF LAND

DECLARATIONS OF INTEREST

Pecuniary Interests

Non Pecuniary – Significant Interests

Non Pecuniary – Less than Significant Interests

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Minutes of the Corporate Governance Committee held on 30 March 2010

Present

His Worship the Mayor, Councillor A Rule
Councillor P Hawker (Chairperson)
Councillor F Borg
Councillor S Dobson
Councillor P Lake
Councillor R Matheson
Director Business Services - Mr M Sewell
Acting Director City Works - Mr K Lynch
Manager Assets and Supply Services - Mr G Mitchell
Manager Business Assurance – Ms M McIlvenny
Acting Manager Communications and Marketing - Ms J Uluibau
Manager Corporate Support - Mr S Kelly
Manager Customer Service - Mr I Hudson
Acting Manager Financial Services – Mr A Butcher
Manager Human Resources - Mr B Mortimer
Manager Information Management and Technology - Mr S McIlhatton
Acting Manager Operational Services - Mr A Davies
Manager Property Services - Mr J Milicic
Manager Waste and Recycling Services - Mr P MacDonald
Executive Assistant - Mrs D Taylor

Apologies (Rule/Matheson)

That the apologies from Councillors Chanthivong and Greiss be received and accepted.

CARRIED

Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Hawker.

DECLARATIONS OF INTEREST

Declarations of Interest were made in respect of the following item:

Non Pecuniary – Significant Interests

Councillor Matheson - Item 13.2 - Legal Advice - Bradbury Inn Hotel - Councillor Matheson advised that as a member of a Political Party he received a donation from the applicant and that he will leave the Room and not take part in debate or vote on the matter.

Councillor Lake - Item 13.2 - Legal Advice - Bradbury Inn Hotel - Councillor Lake advised that as a member of a Political Party he received a donation from the applicant and that he will leave the Room and not take part in debate or vote on the matter.

1. COMMUNICATIONS AND MARKETING

1.1 Planting of Elizabeth Macquarie Irises

Reporting Officer

Manager Communications and Marketing

Attachments

1. Image of the Elizabeth Macquarie Iris
2. Image of Elizabeth Macquarie statue located in Mawson Park

Purpose

To advise Council that, in commemoration of the 2010 Bicentenary of Governor Lachlan Macquarie's appointment, a number of Elizabeth Macquarie Irises will be planted around the Elizabeth Macquarie statue in Mawson Park.

History

Lachlan Macquarie took up his Commission as Governor of New South Wales on 1 January 1810. Macquarie was Governor until 1821 and his term of office coincided with an ambitious program of public works and planned settlements along the Hawkesbury and Nepean Rivers. Governor Macquarie founded and named Campbelltown on 1 December 1820 in honour of his wife Elizabeth's maiden name.

In 2006, leading sculptor, Tom Bass, in association with Campbelltown City Council created a bronze sculpture of Elizabeth Macquarie that is now housed in Mawson Park.

During colonial times, patches of blue and white irises were seen growing on the sides of old Sydney roads on the approach to Campbelltown and sometimes around the old early settlers houses within the region. The story was told that when Governor Macquarie, accompanied by his wife Elizabeth, was making periodical vice regal tours inspecting the colony, Elizabeth would take bulbs of the irises and distribute them to the settlers.

Tom Bass' sculpture represents Elizabeth standing in and watering her bed of irises and is designed to make a living link with the naming and origin of Campbelltown.

Report

The New South Wales region of the Iris Society of Australia purchased a new strain of iris from the hybridizer and own the intellectual property of the special 'Elizabeth Macquarie Iris'. Throughout 2009, three of the committee members from the society have been growing these irises in their gardens, with the intention of distributing them to interested parties to commemorate the Bicentenary of Governor Lachlan Macquarie.

The tall bearded irises are a beautiful blue on white plicata, which grows and flowers extremely well and would thrive in the Campbelltown region. Council is currently awaiting confirmation of when the irises will be available. It is anticipated that once acquired, the irises will be planted around the Elizabeth Macquarie statue in Mawson Park, complementing the existing plants and that a small ceremony will be held to commemorate the Bicentenary.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Dobson/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1



ATTACHMENT 2



1.2 Council Website Statistics July - December 2009

Reporting Officer

Manager Communications and Marketing

Attachments

Nil

Purpose

To update Council on the usage patterns of the Council website for the period July to December 2009.

Report

Council's website provides a comprehensive range of information on programs, initiatives, services and events that can be easily and quickly accessed by visitors to the site.

Statistics for the site provide information about the total number of visits to the site and a summary of the most commonly accessed pages. Statistics regarding the exact number of times each page is accessed are also available, giving Council a thorough overview of the most and least regularly utilised information on the site.

During the six month period from 1 July to 31 December 2009, the total number of visits to Council's website was 497,732, with an average of 82,955 visits per month.

In the previous reporting period (1 January to 30 June 2009), there were 495,831 visits to Council's website – indicating an increase in visitation of 0.4% during the July to December reporting period.

A breakdown of visits per month, including the top five pages visited each month, is listed below. The top five excludes visits to the Favourites page or the Google Search function, as these are not reflective of specific page visits or information sourced, and can often be used by staff to easily access their own section's information.

Month	Total visits	Top five pages visited during month
July	75,541	Current Positions Vacant – 7285 Library – 6768 Dogs for sale (small/puppies) – 2695 Jobs (Positions Vacant home page) – 2570 Services A-Z listing – 2215
August	83,973	Library – 7238 Current Positions Vacant – 6858 Dogs for sale (small/puppies) – 3101 Contact Us/Feedback page – 2412 Arts Centre – 2329

September	80,760	Current Positions Vacant – 7363 Library – 6606 Dogs for sale (small/puppies) – 3389 Arts Centre – 2641 Dogs for sale (medium) – 2589
October	88,935	Library – 6552 Current Positions Vacant – 6230 Dogs for sale (small/puppies) – 4049 Arts Centre – 3924 Dogs for sale (medium) – 3285
November	89,459	Library – 6678 Current Positions Vacant – 6242 Councillor details – 5670 Childcare Centre locations – 4879 2009 Business Papers – 4794
December	79,064	Library – 6321 Current Positions Vacant – 5408 Dogs for sale (small/puppies) – 5140 Make payments online – 3254 Dogs for sale (medium) – 3101
Total number of visits for period	497,732	
Average visits per month	82,955	

In order of popularity, the 15 most commonly visited pages on the site during the reporting period were:

- Home Page
- Library Home Page
- Current Positions Vacant
- Dogs for Sale - Small/Puppies
- Services A-Z
- Campbelltown Arts Centre
- Dogs for Sale – Medium
- Animal Care Facility
- Contact Us
- Payments
- Heritage and Environment main page
- Jobs Intro
- Dogs for Sale – Large
- Lost Dogs
- Events

The most popular times for visitors to access Council’s website is between 8am and 9pm (in excess of 100 visits per hour), with the average visit lasting 6 minutes.

The majority of visitors access the website directly or via a favourites/bookmark link, with Google being the second most popular access tool. A significant number of visitors access the site via the local council search tools on the DLG or LGSA websites.

Council often receives feedback about the site via the feedback email facility or directly to Communications and Marketing, and changes are implemented as required.

The Council website is currently hosted by two different companies one being responsible for the presentation and layout of the information presented on Council's website with the other responsible for the hosting of the website on the World Wide Web. A strategic review is currently being conducted in upgrading Council's website from both aspects of content management as well as hosting. These two aspects require resolution to enable Council to improve communication to interested stakeholders accessing the information available on Council's website.

Given the future direction of customer service it will be essential that Council's website is easily accessible which can be facilitated by an improvement in navigational tools and a better hosting solution. It is envisaged that recommendations for the improvement of Council's website will be considered in the near future.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lake/Borg)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

1.3 Minutes of the Riverfest Sub Committee Meeting held on 22 February 2010

Reporting Officer

Manager Communications and Marketing

Attachments

Minutes of the Riverfest Sub Committee meeting held on 22 February 2010.

Purpose

To seek Councils endorsement of the Minutes of the Riverfest Sub Committee meeting held on 22 February 2010.

Report

Detailed below are the recommendations of the Riverfest Sub Committee. Council officers have reviewed the recommendations and they are now presented for Council's consideration. There are no recommendations that require a separate resolution of Council.

Recommendations of the Riverfest Sub Committee

Reports listed for consideration

7.1 Riverfest Sponsorship

1. That the information be noted.
2. That Council's Events and Promotions Officer be asked to investigate the offer from MDSI in relation to sponsorship.

7.2 Riverfest Stage Entertainment

1. That the information be noted.
2. That Council's Events and Promotions Officer be asked to prepare a balanced stage and workshop program and report back to the next Riverfest Sub Committee meeting.

7.3 Dry River Boat Race

That the Boats from the Dry River Boat Race be utilised in the Festival of Fisher's Ghost Street Parade.

8.1 Riverfest Finish Times

That the information be noted.

8.2 Riverfest Passports

1. That the information be noted.
2. That members of Sub Committee be presented with a Draft copy of the Application and Passport prior to it being printed or distributed.
3. That Council's Waste and Education Officer be asked to investigate the feasibility of providing Environmental Showbags.

Officer's Recommendation

That the Minutes be noted.

Committee's Recommendation: (Borg/Dobson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Minutes of the Riverfest Sub Committee

Held 22 February 2010 in Committee Room 3

1. Acknowledgement of Land

An Acknowledgement of Land was presented by the Chairperson Councillor Julie Bourke.

2. Attendance and Apologies

Attendance: Councillor Julie Bourke (Chairperson)
Judith Taylor
Evelyn O'Donnell
Sana Al-Ahmar
Tao Triebels
Beth Michie

Also in Attendance: Environmental Education Officer - Andrew Hewson
Waste Education Officer - Lauren Williams
Events and Promotions Officer - Cindy Elkhouri
Aboriginal Community Development Officer - Debbie McCall
Community Development Worker - Generalist - Deborah Ferry
Programs Assistant - Nicoletta Szabados
Executive Support - Kristy Peters

Apologies: Councillor Sue Dobson
Rob Michie
Mauveen McAloon

Sub Committee's Recommendation: (Taylor/O'Donnell)

That the above apologies be accepted.

CARRIED

3. Declarations of Interest

There were no Declarations of Interest made at this meeting.

4. Minutes of the Previous Meeting

Report

The Minutes of the Riverfest Sub Committee meeting held 9 November 2009 copies of which have been circulated to each Sub Committee member were adopted by Council at its meeting held 7 December 2009.

Officer's Recommendation

That the information be noted.

Sub Committee's Recommendation: (Triebels/Al-Ahmar)

That the information be noted.

CARRIED

5. Business Arising from Previous Minutes

Purpose

To report on business arising from the minutes of the Riverfest Sub Committee meeting held on 9 November 2009.

Report

8.1 Sponsorship

See Agenda Item 7.1

8.3 Stage entertainment and workshop ideas

See Agenda Item 7.2

8.4 Dry Riverbed Boat Race workshop

See Agenda Item 7.3

Officer's Recommendation

That the information be noted.

Sub Committee's Recommendation: (Al-Ahmar/Taylor)

That the information be noted.

CARRIED

6. Correspondence

Nil

7. Reports

7.1 Riverfest Sponsorship

Purpose

To report on ideas investigated for sponsorship.

Report

At the previous meeting, it was discussed that Telstra would no longer be the main sponsor for this year's Riverfest and therefore other sponsorship alternatives would need to be investigated. It was noted at the last meeting that one of the ways could be to seek sponsorship in the form of \$100 entry fees from local environmentally friendly businesses to hand out their brochures and information on enquiry to those attending Riverfest. After discussing this idea with the Main Street Ambassador who is constantly in contact with the local businesses, it was noted that it is a challenge in itself when approaching local businesses to pay for a \$33 stall, money in which they get refunded, to have at Fisher's Ghost festival. As a result, approaching local businesses for \$100 sponsorship would be difficult.

The sponsorship policy states we are not allowed to approach any local businesses that have active involvement in building or real estate in Campbelltown and manufacture, distribution and wholesaling of illicit drugs, alcohol or tobacco related products. Therefore after researching other green events and exhibitors, sponsors that we could approach are:

- Green Roofs Australia
- Sydney Waters
- Fytogreen – biodegradable products
- Integral Energy
- Local businesses who have sponsored other events

The sponsorship proposal for Riverfest will be reviewed this year to ensure that potential sponsors have the opportunity to be involved at a reasonable cost as well as understanding the vision and aims of the festival.

Potential sponsors will be approached starting from March this year.

Officer's Recommendation

That the information be noted.

Sub Committee Note: It was suggested that Councils Events and Promotions Officer investigate sponsorship opportunities by way of the Green Directory, Integral and Origin Energy and the Green Pages. It was agreed that committee members be in contact with the Events and Promotions officer to advise of any other potential sponsors that may want to sponsor the Riverfest. It was noted that a review of Council's sponsorship packages is underway. Committee Members have been asked to advise the Events and Promotions Officer by email of any potential sponsors of Riverfest.

It was noted that MDSI would be happy to provide sponsorship for the Festival.

Sub Committee's Recommendation: (Triebels/Taylor)

1. That the information be noted.
2. That Council's Events and Promotions Officer be asked to investigate the offer from MDSI in relation to Sponsorship.

CARRIED

7.2 Riverfest Stage Entertainment

Purpose

To present stage entertainment and workshop ideas for Riverfest.

Report

It was agreed at the last meeting that to reduce multicultural performances on the stage and provide more interactive workshops. Therefore some ideas that have emerged since then are as follows:

- Allow only multicultural groups to perform if they provide an interactive workshop
- Provide a couple of educational performances that are capturing and entertaining for the audience
- Invite a special guest as a drawcard for the event
- Provide an environmentally themed package designed by one of events team entertainment agencies which includes interactive workshops and live characters.

Currently there is only \$7,000 allocated for stage performance and workshops.

Officer's Recommendation

That the information be noted.

Sub Committee Note: It was suggested that a balanced stage and workshop program would be suitable, the feasibility of roving performers be investigated and that an area beside the stage be set up for interactive performances if a stage performer wished to participate. If this was the case it was noted that there should be a break in stage entertainment during the interactive workshop.

It was suggested that the entry form strongly encourage the participation of interactive workshops.

Committee Members were asked to consider nominating suitable persons who would be a draw card for the Festival.

It was also suggested that suitable groups for stall displays may include: Rivers SOS, Rebecca Moutia (Mount Annan Botanical Gardens), UWS Koala Group and Macarthur Centre for Sustainable Living.

Suggestions for a Festival Draw card and suitable groups for stall displays can be forwarded to Council's Events and Promotions Officer.

Sub Committee's Recommendation: (Al-Ahmar/Triebels)

1. That the information be noted.
2. That Council's Events and Promotions Officer be asked to prepare a balanced stage and workshop program and report back to the next Riverfest Sub Committee Meeting.

CARRIED

7.3 Dry River Boat Race

Purpose

To suggest that the Dry Riverbed Boat Race workshop be linked with the Fisher's Ghost Festival.

Report

Since the date of Riverfest has changed to 12 September, the Dry Riverbed Boat Race could link in with the Fisher's Ghost Festival held in November by taking part in the Street Parade which is in need of more community participation. The idea is to engage the community who attend Riverfest to take part in making a boat with recycled material. The boat could then be handed over to the Girl Guides, for example, to complete the boat so that it can be displayed at the street parade. This could be one way to promote an environmental friendly message to the community at this year's Fisher's Ghost festival. This idea is open for discussion.

Officer's Recommendation

That the information be noted.

Sub Committee Note: It was suggested that members of the Girl Guides be asked to dress up the boats at the conclusion of the Riverfest Festival in preparation of the Festival of Fisher's Ghost Street Parade. This information will be forwarded to Mauveen McAloon.

Sub Committee's Recommendation: (Michie/O'Donnell)

That the Boats from the Dry River Boat Race be utilised in the Festival of Fisher's Ghost Street Parade.

CARRIED

8. General Business

8.1 Riverfest Finish Times

It was noted that over the years, Riverfest has concluded at various times, however now that the event is being held in September, there may be further demand for the Festival to finish at a later time.

It was suggested that the success of this year's event be monitored to determine if a later finish time may be suitable.

Sub Committee's Recommendation: (Michie/Taylor)

That the information be noted.

CARRIED

8.2 Riverfest Passports

Councillor Bourke noted that there needs to be set time line for this year's passports. It was suggested that the application forms for passports reflect passport requirements and appropriate wording.

It was also suggested that the application forms for stall holders refer to groups that want to participate in the passport initiative and that these groups be requested to send in a suitable question for inclusion on the passport.

Council's Events and Promotions Officer was asked to present Draft applications for stall holders, passports and questions to the Sub Committee prior to printing and distribution.

It was also noted that a suitable gift for passport participants would need to be considered, gifts such as plant seeds or shower timers could be appropriate.

Council's Waste and Education Officer advised that she has been investigating the feasibility of supplying Environmental Show Bags to participants, however this initiative can be broadened to incorporate several groups, the donations required could be Eco samples, plant seeds, stationery items, recycled items, information brochures, shower or egg timers and other various items.

Sub Committee's Recommendation: (Bourke/Michie)

1. That the information be noted.
2. That members of Sub Committee be presented with a Draft copy of the Application and Passport prior to it being printed or distributed.
3. That Council's Waste and Education Officer be asked to investigate the feasibility of providing Environmental Show Bags.

CARRIED

Next meeting of the committee is to be held in 3 May 2010 in Committee Room 3 at 5.00pm.

Councillor Julie Bourke
Chairperson

2. CORPORATE SUPPORT

2.1 Request for Assistance with Legal Costs

Reporting Officer

Manager Corporate Support

Attachments

Letter from the Local Government Association

Purpose

To consider a request from the Local Government Association for assistance with legal costs incurred by Murray Shire Council.

History

The Local Government Association has adopted a Policy and criteria when seeking financial contributions from Councils to assist individual Councils in their legal costs for matters that have a specific relevance to the Local Government generally.

Report

The Local Government Association has written to Council seeking assistance in respect of legal costs incurred by Murray Shire Council in defending an appeal in the Land and Environment Court.

Murray Shire Council resolved to approve a Development Application with a condition requiring that no building be located within 60 metres of the high bank of the Murray River. The applicant filed a Class 1 application with the Land and Environment Court to challenge the condition requiring the 60 metre setback.

A hearing of the preliminary point of law was heard on 2 April 2009 requiring the interpretation of the definition of 'bed' and 'bank' as defined in the Murray LEP. The applicant submitted that the definition of 'bed' required the 'bank' must be the point where the average or mean water level rested. Council submitted that the applicant's construction of the words 'bed' and 'bank' were incorrect.

A judgement was handed down on 6 April 2009 in relation to the preliminary question of law and the Court noted that the general rule of statutory construction is that words should be interpreted so that all are given their meaning and effect. The Court reasoned that the 'bank' must therefore be identified as a single point. On 9 June 2009 the Class 1 proceedings were discontinued.

Murray Shire Council states that this was a test case whereby the outcome has been of benefit to all Councils. Council contend that the judgement is relevant and capable of providing guidance to all Councils that rely on the same or similar terminology relating to setbacks from rivers and other water courses.

The Joint Committee of the Associations have considered that the significance of this decision is sufficiently important to all Councils to warrant the giving of support. Murray Shire Council incurred the sum of \$34,657.83 in defending its position. Council's contribution calculated in accordance with the formula used by the Association is \$426.15.

It has been Councils practice in the past to support actions that affect Local Government generally and as this action does have relevance to Campbelltown it is recommended that Council contribute to the legal costs in this matter.

Officer's Recommendation

That Council support Murray Shire Council and forward a contribution of \$426.15 toward legal expenses as requested by the Local Government Association.

Committee's Recommendation: (Borg/Rule)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1

Local Government
Association of NSW



Shires Association
of NSW

Our ref: R90/1046-02

20 January 2010

FEB04'10 08:30:37 RCVD

General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Sir/Madam,

Re: Murray Shire Council – Request for Assistance with legal costs

Murray Shire Council has approached the Associations for assistance with legal costs in litigation in which it has been involved.

Summary of Facts

Murray Shire Council (the Council) approved a development application by KSK Development Pty Limited for a tourist development at Moama on the 6 February 2007 subject to conditions.

A third party objector sought a declaration that the development consent was invalid and of no effect due to a failure of the council to refer the DA to the Department of Planning for concurrence to vary the 60 metre setback from the bank of the Murray River.

A further issue in dispute was whether the 60 metre setback should be taken from an identified point referred to by the council as the high bank or alternatively some other interpretation of the Murray LEP of “bank” or “bed”.

The Council filed a submitting appearance and the Land and Environment Court found in favour of the third party objector and deemed that the development consent was invalid.

KSK Developments Pty Limited lodged a fresh development application with Council on 13 March 2008. This was for a tourist development and community land subdivision.

Council referred the DA to the Department of Planning pursuant to SEPP 1 for concurrence to the variation of the setback from the Murray River.

GPO Box 7003 Sydney NSW 2001
Lev 8, 28 Margaret St Sydney NSW 2000
Tel: (02) 9242 4000 Fax: (02) 9242 4111
www.lgsa.org.au lgsa@lgsa.org.au

The Department of Planning responded to the referral by indicating that it would not provide concurrence to the sought variation.

As a result of this the applicant elected to submit an amended site plan and a second referral was made to the Department of Planning who made an initial response that it was proposing not to provide concurrence to the second referral.

The Department of Planning eventually confirmed that it would not provide concurrence despite further submissions being made by the applicant.

The Council resolved to approve the new DA on 16 December 2008 with a condition requiring that no building be located within 60 metres of the high bank of the Murray River. This was to ensure that the setback distance was measured from the high bank in accordance with Council's interpretation of the Murray LEP.

Prior to this approval, the applicant filed Class One proceedings in the Land and Environment Court and these proceedings stayed on foot to challenge the condition requiring the 60 metre setback from the high bank of the river.

A hearing of the preliminary point of law was heard before Pain J on 2 April 2009 requiring the interpretation of the definition of "bed" and "bank" as defined in the Murray LEP.

The definitions used in the Murray LEP are consistent with definitions utilised in many Local Environmental Plans and used in the Surveying Regulation 2006 and other legislation.

The Applicant submitted that the definition of "bed" required the "bank" must be the point where the average or mean water level rested.

Council submitted that the Applicants' construction of the words "bed" and "bank" were incorrect. It was asserted that the definition was expansive, not limited only to the definition of the average water level.

Council relied on the initial words in the definition of "bed" namely "the whole of the soil of the channel in which the river flows..." Council argued that these preceding words took precedent and the words following "including" were to be taken as inclusive rather than exclusive of the starting point that the "bed" of the river constitutes the whole of the soil of the channel.

A judgement was handed down on 6 April 2009 in relation to the preliminary question of law in the Class 1 proceedings.

The Court noted that the general rule of statutory construction is that words should be interpreted so that all are given their meaning and effect. The Court reasoned that the “bank” must therefore be identified as a single point.

On 9 June 2009 the Class 1 proceedings were discontinued.

Council contend that the judgement of Pain J is relevant and capable of providing guidance to all councils that rely on the same or similar terminology relating to setbacks from rivers and other watercourses and the Land and Environment Court has now clarified what has long been a contentious issue for many councils in NSW that adopt similar LEP definitions.

Council state that this was a “test case” whereby the outcome has been of benefit to all councils.

The Joint Committee of the Associations have considered that the significance of this decision and it was decided that it was sufficiently important to all councils to warrant the giving of support.

The Council incurred the sum of \$34,657.83 in defending its position. Your Council’s proportion of this amount, calculated in accordance with the formula used to determine your Association fees, is \$426.15, and I would appreciate receipt of your Council’s cheque for this amount at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Coulton', with a horizontal line extending to the right.

Peter Coulton
Director Corporate Services

2.2 Revised Policy - Code of Conduct

Reporting Officer

Manager Corporate Support

Attachments

Revised Policy - Code of Conduct

Purpose

To review Council's Code of Conduct to ensure that it sets out the standards of behaviour that the Community expect and that it complies with the Model Code of Conduct prescribed by the Local Government Act.

History

The Model Code of Conduct for Councils in NSW first came in to effect on 1 January 2005 and applied to general purpose Councils and County Councils.

The Department of Local Government completed a review of the Model Code that included the establishment of a reference group to assist with the review. The outcome of that review resulted in a revised Model Code which took effect from 20 June 2008.

Under Section 440 of the Local Government Act Council's must adopt a Code of Conduct that incorporates the provisions of the Model Code or is consistent with the Model Code. Council adopted our current Code of Conduct on 10 February 2009.

Report

Campbelltown City Council has strived for and earned a reputation for ethical behaviour and fair dealing. This is of upmost importance in our endeavours to retain trust, confidence and support of our community. In order to maintain these standards a review of our Code of Conduct has been undertaken.

Workshops with senior staff and all Managers were held in late 2009 and a briefing to Councillors detailing proposed changes to the existing Code was held on 23 March 2010.

The variations from the Code of Conduct adopted in February 2009 are highlighted in the attached revised Code. Minor amendments have been made to improve the linkages between the Code of Conduct and Councils adopted Policies and approved Authorised Statements. Reference is made to a number of Council Policies and Authorised Statements including Equal Employment Opportunity, Harassment Prevention, Secondary Employment, Media and Child Protection Policies. These Policies and Authorised Statements support and enhance various clauses of the revised Code.

Breaches of the Policies and Authorised Statements highlighted in the revised Code would result in a breach of the Code of Conduct. The Code details the procedures for reporting breaches and sanctions that may be applied.

The revised Code also sets a monetary value for token gifts, recognises Council's Conflict Of Interest Register and refers to Council's Privacy Contact Officer.

Council has adopted a Records Management Policy with adopted procedures for Policy development and review. The review of all Council Policies is in accordance with the Records Management procedures relating to Policy review.

The revised Code of Conduct reflects the ethical standards required by the Organisation and the Council's determination to attract the highest level of confidence from our community and it is therefore recommended that it be adopted.

Officer's Recommendation

1. That the revised Code of Conduct Policy be adopted.
2. That the Policy review date be set at 31 March 2013.
3. That training be conducted to reinforce the values embedded in Council's Code of Conduct.

Committee's Recommendation: (Lake/Dobson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1

		POLICY
Policy Title	Code of Conduct	
Related Documentation		
Relevant Legislation/ Corporate Plan	Section 440 Local Government Act 1993 Local Government (General) Regulation 2005	
Responsible Officer	Manager Corporate Support	

Policy details may change prior to review date due to legislative changes etc, therefore this document is uncontrolled when printed.

Objectives

To provide Councillors, members of Staff, Delegates representing the Council and Contractors who provide services to the Council with a common understanding of the Organisation's expectations in regard to ethical conduct.

Policy Statement

Campbelltown City Council has established a reputation of honesty, fairness and integrity. All of us have a responsibility of maintaining these high standards and our Code of Conduct provides the foundation upon which these standards are built. This document is a very important part of our Council and it applies equally to all Councillors and staff in Campbelltown City Council.

In our work for the Council we will continue to be faced with situations where we need to make difficult decisions as to the most appropriate course of action. Our Code has again been reviewed, with the assistance of our Councillors and a representative group of staff. Our revised Code incorporates the provisions of the Model Code of Conduct for Local Councils in NSW.

The revision of our Code will help to ensure that it remains relevant and continues to assist us make decisions that reflect the high standards expected by our community, and ourselves.

Each of us continues to have a responsibility to foster an ethical and equitable work environment by abiding by the standards set in the Code. This is an expectation we should have of ourselves and of each other.

Paul Tosi
General Manager

This Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable Standards of Conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of Council officials. These are the enforceable Standards of Conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the Conduct Review Committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

PART 1: CONTEXT

This Part of the Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable Standards of Conduct.

1. INTRODUCTION

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code. For the purposes of Section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

This Code covers all Councillors and staff of Campbelltown City Council, including trainees, apprentices, and temporary and casual employees. People covered by this Code are referred to, in the Code, as Council officials.

Based on this Code, Statements of Business Ethics have been developed for our contractors, consultants and volunteers/work experience staff.

Campbelltown City Council is committed to fostering a secure and open work environment in which all Councillors and staff can be confident in seeking advice about any questions they have.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the Council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and Policies that guide the activities of the Council. The role as an elected person requires Councillors to represent the interests of the community and provide leadership. This Code sets the Standard of Conduct that is expected when Council officials exercise these roles.

Councillors, Administrators, members of staff of Council, Independent Conduct Reviewers, members of Council Committees including the Conduct Review Committee and Delegates of the Council must comply with the applicable provisions of Council’s Code of Conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the Standards in the Code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of Council’s Code of Conduct.

Failure by a Councillor to comply with Part 2, the Standards of Conduct, of Council's Code of Conduct constitutes misbehaviour. The Local Government Act 1993 provides for suspension of Councillors from Civic Office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 13 and 14 of this Code.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action. A set of guidelines has also been developed to assist Councils to review and enhance their Codes of Conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

2. DEFINITIONS

In the Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review	a committee of three or more persons independent of Council who are selected from those appointed by Council to review allegations of breaches of the Code of Conduct by Councillors or the General Manager in accordance with the procedures set out in Sections 14, 15 and 16.
conduct reviewer	a person independent of Council who is solely selected from those appointed by Council to review allegations of breaches of the Code of Conduct by Councillors or the General Manager in accordance with the procedures set out in Sections 14, 15 and 16.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes Councillors, members of staff of Council, Administrators appointed under section 256 of the Act, members of Council Committees, Conduct Reviewers and Delegates of Council.
delegate of council	a person or body, and the individual members of that body, to whom a function of Council is delegated.
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion
person independent of Council	a person who is not an employee of the Council, has no current or ongoing contractual relationship with Council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term “you” used in the Code of Conduct refers to Council officials.

3. PURPOSE OF THE CODE OF CONDUCT

This Code of Conduct sets the minimum requirements of conduct for Council officials in carrying out their functions. The Code is prescribed by regulation.

The Code of Conduct has been developed to assist Council officials to:

- understand the Standards of Conduct that are expected of them
- enable them to fulfill their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of Local Government.

4. KEY PRINCIPLES

This Code of Conduct is based on a number of key principles. It sets out Standards of Conduct that meets these principles and statutory provisions applicable to Local Government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable Standards of Conduct.

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public’s trust and confidence in the integrity of the council. This means promoting public duty to others in the council and outside, by your own ethical behaviour.

4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of Council’s resources; considering only relevant matters.

4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law; following the letter and spirit of Policies and Procedures; observing the Code of Conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.

4.8 Respect

You must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in Local Government decision making.

4.9 Safety

You are responsible for your own safety and the safety of people you work with. In turn Campbelltown City Council is responsible for providing a safe work environment and for putting the safety of Councillors, employees and the public first.

4.10 Responsibility to the Community

Our primary obligation is to service our community. It is our obligation to provide competent and timely delivery of services with due consideration being given to the needs, desires and values of the community, individual persons or groups they belong to.

5. GUIDE TO ETHICAL DECISION MAKING

5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
 - Is the decision or conduct consistent with Council's Policy and with Council's objectives and the Code of Conduct?
 - What will the outcome be for the employee or Councillor, work colleagues, the Council, persons with whom you are associated and any other parties?
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- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
 - Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

5.2 Conflict of interests

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

5.3 Political donations and conflict of interests

Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

5.4 Seeking advice

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your Supervisor or trusted Senior Officer, your Union representatives, **Manager Executive Services**, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100
Manager Executive Services	4645 4669

PART 2: STANDARDS OF CONDUCT

This Part of the Code sets out the conduct obligations required of council officials. These are the enforceable Standards of Conduct.

Failure by a Councillor to comply with Part 2, the Standards of Conduct, of Council's Code of Conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of Councillors from Civic Office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 13 and 14 of this Code.

Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

6 GENERAL CONDUCT OBLIGATIONS

General conduct

- 6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the Council or holders of Civic Office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, Council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a Council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (Schedule 6A)
- 6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (Section 439)
- 6.3 You must treat others with respect at all times. You must not support or encourage others who breach our Code of Conduct
- 6.4 Where you are a Councillor and have been found in breach of the Code of Conduct, you must comply with any Council Resolution requiring you to take action as a result of that breach.

Fairness and Equity

- 6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non discriminatory manner.
- 6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
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Harassment and discrimination

- 6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

This Clause of the Code is supported by Council's Equal Employment Opportunity Policy and Harassment Prevention Policy.

Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Workplace Bullying

- 6.10 You must not bully or support others who engage in such behaviour.
- 6.11 Bullying is repeated unreasonable behaviour directed towards an employee or group of employees that creates a risk to health and safety. Bullying comprises behaviour that intimidates, offends, degrades, insults or humiliates a worker, possibly in front of co-workers, clients or customers and which includes physical or psychological behaviour.
- 6.12 Examples of bullying in the workplace are:
- Threats to make someone's life difficult
 - Rude belittling or sarcastic comments and publicly belittling someone's opinions, abilities or performance
 - Abusive, belittling or intimidating comments, phone calls, e-mails etc
 - Imposing unreasonable or unrealistic work targets or deadlines
 - Unfair and excessive criticism and work scrutiny
 - Deliberate and unreasonable exclusion of people from work discussions, communication and activities
 - Unreasonable blocking of training and promotional opportunities.

This Clause of the Code is supported by Council's Workplace Bullying Policy.

Child Protection

- 6.13 In relation to children, Campbelltown City Council will engage only in practices that are respectful of and provide security of children and in no way degrade, endanger, exploit, intimidate or harm them psychologically or physically.
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- 6.14 All employees have a responsibility to report to the General Manager allegations and convictions that occur within the workplace.
- 6.15 Reportable conduct includes:
- Any sexual offence, sexual misconduct committed against, with or in the presence of a child (including a child pornography offence), or
 - Any assault, ill treatment or neglect of a child, or
 - Any behaviour that causes psychological harm to a child.
- 6.16 The General Manager is required to report to the Ombudsman, within 30 days of becoming aware, any reportable allegations or convictions against employees.
- 6.17 Council's Child Protection Policy details the responsibilities of staff working with children as mandatory notifiers.

This Clause of the Code is supported by Council's Child Protection Policy.

7. CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non pecuniary.

What is a Pecuniary Interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (Section 442)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (Section 443)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (Section 449)
 - b) Councillors and members of Council Committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (Section 451)
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- c) designated persons immediately declare, in writing, any pecuniary interest. (Section 459)
- 7.8 Designated persons are defined at Section 441 of the Act, and include, but are not limited to, the General Manager and other senior staff of the Council.
- 7.9 Where you are a member of staff of Council, other than a designated person (as defined by Section 441), you must disclose in writing to your Supervisor or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable. **These disclosures should be recorded in Council's Conflict of Interest Register.**

What is a Non Pecuniary Conflict of Interest?

- 7.10 Non pecuniary interests are private or personal interests the Council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 7.11 The matter of a report to Council from the Conduct Review Committee/Reviewer relates to the public duty of a Councillor or the General Manager. Therefore, there is no requirement for Councillors or the General Manager to disclose a conflict of interests in such a matter.
- 7.12 The political views of a Councillor do not constitute a private interest.

Managing Non Pecuniary Conflict of Interests

- 7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable. **These disclosures should be recorded in Council's Conflict of Interest Register.**
- 7.14 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.
- 7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.16 As a general rule, a non pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a Council Official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the Council Official and an organisation, sporting body, club, corporation or association that is particularly strong.
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- 7.17 If you are a Council Official, other than a member of staff of Council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council Official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in Section 451(2) of the Act apply
- 7.18 If you determine that a non pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of Council, the decision on which option should be taken to manage a non pecuniary conflict of interests must be made in consultation with your Manager.
- 7.20 Despite clause 7.17(b), a Councillor who has disclosed that a significant non pecuniary conflict of interests exists may participate in a decision to delegate Council's decision making role to Council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not Council would be deprived of a quorum if one or more Councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

Political Donations Exceeding \$1,000

- 7.21 Councillors should note that matters before Council involving political or campaign donors may give rise to a non pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, Councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the Election Funding and Disclosures Act 1981) that directly benefit their election campaign.
- 7.23 Where a Councillor or the Councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the Election Funding and Disclosures Act 1981 exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity has a matter before Council,
- then the Councillor must declare a non pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a Councillor is endorsed, may still give rise to a non pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
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7.25 If a Councillor has received a donation of the kind referred to in clause 7.23, that Councillor is not prevented from participating in a decision to delegate council's decision making role to Council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other Business or Employment

7.26 If you are a member of staff of Council considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the General Manager in writing. (Section 353)

7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or Council resources obtained through your work with the Council
- c) require you to work while on Council duty
- d) discredit or disadvantage the Council.

This Clause of the Code is supported by Council's Secondary Employment Policy.

Personal Dealings with Council

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

8. PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and Benefits

8.1 You must not:

- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of money, regardless of the amount.
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Token Gifts and Benefits

8.2 Token gifts are offered in appreciation, ideally can be shared, are not offered on a regular basis and do not have a monetary value of greater than \$50.

Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) Council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) Council functions or events
 - v) social functions organised by groups, such as Council Committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Any quantity of alcohol, whilst it may be considered token, must be brought to the attention of your supervisor who will arrange, if necessary, for the details to be recorded in the Council's Gifts and Benefit Register.

As a staff member if you are uncertain whether a gift or benefit is token, you should discuss it with your Supervisor.

Gifts and Benefits of Value

8.3 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your Supervisor, the Mayor or the General Manager. The recipient, Supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.

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- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.
- 8.7 Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less (required to be included in the Disclosure of Interests Returns – Section 449)

Improper and Undue Influence

- 8.8 You must not use your position to influence other Council Officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.
- 8.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

9. RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of Councillors and Administrators

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

This Clause of the Code is supported by Council's Councillors Access to Information and Interaction with Staff Policy.

Obligations of Staff

- 9.3 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.
- 9.4 Members of staff of Council must:
- a) give their attention to the business of Council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, Policies, and Procedures of the Council, whether or not the staff member agrees with or approves of them.

Obligations During Meetings

- 9.5 You must act in accordance with Council's Code of Meeting Practice, if Council has adopted one, and the Local Government (General) Regulation 2005 during Council and Committee meetings.
- 9.6 You must show respect to the chair, other Council Officials and any members of the public present during Council and Committee meetings or other formal proceedings of the Council.

This Clause of the Code is supported by Council's Code of Meeting Practice.

Inappropriate Interactions

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

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

This Clause of the Code is supported by Council's Councillors Access to Information and Interaction with Staff Policy.

10. ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and Administrator Access to Information

- 10.1 The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors and Administrators can gain access to the documents available under Section 12 of the Local Government Act 1993.
- 10.2 The General Manager must provide Councillors and Administrators with information sufficient to enable them to carry out their Civic Office functions.
- 10.3 Members of staff of Council must provide full and timely information to Councillors and administrators sufficient to enable them to carry out their Civic Office functions and in accordance with Council procedures.
- 10.4 Members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 10.5 Councillors and Administrators who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

- 10.7 Where the General Manager and Public Officer determine to refuse access to a document sought by a Councillor or Administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor or Administrator to perform their civic duty (see clause 10.2). The General Manager or Public Officer must state the reasons for the decision if access is refused.
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Use of Certain Council Information

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

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

Use and Security of Confidential Information

10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

10.10 In addition to your general obligations relating to the use of Council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a Council meeting.

Personal Information

10.11 When dealing with personal information you must comply with:

- a) the Privacy and Personal Information Protection Act 1998,
- b) the Health Records and Information Privacy Act 2002,
- c) the Information Protection Principles and Health Privacy Principles,
- d) Council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

The Privacy and Personal Information Protection Act requires Council to have a Privacy Contact Officer. The Manager Executive Services fulfills this role for Council.

Use of Council Resources

10.12 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a Contract of Employment) unless this use is lawfully authorised and proper payment is made where appropriate.

- 10.13 You are entrusted with Campbelltown City Council's resources and you must protect these resources from loss, damage, misuse or theft. All suspected and actual losses must be reported.
- 10.14 Council's resources and equipment must not be used in any circumstances, in relation to a second job or business.
- 10.15 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature. You should not display such material in the workplace
- 10.16 Minimal use of Campbelltown City Council's resources such as telephone, mobile phones, faxes, photocopiers, and computers for private use are acceptable.
- 10.17 Minimal and appropriate private use of e-mail and the Internet, in accordance with Campbelltown City Council's Guidelines, is also acceptable.
- 10.18 Council tools and equipment cannot be borrowed or removed from Council premises for private purposes.
- 10.19 Motor vehicles are to be used in accordance with the Council's Motor Vehicle Agreement.
- 10.20 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 10.21 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 10.22 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 10.23 The interests of a Councillor in their re election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, Council Crests and other information that could give the appearance it is official Council material for these purposes.
- 10.24 You must not convert any property of the Council to your own use unless properly authorised.
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Councillor Access to Council Buildings

- 10.25 Councillors and Administrators are entitled to have access to the Council Chamber, Committee room, Mayor's office (subject to availability), Councillors' rooms, and public areas of Council's buildings during normal business hours and for meetings. Councillors and Administrators needing access to these facilities at other times must obtain authority from the General Manager.
- 10.26 The use of the Councillors Lounge on Council and Committee nights is restricted to Councillors, Senior Staff and invited guests. Anyone involved with a development application is specifically excluded from entering the Lounge.
- The use of the Lounge at other times will be at the discretion of and with the approval of the Mayor or General Manager.
- 10.27 Councillors and Administrators must not enter staff only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 10.28 Councillors and Administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence Council staff decisions.

This Clause of the Code is supported by Council's Councillors Access to Information and Interaction with Staff Policy.

11. PUBLIC COMMENT

- 11.1 As members of the community you have a right to enter into public debate in your private capacity. However, you must take care not to give the impression that your comments are made on behalf of Campbelltown City Council.
- 11.2 Public comments or statements on Council to the media can only be made by the Mayor, General Manager, Director and Manager Communications and Marketing. If members of staff are contacted by the media, they must inform Communications and Marketing and their Director immediately. Further information regarding media liaison is contained in Council's Media Policy.

This Clause of the Code is supported by Council's Media Policy.

12. ALCOHOL AND OTHER DRUGS

- 12.1 You should not come to work or return to work under the influence of alcohol or other drugs that could impair the carrying out of your job or cause danger to yourself or others.
- 12.2 If the taking of prescribed medication could affect your work performance, you need to discuss this with your Manager.
- 12.3 If a Manager deems that an employee's capacity to perform work in a safe manner may be impaired, they have a responsibility to that person, and other persons who may be affected by their actions, to ensure no one is in a position of personal risk.
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- 12.4 Alcohol may not be consumed at your work location. However, in certain circumstances (e.g. social function in an acceptable area) alcohol may be consumed provided approval has been given in writing by the General Manager, for both the function and location.

This Clause of the Code is supported by Council's Alcohol and Drugs in the Workplace Authorised Statement.

13. REPORTING BREACHES

- 13.1 Any person, whether or not a Council Official, may make a complaint alleging a breach of the Code of Conduct.
- 13.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a Councillor to comply with an applicable requirement of this Code of Conduct constitutes misbehaviour. (Section 440F)

Corrupt Conduct, Maladministration and Waste of Public Resources

- 13.3 In your duties with Campbelltown City Council you are not only required to act honestly but also to report any instances of possible corruption, maladministration or serious and substantial wastage.
- 13.4 Those who are unclear as to what constitutes corrupt conduct, maladministration or wastage, should seek advice from your supervisor or the Manager Executive Services (Phone 4645 4669).
- 13.5 Any suspected corruption, maladministration or serious and substantial waste of public monies should be reported either to your supervisor, Manager Executive Services or the General Manager. If you receive any such reports as a supervisor you are required to pass them on to the Manager Executive Services or the General Manager.
- 13.6 Alternatively you can also report suspected corruption to the Independent Commission Against Corruption, and maladministration to the Ombudsman.

Protected disclosures

- 13.7 A person who makes a voluntary report in accordance with Campbelltown City Council's Procedure will be protected under the Protected Disclosures Act. Campbelltown City Council is committed to ensuring that employees are not victimised as a result of reporting corrupt conduct, maladministration or waste.
- 13.8 The Protected Disclosures Act 1994 aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- 13.9 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.
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13.10 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

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

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

This Clause of the Code is supported by Council's Protected Disclosures - Internal Reporting Policy.

Reporting breaches of the code of conduct

13.11 You should report suspected breaches of the Code of Conduct by Councillors, members of staff of Council (excluding the General Manager) or delegates to the General Manager in writing.

13.12 Where you believe that the General Manager has breached the Code of Conduct, you should report the matter to the Mayor in writing.

13.13 Where you believe that an administrator has breached the Code of Conduct, you should report the matter to the Minister for Local Government in writing.

13.14 Councillors should not make allegations of suspected breaches of the Code at Council meetings or in other public forums.

PART 3: PROCEDURES

This Part of the Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the Conduct Review Committee/Reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

14. COMPLAINT HANDLING PROCEDURES & SANCTIONS

14.1 Complaints about the Conduct of Councillors, members of staff of Council, members of Council Committees and Delegates of Council should be addressed in writing to the General Manager.

14.2 Complaints about the conduct of the General Manager should be addressed in writing to the Mayor.

Complaint Handling Procedures – Staff, Delegate and Council Committee Member Conduct (excluding the General Manager)

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- 14.3 The General Manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the Code of Conduct regarding members of staff of Council, delegates of Council and/or members of Council Committees (other than Councillors), and will determine such matters.
- 14.4 Where the General Manager has determined not to enquire into the matter, the General Manager will give the complainant the reason/s in writing as provided in clause 15.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 14.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.
- 14.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.
- 14.7 Sanctions for delegates and/or members of Council Committees depend on the severity, scale and importance of the breach and may include:
- a) censure
 - b) requiring the person to apologise to any person adversely affected by the breach
 - c) counselling
 - d) prosecution for any breach of the law
 - e) removing or restricting the person's delegation
 - f) removing the person from membership of the relevant Council Committee
 - g) revising any of Council's Policies, Procedures and/or the Code of Conduct.

Complaint Handling Procedures – Councillor Conduct

- 14.8 The General Manager is responsible for assessing complaints, made under Section 13.1, alleging breaches of the Code of Conduct by Councillors, in accordance with the assessment criteria provided at Section 15 of this Code, in order to determine whether to refer the matter to the Conduct Review Committee/Reviewer.
- 14.9 The General Manager must determine either to:
- a) take no further action and give the complainant the reason/s in writing as provided in clause 15.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
 - d) refer the matter to the Conduct Review Committee/Reviewer.
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Complaint Handling Procedures – General Manager Conduct

14.10 The Mayor is responsible for assessing complaints, made under clause 13.1, alleging breaches of the Code of Conduct by the General Manager, in accordance with the assessment criteria provided at Section 15 of this Code, in order to determine whether to refer the matter to the Conduct Review Committee/Reviewer.

14.11 The Mayor must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 15.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the Conduct Review Committee/Reviewer.

Conduct Review Committee/Reviewer

14.12 Council must resolve to appoint persons independent of Council to comprise the members of a Conduct Review Committee and/or to act as sole Conduct Reviewers.

14.13 The members of the Conduct Review Committee and/or the persons acting as sole Conduct Reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the Local Government Area of the Council that has appointed them.

14.14 The Conduct Review Committee, members of such Committee and sole Conduct Reviewers may act in that role for more than one Council.

14.15 The General Manager, or in the case of complaints about the General Manager, the Mayor, will undertake the following functions in relation to the Conduct Review Committee/Reviewer:

- provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the Conduct Review Committee if so requested by the Committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the Conduct Review Committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
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- 14.16 Where a matter is to be considered by the Conduct Review Committee/Reviewer, then in each case, the General Manager, or Mayor in the case of complaints about the General Manager, acting in their capacity as advisor, will either convene a Conduct Review Committee and select its members from those appointed by Council or alternatively select a sole conduct reviewer from those appointed by Council.
- 14.17 The Conduct Review Committee/Reviewer will operate in accordance with the operating guidelines at Section 16 of this Code.
- 14.18 The Conduct Review Committee/Reviewer operating guidelines (Section 16) are the minimum requirements for the operation of Conduct Review Committees/Reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 14.19 The Conduct Review Committee/Reviewer is responsible for making enquiries into complaints made under clause 13.1 alleging breaches of the Code of Conduct by Councillors and/or the General Manager and must determine either to:
- a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 15.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the General Manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or
 - d) engage another appropriately qualified person to make enquiries into the complaint, or
 - e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.
- 14.20 Where the Conduct Review Committee/Reviewer conducts enquiries or causes enquiries to be conducted, the Conduct Review Committee/Reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the Code of Conduct.
- 14.21 Where the Conduct Review Committee/Reviewer makes findings, the Conduct Review Committee/Reviewer may recommend that Council take any actions provided for in this Code of Conduct that it considers reasonable in the circumstances.
- 14.22 Where the Conduct Review Committee/Reviewer makes findings, the Conduct Review Committee/Reviewer will report its findings, and the reasons for those findings, in writing to the Council, the complainant and the person subject of the complaint.
- 14.23 The Conduct Review Committee/Reviewer will report its findings and any recommendations to council only when it has completed its deliberations.
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Sanctions

- 14.24 Before a Council can impose a sanction it must make a determination that a Councillor or the General Manager has breached the Code of Conduct.
- 14.25 Where the Council finds that a Councillor or General Manager has breached the Code, it may decide by resolution to:
- a) censure the Councillor for misbehaviour in accordance with Section 440G of the Act
 - b) require the Councillor or General Manager to apologise to any person adversely affected by the breach
 - c) counsel the Councillor or General Manager
 - d) make public findings of inappropriate conduct
 - e) prosecute for any breach of law.

Councillor Misbehaviour

- 14.26 Under Section 440G a Council may by resolution at a meeting formally censure a Councillor for misbehaviour.
- 14.27 Under Section 440H, the process for the suspension of a Councillor from Civic Office can be initiated by a request made by Council to the Director General of the Department of Local Government.
- 14.28 The first ground on which a Councillor may be suspended from Civic Office is where the Councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the Councillor's suspension.
- 14.29 Council cannot request suspension on this ground unless during the period concerned the Councillor has been:
- formally censured for incidents of misbehaviour on two or more occasions, or
 - expelled from a meeting of the Council or a Committee of the Council for an incident of misbehaviour on at least one occasion.
- 14.30 The second ground on which a Councillor may be suspended from Civic Office is where the Councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the Councillor's suspension.
- 14.31 Council cannot request suspension on this ground unless the Councillor has been:
- formally censured for the incident of misbehaviour concerned, or
 - expelled from a meeting of the Council or a Committee of the Council for the incident of misbehaviour concerned.
- 14.32 Under section 440H, the process for the suspension of a Councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.
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Reporting on complaints

- 14.33 The General Manager must report annually to Council on Code of Conduct complaints. This report should include, as a minimum, a summary of the:
- a) number of complaints received,
 - b) nature of the issues raised by complainants, and
 - c) outcomes of complaints.

15. COMPLAINT ASSESSMENT CRITERIA

- 15.1 The General Manager or Mayor, in the case of a complaint about the General Manager, will assess a complaint alleging a breach of the Code of Conduct to determine if the matter should be referred to the Conduct Review Committee/Reviewer. In assessing the complaint, the General Manager and Mayor will have regard to the following grounds:
- a) whether there is any prima facie evidence of a breach of the Code of Conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of Civic Office or duties as General Manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the Code of Conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for Council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
- 15.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the Conduct Review Committee/Reviewer or that are to be referred to a more appropriate person or body can be finalised by the General Manager or the Mayor, in the case of complaints about the General Manager.
- 15.3 If a matter is referred to the Conduct Review Committee/Reviewer, then the Conduct Review Committee/Reviewer should use the above criteria in clause 15.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

16. CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES

Jurisdiction of the Conduct Review Committee/Reviewer

- 16.1 The complaint handling function of the Conduct Review Committee/Reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 13.1, about Councillors and/or the General Manager.
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Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the Conduct Review Committee/Reviewer.

Sole reviewers and members of the Conduct Review Committee are subject to the provisions of this Code of Conduct.

Role of the General Manager and Mayor

16.2 The General Manager, or in the case of complaints about the General Manager, the Mayor, will undertake the following functions in relation to the Conduct Review Committee/Reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the Conduct Review Committee if so requested by the Committee, and then in an advisory capacity only
- provide advice about Council processes if requested to do so but not so as to take part in the decision making process
- if attending the Conduct Review Committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the General Manager, or in the case of complaints about the General Manager, the Mayor, is unable to act as advisor to the Conduct Review Committee/Reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior Council Officer or Councillor (in the case of complaints about the General Manager) to perform this role.

Composition of the Conduct Review Committee

16.3 Where Council has a Conduct Review Committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the Council, convened and selected as provided in clause 14.16.

In the circumstances where a member of the Conduct Review Committee cannot participate in a matter, the General Manager, or Mayor in the case of complaints about the General Manager, should select another person as provided in clause 14.16.

The chairperson is to be elected by the members of the Conduct Review Committee.

The General Manager, or in the case of complaints about the General Manager, the Mayor, will act in an advisory capacity to the committee when requested.

Quorum of the Conduct Review Committee

16.4 A quorum for a meeting of the Conduct Review Committee is the majority of the members of the Conduct Review Committee.

If a quorum is not present at a meeting of the Conduct Review Committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the Conduct Review Committee unless a quorum is present.

Business may be conducted by video conference or teleconference.

Voting of the Conduct Review Committee

16.5 Each member of the Conduct Review Committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to Council on its findings.

In relation to any procedural matters relating to the operation of the Conduct Review Committee, the ruling of the chairperson shall be final.

Procedures of the conduct review committee/reviewer

16.6 The General Manager or Mayor, in the case of a complaint about the General Manager, will be responsible for convening the initial meeting of the Conduct Review Committee when there is a complaint to be referred to it.

The Conduct Review Committee/Reviewer will conduct business in the absence of the public.

The Conduct Review Committee/Reviewer will keep proper records of deliberations.

The Conduct Review Committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

Procedural Fairness

16.7 In conducting enquiries, the Conduct Review Committee/Reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
 - b) provide the person the subject of the complaint with an opportunity to place before the Conduct Review Committee/Reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
 - c) provide the person the subject of the complaint with an opportunity to address the Conduct Review Committee/Reviewer in person
 - d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
 - e) make reasonable enquiries before making any recommendations
 - f) act fairly and without prejudice or bias
 - g) ensure that no person decides a case in which they have a conflict of interests
 - h) conduct the enquiries without undue delay.
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Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the Conduct Review Committee/Reviewer should proceed to finalise the matter.

Complaint Handling Procedures

16.8 In addition to complying with these operating guidelines, the Conduct Review Committee/Reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the Conduct Review Committee/Reviewer will receive written information about the process being undertaken to deal with the matter.

The Conduct Review Committee/Reviewer will only deal with matters that are referred to it by the General Manager or the Mayor.

Where the Conduct Review Committee/Reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the Conduct Review Committee/Reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

Findings and Recommendations of the Conduct Review Committee/Reviewer

16.9 Where the Conduct Review Committee/Reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the Council, make recommendations, that the Council take any of the following actions:

- a) censure the Councillor for misbehaviour
- b) require the Councillor or General Manager to apologise to any person adversely affected by the breach
- c) counsel the Councillor or General Manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of Council's Policies, Procedures and/or the Code of Conduct.

Before making any such recommendations, the Conduct Review Committee/Reviewer shall have regard to the following:

- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the subject has remedied or rectified their conduct
 - d) whether the subject has expressed contrition
 - e) whether the breach is technical or trivial only
 - f) whether the breach represents repeated conduct
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- g) the age, physical or mental health or special infirmity of the subject
 - h) the degree of reckless intention or negligence of the subject
 - i) the extent to which the breach has affected other parties or the Council as a whole
 - j) the harm or potential harm to the reputation of Local Government and of the Council arising from the conduct
 - k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
 - l) whether an educative approach would be more appropriate than a punitive approach
 - m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
 - n) what action or remedy would be in the public interest
 - o) where to comply with a Councilor's obligations under this Code of Conduct would have had the effect of depriving the Council of a quorum or otherwise compromise the capacity of Council to exercise its functions.

Amendment of the Operating Guidelines

16.10 The Conduct Review Committee/Reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the Council.

END OF POLICY STATEMENT

DOCUMENT HISTORY AND VERSION CONTROL RECORD

Contact for inquiries and proposed changes

Name	
Position/Section	
Contact Number	

Version Number	Revised Date	Authorised Officer	Amendment Details

2.3 Candidates and Councillors 2008

Reporting Officer

Manager Corporate Support

Attachments

Nil

Purpose

To provide Council with a report on the survey of Local Government Elected Members and Candidates for elections held in September 2008.

History

The former Department of Local Government, now the Division of Local Government, Department of Premier and Cabinet carries out a survey of all candidates following each New South Wales Local Government General Election to develop characteristic profiles, ascertain trends and develop policy to address any issues arising from analysis of the data provided.

Report

This is the sixth report produced by the Division of Local Government of the characteristics of candidates and councillors. This report presents the findings from the survey of 148 local Councils that held elections in September 2008.

Paper based questionnaires asking 10 questions were provided to Councils for completion by all candidates the data was collected and entered electronically by staff at each Council before being sent to the Division for inclusion in a data collection system.

Some new data was collected at the 2008 elections:

- Disability - candidates were asked if they considered themselves to have a disability.
- First language spoken - this was previously collected only for Councillors.
- Occupation - this was previously collected only for Councillors.

The typical candidate at the 2008 Local Government elections was male; was aged 50 or more; spoke English as a first language; was a professional, self-employed or primary producer; and was not a member of the previous Council. The typical Councillor was similar to the candidate except that they had been a member of the previous Council.

The number of candidates decreased at the 2008 elections to 4441 reversing the trend since 1991. While the number of Councils and Councillors has decreased since 1991 the number of candidates had continued to increase until 2004.

The proportion of candidates who were women increased by 1% since 2004 to one-third of all candidates. This is still low compared to their proportion in the general population. Although women are making up a greater proportion of Councillors over time they still only represent just over one-quarter of Councillors.

The average number of female Councillors elected to each Council has been low but increasing over time until 2004 between 1991 and 2004 the average number of female Councillors increased from 2.1 to 2.7. The average number fell in 2008 to 2.6. The average number of male Councillors also fell from 7.6 to 7.2. The decrease in 2008 can at least be partly explained by the reduction in Councillor numbers. The low proportion of female Councillors in Local Government reflects the similar under-representation of women in both State and Federal Parliaments.

The most common age group of candidates was 50-59 years, followed by 40-49 years and 60-69 years. The proportion of candidates who are aged 50 years and over has been increasing over time. The most common age group of Councillors was 50-59 years, followed by 60-69 years and 40-49 years. Like candidates, the proportion of Councillors who are aged 50 years and over has been increasing over time.

The proportion of candidates and Councillors who identified themselves as being of Aboriginal and Torres Strait Islander descent was under-representative of the NSW population. The proportion of the population who are Aboriginal or Torres Strait Islander varies considerably between Local Government Areas. Most Aboriginal or Torres Strait Islander candidates stood in non-Sydney Councils and most Aboriginal or Torres Strait Islander Councillors were elected to non-Sydney Councils.

The first language spoken by the overwhelming majority of candidates and Councillors was English. The proportion of Councillors whose first language was not English decreased slightly from the 2004 election.

A total of 130 candidates indicated they has a disability. Of these, 47 were elected again this is under-representative of the NSW population.

The most common occupations of both candidates and Councillors were similar, that is, professional and self-employed which accounted for nearly half of both candidates and Councillors. The third most common occupation of candidates was retired.

Most candidates were not members of the previous Council. Candidates were much more likely to be elected if they had been a member of the previous Council. About one-third of Councillors elected in 2008 were elected for the first time and about one-quarter were elected for the second time.

Analysis of the characteristics of candidates and Councillors at the 2008 elections show that the following groups remain under-represented on Local Councils:

- Women
 - Those aged between 18-39 years
 - Those whose first language spoken is not English
 - People with a disability
 - Lower income occupations
 - Aboriginal and Torres Strait Islander people in some Council areas
-

The Division of Local Government is currently implementing a number of strategies to increase diversity amongst elected representatives on Local Councils. The findings presented in the report support the need for strategies to continue to be developed and implemented.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Dobson/Borg)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

2.4 Election Funding and Disclosures Act

Reporting Officer

Manager Corporate Support

Attachments

Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009 (distributed under separate cover).

Purpose

To advise Council of recent amendments to the Election Funding and Disclosures Act which prohibits political donations from property developers.

Report

The Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009 was recently passed by the NSW Parliament. The Bill amends the Election Funding and Disclosures Act 1981.

The changes to the legislation follow close media scrutiny over political donations by developers as well as the ICAC's investigation of Wollongong Council last year during which the donations of various property developers were revealed. Under the amendments property developers will no longer be able to provide political donations to NSW Councillors and NSW Councillors will no longer be allowed to receive political donations from property developers.

The Bill amends the Election Funding and Disclosures Act so that:

- It is unlawful for a person to make a political donation if the person is a property developer or makes the donation on behalf of the property developer
- It is unlawful for a person to accept a political donation that was made by or on behalf of a property developer
- It is unlawful for a property developer or a person on behalf of a property developer to solicit another person to make a political donation

The obvious question raised by these provisions is what constitutes a property developer. The legislation defines a property developer to be:

- A Corporation engaged in a business that regularly involves the making of relevant planning applications by or on behalf of the Corporation in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit
-

- A person who is a close associate of a Corporation

A close associate of a Corporation includes Directors and Officers of the Corporation and their spouses, a related body corporate of the Corporation and persons whose voting power in the Corporation or a related body corporate is greater than 20% and their spouses.

Overall these new provisions have important consequences for both property developers and elected Councillors who have historically been able to give and receive political donations. These changes co-exist with the various other requirements under the Election Funding and Disclosures Act, the Local Government Act and the EP&A Act in relation to political donations. Both Councillors and persons who may fall under the definition of a property developer will need to prudently guard against donations which contravene the above provisions.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lake/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

3. PROPERTY SERVICES

No reports this round

4. FINANCIAL SERVICES

4.1 Monthly Rates Summary

Reporting Officer

Manager Financial Services

Attachments

1. Monthly Rates Summary
2. Actual to budget result
3. Rates statistics

Purpose

To provide details of the 2009/10 Rates and Charges Levy and cash collections for the period ending 28 February 2010.

Report

Rates and Charges levied for the period ending 28 February 2010 totalled \$71,909,822 representing 99.96% of the estimated annual budget income.

Rates and Charges collected to the end of February totalled \$49,257,426. In percentage terms, this amount represents 66.2% of all rates and charges due to be paid. In comparison, the amount collected in the same period last year was 66.4%. It should be noted that the quarterly instalment due dates are set by statute and the February instalment fell due on a Sunday. It is anticipated that a significant volume of receipts will be received early in March.

Following the third instalment of rates and charges a review of the preferred payment channels has revealed that 43% of ratepayers have chosen to pay over the internet or phone via BPay. Secondary to this is payment at Australia Post agencies with 37.3% along with credit card payments representing 18% of all instalment payments.

Debt recovery action during the month involved the issue of 13 Statements of Claim and 9 Writs. Council officers continue to provide assistance to ratepayers experiencing difficulty in settling their accounts, including the monitoring of 284 ratepayers with a total arrears balance of \$312,672 who have made suitable payment arrangements.

It is proposed to once again issue a promotional flyer with the 2010/11 annual rate notice mail out in July 2010. Ratepayer acceptance of electronic notice delivery also known as e-rates has remained relatively steady since Council first offered this service in January 2007.

Ratepayers who purchased property since the November instalment notices were issued a 'Notice to new owner' letter. During the month, 21 of these notices were sent to ratepayers advising them of the amount unpaid on their account and the amount levied in annual rates and charges.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Rule/Lake)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1

RATES SUMMARY

STATEMENT OF ALL OUTSTANDING RATES AND EXTRA CHARGES

RATE - CHARGE	NET ARREARS 1/7/2009	NET LEVY FOR YEAR	PENSION REBATES	EXTRA CHARGES	TOTAL RECEIVABLE	CASH COLLECTED	NET AMOUNT DUE	POSTPONED RATES & INTEREST	GROSS AMOUNT DUE
RESIDENTIAL	2,342,456.62	40,129,195.38	1,212,746.93	571,366.82	41,830,271.89	27,073,394.51	14,756,877.38	344,850.24	15,101,727.62
BUSINESS	281,061.70	6,798,565.09		35,608.81	7,115,235.60	4,839,451.21	2,275,784.39		2,275,784.39
BUSINESS - IND	297,101.96	6,936,516.11		30,637.03	7,264,255.10	5,044,482.52	2,219,772.58		2,219,772.58
FARMLAND	-1,636.66	302,510.84	700.11	302.40	300,476.47	200,403.44	100,073.03	148,912.02	248,985.05
LOAN	203,799.99	4,343,306.98		10,720.41	4,557,827.38	2,980,164.91	1,577,662.47	52,746.68	1,630,409.15
F5 ACCESS RAMPS	44,979.98	1,070,139.89		2,494.84	1,117,614.71	776,054.74	341,559.97		341,559.97
MAIN STREET	12,054.91	0.00		116.69	12,171.60	11,872.78	298.82		298.82
TOTAL	\$3,179,818.50	\$59,580,234.29	\$1,213,447.04	\$651,247.00	\$62,197,852.75	\$40,925,824.11	\$21,272,028.64	\$546,508.94	\$21,818,537.58
GARBAGE	549,198.05	11,506,051.38	351,506.64	26,257.99	11,730,000.78	7,732,341.99	3,997,658.79		3,997,658.79
SANITARY	0.00	927.00		0.00	927.00	463.50	463.50		463.50
STORMWATER	46,837.61	874,810.01		1,941.02	923,588.64	598,796.34	324,792.30		324,792.30
GRAND TOTAL	\$3,775,854.16	\$71,962,022.68	\$1,564,953.68	\$679,446.01	\$74,852,369.17	\$49,257,425.94	\$25,594,943.23	\$546,508.94	\$26,141,452.17

Total from Rates Financial Transaction Summary	25,872,912.83
Overpayments	-268,539.34
Difference	0.00

ANALYSIS OF RECOVERY ACTION

Rate accounts greater than 6 months less than 12 months in arrears	968,215.69
Rate accounts greater than 12 months less than 18 months in arrears	71,701.31
Rate accounts greater than 18 months in arrears	51,738.48
TOTAL rates and charges under instruction with Council's agents	\$1,091,655.48

ATTACHMENT 2

COMPARISON OF BUDGET TO ACTUAL					
DESCRIPTION	ORIGINAL BUDGET	REVISED BUDGET	ACTUAL	BALANCE STILL REQD.	% RAISED
RESIDENTIAL BUSINESS	40,239,000	40,239,000	40,129,195	109,805	99.73%
BUSINESS - INDUSTRIAL	6,695,000	6,695,000	6,798,565	(103,565)	101.55%
FARMLAND	6,868,000	6,868,000	6,936,516	(68,516)	101.00%
LOAN	321,500	321,500	302,511	18,989	94.09%
F5 ACCESS RAMPS	4,341,000	4,341,000	4,343,307	(2,307)	100.05%
TOTALS	1,070,100	1,070,100	1,070,140	(40)	100.00%
	59,534,600	59,534,600	59,580,234	(45,634)	100.08%
INTEREST CHARGES	195,000	195,000	146,624	48,376	75.19%
LEGAL COSTS RECOVERED	900,000	900,000	505,404	394,596	56.16%
PENSIONERS - Sec 575	(1,520,000)	(1,520,000)	(1,564,954)	44,954	102.96%
PENSIONERS SUBSIDY	836,000	836,000	860,725	(24,725)	102.96%
SUB TOTAL	59,945,600	59,945,600	59,528,033	417,567	99.30%
DOMESTIC WASTE CHARGES	11,134,400	11,134,400	11,506,051	(371,651)	103.34%
SANITARY INCOME	1,000	1,000	927	73	92.70%
STORMWATER MNGMNT	860,000	860,000	874,810	(14,810)	101.72%
GRAND TOTALS	71,941,000	71,941,000	71,909,822	31,178	99.96%
COLLECTIONS AS A % OF:					
RESIDENTIAL BUSINESS	TOTAL RECEIVABLE	TOTAL LEVIED	RATES	TOTAL RECEIVABLE	TOTAL LEVIED
BUSINESS - INDUSTRIAL	64.72%	67.47%	65.80%	65.80%	68.69%
FARMLAND	68.02%	71.18%	GARBAGE	65.92%	67.20%
LOAN	69.44%	72.72%	SANITARY	50.00%	0.00%
F5 ACCESS RAMPS	66.70%	66.25%	STORMWATER	64.83%	68.45%
ALL RATES	65.39%	68.62%	TOTAL RATES & CHARGES	66.16%	68.82%
	69.44%	72.52%			

ATTACHMENT 3

RATES STATISTICS

No. of documents issued	July	August	September	October	November	December	January	February	March	April	May	June	Feb-09
Rate Notices	49,847	113		130									
Instalment Notices				41,084			40,506						
Missed Instalment Notices			7,062			7,223							
- Pensioners > \$15.00			601			591							
Notice to new owner	213	193	49	33	24	97	43	21					36
7-day Letters - Council issued			1,525			1,596							
- Pensioners > \$500.00			129			119							
7-day Letters - Agent issued			671										
Statement of Claim	208	12	6	239	11	31	276	13					201
Judgements	7	3	41	16	6	9	9	13					
Writs	6	28	5	50	5	4	56	9					19
eRates	544	559	564	572	578	581	586	590					
Arrangements	316	265	339	295	264	342	298	284					263

4.2 Investment Report - February 2010

Reporting Officer

Manager Financial Services

Attachments

Investment Portfolio Performance – February 2010

Purpose

To provide a report to Council outlining performance of the investment portfolio for February 2010.

Report

Council invests any surplus funds that become available through the financial instrument designated by the Ministerial Order from the Department of Local Government. The *Local Government Act 1993* and the Local Government (General) Regulation 2005 require a monthly investment report be presented to Council.

Council's Investment Portfolio as at 28 February stood at approximately \$70m. Funds are currently being managed both by Council staff and Fund Managers and are in accordance with the *Local Government Act 1993*, Local Government (General) Regulation 2005 and Council's Investment Policy.

Monthly Performance

The return for the entire portfolio on an annualised basis was 5.17%. This reflects an out performance of the bank bill index benchmark which returned 4.42%. Funds directly invested returned 5.07% for the month.

Rolling Year to Date (annualised) Return	February
Council Managed Funds	4.51%
Local Government Ethical Fund	5.05%
Local Government Fixed Out Cash Fund	3.92%
<i>Benchmark: 90 Day Bank Bill Index</i>	3.43%

Council's credit exposure as at 28 February shows 57% of investments placed with institutions rated AAA to AA-, 30% in institutions rated A+ to A, 9% in institutions rated A- to BBB- and 4% in other financial institutions. All investments are placed with Approved Deposit Taking Institutions who meet the eligibility for the government wholesale funding guarantee.

The current composition of the portfolio is 24% managed funds, 64% direct council managed term deposits, 11% in floating rate notes and 1% in offset facilities.

The increase in the portfolio since January reflects the cash inflows from the February rate instalment.

Economic Outlook

The Reserve Bank of Australia (RBA) at its meeting on 2 March raised the cash rate by 25 basis points to 4.0%. Previous statements by RBA Governor, Mr Glenn Stevens, have indicated that recent rate increases are part of the process of moving rates from emergency lows to more normal levels as economic activity normalises. It is also worth noting that official interest rates are currently 325 basis points below their peak a year and a half ago.

On 7 February 2010, the Federal Treasurer, Mr Wayne Swan, announced that the Government will be withdrawing the bank guarantee on wholesale funding based on advice received from the Council of Financial Regulators. This scheme was for large deposits over \$1m and will be effective from 31 March 2010. Guarantees on deposits up to the \$1m cap will be reviewed in October 2011.

These guarantees have been vital to the stability of Australia's financial system. They provided competition in the banking sector and gave wholesale funding certainty to more than 150 Authorised Deposit Taking Institutions.

Council's investment portfolio continues to outperform the benchmark of the 90 day bank bill index. The recently published Local Government Investment Guideline leaves little scope for the enhancement of Council's investment portfolio with the various investment products being offered. However to enhance the portfolio, advantage is taken on the length of maturity of the investment given the rating of the institution and the guarantee of the Federal Government for investments placed with Authorised Deposit Taking Institutions.

Regular liaison with Council's external financial advisor, Spectra Financial Services assists in monitoring all of the risk factors to maximise Council's return on the investment portfolio while minimising the risk associated with this strategy.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Borg/Dobson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

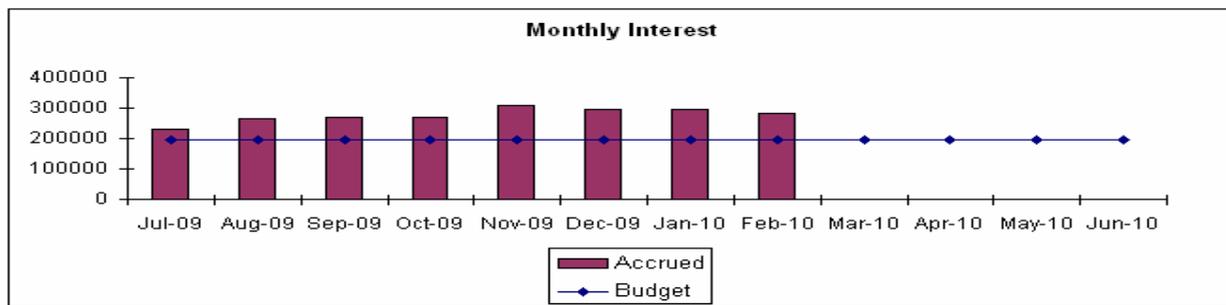
That the Officer's Recommendation be adopted.

ATTACHMENT 1

CAMPBELLTOWN CITY COUNCIL INVESTMENT PORTFOLIO Summary February 2010

Benchmark UBS Warburg 90 Day Bank Bill Index
 Portfolio Balance \$69,972,984.49

Monthly Performance	Return (mth)	Return (pa)
UBSW 90 Bank Bill Index	0.34%	4.42%
Total Portfolio	0.40%	5.17%
<i>Performance to Benchmark</i>	+ 0.06%	+ 0.76%
Portfolio - Direct Investments	0.39%	5.07%
<i>Performance to Benchmark</i>	+ 0.05%	+ 0.66%
Portfolio - Managed Funds	0.43%	5.60%
<i>Performance to Benchmark</i>	+ 0.09%	+ 1.19%

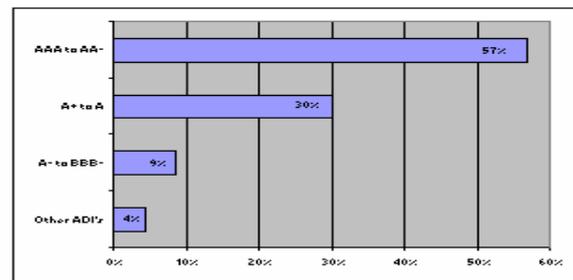


Year to Date Performance

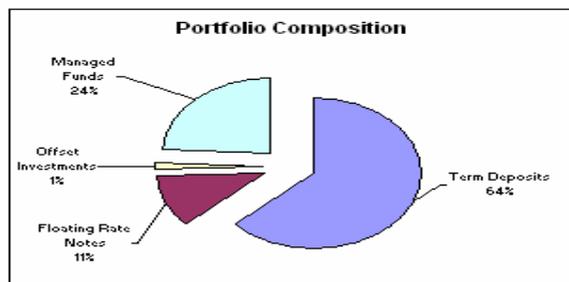
Rolling 12 Month Period
 4.51% Council Managed Funds
 5.05% LGFS Ethical Fund
 3.92% LGFS Fixed Out Cash Fund
 3.43% Benchmark

Interest Budget to Actual
 Budget to Period \$1,581,000
 Accrued to Period \$2,213,918

Credit Exposure



Securities



Institutions

Institution	Amount Invested	% Portfolio
Macquarie Bank	\$ 1,000,000.00	1%
LGFS Managed Funds	\$17,069,496.93	24%
Suncorp Metway	\$ 3,072,234.20	4%
National Australia Bank	\$ 7,946,914.80	11%
NSW Treasury	\$ 4,448,000.00	6%
Westpac Bank	\$10,050,268.49	14%
ANZ Bank	\$ 5,081,531.50	7%
Citibank	\$ 1,015,603.29	1%
St George Bank	\$ 2,075,504.40	3%
Commonwealth Bank	\$ 6,033,425.70	9%
Bank Western Australia	\$ 3,157,418.88	5%
Illawarra Mutual BS	\$ 1,000,000.00	1%
Newcastle Perm BS	\$ 1,000,000.00	1%
Heritage BS	\$ 1,000,000.00	1%
Rural Bank	\$ 1,000,000.00	1%
Members Equity Bank	\$ 1,000,000.00	1%
Bank of Queensland	\$ 1,000,000.00	1%
Mystate Financial CU	\$ 1,000,000.00	1%
Defence Services CU	\$ 1,000,000.00	1%
Maitland Mutual BS	\$ 1,022,586.30	1%
Total	\$69,972,984.49	100%

4.3 Sundry Debtors Report - February 2010

Reporting Officer

Manager Financial Services

Attachments

1. Debtors Summary
2. Ageing of Sundry Debtors – February 2010

Purpose

To provide a report detailing the amount outstanding by type and age for sundry debts for the period ending 28 February 2010.

Report

Sundry debts outstanding to Council as at 28 February 2010 were \$2,825,139 reflecting an increase of \$673,694 since 31 January 2010. The ratio of outstanding debts to current invoices has decreased from 24% in January to the current level of 21%. This ratio has been affected by an increase in the current and 30 day debts and a decrease in the volume of receipts received for this period. This debtor management ratio is a measure of the effectiveness of recovery efforts, however is impacted by Council policies as well as economic and social conditions.

During the period 568 invoices were raised totalling \$1,273,462 and of these, the most significant have been in the following areas:

Government and other Grants - \$600,761

The main invoices relate to:

New South Wales Transport & Infrastructure – Campbelltown Commuter Car Park Funding Deed at Farrow Road Car Park	\$511,500
Australia Council for the Arts – Contemporary Dance Program Grant	\$66,000
Midnight Basketball Australia Ltd – Grant for the third tournament at Minto Indoor Sports Centre	\$10,011

Corporate Administration - \$192,420

The main invoices relate to:

Various Schools – Hire of Campbelltown Athletics Stadium Bond for School Carnival	\$57,650
Liverpool City Council – Contribution to Urban Sustainability Program 'Getting it Started' Georges River and 2010 Driveway Safety Calendar Project	\$35,200
Australian Rail Track Corporation Ltd – Occupation Fees for January 2010	\$20,116
Fairfax Community Newspapers – 2010 Challenge Walk Platinum Sponsor	\$17,275
The Benevolent Society of NSW – Contribution to Startop Park Project	\$13,913
Commonwealth Bank of Australia – Sponsorship of Ingleburn Alive 2010	\$4,400
AWJ Civil Pty Ltd – Occupation fees for December 2009 and January 2010	\$3,630

Road and Footpath Restoration - \$154,928

The main invoices relate to:

Sydney Water Corporation – Various road, footpath and kerb and guttering works in the Local Government Area	\$119,493
Cabe Developments Pty Limited – Laying bitumen at Parc Guell Drive, Campbelltown	\$21,864
AGL Energy – Various road and footpath works in the Local Government Area	\$9,613

Shop and Office Rentals - \$113,486

The main invoices relate to:

McDonalds Australia Limited – Glenquarie Shopping Centre	\$71,044
Nuvezo Pty Ltd – Dumaresq Street Twin Cinema	\$20,429
Campbelltown Amcal Pharmacy – Milgate Arcade, Queen Street	\$4,888
J & R Versteeg Pty Ltd – Campbelltown Arts Centre Café	\$3,898
SA & S Thai – Macquarie Fields Neighbourhood Store	\$3,702
M & H Fatrouni – Woodbine Neighbourhood Store	\$3,486

Receipts to the value of \$599,768 have been received during the period, the most notable in the following areas:

Corporate Administration	\$207,160
Land and Building Rentals	\$119,408
Shop and Office Rentals	\$68,676
Government and other Grants	\$57,812
Sportsground and Field Hire	\$22,254

Council officers continue to provide assistance to debtors experiencing difficulties in paying their accounts. Debtors are encouraged to clear their outstanding debts through regular payments where possible to avoid any further recovery action.

During the month, 18 accounts progressed to recovery action. The defaulting debtors were issued a letter of demand on Council letterhead advising that if the account was not settled or an appropriate arrangement was not made their account may be escalated to formal legal action through Council's agents. Five accounts have been referred to Council's debt recovery agents to commence formal legal recovery action.

Officer's Recommendation

That the information be noted.

Committee's Recommendation: (Lake/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

ATTACHMENT 1

DEBTORS SUMMARY 1 February 2010 to 28 February 2010

DEBTOR TYPE/DESCRIPTION	ARREARS AT 31/01/2010	RAISED THIS PERIOD	RECEIVED THIS PERIOD	BALANCE AT 28/02/2010	% DEBT RATIO
Corporate Administration	403,022	192,420	207,160	388,282	13.74%
Abandoned Items	3,395	594	0	3,989	0.14%
Child Care Debts	36,227	0	0	36,227	1.28%
Community Bus	89	168	42	215	0.01%
Tennis Court Hire	757	0	0	757	0.03%
Sportsground and Field Hire	105,571	23,096	27,326	101,341	3.59%
Government and other Grants	1,132,857	600,761	57,812	1,675,806	59.32%
Public Hall Hire	28,654	11,452	22,254	17,853	0.63%
Health Services	350	0	0	350	0.01%
Land and Building Rentals	65,398	80,455	119,408	26,445	0.94%
Library Fines and Costs	146,502	0	713	145,789	5.16%
Healthy Lifestyles	40,093	7,990	12,495	35,588	1.26%
Pool Hire	13,588	12,034	14,041	11,581	0.41%
Private Works	40,353	3,945	3,234	41,063	1.45%
Road and Footpath Restoration	43,277	154,928	22,628	175,577	6.21%
Shop and Office Rentals	40,906	113,486	68,676	85,716	3.03%
Various Sundry Items	85,699	29,031	24,636	90,094	3.19%
Waste Collection Services	4,143	43,101	19,341	27,903	0.99%
	2,151,445	1,273,462	599,768	2,825,139	100%

ATTACHMENT 2

AGEING OF SUNDRY DEBTOR ACCOUNTS - 28 February 2010

Description	Current Charges	Total 30 Days	Total 60 Days	Total 90+ Days	Balance Due	Previous Month 90+ days
Corporate Administration	162,820	924	24,438	200,101	388,282	186,132
Abandoned Items	594	0	0	3,395	3,989	1,076
Child Care Debts	36,227	0	0	0	36,227	0
Community Bus	215	0	0	0	215	0
Tennis Court Hire	757	0	0	0	757	0
Sportsground and Field Hire	20,861	24,532	13,898	42,049	101,340	28,470
Government and other Grants	595,506	1,043,900	4,400	32,000	1,675,806	32,000
Public Hall Hire	12,405	915	2,022	2,511	17,853	4,308
Health Services	0	0	0	350	350	0
Land and Building Rentals	18,136	2,876	2,672	2,761	26,445	2,711
Library Fines and Costs	145,789	0	0	0	145,789	0
Healthy Lifestyles	12,282	0	2,097	21,209	35,588	27,521
Pool Hire	10,754	0	71	756	11,581	374
Private Works	5,134	0	27,376	8,553	41,063	12,650
Road and Footpath Restoration	141,326	0	0	34,251	175,577	14,445
Shop and Office Rentals	80,311	3,331	2,073	0	85,716	963
Various Sundry Items	11,812	0	10,160	68,123	90,094	47,322
Waste Collection Services	23,458	0	0	4,445	27,903	9,752
	1,238,950	1,076,478	89,207	420,504	2,825,139	367,724

4.4 2010-2011 Mining Rate

Reporting Officer

Manager Financial Services

Attachments

Nil

Purpose

To provide further information regarding Council's application for a Mining Rate and associated proposal to establish a Biodiversity Centre.

History

A briefing to Council was provided by the Director of Business Services on 16 February 2010 regarding a new initiative to rate land used for mining purposes and to apply the income received towards the establishment of a Biodiversity Centre. The principle of this new rate would be to assist Council to offset its carbon footprint through enhancement of biodiversity in the Local Government Area.

The Manager Financial Services and Coordinator Environmental Planning conducted a further presentation to Council at a Briefing Night on 16 March 2010 expanding on the process and provided further details regarding the facility to be established.

Report

Section 514 of the *Local Government Act 1993* requires that Council categorise all rateable land to be one of four types: Residential, Farmland, Business or Mining. The Act further defines that land having to be categorised as Mining if its dominant use is for Coal or Metalliferous mining.

The NSW Valuer General supplies valuations for the use of distributing council rates. In the case of mining properties these are calculated on the lease areas obtained by the mining companies. The NSW Value General has recently provided values for a number of leases within the Campbelltown Local Government Area and advice has been received that it is intended that the area be mined in the near future.

As Council had no mining valuations previously on record, there has been no rating of mines nor a mining rate struck. In accordance with the *Local Government Act 1993*, Council will need to establish a new category for mining for rating purposes in 2010/11. The current proposal is to seek a special variation of Council's permissible general rate income that will represent income received from the mining rate.

Coal mining and more specifically the burning of coal in the manufacturing and power industries is considered to be a heavy contributor to carbon pollution and the opportunity arose to use these funds in reducing the amount of Co². It is therefore proposed to establish the Campbelltown Biodiversity Centre based on the best aspects of similar centres successfully operating within other council areas. In particular the focus has been on the model used at Rockdale, Randwick and Ku-ring-gai Council's. However a multitude of other Councils namely, Kogarah, Bankstown, Liverpool, Hornsby, Leichhardt, Marrickville, Sutherland, Wollondilly, Lithgow, Taree and Milton have nurseries already operating.

It is proposed to establish a Biodiversity Centre as an expansion of the work currently undertaken by Operational staff at the Sark Road Depot, further development will be monitored and reported based on the application of a quadruple bottom line approach. This will include seeking partnerships with community service groups such as MG My Gateway and people with disabilities with an avenue to enter the workforce.

The proposal is to include the propagation of endemic species to supply residents and community based organisations with stock for Council's own street scaping use, stream care, carbon neutral and school planting events that are carried out during the year.

The cost to provide and establish this facility has been determined to be \$150,000 per annum. The income collected will determine the level of service to be provided and will not impinge on Council's budget. At the cessation of the 5 year period it is anticipated that a review to the initiative will determine the need to proceed with a new proposal or continue with or amend current operations.

Following the recent briefing to Council, an Application for a Special Variation to General Income was submitted to the Division of Local Government by deadline of 26 March 2010.

Consultation will commence with BHP in the coming months and a further report will be provided to Council to detail operations, proposed location and future opportunities.

Officer's Recommendation

1. That Council support an Application for a Special Variation to General Income under Section 508(2) of the *Local Government Act 1993*.
 2. That the amount of the Application for a Special Variation to General Income be \$150,000 per annum for five years.
 3. That the income be restructured for the purposes of establishing a Biodiversity Centre in the Campbelltown Local Government Area.
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Committee's Recommendation: (Matheson/Borg)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

5. BUSINESS ASSURANCE

No reports this round

6. HUMAN RESOURCES

No reports this round

7. INFORMATION MANAGEMENT AND TECHNOLOGY

7.1 Options and Benefits of Adopting Broadband Communication

Reporting Officer

Manager Information Management and Technology

Attachments

Nil

Purpose

The purpose of the report is to inform Council of the options available to consolidate the current telephone systems to a unified communications platform that provides commercial benefits to the organisation.

History

Council's telephone infrastructure operates over a total of 35 different sites. The systems at various sites have been provided by a number of different vendors at different times, resulting in a telephony system that is made of disparate components which are difficult to manage.

The main PABX system is an Ericsson MD110, located at Civic Centre, which services the Civic Centre precinct, the Minto Depot, HJ Daley Library, Family Day Care, the Arts Centre and Quondong.

The Ericsson PABX was installed in 1993 and is hardware based. Council is currently unable to provide any additional voice services onto the Ericsson system. The Ericsson system is nearing End Of Life (EOL) and it is becoming increasingly difficult to maintain and source parts.

A number of secondary NEC PABXs are also located at Eagle Vale Central, Macarthur Community Options, Macquarie Fields Leisure Centre and the Animal Care Facility. All other Council voice services operate on direct Telstra telephone lines.

Investigation of options for a unified phone system to be implemented in the 2010-11 financial year are underway.

Report

The trend in the replacement of telephony systems such as Councils current PABX is the move to Voice over Internet Protocol (VoIP) solutions. This entails using existing data network infrastructure to process the transmission of voice calls. Speech is digitised and sent via the data network.

VoIP solutions can be broadly divided into two types; Council owned/leased or hosted.

A Council owned/leased model is a unified solution which operates on the existing Council owned data network. The voice servers and associated hardware would be located within the Civic Centre and owned or leased by Council.

In a hosted solution the server hardware is located in a data centre some distance from Campbelltown and connected via the Internet.

Both types of solutions have benefits and risks and Council will investigate the viability and suitability of each option in its telephony replacement project that is currently in its investigative stage.

The following are the expected economic benefits:

- Reduction in call costs. Calls between our sites will not incur any call costs with a VoIP solution as they will utilise our existing data network connections.
 - Reduction in administrative costs. Many of the administrative tasks can be performed quickly and easily by an administrator, using simple, intuitive, browser-based interfaces. Some systems allow certain tasks to be delegated to the user, such as changing their phone display name.
 - Reduction in line rental costs. The total number of leased Telstra lines will reduce and calls between Council sites will be at no cost to Council, resulting in a significant saving for Council. It should be noted however that there is a considerable cost in the implementation and continued operation of VoIP telephony and that these savings will be offset to some degree by those additional operating costs.
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Organisational benefits that are expected to be achieved are detailed below:

- Better disaster recovery flexibility. With a VoIP PABX we can more easily reconfigure our phone system to divert calls should one or more of our sites be affected by a disaster.
- Improved robustness of telecommunications equipment and service. The current equipment is becoming increasingly difficult to maintain as it ages. Council is heavily reliant on telephony for its operations and the risk of continuing with our current PABX system is not viable.
- Enhanced functionality. Moving to a VoIP solution lays the foundation for the introduction of a range of unified communications tools in the future. Unified communications is the integration of various messaging technologies such as SMS, email, and voice mail. An example of unified communications would be leaving a voice mail message which is automatically emailed to the person as a sound file they can play on their computer or smart phone.
- Improved manageability. Telephony service requests will be able to be actioned through a web interface and provide faster resolution and reduce our reliance on external vendors.
- Better reporting. As Council moves to a centralised customer service model the ability to report on a variety of statistics related to telephony is becoming more important. A VoIP solution will allow us to leverage our existing reporting tools to provide information to managers and staff in a more flexible and useful manner.
- Scalability. A VoIP telephony solution will enable enhanced integration with other business systems.

In order to ensure the continuation of the telephony service a technical specification is currently being prepared to seek provision of a replacement telephony solution based on VoIP technology.

As part of developing the specification to address all facets of communication a multi-functional team has been formed to address various scenarios that can be foreseen. Council has always invested in cost effective solutions when providing options for computer based technology.

Previously the largest investment of recent times was the replacement of the core business systems in 2004. Investment in all technology aims to maximise resources embracing new technology and trends with the view to achieving long term benefits for Council. Assessment of all tender responses will take in to consideration the objectives as previously stated.

Officer's Recommendation

1. That Council consider a budget allocation to replace the telephony system in the 2010 / 2011 draft budget.
2. That a presentation be provided to Councillors on completion of the preparation of a tender specification for a new telephony system.

Committee's Recommendation: (Rule/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

Council Meeting 6 April 2010 (Hawker/Borg)

That the Officer's Recommendation be adopted.

Council Resolution Minute Number 56

That the Officer's Recommendation be adopted.

8. CUSTOMER SERVICES

No reports this round

9. GENERAL BUSINESS

Nil.

13. CONFIDENTIAL ITEMS

13.1 Commercial Leases

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

13.2 Legal Advice - Bradbury Inn Hotel

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
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