

## Ordinary Meeting

**Meeting Date:** Tuesday, 26 March, 2019

**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra

## Attachments (Under Separate Cover)

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## **DRAFT - SHOALHAVEN CITY COUNCIL - CODE OF MEETING PRACTICE**

**2019**

CL19.74 - Attachment 1

The provisions of the Code of Meeting Practice that are mandatory are indicated in black font.

The provisions of the Code of Meeting Practice that are not mandatory are indicated in red font.

Additional provisions of the Shoalhaven City Council Code of Meeting Practice are indicated in green and teal font.

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## 1 INTRODUCTION

The ~~is~~ Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This Code reflects the provisions of the Model Code of Meeting Practice. It shall apply to:

- Council meetings
- All Committees comprising of Councillors appointed pursuant to Clause 260 Regulations with the exception of the provisions relating to 'Rising to speak' and 'Limitation on the number of times a member may speak'.
- Other Committees comprising of Councillors and Staff or Community members (including Boards) with the exception of the provisions relating to 'Rising to speak' and 'Limitation on the number of times a member may speak'.

Council's 'Code of Conduct' and Procedures are to be read in conjunction with this Code and apply in all respects to the conduct at Council and Committee meetings.

~~This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.~~

~~Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.~~

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

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

~~The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.~~

~~In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".~~

~~In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".~~

## 2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.



- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

~~3.1 — Ordinary meetings of the council will be held on the following occasions:  
[council to specify the frequency, time, date and place of its ordinary meetings]~~

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

**Note: Councils must use either clause 3.1 or 3.2**

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

**Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.**

**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.**

#### Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.2 reflects section 366 of the Act.**

Notice to the public of council meetings

- 3.3 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.6 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.6 reflects section 367(1) of the Act.**

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.7 reflects section 367(3) of the Act.**

Notice to councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

Giving notice of business to be considered at council meetings

- 3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~[council to specify notice period required]~~ **at least 7 calendar days business days** before the meeting is to be held.
- 3.10 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.11 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

~~3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

- ~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~
- ~~(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.~~

#### Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.9~~10~~, ask a question for response by the general manager about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.1~~234~~ that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.1~~234~~ by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

- 3.15 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.16 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.

- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.18 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.19 reflects section 9(2A)(a) of the Act.**

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

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.21 reflects section 9(2) and (4) of the Act.**

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

**Note: Clause 3.22 reflects section 9(2A)(b) of the Act.**

- 3.23 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.23 reflects section 9(3) of the Act.**

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

**Note: Clause 3.24 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.25 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Despite clause 3.25, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.27 A motion moved under clause 3.26(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.28 Despite clauses 10.19–10.29, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.
- 3.29 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.30 ~~Where the General Manager deems necessary~~ Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at a Council the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 ~~Pre-meeting briefing sessions are to be held in the absence of the public.~~
- 3.34 ~~The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~
- 3.36 ~~Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.~~
- 3.37 ~~Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain~~



~~a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.~~

#### **4 PUBLIC FORUMS DEPUTATIONS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

##### **Deputations to Committee Meetings**

- 4.2 Deputations will only be permitted to the Committees of Council and must relate to business before the Committee.
- 4.3 One speaker for and against each item will be permitted to address a committee except in extenuating circumstances.
- 4.4 An individual or representative group is only permitted to address a Committee once on an issue except where the Committee resolves otherwise on the basis that new material has been presented, and in this case the comments are limited to that new material.
- 4.5 The Chairperson of the committee is authorised to grant approval for deputations up until 12.00 noon on the day of the meeting.
- 4.6 Where requests are received for a deputation after the issue of the Notice of Meeting they will be dealt with in accordance with this Policy except such requests for deputations may be declined when it is considered time will not permit the matter to be heard.
- 4.7 If the Mayor, Chairperson or General Manager as the case may be approves a deputation as provided for in this clause, where practical, notification is to be given to the Governance Staff who shall notify Group Directors.
- 4.8 Where more than one request is received to address a Committee either for or against a proposal, the individuals and/or groups involved will be encouraged to appoint one representative to present their submission.
- 4.9 Where more than one person is granted permission to address a committee on the same issue every endeavour will be made to ensure that the information being presented by the different people cover different aspects of the proposal and there is not an unnecessary repetition of the same argument.
- 4.10 Where an individual or organisation is granted permission to address a committee they be informed that: -
- 4.10.1 Maximum time permitted is five (5) minutes.
  - 4.10.2 One main spokesperson is to be nominated to address the Committee.
  - 4.10.3 The meeting, including their deputation will be webcast by the Council as outlined in Part 9.12 of this Code
  - 4.10.4 Comments which may cast reflection on any organisation or individual are to be avoided as these comments can be regarded as public statements.

4.10.5 Information from a deputation is placed on the public record and can be distributed / displayed.

- 4.11 The Committee may vary this Code to allow for additional speakers in the event that a resolution is carried the effect of which deems that the matter is of sufficient importance to warrant a deviation from this Code.

#### Deputations to Ordinary Meetings

Council may permit a deputation on any item before Council which has not been previously considered by a Committee where for reasons such as delay, it is undesirable to refer the matter back to a Core Council Committee. And further that:

- 4.12 These deputations be limited to five minutes duration with one speaker in favour and one against.
- 4.13 Requests for deputations must be made to the Mayor or General Manager no later than 12 noon on the day of the Ordinary meeting.
- 4.14 If the Mayor or General Manager as the case may be approves a deputation as provided for in this clause, where practical, notification is to be given to the Executive Support Staff who shall notify Group Directors.
- 4.15 Council may vary this Code to allow for additional speakers in the event that a resolution is carried to that effect which deems that the matter is of sufficient importance to warrant a deviation from this Code.
- 4.16 If new issues are introduced at that deputation, the matter is not to be considered by Council at that meeting unless those issues are of a minor nature and staff can clarify those issues at the meeting. If the issues are significant, and cannot be clarified, the matter may be deferred to the next available meeting to allow staff sufficient time to consider and report on the matters raised in the deputation. If the Council and responsible Director agree that no new matters are raised in the deputation, the item may be considered at that meeting.
- 4.17 The General Manager (or delegate) it to approve deputation requests in cases where the application is inconsistent with rules or the Chair will be asked to make the final determination.

~~4.2 — Public forums are to be chaired by the mayor or their nominee.~~

~~4.3 — To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.~~

~~4.4 — A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.~~

~~4.5 — Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.~~

- ~~4.6 — The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.~~
- ~~4.7 — No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.~~
- ~~4.8 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.~~
- ~~4.9 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.~~
- ~~4.10 — Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.~~
- ~~4.11 — The general manager or their delegate is to determine the order of speakers at the public forum.~~
- ~~4.12 — Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.~~
- ~~4.13 — Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~
- ~~4.14 — A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.~~
- ~~4.15 — Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.~~
- ~~4.16 — Speakers at public forums cannot ask questions of the council, councillors or council staff.~~



- ~~4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.~~
- ~~4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.~~
- ~~4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.~~
- ~~4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.~~
- ~~4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.~~
- ~~4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.~~
- ~~4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.~~
- ~~**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**~~

## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

~~5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

~~**Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.**~~

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.8 reflects section 368(1) of the Act.**

- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.9 reflects section 368(2) of the Act.**

- 5.10 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.15 reflects section 10(1) of the Act.**

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.17 reflects section 10(2) of the Act.**

**Note: If adopted, clauses 15.13 and 15.14 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.13 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

Webcasting of meetings

- 5.18 Shoalhaven City Council will webcast the proceedings (including presentations, deputations and debate) of the Ordinary, Development Committee and Strategy and Assets Committee meetings held within the Council Chambers of the Nowra Administrative Building.

- 5.19 Confidential Sessions of Meetings which are closed to the public in accordance with Section 10A of the Local Government Act, 1993 will not be webcast.

- 5.20 At the start of each meeting that will be webcast, the Chairperson must advise those in attendance that the meeting will be webcast, and may be recorded under the provisions of this Code (as per Clause 19.13(3))

- 5.21 It is not the intention of live streaming, recording and publishing to capture those attending the Meeting in the gallery, however this may occur due to the camera angles and seating arrangements. By attending a public meeting, attendees are consenting to their image, voice or comments being webcast or recorded.

- 5.22 Notifications of webcasting will be provided via:

- 5.22.1 The inclusion of an Advisory Note on the Agenda of the meetings to be webcast



#### 5.22.2 Signage in the Council Chambers

- 5.23 The General Manager may terminate or suspend webcasting at any point during a meeting if they are of the opinion that continued recording of the proceedings may infringe the rights or safety of an individual, be defamatory or inappropriate.
- 5.24 Council will maintain an online library of recorded webcast meetings on Council's Website, for a period of two (2) years. Recordings within that library may have adaptations, modifications or amendments authorised by the General Manager.
- 5.25 While Council will make every effort to ensure that live streaming is available, it cannot be held liable for technical issues that may occur. The failure to webcast the debate or decision does not invalidate a resolution of the Council
- 5.26 Speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.
- 5.27 The Webcasts and recordings of the Council are protected by Copyright and owned by Shoalhaven City Council.
- 5.28 Written transcripts of the proceedings will not be made available

~~5.19 All meetings of the council and committees of the council are to be webcast on the council's website.~~

~~Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.~~

~~Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio-visual recording of the meeting or an audio recording of the meeting.~~

~~Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.~~

~~5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.~~

~~5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.~~

~~5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time]~~

~~the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.~~

Attendance of the general manager and other staff at meetings

- 5.29 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.29 reflects section 376(1) of the Act.**

- 5.30 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.30 reflects section 376(2) of the Act.**

- 5.31 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.31 reflects section 376(3) of the Act.**

- 5.32 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

## **6 THE CHAIRPERSON**

The chairperson at meetings

- 6.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

Election of the chairperson in the absence of the mayor, ~~and~~ deputy mayor ~~and~~ assistant deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 6.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf

if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

### **7 MODES OF ADDRESS**

- 7.1 If the chairperson is the mayor, they are to be addressed as 'Mr-Mayor (Surname)' or 'Madam-Mayor'.
- 7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr-Chairperson' or 'The Chair' or 'Madam-Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation position title or as Mr/Ms [surname].

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

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 ~~The general order of business for an ordinary meeting of the council shall be:~~  
**[councils may adapt the following order of business to meet their needs]**

~~01 Opening meeting~~  
~~02 Acknowledgement of country~~  
~~03 Apologies and applications for a leave of absence by councillors~~

~~04 Confirmation of minutes~~  
~~05 Disclosures of interests~~  
~~06 Mayoral minute(s)~~  
~~07 Reports of committees~~  
~~08 Reports to council~~  
~~09 Notices of motions/Questions with notice~~  
~~10 Confidential matters~~  
~~11 Conclusion of the meeting~~

- 8.2 The order of business as fixed under clause ~~[8.1/8.2]~~ **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: Refer to Part 13.**

- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

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

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.



- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

#### Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

~~9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.~~

#### Staff reports

- 9.10 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.11 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

### Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

### Petitions

9.19 The exact wording of petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting. In the event a petition contains 500 or more signatures is presented to a Council meeting the subject matter of the petition shall trigger a report from the General Manager to the next Ordinary Meeting of Council.

### Development Approval Process

19.20 In any circumstances where a Development Application is called-in by Council for determination the resolution shall include reasons for doing so.

19.21 Reasons will also be recorded for decisions, approval or refusal, involving Development Applications seeking approval for significant variations to Council policies, Development Control Plans or other development standards. (Refer MIN08.907)

19.22 A notice of amendment or rescission shall be lodged in the circumstance a call-in (under clause 19.20) is to be reversed. The resolution of the Council must include the reason for the reversal.

## **10 RULES OF DEBATE**

### Motions to be seconded

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

#### Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

#### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

#### Motions requiring the expenditure of funds

- ~~10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.~~

#### Amendments to motions

- 10.9 An amendment to a motion must be moved and seconded before it can be debated.

- 10.10 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.11 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.12 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.13 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.14 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.15 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

- 10.16 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.17 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.18 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

#### Limitations on the number and duration of speeches

- 10.19 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation

to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.20 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.21 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.22 Despite clause 10.21, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.23 Despite clause 10.21, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.24 Despite clauses 10.19 and 10.20, a councillor may move that a motion or an amendment be now put:
  - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.25 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.24. A seconder is not required for such a motion.
- 10.26 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.19.
- 10.27 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.28 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.29 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

~~10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.~~

~~————— **Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a**~~



~~meeting of the board.~~

~~Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.~~

## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

~~Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.~~

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- ~~11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.~~

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.~~

### Voting at council meetings

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- ~~11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.~~

- ~~11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.~~

~~11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.~~

~~11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.~~

11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.**

#### Voting on planning decisions

11.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee. Leave in with Note regarding recorded as a division

11.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.10 Clauses 11.6–11.9 apply also to meetings that are closed to the public.

**Note: Clauses 11.7–11.8 reflect section 375A of the Act.**

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

## **12 COMMITTEE OF THE WHOLE**

12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 CALL OVER OF ITEMS - DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must call over or list ~~must list~~ the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 as the result of a call-over must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.



## 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

### Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns

legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  - (i) should not be deferred (because of the urgency of the matter), and
  - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by ~~[date and time to be specified by the council]~~ before midday on the day of the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than ~~[number to be specified by the council]~~ one speaker for and one speaker against speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than ~~[number to be specified by the council]~~ two (2) speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed ~~[number to be specified by the council]~~ five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.20 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

**15 KEEPING ORDER AT MEETINGS**

Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction

- of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

~~15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.~~

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

~~———— **Note: Councils may use either clause 15.14 or clause 15.15.**~~

~~15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.~~

15.15 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

- 15.16 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.17 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.18 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.19 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.20 ~~A person must not live stream or use an~~ Council permits the use of a audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of any open meeting of the council or a committee of the council held within the Council Chambers, without the p Prior authorisation of the council or the committee will be required to record meetings held in other locations.  
Note: Add a statement to the start of the meeting that states: Council gives permission for anyone to record the Council and/or Core Committee Meetings.
- 15.21 Any person who contravenes or attempts to contravene clause 15.20, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.22 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

**16 CONFLICTS OF INTEREST**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.



## 17 DECISIONS OF THE COUNCIL

### Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.**

~~Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.~~

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**



- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager ~~no later than [council to specify the period of time] prior to the conclusion of the meeting it was lodged after the meeting at which the resolution was adopted.~~

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- ~~17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:~~

- ~~(a) a notice of motion signed by three councillors is submitted to the chairperson, and~~
- ~~(b) a motion to have the motion considered at the meeting is passed, and~~
- ~~(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

- ~~17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.~~

- ~~17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).~~

UP TO HERE

Recommitting resolutions to correct an error

- 17.12 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.13 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.12(a), the councillor is to propose alternative wording for the resolution.

- 17.14 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.12(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.15 A motion moved under clause 17.12 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12 can speak to the motion before it is put.
- 17.16 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12.
- 17.27 A motion moved under clause 17.12 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than ~~[council to specify the time]~~ 9.00pm
- 18.2 If the business of the meeting is unfinished at ~~[council to specify the time]~~ 9.00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 10.00pm, and the council does not resolve to extend the meeting, the chairperson must either:
  - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
  - (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- (a) details of each motion moved at a council meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.

- 19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

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

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

## 20 COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part ~~only~~ applies to committees of the council whose members are all councillors, in addition to all Committees, Boards, and Advisory Groups appointed by the Council -

Council committees whose members are all councillors

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

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Note: Core Committees not Advisory Committees

Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees- where all members are Councillors

20.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.



Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- ~~20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.~~
- ~~— **Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**~~
- 20.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments

- moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 20.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 IRREGULARITIES

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
  - (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

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

## 22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

DRAFT

CL19.74 - Attachment 1

**The Model Shoalhaven City**  
**Council**  
**Code of Conduct**

**2019**

Shoalhaven City Council Draft Code of Conduct

CL19.75 - Attachment 1



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### **SHOALHAVEN CITY COUNCIL VALUES**

Values are the fundamental beliefs of a person or organisation. These principles guide behaviour and help organisations to determine if they are on the right path and fulfilling their goals by creating an unwavering guide for all to follow.

Shoalhaven City Council has chosen four primary values:

1. Collaboration – we enjoy working together to deliver for our community;
2. Adaptability – we are ready for change and willing to embrace a new situation;
3. Integrity – we are committed to maintain high ethics and standards; and
4. Respect – We are mindful of and care about the feelings, wishes and rights of others.

Council's Core Values are reflected throughout the Code of Conduct.

## PART 1 INTRODUCTION

~~This~~The Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

~~Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that~~Shoalhaven City Council's Code of Conduct incorporates the provisions of the Model Code of Conduct. ~~A council's or joint organisation's adopted code of conduct may also include and includes~~ provisions that supplement the Model Code of Conduct. ~~The Code of Conduct is extended in and that extend~~ its application to persons that are ~~not "council officials" for the purposes of the Model Code of Conduct (eg~~ volunteers, contractors and members of wholly advisory committees.) ~~boards and groups.~~

~~A council's or joint organisation's adopted~~Council's code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, ~~a council's or joint organisation's adopted~~ Council's code of conduct ~~may prescribe prescribes~~ additional requirements that are more onerous than those prescribed in the Model Code of Conduct.

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

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

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

~~Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.~~

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

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## PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation



joint organisation	a joint organisation established under section 400O of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

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

#### General conduct

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

#### Fairness and equity

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

#### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

*Note: Refer also to Council's Workplace Bullying Policy*

#### Bullying

- 3.8 You must not engage in bullying behaviour towards others.

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

*Note: Refer also to Council’s Workplace Bullying Policy*

*Note: Staff should also refer to Council’s Grievance Policy*

Work health and safety

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

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

*Note: Staff should also refer to Council's Safety Management System*

Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

Obligations in relation to meetings

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

briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

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

#### Public Comment

#### 3.23 In this section "public comment" includes

- a) public speaking engagements;
- b) press releases, verbal comment to the media (including comments on radio or television);
- c) expressing views on social media, in correspondence or notices or where it is reasonably foreseeable that publication or circulation of the comment will enter the public domain; and
- d) Photos, video, public recording.

#### 3.24 The Mayor and the General Manager are the official spokespersons of Council.

3.25 If you are a member of staff, or a Chairperson other than a Councillor, you are given authorisation to make public comment to the media as an official spokesperson of Council as set out in Council's Media Policy and/or expressly granted by the Mayor, General Manager or their representative/delegate.

#### 3.26 When making a public comment in your capacity as an official representative of Council you must:

- a) Defend and uphold Council's corporate and resolved position; and
- b) Not make any comment, written or verbal, that will bring Council, staff or Councillors into disrepute or are contrary to this Code.
- c) Not divulge confidential council information (refer to clauses 8.10 and 8.11);
- d) Not breach the privacy of other council officials or those that deal with council (refer to clause 8.12);
- e) Not make a comment that is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council (refer to clause 8.20);
- f) You must not make any comment that contains content about the council that is misleading or deceptive

#### 3.27 When making a personal public comment and the comment is in connection with your official role with Council you must:

- a) Make it clear that such comment is expressed as a personal opinion;



- b) Make it clear that you are not representing Council and that your views are not necessarily representative of Council or of Council adopted policy;
- c) Ensure all public comments made in your personal capacity are made honestly and are not misleading to the public;
- d) Not make any comment, written or verbal, that will bring Council, staff or Councillors into disrepute or are contrary to this Code.
- e) Not make comment that is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council (refer to 8.20);
- f) Not divulge confidential council information (refer to 8.10 and 8.11); and
- g) Not breach the privacy of other council officials or those that deal with council (refer to 8.12).

Note: Refer also to Council's Media Policy

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#### **PART 4 PECUNIARY INTERESTS**

##### What is a pecuniary interest?

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

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

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
  - a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code

- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - (ii) security for damage to footpaths or roads
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member

- o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

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

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

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or

- b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
  - a) at any time during which the matter is being considered or discussed by the council or committee, or
  - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
  - a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.



Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
  - a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
  - a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
  - a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.

- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

*Note: Refer also to Council's Internal Reporting Policy (Public Interests Disclosures Act)*

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

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

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

### Managing non-pecuniary conflicts of interest

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

- close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken

to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

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

#### Political donations

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

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

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
  - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### Other business or employment

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.



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

*Note: Staff should also refer to Council's Working Outside of Council Policy*

Personal dealings with council

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

## **PART 6 PERSONAL BENEFIT**

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

### Gifts and benefits

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

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

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

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

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
  - b) gifts of alcohol that do not exceed a value of \$50
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

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

Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

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

*Note: Refer also to the following Council policies:*

- Cultural Gifts Program Procedure
- International Gifts (Giving and Receiving) Policy
- Fraud & Corruption Prevention Policy
- Procurement Policy
- Declaration of Gifts and Benefits Form

## **PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**

### Obligations of councillors and administrators

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

### Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.



Inappropriate interactions

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

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

*Note: Refer also to the Councillor and Staff Interaction Policy and Councillor Contact List*



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

### Councillor and administrator access to information

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

*Note: Refer also to the Access to Information Policy and Councillor Access to Information Policy*

### Councillors and administrators to properly examine and consider information

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

### Refusal of access to information

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

manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

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

Use and security of confidential information

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

8.11 In addition to your general obligations relating to the use of council information, you must:

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

*Note: Refer also to Council's IT Security Policy*

Personal information

8.12 When dealing with personal information you must comply with:

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

*Note: Refer also to the Information and Privacy Commission website:  
<https://www.ipc.nsw.gov.au>*

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions.

8.14 You must not use council assets and resources for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

*Note: See Council's Disposal of Assets Policy.*

*Note for Councillors: Councillors must use allocated Council equipment or resources in accordance with the Council Members – Payment of Expenses and Provision of Facilities Policy.*

*Note for staff: Council does not lease plant or equipment to employees, except where there is an adopted policy covering these activities.*

8.148.15 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

*Note: Refer also to the Local Government Award and Consultative Committee Constitution*

8.158.16 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.168.17 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.178.18 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.188.19 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

~~8.19 You must not convert any property of the council to your own use unless properly authorised.~~

Internet and IT access and use

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

*Note: Refer also to Council's IT Security Policy*

Council record keeping

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

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

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

*Note: Refer also to the following Council policies:*

- *Records Management Policy*
- *Records Security Policy and Procedures*
- *Councillor Record Keeping*

Councillor access to council buildings

8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

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

- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

| *Note: Refer also to the Councillor and Staff Interaction Policy*

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

### Complaints made for an improper purpose

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

### Detrimental action

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

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral



submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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

9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

*Note: Refer also to Council's Internal Reporting Policy (Public Interest Disclosures Act)*

Complaints alleging a breach of this Part

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

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN  
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**Part 1: PreliminaryDefinitions

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

*address* means:

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

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

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

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

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

*interest* means:

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

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

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

*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

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

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

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

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returns

Real property

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

Gifts

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

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and

- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

#### Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.



18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

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

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
    - a description of the occupation, and
    - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - in relation to income from a trust, the name and address of the settlor and the trustee, or
  - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
  - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

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

Discretionary disclosures

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

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED  
UNDER CLAUSE 4.21**'Disclosures by councillors and designated persons' return

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

Important information

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

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

Shoalhaven City Council Draft Code of Conduct

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

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

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

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]  
[date]

**A. Real Property**

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

**B. Sources of income**

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

Shoalhaven City Council Draft Code of Conduct

CL19.75 - Attachment 1

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

**C. Gifts**

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

**D. Contributions to travel**

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

**E. Interests and positions in corporations**

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

**F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)**

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

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

**H. Debts**

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



I. Dispositions of property

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

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

J. Discretionary disclosures

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37**

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

**Important information**

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

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

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

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

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

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

Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the      day of      20 .

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

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

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

Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

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

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

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# Monthly Report

## Shoalhaven City Council

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February 2019

CL19.79 - Attachment 1



## Market

### International Markets

Global stocks continued their dramatic “Santa Claus rally.” The Dow, S&P, NASDAQ finished +4.03%, +3.21% and +3.60% respectively. MSCI World ex-AUS finished +3.27% in local terms. Emerging Markets returned +0.22% in \$US, with +1.10% from Frontier. China’s CSI300 is +20.95% since 2019. US 10-year bond yields widened to 2.73% (+10bp). High yield credit rallied a further -45bp tighter.

Brazil banned new upstream tailings dams after January’s disaster. The US-DPRK summit broke down with no deal, after DPRK sought sanctions removal. Kim has reportedly said he would meet again.

Brexit looms with no clear path to future trade integration with the EU.

Q4 GDP of +2.6% p.a. saw the full year grow +3.1%. US inflation fell to 1.6% in January following lower gas prices. US manufacturing PMI fell to 53.7 in February amid softening demand due to uncertainty across manufacturing supply chains and global trade. Retail trade fell -1.2% in December. Non-farm payrolls soared +304k, but unemployment rose to 4.0% (+0.1%) in January on higher participation (63.2%).

EU growth was 1.2% (-0.4%) and inflation eased to 1.4% in January (-0.1%). Germany’s flat quarter after -0.2% averted recession but Italy confirmed recession with -0.2%.

The trade surplus in China widened to USD39.16bn in January ahead of key trade talks. YoY, exports increased +9.1% and imports declined -1.5%. With the US, exports declined -2.4% YoY while imports fell -41.2% YoY. Chinese growth (+1.5% Q4, for +6.4% YoY) continues a pattern of stimulus and decline.

### Domestic

The ASX200 gained +5.98%, while Smallcaps were up +6.78%. 10-year bonds rallied as the RBA again eased guidance, with yields -14bp to 2.10%. The RBA is admitting to “50/50” on direction, but the market has it cutting rates early 2020. Wages grew +2.8%, although for fulltime ordinary time just +2.3%.

China fired a warning shot at Australian foreign policy and Huawei bans, throttling coal at the ports. Household debt to GDP fell to 121.3% in Q2 2018 (-0.9%) while consumer credit increased to an all-time high of \$2.8tr in December. Household savings decreased to 2.4% Q3 (-0.4%). Labour force participation rose by +0.1% to 65.7%, keeping headline unemployment steady at 5% and underemployment -0.2% in January. A strong +39,100 jobs were added, with hours worked +3.2% YoY.

Manufacturing PMI rose to 52.5 in January. The Performance Services Index tumbled to 44.3 in January, the first contraction since February 2017. Westpac Consumer Sentiment recovered +4.3% MoM, on strong labour markets and a dovish RBA.

Building approvals slumped -8.4%; 14k dwellings contrast with a 23k peak. Retail sales fell -0.4%. The trade surplus soared to \$3.68bn (+63%) in December as imports declined -6% (capital goods -15%).

### Other Markets

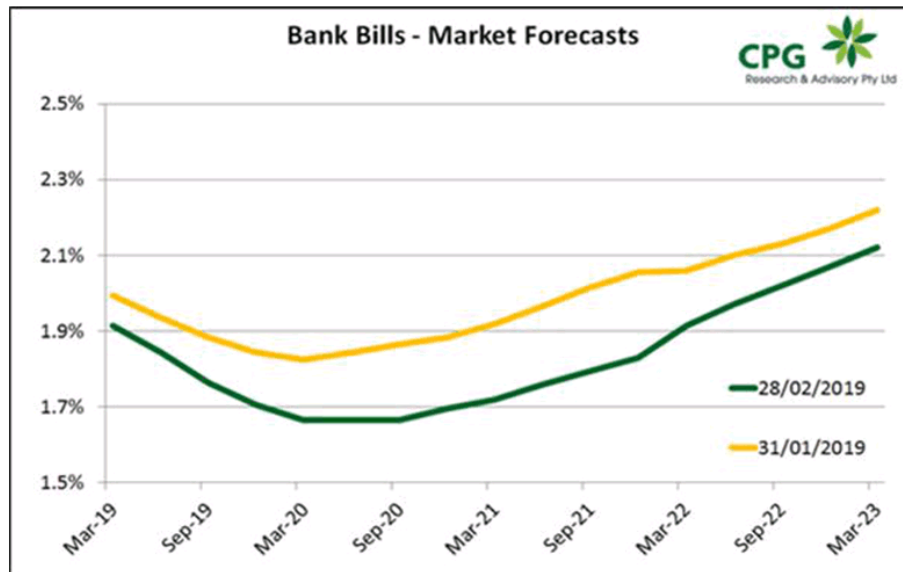
WTI oil increased to \$57/bbl (+6.3%).

Gold closed \$1,313 (-0.5%) whereas base metals all gained: Zinc (+2.7%), Copper (+6.3%), Aluminium (+0.7%), Tin (+4.1%) and Nickel (+5.3%). Iron ore eased to \$83.43 (-1.2%) after oversupply in Chinese port inventories. Outlook for lower rates took the \$A lower to US71.46c (-1.68%).





Bank bill futures further inverted, moving beyond a single rate cut factored in:

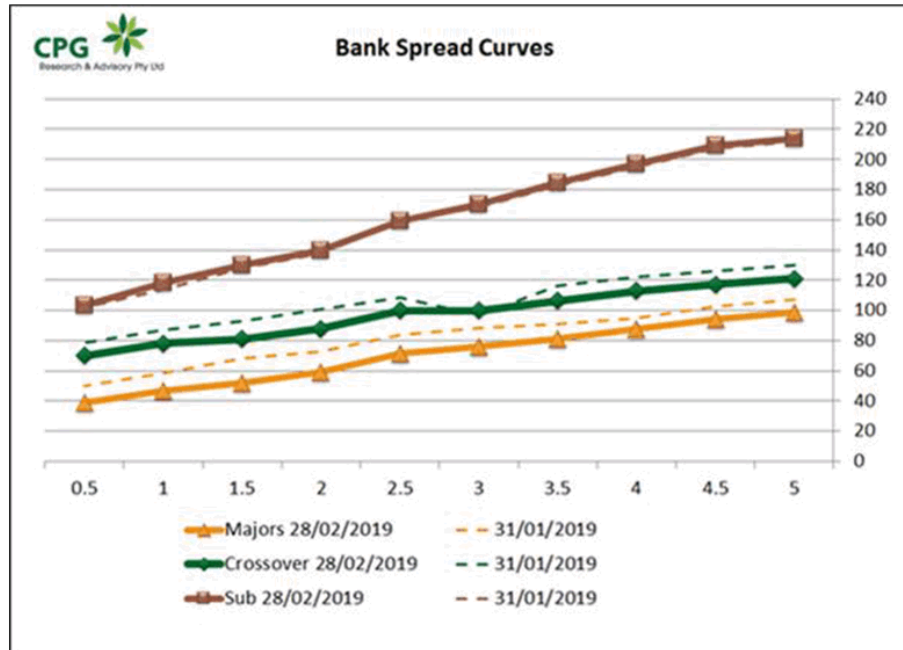


#### Credit Market

February continued 2019's extraordinary sentiment reversal. Investment grade spreads played catch-up with January's rally in high yield and equities:

Credit Indices	28 Feb 19	31 Jan 19	28 Feb 19
iTraxx Australia 5 Yr CDS	69bp	77bp	59bp
iTraxx European 5 Yr CDS	61bp	71bp	52bp
CDX IG North American 5 Yr CDS	60bp	66bp	56bp
CDX HY North American 5 Yr CDS	347bp	353bp	334bp

Senior bank FRNs also gained, despite new issuance keeping spreads under some pressure. Wide spreads have been supportive for deposit margins, which are currently relatively high.



In more liquid global markets, high yield bond spreads also rallied dramatically **tighter from +437bp to +392bp** (BoA Merrill Lynch HY Index, option-adjusted), outperforming CDS credit spreads. **Under +400bp, high yield valuations are un compelling but not especially expensive.**

The move by the market to price an easing bias for the RBA (which they have almost endorsed at their February meeting) was reflected in record low deposit interest rates, with rates dropping below 3% out to 3 years. Occasional specials may still reach these levels.

In general, if investors can gain protection against rate cuts without paying for it, the risk on rates is to the downside. The RBA continues a very slow revision to guidance – contrasted to the fast-motion transition by the US Federal Reserve. Consecutive quarters of weak GDP, with the disruption of elections to come, may prompt the RBA to move faster towards outlining the path to a rate cut.



## ESG and Divestment

Council has introduced a “soft divestment” instruction which looks to identify, and preferentially direct investment away from, lenders to fossil fuels.

The highlighted list is as follows:

Fossil Fuel Counterparties	Exposure \$M	FCS	Net	Rating	Policy Limit	Gross	Invested in Fossils
ANZ	\$7.00M	\$0.00M	\$7.00M	AA-	30%	3%	Yes
CBA	\$34.45M	\$0.25M	\$34.20M	AA-	30%	16%	Yes
NAB	\$21.93M	\$0.25M	\$21.68M	AA-	30%	10%	Yes
Westpac	\$17.00M	\$0.25M	\$16.75M	AA-	30%	8%	Yes
AMP	\$9.42M	\$0.25M	\$9.17M	A-	15%	5%	Yes*
Macquarie	\$0.00M	\$0.00M	\$0.00M	A	15%	0.0%	Yes
ING	\$4.00M	\$0.25M	\$3.75M	Split A	15%	2%	Yes
TCorpIM Cash Fund	\$24.59M	\$0.00M	\$24.59M	AAA	40%	12%	Yes
	\$118.39M		\$117.14M			57%	
Total	\$208.88M		\$208.88M				

\* Note also AMP Life, AMP Capital have investments in coal and gas companies

As at February 2019, the institutions totalled 56% of Council’s investment portfolio (unchanged from last month), with short term swings in the TCorpIM Cash Fund (12%+) largely driving the ratio.

Fossil Fuels Exposure Trend	
May 2017	50%
June 2017	48%
July 2017	48%
August 2017	44%
September 2017	43%
October 2017	42%
November 2017	44%
December 2017	43%
January 2018	41%
February 2018	45%
March 2018	59%
April 2018	59%
May 2018	62%
June 2018	61%
July 2018	58%
August 2018	61%
September 2018	57%
October 2018	56%
November 2018	59%
December 2018	56%
January 2019	56%
February 2019	56%



TCorpIM flows reversed what had previously been a significant reduction from 50% to 41%. The allocation to named counterparties has largely tracked the spending of the TCorpIM Cash balance. **As completed, the allocation would again fall towards the lows**, although of course it would be difficult to entirely avoid the larger banks if the money is invested for the longer-term.

Increases in cumulative lending disclosures since 2008 indicates that activism is having only limited impact. (ING Bank's cumulative numbers have actually fallen, indicating either restatements or disposal of business units).

Name	*\$m Loaned (May 17)	*\$m Loaned (Sep 18)	Cumulative Change
AMP	\$752	\$955	27%
ANZ	\$23,414	\$31,235	33%
Citi	\$3,271	\$4,373	34%
CBA	\$20,590	\$26,553	29%
HSBC	\$3,612	\$3,859	7%
ING	\$857	\$783	-9%
Macquarie	\$2,622	\$3,597	37%
NAB	\$14,867	\$17,614	18%
Westpac	\$11,613	\$13,162	13%

It is proving difficult in practice to avoid this cohort entirely, particularly given minimisation of the use of BBB banks. **This is a soft condition of TCorp loans, and is likely permanent** (being incorporated into policy amendments) – Council cannot meet or even make progress on its divestment objective.

The current choices are:

- **Drop the divestment objective**, investing up to 75% in the larger banks who (but for SunCorp) are named as fossil fuel lenders.
- **Drop the rating constraint** and lose access to TCorp funding (or even risking further scrutiny from the Department), following some green Councils into a diverse portfolio almost entirely in the BBB and unrated space.
- Position the portfolio very narrowly into a handful of highly rated ADIs plus hypothecated green bonds of the majors, **sacrificing diversity and probably returns**, as well as making FRNs and other liquid investments almost impossible to access in any significant volume.

Westpac have extended the "green bond" certification programme to deposits.

Limited releases of Green Deposits will periodically be made, with certification under global standards. The money raised will be fully directed to renewable energy, energy efficiency infrastructure, green buildings of a minimum NABERS energy rating etc.

**Deposits will be issued at standard bank rates, as have the Green Bonds.**

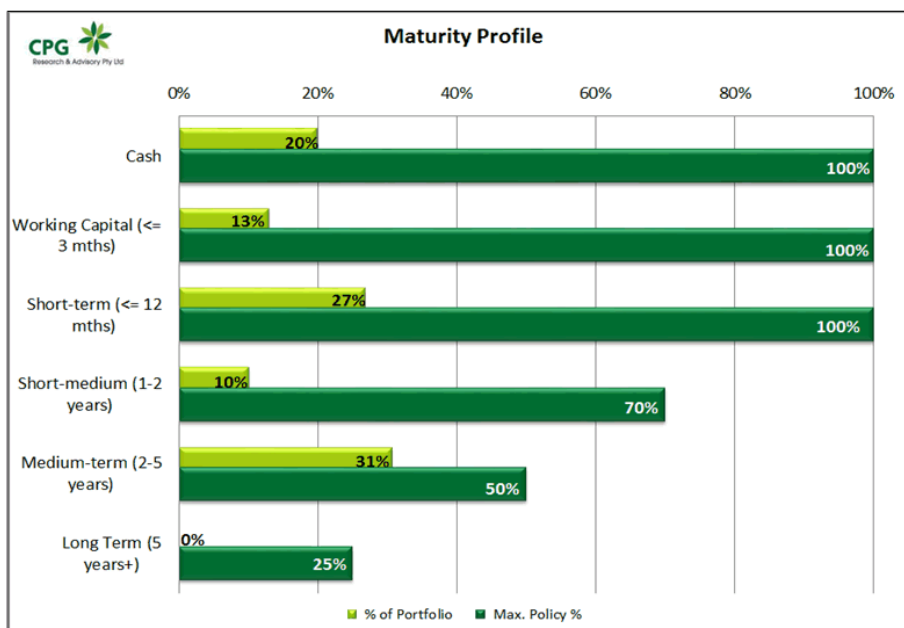
Given that certifiable purposes represent a small fraction of bank lending, **there will only be a limited tranche of these deposits available**, although the bank (and possibly other banks) are likely to have recurring offerings.



## Council's Portfolio

The portfolio has high liquidity, reflecting the TCorpIM cash. 20% of investments are available at-call and a further 13% of assets maturing within 3 months. Another 27% of assets mature within 3-12 months, with relatively little in the short-medium term duration allocation at 10%.

Council has a further allocation to securities and the Macquarie fund, for additional liquidity requirements and seeking trading gains. **At this point, significantly wider bank spreads through Q4 with the strong rebound in broader credit markets see us recommend a switch from Macquarie to direct credit.**



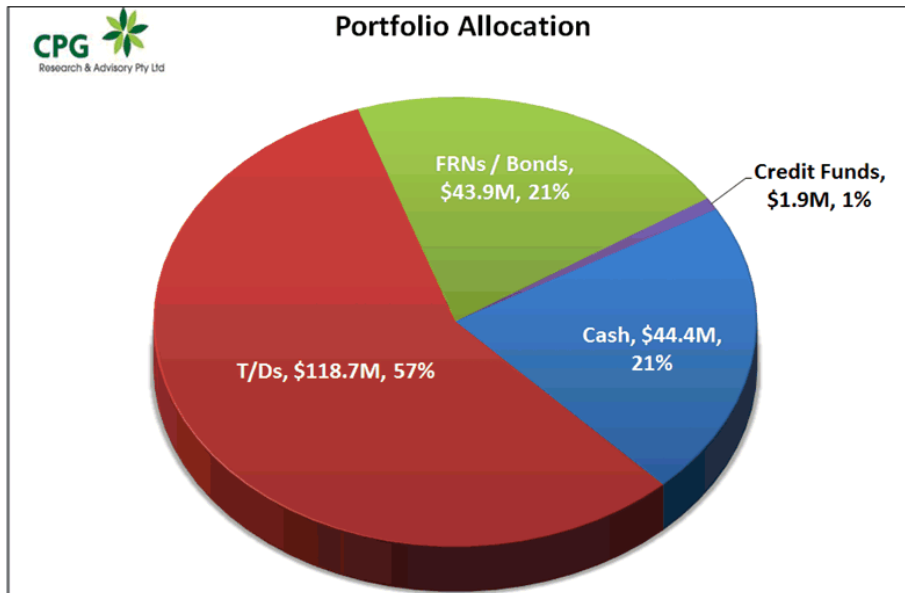
Investments are diversified by fixed interest sector and well spread across maturities. Available capacity exists in all categories.

Council is well placed to utilise capacity available towards the short term. Cash can be deployed opportunistically utilising capacity available in BBB rated. Working capital is at slightly elevated levels (TCorpIM Cash is identified for specific project related payments).

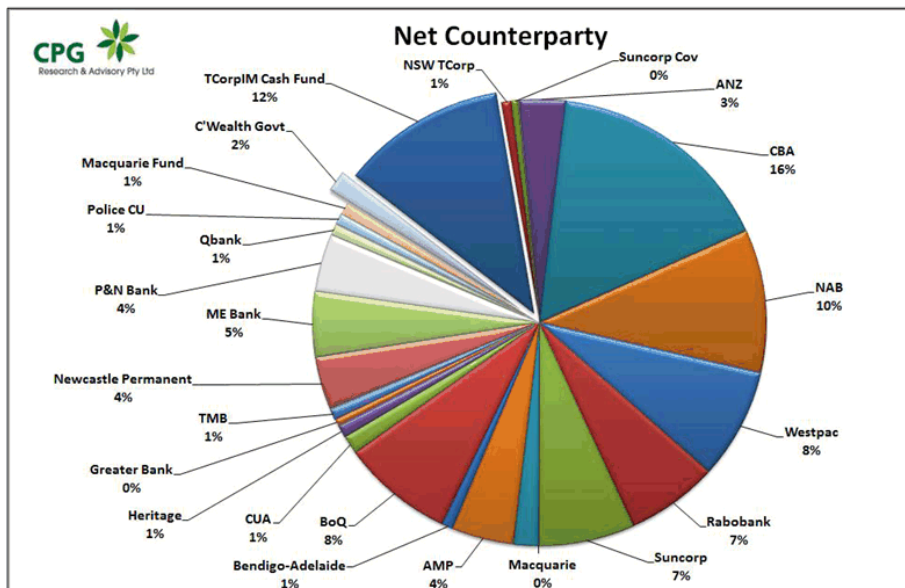
**In the near term, we look to add to maximise credit allocations as capacity allows; looking to sell maturing FRNs to take up new FRNs – indicatively, majors will be issuing around the ~+103bp level. A and BBB rated floating rate assets are favoured for new money, as capacity is available in both categories.**



Council's portfolio remains tilted to deposits, at 57% of the total assets, with Cash held at a high 21% (including AMP 31-day Notice Account) and the balance is in liquid credit, including a small residual investment in a credit fund with Macquarie intended for redemption.



The investment portfolio is well diversified in complying assets across the entire credit spectrum; with CBA dominant followed by NAB & TCorpIM Cash.





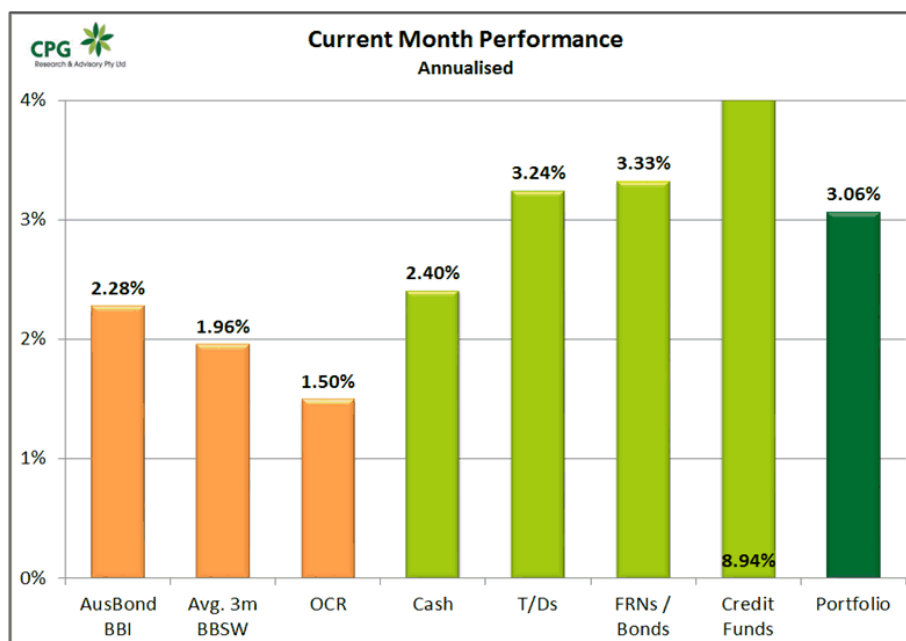


## Returns - Accrual

Actual	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	0.11%	0.37%	0.74%	1.00%	1.50%	1.50%	1.55%	1.67%	1.83%
Avg. 3m BBSW	0.15%	0.49%	0.98%	1.32%	1.99%	1.86%	1.88%	1.96%	2.10%
AusBond Bank Bill Index	0.17%	0.51%	0.99%	1.35%	1.99%	1.87%	1.91%	1.99%	2.14%
Council Cash	0.18%	0.52%	1.03%	1.41%	2.06%	2.09%	2.14%	2.27%	2.45%
Council T/Ds	0.25%	0.79%	1.58%	2.12%	3.20%	3.27%	3.37%	3.49%	3.58%
Council FRNs / Bonds	0.25%	0.81%	1.61%	2.18%	3.27%	3.25%	3.22%	3.29%	-
Council Credit Funds	0.66%	2.20%	1.73%	2.50%	2.35%	3.11%	3.98%	2.85%	2.99%
Council Total Portfolio	0.23%	0.73%	1.44%	1.94%	2.89%	2.91%	3.05%	3.18%	3.31%
Annualised	1 month	3 months	6 months	FYTD	1 year	2 years	3 years	4 years	5 years
Official Cash Rate	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.55%	1.67%	1.83%
Avg. 3m BBSW	1.96%	2.02%	1.98%	1.98%	1.99%	1.86%	1.88%	1.96%	2.10%
AusBond Bank Bill Index	2.28%	2.07%	2.01%	2.04%	1.99%	1.87%	1.91%	1.99%	2.14%
Council Cash	2.40%	2.14%	2.09%	2.12%	2.06%	2.09%	2.14%	2.27%	2.45%
Council T/Ds	3.24%	3.26%	3.22%	3.20%	3.20%	3.27%	3.37%	3.49%	3.58%
Council FRNs / Bonds	3.33%	3.32%	3.27%	3.29%	3.27%	3.25%	3.22%	3.29%	-
Council Credit Funds	8.94%	9.25%	8.53%	8.78%	2.35%	3.11%	3.98%	2.85%	2.99%
Council Total Portfolio	3.06%	3.00%	2.93%	2.94%	2.89%	2.91%	3.05%	3.18%	3.31%

The Investment portfolio returned a strong **3.06% p.a.** for the month of February 2019, exceeding the benchmark AusBond Bank Bill Index (2.28% p.a.) by **+78bp**. This is inclusive of contribution from rally in non-bank credit. The credit fund outperformed its benchmark roughly fourfold, continuing the rebound from a weak 2018 credit market.

TCorpIM Cash had a well above-trend month with 0.25% net returns. It is an extremely dilute exposure to FRNs, and participated in improving credit conditions.



The longer dated investments continued their strong performance. Deposits and FRNs continue to yield well over 3%, with periodic contributions from realised capital gain on sales of existing FRNs.



## Credit Quality

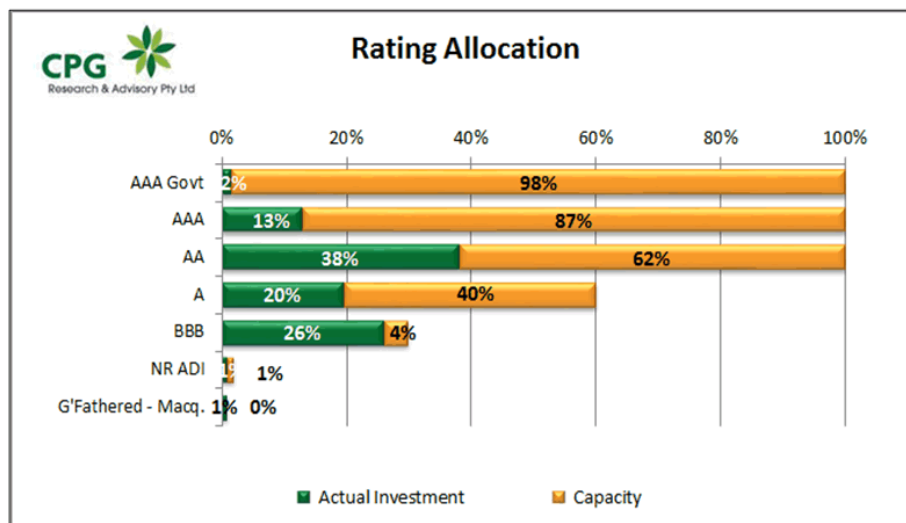
The previously adopted Policy took effect July 1<sup>st</sup>. The aggregate limits in BBB is 30% and in NR is now 2% (over-riding single-name limits). Allocations were very conservative in any case, and this had no effect on compliance.

We have tested the portfolio provided against Council's current Investment Policy and report the following:

**Aggregate credit limits are in compliance:**

Rating Category	Actual	Per C/Party	Aggregate	Rating Category	Actual Investment	Capacity
AAA Govt	2%	100%	100%	AAA Govt	2%	98%
AAA	13%	40%	100%	AAA	13%	87%
AA	38%	30%	100%	AA	38%	62%
A	20%	15%	60%	A	20%	40%
BBB	26%	10%	30%	BBB	26%	4%
NR ADI	1%	5%	2%	NR ADI	1%	1%
G'Fathered - Macq.	1%	1%	1%	G'Fathered - Macq.	1%	0%
	100%				Complies	

Credit quality is mostly directed towards the higher rated ADIs, with capacity levels in investment grade BBB rated in accordance with Council, allowing flexibility for future investment opportunities.



AMP was downgraded one notch to A- on March 1st due to the Group being smaller and less diversified following the sale of AMP's life insurance business and therefore a lower rating on the parent company. There was plenty of A rated capacity. The BBB sector is relatively fully invested.



## Other Compliance

We have tested the portfolio provided against Council's current investment policy and report the following:

*All counterparties comply.*

Counterparties	Exposure \$M	FCS	Net	Rating	Policy Limit	Actual	Capacity
TCorpIM Cash Fund	\$24.59M	\$0.00M	\$24.59M	AAA	40%	12%	\$58.97M
NSW TCorp	\$1.50M	\$0.00M	\$1.50M	AAA	40%	1%	\$82.05M
Suncorp Cov	\$1.00M	\$0.00M	\$1.00M	AAA	33%	0%	\$68.30M
ANZ	\$7.00M	\$0.00M	\$7.00M	AA-	30%	3%	\$55.66M
CBA	\$34.45M	\$0.25M	\$34.20M	AA-	30%	16%	\$28.46M
NAB	\$21.93M	\$0.25M	\$21.68M	AA-	30%	10%	\$40.98M
Westpac	\$17.00M	\$0.25M	\$16.75M	AA-	30%	8%	\$45.91M
Rabobank	\$14.00M	\$0.25M	\$13.75M	A+	15%	7%	\$17.58M
Suncorp	\$14.50M	\$0.25M	\$14.25M	A+	15%	7%	\$17.08M
Macquarie	\$0.00M	\$0.00M	\$0.00M	A	15%	0%	\$31.33M
ING	\$4.00M	\$0.25M	\$3.75M	A	15%	2%	\$27.58M
AMP	\$9.42M	\$0.25M	\$9.17M	A-	15%	4%	\$22.16M
Bendigo-Adelaide	\$2.00M	\$0.25M	\$1.75M	BBB+	10%	1%	\$19.14M
BoQ	\$17.00M	\$0.25M	\$16.75M	BBB+	10%	8%	\$4.14M
CUA	\$2.85M	\$0.00M	\$2.85M	BBB+	10%	1%	\$18.04M
Heritage	\$1.95M	\$0.00M	\$1.95M	BBB+	10%	1%	\$18.94M
Police Bank	\$0.00M	\$0.00M	\$0.00M	BBB+	10%	0%	\$20.89M
Greater Bank	\$1.00M	\$0.00M	\$1.00M	BBB+	10%	0%	\$19.89M
TMB	\$1.70M	\$0.00M	\$1.70M	BBB+	10%	1%	\$19.19M
Newcastle Permanent	\$8.00M	\$0.00M	\$8.00M	BBB	10%	4%	\$12.89M
ME Bank	\$10.10M	\$0.25M	\$9.85M	BBB	10%	5%	\$11.04M
Defence Bank	\$0.00M	\$0.00M	\$0.00M	BBB	10%	0%	\$20.89M
Beyond Bank	\$0.00M	\$0.00M	\$0.00M	BBB	10%	0%	\$20.89M
P&N Bank	\$9.00M	\$0.25M	\$8.75M	BBB	10%	4%	\$12.14M
Big Sky CU	\$0.00M	\$0.00M	\$0.00M	BBB	10%	0%	\$20.89M
Auswide	\$0.00M	\$0.00M	\$0.00M	BBB-	10%	0%	\$20.89M
Qbank	\$2.00M	\$0.25M	\$1.75M	BBB-	10%	1%	\$19.14M
Bank of Sydney	\$0.00M	\$0.00M	\$0.00M	NR	5%	0%	\$10.44M
Police CU	\$2.00M	\$0.25M	\$1.75M	NR	5%	1%	\$8.69M
Macquarie Fund	\$1.89M	\$0.00M	\$1.89M	NR	1%	1%	\$0.00M
	\$208.88M		\$205.63M			98%	
C'wealth Govt		\$3.3M	\$3.25M	AAA	100%	2%	
Total	\$208.88M		\$208.88M			100%	

Spending the working capital in TCorp would tend to increase exposures proportionately by around 25%. This has resulted in conservative allocations through FY18, but is now unlikely to materially impact any compliance data.



We have also tested Council's current investment exposure against the lower rated counterparties' net assets as Council's Policy prescribes maximum concentration. We report the following:

**Three counterparties - P&N Bank, QBank and Police CU - are larger than the net assets % threshold for individual counterparty, and will be run down over time.**

Counterparties	Exposure \$M	Rating	Max port %	Actual	Net Assets \$M	Max allowed % of net assets	Net Exposure	
Bendigo-Adelaide	\$2.00M	BBB+	10%	1%	\$5,620	2%	0.036%	1.96%
BoQ	\$17.00M	BBB+	10%	8%	\$3,791	2%	0.448%	1.55%
CUA	\$2.85M	BBB+	10%	1%	\$980	2%	0.291%	1.71%
Heritage	\$1.95M	BBB+	10%	1%	\$487	2%	0.400%	1.60%
Greater Bank	\$1.00M	BBB+	10%	0%	\$481	2%	0.208%	1.79%
TMB	\$1.70M	BBB+	10%	1%	\$493	2%	0.345%	1.66%
Newcastle Permanent	\$8.00M	BBB	10%	4%	\$879	2%	0.910%	1.09%
ME Bank	\$10.10M	BBB	10%	5%	\$1,369	2%	0.738%	1.26%
P&N Bank	\$9.00M	BBB	10%	4%	\$273	2%	3.291%	-1.29%
Qbank	\$2.00M	BBB-	10%	1%	\$74	2%	2.701%	-0.70%
Police CU	\$2.00M	NR	5%	1%	\$73	2%	2.734%	-0.73%

We note that these are before application of the government insurance scheme (FCS). Police C/U's deposit will be redeemed in Q2 and Qbank drop below 2% by the Q3 maturity. P&N Bank's investments are longer dated.



## Term Deposits

**At month-end, deposits accounted for approximately 57% of the total investment portfolio.** The weighted average duration of the deposit portfolio is approximately **1.3 years, unchanged from previous month and significantly longer than the peer group average.**

Maintaining a longer duration has produced a measurable uplift in yield at a time when deposit rates have plunged, and cushioned the RBA's rate cutting cycle, this will continue to provide protection to Council's income. The current average yield of **3.16% remains above any deposit of all terms following the fall in rates to record lows**, around +135bp over benchmark.

**At the short-end, deposit margins were relatively wide, lagging falling bond yields.**

**A similar widening was seen at the longer end, with rates likely to fall further over coming weeks.**

**We note (typically short-dated) broker specials for deposits around short-term investment requirements are advised in the TD daily rate sheet regularly.**

Relevant portfolio data follows:

### Term Deposit Statistics

Percentage of total portfolio	57%
Weighted Average Yield	3.16%
Weighted Average Duration	1.3 yrs

### Credit Quality of Deposits

AAA^	1%
AA	38%
A	28%
BBB	31%
Unrated ADI	2%
<b>Total</b>	<b>100%</b>

^ Calculation excludes the Financial Claims Scheme (FCS)

We refer to the detailed analysis in our February **Fixed Interest Analytics**.



## Credit: FRNs & Fixed Bonds

**Major Bank senior FRN spreads tightened, following the ongoing stockmarket recovery. New issue pricing has been set at around +105bp, much tighter than January's +115 level. They have traded tighter still on the secondary market.**

Sentiment was buoyant in most risk markets, but large issuance saw some lag in major bank pricing relative to the broader credit market. **With positive offshore leads, stockmarket sentiment improving, easier US monetary policy and the strong gains in high yield, we anticipated further gains from credit assets in February and this was borne out by trading action.**

This did not stop bonds also trading firmer, closing at 2.10% (-11bp). **On a medium-term rates outlook bonds look very expensive**, although there look to be few near-term catalysts to disrupt them. Two muted GDP quarters gives the RBA a non-property justification for rate cuts, with the market's relatively short-term view on rates driving the entire curve out to 10 years – unjustifiably, in our view.

APRA's consultation paper on bail-in instruments appears to be positive for senior debt: Senior is not going to be issued in bail-inable form, and APRA appears to require more junior debt to be raised below senior. **This is positive for their senior credit, as additional credit support.** Moreover, non-bailin debt is globally quite rare and scarce. In addition, the additional Tier 2 and lack of bail-in feature will **likely prompt S&P to remove the Negative Outlook, and affirm major bank ratings to AA- Stable.** *This should see spreads under tightening pressure in coming weeks.*

Bendigo-Adelaide pricing *seems insufficient pickup for rating.* BBB bank quotes **appear to have lagged**, rather than fully repriced and we expect them to be marked wider.

**We believe AA rated FRNs are generally the best fit for Council's current circumstances** as asset sales or switches permit, barring the question of these banks' status as fossil fuel lenders.

Over the medium term, Macquarie ranks near peer-group median, and the trailing year is looking much better with the 1Q19 rebound. *We seek the opportunity to sell and switch to direct credit.*

*The Macquarie fund continued its up trend in February, where bank FRNs lagged somewhat during the weakness that often accompanies new issue periods.*

*Switching into a fully invested FRN portfolio as new issues emerge and are allocated is the preferred strategy to take advantage of this discontinuity. Council purchased \$2.3m of NAB new issue at +104bp in February and \$500k of Newcastle 2 year issue at +110bp.*





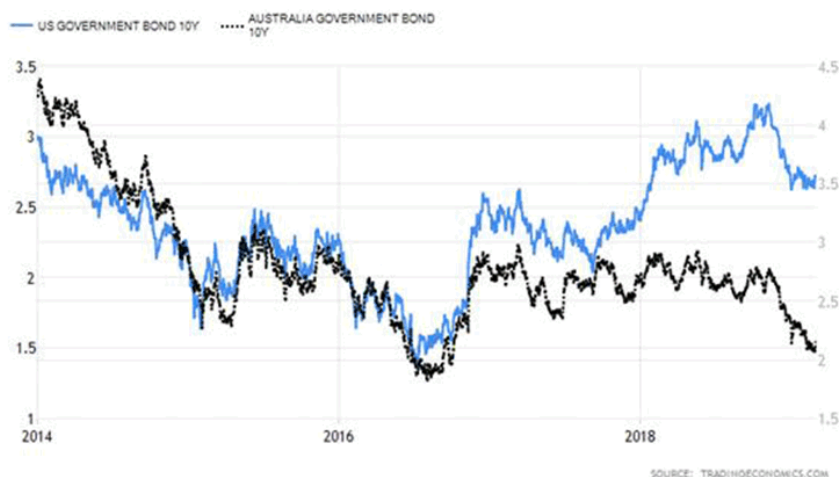
## Fixed Interest Outlook

**US 10-year bonds gave back some gains as yields hit 2.73% in February, from 2.63% (+10bp).** Bond yields are still 50bp inside their wides, despite the Dow Jones index hitting 26000 again. Fixed interest markets have been propped up by the expectation that Federal Reserve policy stance fundamentally altered around Christmas.

**High yield rallied again, to be back around the levels of a year earlier. We considered the brief credit panic a buying opportunity, but are not chasing high yield inside +400bp.**

**Australia's 10-year bonds bucked the trend, finishing stronger to close at 2.10% (-14bp). The \$A finished weaker at US71.46c, down -1.7%.** Both reflected another stage in the RBA's slow-walk away from everything they once believed. They are "behind the curve," as **markets factors a rate cut in a year. Getting there without a loss of confidence** in (a) the RBA and its economists, and (b) the economy is the main game in rates.

**Australian bonds are now -63bp to US Treasuries, a new wide:**



**When Governor Lowe was appointed, "sources close" to the Bank indicated that *they considered 3.5% a neutral level, and were planning how to get there.*** Wages would soar as the accelerating economy brought full employment, and resultant inflation. Then *tightening bias, but patient*. Then *on hold, but eventually resuming tightening bias when the economy accelerates*. Then *unsure about direction, but more likely the next move up*. Now it is *economy missing (optimistic) expectations, 50/50 on direction of next move*.

**Still to come:** *Patient easing bias, then guiding a rate cut, and then rate cut.* The RBA must look like they are responding to data, and neither wildly wrong in past calls nor panicking at a sudden economic deterioration – ***how to do so when jobs were +39,100 last month??*** While we place little importance on a single quarter's data, consecutive weak quarters is more relevant – the Q3 and Q4 GDP readings being below population growth does provide some impetus to hurry up.



## Portfolio Listing

Shoalhaven City Council as at 28/02/2019						
Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
National Australia Bank	A-1+	TD	\$2,000,000.00	294	2.62%	18-Dec-19
National Australia Bank	A-1+	TD	\$3,000,000.00	208	2.78%	28-Aug-19
Suncorp Metway Ltd Bank	A-1	TD	\$2,000,000.00	271	2.60%	25-Nov-19
Rabobank	A-1	TD	\$2,000,000.00	1826	3.13%	21-Feb-24
National Australia Bank	A-1+	TD	\$2,000,000.00	112	2.68%	11-Mar-19
Members Equity Bank	A-2	TD	\$1,000,000.00	264	2.87%	27-Mar-19
Suncorp Metway Ltd Bank	A-1	TD	\$3,000,000.00	271	2.85%	27-Mar-19
National Australia Bank	A-1+	TD	\$2,000,000.00	140	2.69%	8-Apr-19
Members Equity Bank	A-2	TD	\$3,000,000.00	292	2.87%	24-Apr-19
Commonwealth Bank Australia	A-1+	TD	\$2,000,000.00	730	2.76%	26-Apr-19
Bank of Qld	A-2	TD	\$2,000,000.00	1827	4.75%	1-May-19
Bendigo Bank	A-2	TD	\$2,000,000.00	560	2.70%	13-May-19
Newcastle Permanent Building Society	A-2	TD	\$2,000,000.00	1091	3.20%	22-May-19
Members Equity Bank	A-2	TD	\$2,000,000.00	1827	4.66%	28-May-19
Police Credit Union Ltd (SA)	NR	TD	\$2,000,000.00	1827	4.75%	30-May-19
Commonwealth Bank Australia	A-1+	TD	\$25,000.00	182	2.56%	3-Jun-19
National Australia Bank	A-1+	TD	\$4,000,000.00	194	2.74%	11-Jun-19
Commonwealth Bank Australia	A-1+	TD	\$3,000,000.00	365	2.80%	12-Jun-19
Rabobank	A-1	TD	\$2,000,000.00	1826	4.52%	19-Jun-19
Commonwealth Bank Australia	A-1+	TD	\$3,000,000.00	301	2.72%	26-Jun-19
Suncorp Metway Ltd Bank	A-1	TD	\$4,000,000.00	202	2.81%	27-Jun-19
National Australia Bank	A-1+	TD	\$71,843.11	364	2.78%	28-Jun-19
Commonwealth Bank Australia	A-1+	TD	\$3,000,000.00	320	2.72%	17-Jul-19
AMP Bank	A-2	TD	\$5,000,000.00	90	3.05%	24-Jul-19
Qbank	A-2	TD	\$1,000,000.00	377	2.90%	28-Aug-19
National Australia Bank	A-1+	TD	\$2,000,000.00	1822	4.11%	29-Aug-19
Rabobank	A-1	TD	\$2,000,000.00	1826	4.10%	2-Sep-19
Rabobank	A-1	TD	\$2,000,000.00	1462	3.30%	2-Sep-19
Suncorp Metway Ltd Bank	A-1	TD	\$3,000,000.00	365	2.70%	4-Sep-19
Commonwealth Bank Australia	A-1+	TD	\$101,269.00	388	2.72%	20-Sep-19
Bank of Qld	A-2	TD	\$2,000,000.00	386	2.75%	25-Sep-19
State Insurance Regulatory Authority	A-1+	TD	\$1,501,000.00	365	2.50%	4-Oct-19
National Australia Bank	A-1+	TD	\$2,000,000.00	406	2.75%	23-Oct-19
Westpac Bank	A-2	TD	\$3,000,000.00	414	2.70%	23-Oct-19
ING Bank (Australia) Ltd	A-1	TD	\$2,000,000.00	728	2.87%	12-Feb-20
ING Bank (Australia) Ltd	A-1	TD	\$2,000,000.00	728	2.85%	26-Feb-20
Westpac Bank	A-1+	TD	\$2,000,000.00	734	2.86%	9-Jun-20
Commonwealth Bank Australia	A-1+	TD	\$2,000,000.00	1094	2.77%	11-Jun-20
Bank of Qld	A-2	TD	\$2,000,000.00	751	2.90%	23-Sep-20
Police and Nurses Bank	A-2	TD	\$2,000,000.00	1459	3.50%	18-Dec-20
Rabobank	A-1	TD	\$2,000,000.00	1464	3.00%	16-Jun-21
Bank of Qld	A-2	TD	\$2,000,000.00	1821	3.85%	15-Dec-21
Bank of Qld	A-2	TD	\$5,000,000.00	1827	3.80%	21-Feb-22
Police and Nurses Bank	A-2	TD	\$5,000,000.00	1825	3.74%	22-Feb-22
Westpac Bank	A-2	TD	\$6,000,000.00	1826	3.00%	2-Mar-22
Bank of Qld	A-2	TD	\$2,000,000.00	1826	3.80%	22-Mar-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	2.83%	24-Aug-22
Westpac Bank	A-1+	TD	\$2,000,000.00	1826	3.00%	24-Aug-22
Rabobank	A-1	TD	\$2,000,000.00	1826	3.39%	13-Sep-22
Police and Nurses Bank	A-2	TD	\$2,000,000.00	1836	3.51%	28-Sep-22
Rabobank	A-1	TD	\$2,000,000.00	1828	3.40%	23-Aug-23
<b>Total Term Deposits</b>			<b>\$118,699,112.11</b>			



Shoalhaven City Council as at 28/02/2019						
Authorised Deposit-Taking Institution (ADI)	ST Rating	Security Type	Principal/ Current MF Value	Term	Interest Rate	Maturity Date
Newcastle Permanent Building Society	A-2	FRN	\$1,000,000.00	1095	3.54%	22-Mar-19
Newcastle Permanent Building Society	A-2	FRN	\$500,000.00	731	2.98%	26-Feb-21
National Australia Bank	A-1+	FRN	\$2,300,000.00	1826	2.92%	26-Feb-24
Greater Bank Limited	A-2	FRN	\$1,000,000.00	1095	3.53%	7-Jun-19
Teachers Mutual Bank Limited	A-2	FRN	\$1,000,000.00	1095	3.36%	28-Oct-19
Credit Union Australia	A-2	FRN	\$2,250,000.00	1096	3.17%	20-Mar-20
Members Equity Bank	A-2	FRN	\$1,000,000.00	1096	3.31%	6-Apr-20
Newcastle Permanent Building Society	A-2	FRN	\$2,000,000.00	1827	3.32%	7-Apr-20
Newcastle Permanent Building Society	A-2	FRN	\$500,000.00	1064	3.32%	7-Apr-20
Heritage Bank	A-2	FRN	\$1,250,000.00	1096	3.27%	4-May-20
Suncorp Metway Ltd Bank	A-1	FRN	\$2,000,000.00	1827	3.24%	20-Oct-20
Bank of Qld	A-2	FRN	\$1,000,000.00	1461	3.14%	26-Oct-20
Members Equity Bank	A-2	FRN	\$1,500,000.00	1096	3.22%	9-Nov-20
Qbank	A-2	FRN	\$1,000,000.00	1096	3.45%	6-Dec-20
Rabobank	A-1	FRN	\$2,000,000.00	1826	3.45%	4-Mar-21
Heritage Bank	A-2	FRN	\$700,000.00	1096	3.17%	29-Mar-21
Members Equity Bank	A-2	FRN	\$1,600,000.00	1095	3.28%	16-Apr-21
National Australia Bank	A-1+	FRN	\$1,000,000.00	1826	3.13%	12-May-21
Bank of Qld	A-2	FRN	\$1,000,000.00	1826	3.44%	18-May-21
Suncorp Metway Ltd Bank	A-1	FRN	\$1,000,000.00	1826	3.04%	22-Jun-21
Teachers Mutual Bank Limited	A-2	FRN	\$700,000.00	1,096	3.47%	2-Jul-21
Commonwealth Bank Australia	A-1+	FRN	\$1,000,000.00	1826	3.23%	12-Jul-21
ANZ	A-1+	FRN	\$1,000,000.00	1826	3.09%	16-Aug-21
Credit Union Australia	A-2	FRN	\$600,000.00	1096	3.20%	6-Sep-21
AMP Bank	A-2	FRN	\$1,500,000.00	1096	3.01%	10-Sep-21
ANZ	A-1+	FRN	\$1,000,000.00	1826	2.93%	7-Mar-22
Suncorp Metway Ltd Bank	A-1	FRN	\$500,000.00	1826	2.93%	16-Aug-22
Westpac Bank	A-1+	FRN	\$2,000,000.00	1826	2.78%	6-Mar-23
Commonwealth Bank Australia	A-1+	FRN	\$1,000,000.00	1916	2.77%	25-Apr-23
ANZ	A-1+	FRN	\$1,000,000.00	1826	2.87%	9-May-23
Commonwealth Bank Australia	A-1+	FRN	\$500,000.00	1826	2.89%	16-Aug-23
ANZ	A-1+	FRN	\$4,000,000.00	1826	3.01%	16-Dec-23
Commonwealth Bank Australia	A-1+	FRN	\$2,000,000.00	1826	3.19%	11-Jan-24
<b>Total Senior Securities</b>			<b>\$43,900,000.00</b>			
			\$162,599,112.11			
Shoalhaven City Council as at 28/02/2019						
Grandfathered	ST Rating	Security Type	Current Valuation			Maturity Date
Macquarie Global Income Opportunities	NR	MF	\$1,888,459.60			T+3
TCorplm Cash Fund	AAAm	MF	\$24,585,606.73			T+0
			\$26,474,066.33			
Product	ST Rating	Security Type	Current Valuation			Maturity Date
AMP At Call	A-2	Cash	\$743.91			At-Call
AMP Notice Account	A-2	Cash	\$2,921,342.12			31 Days
NAB Transaction Account	A-1+	Cash	\$58,184.28			At-Call
CBA Operating Account	A-1+	Cash	\$9,794,889.00			At-Call
CBA Business Online Saver	A-1+	Cash	\$7,030,935.76			At-Call
			\$19,806,095.07			
<b>Total Investment Portfolio</b>			<b>\$208,879,273.51</b>			



## Disclaimer

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All information and recommendations expressed herein constitute judgements as of the date of this report and may change without notice. Staff and associates may hold positions in the investments discussed, and these could change without notice.



## THE GROTTO BUSHCARE ACTION PLAN

**Document Number:** D17/158563 **Adopted:** **Minute Number:** **File:** 1835e  
**Produced By:** Planning Environment and Development **Review Date:**

### RESERVE INFORMATION

<b>Reserve Name:</b>	The Grotto Reserve
<b>Reserve No's:</b>	NNN086, NNN146, and NNN087
<b>Land Tenure:</b>	Council and Crown (Council as Manager)
<b>Comm. Land Type:</b>	Natural Area

### 1. BUSHCARE GROUP GOALS

The goals of the Grotto Bushcare Group are:

#### 1. Weed Control/Bush Regeneration

- a) To maintain The Grotto as a high quality natural recreational area as per the Greys Beach and Grotto Plan of Management
- b) Strategically regenerate the endemic vegetation of The Grotto Reserve including the upper parts of the reserve and the lower riparian areas
- c) Ongoing strategic weed management and regeneration of areas of native vegetation

#### 2. Access/Walking Tracks

- a) Monitor and assist with maintenance along the Wilson, Grotto and Waratah walking tracks and the service track.

#### 3. Cultural & Historical Education and Conservation

- a) To promote the natural, social and heritage values of The Grotto Reserve
- b) Continue to educate and raise awareness of the natural, social and cultural values of The Grotto Reserve to visitors, schools and local residents.

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**2. BUSHCARE GROUP ACHIEVEMENTS TO DATE**

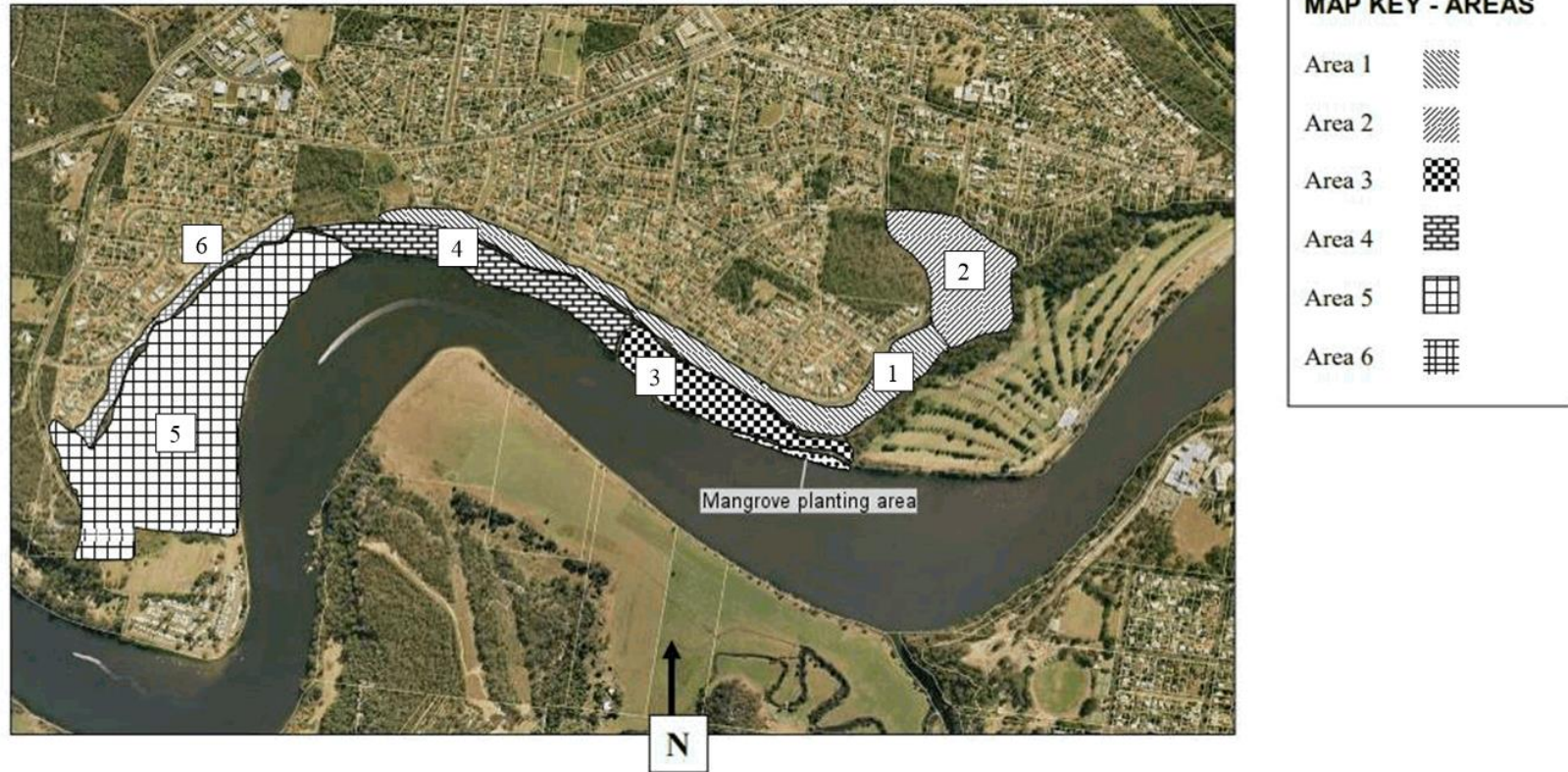
<b>Actions</b>	<b>Lessons learnt</b>
Formalisation and maintenance of walking tracks	
Extensive control of Lantana through 55 ha reserve area.	Splatter gun in autumn yielded good results
Extensive areas of weed control	

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### 3. THE GROTTO BUSHCARE GROUP MANAGEMENT AREAS





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#### 4. WALKING AND SERVICE TRACKS



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**5. SHOALHAVEN BUSHCARE GROUP ACTIVITIES TABLE**

Priority: H = High (start within 12 months); M = Medium (start 1-3 years); L = Low (do if resources allow)

GROUP ACTION	PRIORITY	METHOD	TIME
WEED CONTROL/BUSH REGENERATION			
<b>AREA 1 – UPPER GROTTTO</b> (Eastern end of Yurunga Dr to Power line easement)  1. Continue with maintenance weed control along this area. Priorities are:  a. Crofton Weed and Mist Flower around pumping stations and creeks b. Ground Asparagus c. Privet (Broad and Narrow Leaf) d. Lantana camara e. Mickey Mouse plant (Ochna serrulata)	H	<ul style="list-style-type: none"> <li>Spot spray or manual removal of environmental weeds as required</li> <li>Treat weeds as per site weed list, herbicide labels and Australian Pesticides and Veterinary Medicine Authority (APVMA) off-label permits</li> <li>Monitor herbicide spray results</li> </ul>	Ongoing   Spraying of Ground Asparagus in spring and summer

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<b>AREA 2 – PUMPING STATION NO. 15</b>			
1. Continue with weed control around pumping station and along creek line with priorities as follows: <ul style="list-style-type: none"> <li>a. Crofton Weed and Mist Flower</li> <li>b. Prevent Privet and Mickey Mouse plant from flowering and fruiting</li> <li>c. Control of Japanese Honeysuckle, English Ivy and Wild Tobacco Tree</li> <li>d. Control of Camphor laurel along creek</li> </ul>	M	<ul style="list-style-type: none"> <li>• Treat weeds as per site weed list, herbicide labels and APVMA off-label permits</li> </ul>	Ongoing
2. Continue with replanting program around the creek following weed control	M	<ul style="list-style-type: none"> <li>• Replant area with species from attached species list</li> </ul>	Ongoing

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<b>AREA 3 – LOWER GROTTA PICNIC AREA</b>			
1. Continue with weed control as per the following prioritised list: <ul style="list-style-type: none"> <li>a. Escarpment areas previously treated/planted</li> <li>b. Riverbank zones previously treated/planted</li> <li>c. Areas where Black Wattle or other indigenous plants occur, providing competition to weeds</li> <li>d. New weed-dominated work areas</li> </ul>	H	<ul style="list-style-type: none"> <li>Follow-up control of weeds including Lantana, Moth Vine, Turkey Rhubarb and Tradescantia. Treat weeds as per site weed list, herbicide labels and APVMA off-label permits</li> </ul>	Ongoing
2. Replacement of existing plantings as needed	M	<ul style="list-style-type: none"> <li>Replacement of planting using attached species list</li> </ul>	Ongoing
3. Monitor for new emerging weeds on site and notify Council	H	<ul style="list-style-type: none"> <li>Monitor for emerging weeds and notify Council</li> </ul>	Ongoing
4. Monitor the river bank erosion between the golf course and the Grotto picnic area	H	<ul style="list-style-type: none"> <li>Monitor and notify Council</li> </ul>	Ongoing
5. Maintain and expand the mangrove planting program to assist with riverbank stabilisation	M	<ul style="list-style-type: none"> <li>Propagate and plant mangroves; maintain previous plantings; trial guards to protect mangroves from browsing</li> </ul>	Ongoing
6. Revegetate with suitable deep-rooted tree species between the walking track and the river to help control erosion	M	<ul style="list-style-type: none"> <li>Use appropriate, sturdy guards</li> </ul>	Autumn
7. Monitoring and maintenance of picnic area	M	<ul style="list-style-type: none"> <li>Bushcare group to notify Council if more frequent mowing is required.</li> </ul>	Spring/ Summer

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<p><b>AREA 4 – EASTERN END OF WARATAH WALK</b> Picnic area to old wharf</p> <p>Prioritise control of environmental weeds to areas that have existing healthy native canopy cover</p> <p>1. Continue to undertake follow-up weed control of areas that have been treated with partial or open canopy</p> <p>2. Supplementary/replacement planting in areas using pioneer species that can establish a canopy quickly</p>	<p>H</p> <p>L</p>	<ul style="list-style-type: none"> <li>• Treat weeds as per site weed list, herbicide labels and APVMA off-label permits</li> <li>• Target control of Wild Tobacco Tree, regrowth lantana and secondary weeds such as Cape Ivy, Tradescantia and Turkey Rhubarb</li> <li>• Use species from attached revegetation list</li> <li>• Try to determine and address reason(s) for poor survival rate with earlier plantings</li> </ul>	<p>Ongoing</p> <p>Ongoing</p>



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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<b>AREA 5 – WESTERN END OF WARATAH WALK</b> Wharf to Ski Park			
1. Undertake control of environmental weeds in areas where there is a healthy native canopy cover, including: <ul style="list-style-type: none"> <li>a. Escarpment areas west of the walking track</li> <li>b. Remnant of Eucalypts along the river bank</li> <li>c. Areas that have previously had weed control undertaken (such as Green Corps area)</li> </ul>	H	<ul style="list-style-type: none"> <li>• Target Lantana, Wild Tobacco, Cape Ivy and Tradescantia.</li> <li>• Cut temporary access tracks between Service and Waratah tracks (i.e. both sides of swamp) to enable treatment of Lantana and Wild Tobacco Tree</li> </ul>	Ongoing  Ongoing - allow for regeneration and secondary weed control
2. Support the natural recruitment of Red Cedar (Toona ciliata) and other native trees around the escarpment areas.	M	<ul style="list-style-type: none"> <li>• Treat weeds as per site weed list, herbicide labels and APVMA off-label permits.</li> <li>• Consider guarding if grazing becomes a problem.</li> </ul>	Ongoing

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<p><b>AREA 6 – WESTERN END OF YURUNGA DRIVE</b> Upper Grotto at Ski Park end</p> <p>1. Target control of environmental weeds with the following priorities:</p> <p>a. Control Crofton Weed and Mist Flower on stormwater drain outlets and around pumping stations</p> <p>b. Control Ground Asparagus, Easter Senna and Winter Cherry</p>	M	<ul style="list-style-type: none"> <li>• Council to distribute information concerning planting unapproved plants in reserves to reserve neighbours</li> <li>• Council to control Crofton Weed and Mist Flower in stormwater drains and pumping station areas.</li> <li>• Bushcare Group to spot spray Ground Asparagus and cut and paint Easter Senna</li> </ul>	<p>2019 and ongoing as needed</p> <p>Spring</p> <p>Spring &amp; summer</p>

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<b>MAINTENANCE AND ACCESS</b>			
Council to maintain vehicle access via the Nowra Golf Club within available resources.	M	<ul style="list-style-type: none"> <li>Maintain access</li> </ul>	Ongoing
Bushcare to undertake minor repairs to park furniture and wire fencing (Upper Grotto walking track) as required	H	<ul style="list-style-type: none"> <li>Council to supply materials and equipment within budgets for Bushcare Group</li> </ul>	Ongoing
<b>WALKING TRACKS</b>			
<p>Assist Council to maintain the 11 km loop walk that combines Wilson, Grotto and Waratah Walking Tracks:</p> <ol style="list-style-type: none"> <li>Monitor and help Council to maintain the walking track to allow safe access for walkers</li> <li>Explore the need and options for installation of handrails adjacent to Murrell PI; between the picnic area and wharf; and stone steps from Gunyuma Cr to the lower Grotto.</li> <li>Improve safety of timber bridges</li> </ol>	H	<ul style="list-style-type: none"> <li>Bushcare Group to help Council monitor and address hazards</li> <li>Council to assess</li> <li>Consider options for anti-slip materials to improve safety in wet conditions.</li> </ul>	<p>Ongoing</p> <p>2019</p> <p>2019</p>

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**ACTIVITIES TABLE (cont.)**

GROUP ACTION	PRIORITY	METHOD	TIME
<b>CULTURAL/HISTORICAL &amp; PUBLIC AWARENESS</b>			
Investigate the design and installation of education signage on the walking track highlighting the European heritage of the area as per the Management Objectives in table 5.10 of the Plan of Management for Greys Beach and The Grotto. Highlighting the following areas: a. Original homestead site b. Old wharf site c. Campbell Farm site	M	<ul style="list-style-type: none"> <li>Follow-up past investigations and preparations into this action</li> <li>Apply for grants to design and manufacture signs</li> </ul>	2018  Ongoing
Protect areas of Aboriginal cultural significance as per the Management Objectives in table 5.10 of the Plan of Management	H	<ul style="list-style-type: none"> <li>Ensure areas of Aboriginal cultural heritage remain undisturbed</li> </ul>	Ongoing
Promote the use and appreciation of the reserve	M	<ul style="list-style-type: none"> <li>Develop a walking track map for local distribution and availability through information centre and website</li> </ul>	2019
Raise the awareness of local residents of the natural values of the bushland reserves and the negative impacts of: a. Dumping rubbish b. Dumping garden clippings c. Creating their own tracks	H	<ul style="list-style-type: none"> <li>Distribute “Being a Bush Friendly Neighbour” to surrounding residents</li> </ul>	As required
Include area in Clean Up Australia Day events	M	<ul style="list-style-type: none"> <li>Bushcare Group to work with other interested community organisation to register for Clean Up Australia Day</li> </ul>	Ongoing

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## 6. BUSHCARE GROUP WORKPLACE HEALTH AND SAFETY

New volunteers must be inducted in Shoalhaven City Councils corporate induction process and volunteers must comply with the Volunteer Induction Handbook.

Based on the activities included in this action plan, a new site hazard and risk assessment has been completed. Volunteers are to be inducted on this revised risk assessment with the adoption of this plan. The 'site hazard and risk assessment' is to be revised as need be, for example, upon the identification of a new hazard, or of a new control measure for an existing hazard.

The following activities are managed by Council through the following documents. Volunteers must comply with these standards.

Activity	WHS documentation
Manual Handling	SCC Policy P15 Hazardous Manual Tasks
Chemical weed control	SCC Policy P11 Hazardous Chemicals; SCC Procedure SWI29 Herbicide Spraying; Safety Data Sheets and product labels for chemicals used
Tree Planting and watering	SWI103 Water Cart SWI93 Trailers – towing
Brushcutting	SWI41 Line Trimmer

## 7. COUNCIL SUPPORT

- a) Technical advice and support
- b) Provision of PPE equipment – Group to advise when reissue required
- c) Supply tools, herbicide, plants, guards, stakes, water crystals and materials within the constraints of budget
- d) Administration support
- e) Assistance with grant application, administration and management
- f) Supply of water cart for watering plants
- g) Graphic design and printing assistance
- h) Slashing of the lower Grotto reserve, as access allows
- i) GPS mapping assistance with software and map production
- j) Maintenance of reserve access road (within available resources)
- k) Assistance with facilitation and negotiation with third parties

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## 8. POSSIBLE FUTURE FUNDING

Project	Potential Funding source
Rehabilitation assistance (e.g., contractors to undertake weed control and replanting in Area 5)	Natural Resources Unit as funds are available; external funding
Equipment Purchase (e.g., Brushcutter)	Natural Resources Unit as funds are available; external funding
Environmental, Historical and Cultural Interpretive signage	Heritage/tourism grants
Regeneration of riparian vegetation and erosion control	Local Land Services; River health funding

## 9. REVIEW

This plan will be reviewed six years from its adoption but can be reviewed sooner if agreed.

## 10. REGIONAL MANAGEMENT PLANS OR STRATEGIES

Document	Year	Produced by
Generic Community Land Plan of Management - Natural Areas	2001 – last updated 2016	Shoalhaven City Council
Asset Management Plan - Walking Tracks	2016	Shoalhaven City Council
Plan of Management, Greys Beach and The Grotto, North Nowra	2004	Geolink for Shoalhaven City Council
Lower Shoalhaven River Flood Study	1990	Shoalhaven City Council

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11. SUGGESTED SPECIES LIST FOR FUTURE SITE REVEGETATION

1. DRY SCLEROPHYLL FOREST	
DOMINANT TREES	
<b>Above Cliffs</b>	
BOTANICAL NAME	COMMON NAME
<i>Angophora costata</i>	Smooth barked Apple
<i>Allocasuarina littoralis</i>	Black She-Oak
<i>Casuarina glauca</i>	Swamp Oak
<i>Eucalyptus agglomerata</i>	Blue Leaved Stringybark
<i>Eucalyptus maculata</i>	Spotted Gum
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus punctata</i>	Grey Gum
<b>River Flats</b>	
<i>Eucalyptus saligna</i> x <i>botryoides</i>	Hybrid Blue Gum/Bangalay
Hybridisation between these two species is common in the Illawarra.	
SHRUBS	
<i>Acacia terminalis</i>	Sunshine Wattle
<i>Babingtonia virgata</i>	Tall Baeckia
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Bursaria spinosa</i>	Native Blackthorn
<i>Ceratopetalum gummiferum</i>	Christmas Bush
<i>Correa reflexa</i>	Common Correa
<i>Crowea exalata</i>	Small Crowea
<i>Daviesia ulicifolia</i>	Gorse Bitter Pea
<i>Dillwynia retorta</i>	Parrot Pea
<i>Dodonaea triquetra</i>	Common Hop Bush
<i>Dodonaea trunciatales</i>	Angular Hop Bush
<i>Duboisia myoporoides</i>	Corkwood
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Exocarpos strictus</i>	Brush Cherry
<b><i>Grevillea arenaria</i></b>	<b>Sandy Places Grevillea</b>
<i>Grevillea linearifolia</i>	Spider Flower
<i>Hakea dactyloides</i>	Finger Hakea
<i>Hakea sericea</i>	Needle Bush
<i>Kunzea ambigua</i>	Tick Bush
<i>Lambertia formosa</i>	Mountain Devil
<i>Leptospermum trinervium</i>	Flaky Barked Tea Tree
<i>Leucopogon juniperinus</i>	Prickly Bearded-Heath
<i>Leucopogon lanceolatus</i>	Lance Bearded-Heath
<i>Lomatia silaifolia</i>	Crinkle Bush
<i>Macrozamia communis</i>	Burrawang
<i>Olearia argophylla</i>	Silver Bush
<i>Olearia stellulata</i>	Snowy Daisy Bush
<i>Olearia tomentosa</i>	Toothed Daisy bush

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SHRUBS (cont.)	
BOTANICAL NAME	COMMON NAME
<i>Ozothamnus argophyllus</i>	Spicy Everlasting
<i>Ozothamnus diosmifolius</i>	White Dogwood
<i>Persoonia levis</i>	Broad Leaved Geebung
<i>Persoonia linearis</i>	Narrow-Leaved Geebung
<i>Petrophile pedunculata</i>	Conesticks
<i>Phyllanthus hirtellus</i>	Thyme Spurge
<i>Platylobium formosum</i>	Handsome Flat Pea
<i>Pimelea linifolia</i>	Rice Flower
<i>Pomaderris elliptica</i>	Pomaderris
<i>Pomax umbellifera</i>	N/A
<i>Prostanthera incana</i>	Velvet Mint Bush
<i>Pultenaea blakeleyi</i>	Blakeley's Bush Pea
<i>Pultenaea daphnoides</i>	Daphne Bush Pea
<i>Zieria cytisoides</i>	Downy Zieria
HERBS	
BOTANICAL NAME	COMMON NAME
<i>Centella asiatica</i>	Arthritis Weed
<i>Commelina cyanea</i>	Wandering Blue
<i>Goodenia hederacea</i>	Forest Goodenia
<i>Goodenia heterophylla</i> ssp. <i>eglandulosa</i>	N/A
<i>Hydrocotyle</i> sp.	Pennywort
<i>Plectranthus parviflorus</i>	Cockspur Flower
<i>Pratia purpurascens</i>	Whiteroot
<i>Ranunculus inundatus</i>	River Buttercup
<i>Stylidium graminifolium</i>	Grass Trigger-plant
FERNS	
BOTANICAL NAME	COMMON NAME
<i>Cheilanthes austrotenuifolia</i>	Rock Fern
VINES/SCRAMBLERS	
BOTANICAL NAME	COMMON NAME
<i>Billardiera scandens</i>	Hairy Apple Berry
<i>Cassytha pubescens</i>	Devil's Twine
<i>Glycine clandestina</i>	N/A
<i>Hardenbergia violacea</i>	Purple Coral Pea
<i>Hibbertia dentata</i>	Trailing Guinea Flower
<i>Kennedia prostrata</i>	Scarlet Coral Pea
<i>Kennedia rubicunda</i>	Dusky Coral Pea
<i>Morinda jasminoides</i>	Sweet Morinda

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ORCHIDS	
BOTANICAL NAME	COMMON NAME
<i>Pterostylis</i> sp.	Greenhood Orchid
Watch out for ground orchids in flower during the year	
GRASSES	
BOTANICAL NAME	COMMON NAME
<i>Anisopogon avenaceus</i>	Oat Speargrass
<i>Aristida vagans</i>	Three-awn Speargrass
<i>Briza maxima</i>	Quaking Grass
<i>Cymbopogon refractus</i>	Barbed Wire Grass
<i>Danthonia longifolia</i>	N/A
<i>Entolasia marginata</i>	Bordered Panic
<i>Imperata cylindrica</i>	Blady Grass
<i>Microlaena stipoides</i>	Weeping Grass
<i>Poa poiformis</i>	Tussock Grass
<i>Themeda australis</i>	Kangaroo Grass
OTHER MONOCOTYLEDONS	
BOTANICAL NAME	COMMON NAME
<i>Dianella caerulea</i>	Blue Flax-lily
<i>Laxmannia gracilis</i>	Slender Wire Lily
<i>Lepidosperma laterale</i>	N/A
<i>Lomandra filiformis</i>	Wattle Mat-rush
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush
<i>Patersonia sericea</i>	Native Iris
<i>Phragmites australis</i>	Common Reed
<i>Schelhammera undulata</i>	N/A

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## 2. GROTTO RAINFOREST

Can be defined as subtropical vine thicket or 'complex notophyll vine' forest (classification of Webb 1968), with dry rainforest ('microphyll vine thicket') characterised by Grey Myrtle (*Backhousia myrtifolia*) mid-cliffs. A very diverse southern remnant of subtropical type rainforest. Mills (1995) listed 51 trees and shrubs occurring in the Shoalhaven Vine Thickets. 37 have been listed so far at the Grotto site.

### TREES

BOTANICAL NAME	COMMON NAME
<i>Acacia binervata</i>	Two-Veined Hickory Wattle
<i>Acacia filicifolia</i>	Fern-leaved Wattle
<i>Acacia maiden</i>	Maiden's Wattle
<i>Acmena smithii</i>	Lilly Pilly
<i>Alectryon subcinereus</i>	Native Quince
<i>Alphitonia excelsa</i>	Red Ash
<i>Backhousia myrtifolia</i>	Grey Myrtle
<i>Claoxylon austral</i>	Brittlewood
<i>Clerodendrum tomentosum</i>	Native Clerodendrum
<i>Cryptocarya glaucescens</i>	Murrogun
<i>Dendrocnide excelsa</i>	Stinging Tree
<i>Ehretia acuminata</i>	Koda
<i>Elaeocarpus kirtoni</i>	Pigeonberry Ash
<i>Eupomatia laurina</i>	Bolwarra
<i>Ficus coronate</i>	Sandpaper Fig
<i>Ficus rubiginosa</i>	Port Jackson Fig
<i>Ficus superba</i>	Deciduous Fig
<i>Glochidion ferdinandi</i>	Cheese Tree
<i>Guioa semiglauc</i>	Guioa
<i>Livistona australis</i>	Cabbage Palm
<i>Melicope micrococca</i>	White Euodia
<i>Notelaea longifolia</i> var. <i>longifolia</i>	Large Mock-olive,
<i>Omalanthus populifolius</i>	Native Bleeding Heart
<i>Pararchidendron pruinosum</i>	Snow Wood
<i>Pennantia cunninghamii</i>	Brown Beech
<i>Pittosporum revolutum</i>	Hairy Pittosporum
<i>Pittosporum undulatum</i>	Native Daphne
<i>Podocarpus elatus</i>	Plum Pine
<i>Rapanea variabilis</i>	Muttonwood
<i>Rhodamnia trinervia</i>	Scrub Stringybark
<i>Synoum glandulosum</i>	Bastard Rosewood
<i>Toona ciliata</i>	Red Cedar

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RAINFOREST SHRUBS	
BOTANICAL NAME	COMMON NAME
<i>Commersonia fraseri</i>	Brown Kurrajong
<i>Goodenia ovata</i>	Hop Goodenia
<i>Phyllanthus gunnii</i>	Scrubby Spurge
<i>Prostanthera lasianthos</i>	Victorian Christmas Bush
<i>Rubus rosifolius</i>	Native Raspberry
HERBS	
BOTANICAL NAME	COMMON NAME
<i>Stellaria angustifolia</i>	Swamp Starwort
FERNS	
BOTANICAL NAME	COMMON NAME
<i>Adiantum aethiopicum</i>	Common Maidenhair
<i>Adiantum formosum</i>	Giant Maidenhair
<i>Adiantum hispidulum</i>	Rough Maidenhair
<i>Asplenium flabellifolium</i>	Necklace Fern
<i>Blechnum cartilagineum</i>	Gristle Fern
<i>Calochlaena dubia</i>	Common Ground Fern
<i>Cyathea australis</i>	Rough Tree Fern
<i>Davallia pyxidata</i>	Hare's Foot Fern
<i>Doodia aspera</i>	Rasp Fern
<i>Hypolepis muelleri</i>	Harsh Ground Fern
<i>Lastraeopsis decomposita</i>	Trim Shield Fern
<i>Microsorium scandens</i>	Fragrant Fern
<i>Pellaea falcata</i>	Sickle Fern
<i>Pteridium esculentum</i>	Bracken Fern
<i>Pyrrosia rupestris</i>	Felt Fern

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VINES	
BOTANICAL NAME	COMMON NAME
<i>Aphanopetalum resinosum</i>	Gum Vine
<i>Cayratia clematidea</i>	Native Grape
<i>Celastrus subspicata</i>	Large-leaved Staff Vine
<i>Cissus antarctica</i>	Kangaroo Vine
<i>Cissus hypoglauca</i>	Water Vine
<i>Eustrephus latifolius</i>	Wombat Berry
<i>Geitonoplesium cymosum</i>	Scrambling Lily
<i>Glycine clandestina</i>	N/A
<i>Legenophora moorei</i>	Round Leaf Vine
<i>Malaisia scandens</i>	Burny Vine
<i>Morinda jasminoides</i>	Sweet Morinda
<i>Pandorea pandorana</i>	Wonga Vine
<i>Parsonsia straminea</i>	Common Silkpod
<i>Piper novae-hollandiae</i>	Giant Pepper Vine
<i>Ripogonum album</i>	White Supplejack
<i>Rubus hillii</i>	Molucca Bramble
<i>Sarcopetalum harveyanum</i>	Pearl Vine
<i>Smilax australis</i>	Lawyer Vine
<i>Smilax glycyphylla</i>	Native Sarsparilla
<i>Stephania japonica</i>	Snake Vine
<i>Tylophora barbata</i>	Bearded Tylophora
ORCHIDS	
BOTANICAL NAME	COMMON NAME
<i>Bulbophyllum exiguum</i>	N/A
<i>Dendrobium linguiforme</i>	Tongue Orchid
<i>Dendrobium pugioniforme</i>	Dagger Orchid
<i>Dendrobium speciosum</i>	Rock Orchid
<i>Dendrobium striolatum</i>	Streaked Rock Orchid
GRASSES AND SEDGES	
BOTANICAL NAME	COMMON NAME
<i>Gymnostachys anceps</i>	Settlers Flax
<i>Oplismenus aemulus</i>	Basket Grass
<i>Vulpia bromoides</i> * Carpeting area adjacent to remnant rainforest on flats.	Squirrel Tail Fescue

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## 12. SUGGESTED FAST GROWING CANOPY SPECIES FOR REVEGETATION

BOTANICAL NAME	COMMON NAME
<i>Acacia binervata</i>	Two Veined Hickory
<i>Acacia maideni</i>	Maiden's Wattle
<i>Acacia mearnsii</i>	Black Wattle
<i>Clerodendrum tomentosum</i>	Native Clerodendrum
<i>Eucalyptus saligna x botryoides</i>	Hybrid Blue Gum/Bangalay
<i>Ficus coronata</i>	Sandpaper Fig
<i>Omalanthus populifolius</i>	Bleeding Heart
<i>Pittosporum revolutum</i>	Rough Pittosporum
<i>Toona ciliata</i>	Red Cedar

## 13. SITE WEED LIST


All herbicide concentrations and applications to be according to herbicide label or Australian Pesticide and Veterinary Medicines Association off-label permits.

See attached Bush Regeneration Fact Sheets for more information on control of different weed types


Botanical	Common
<i>Ageratina adenophora</i>	Crofton weed
<i>Ageratina riparia</i>	Mistflower
<i>Cestrum parqui</i>	Green Cestrum
<i>Eragrostis curvula</i>	African Love Grass
<i>Lantana camara</i>	Lantana
<i>Ligustrum sinense</i>	Small Leaf Privet
<i>Rubus fruticosus</i>	Blackberry
<i>Sporobolus fertilis</i> / <i>Sporobolus indicus</i>	Giant Parramatta Grass / Parramatta Grass
<i>Senecio madagascariensis</i>	Fireweed
<i>Acetosa sagittata</i>	Turkey Rhubarb
<i>Araujia sericiflora</i>	Mothvine
<i>Asparagus aethiopicus</i>	Asparagus Fern
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Croscosmia x crocosmiiflora</i>	Montbretia
<i>Delairea odorata</i>	Cape Ivy
<i>Erythrina x sykesii</i>	Coral Tree
<i>Lilium Formosan</i>	Formosan Lily
<i>Lonicera japonica</i>	Japanese Honeysuckle
<i>Nephrolepis cordifolia</i>	Fishbone Fern
<i>Ochna serrulata</i>	Mickey Mouse Plant
<i>Senna pendula glabrata</i>	Easter Senna, Cassia
<i>Solanum mauritianum</i>	Wild Tobacco Tree
<i>Solanum pseudocapsicum</i>	Madeira Winter Cherry
<i>Solanum laxum</i>	Potato Climber
<i>Tradescantia fluminensis</i>	Wandering Jew

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**Attachments** – NSW National Trust Bush Regeneration Fact Sheets (Control of Vines and Scramblers Control of Woody Weeds; Control of Weeds with Underground Reproductive Structures; and Control of Small Hand-pullable Weeds)



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BUSH REGENERATION INFORMATION SHEET

## Control of Vines and Scramblers

Examples of vines include: ● balloon vine, morning glory, honeysuckle, cape ivy, jasmine, madeira vine, blackberry

### METHODS OF REMOVAL

#### ① HAND REMOVAL

**STEP 1** Take hold of one runner and gently pull it along the ground towards you.

**STEP 2** Check points of resistance where fibrous roots grow from the nodes. Cut roots with a knife or dig out with a trowel and continue to follow the runner.

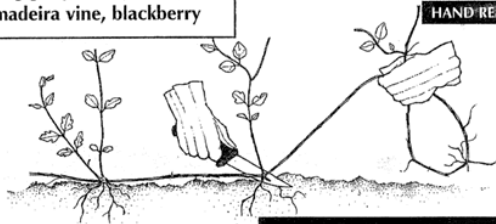
**STEP 3** The major root systems need to be removed manually or scrape/cut and painted with herbicide.

**STEP 4** Bag any reproductive parts.

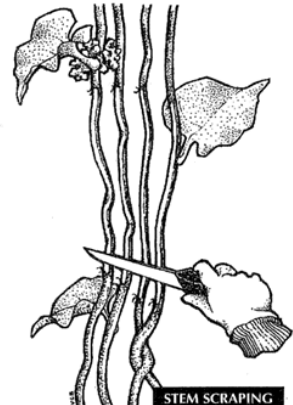
#### ② STEM SCRAPING

**STEP 1** With a knife, scrape 15 to 30 cm of the stem to reach the layer below the bark/outer layer.

**STEP 2** Immediately apply herbicide along the length of the scrape.



HAND REMOVAL

STEM SCRAPING

### considerations

- A maximum of half the stem diameter should be scraped. Do not ring bark.
- Larger stems (>1cm) should have two scrapes opposite each other.
- Aerial tubers on madeira vine should die with the plant when stem scraping is used. Those that fall from the plant in the scraping process need to be bagged.
- Vines can be left hanging in trees after treatment.

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BUSH REGENERATION INFORMATION SHEET

## Control of Woody Weeds

Examples of woody weeds include:

- lantana, bitou bush, cotoneaster, privet (cut and paint)
- camphor laurel, Mickey Mouse bush (ochna) and cassia/senna (stem scrape)

### METHODS OF REMOVAL

**1 CUT AND PAINT** —Useful for small to medium sized woody weeds up to 10cm basal diameter

#### STEP 1

Make a horizontal cut as close to the ground as possible with secateurs, loppers or a bush saw.

#### STEP 2

Immediately apply herbicide to the exposed flat stump surface.

### SAFETY CONSIDERATIONS

The following general precautions should be made when using herbicides:

- Read the label before opening the container and follow the instructions.
- Wear protective clothing as directed on the label.
- Wash hands after use and before eating or smoking.

### considerations

- Cuts should be horizontal to prevent herbicide from running off the stump. Sharp angle cuts are hazardous.
- Herbicide must be applied immediately before the plant cells close and translocation of herbicide ceases.
- If plants resprout, cut and paint the shoots after sufficient regrowth has occurred.
- Stem scraping can be more effective on some woody weeds.



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BUSH REGENERATION INFORMATION SHEET

## Control of Weeds with Underground Reproductive Structures

- Examples: Weeds with
- Tap roots - catsear, dandelion
  - Rhizomes - asparagus fern, ginger plant
  - Bulbs and corms - oxalis, onion weed, watsonia, freesias, montbretia
  - Tubers - madiera vine, arrow head vine

### METHODS OF REMOVAL

#### 1 HAND REMOVAL OF PLANTS WITH A TAPROOT

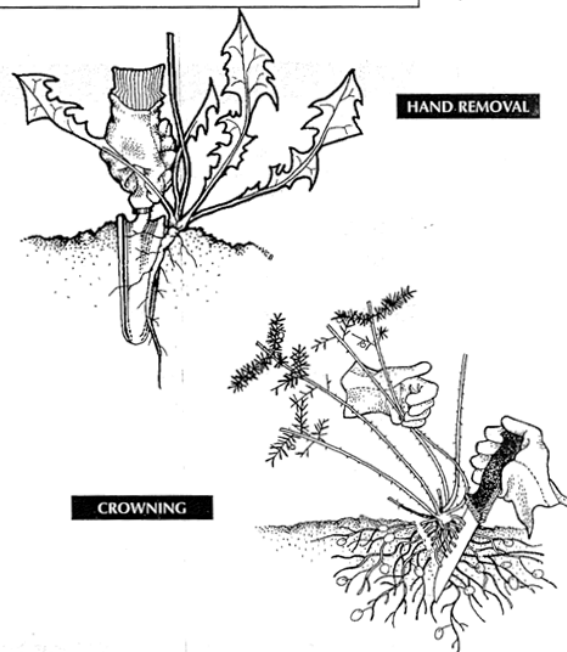
Examples: Paddy's lucerne, dandelion

- STEP 1** Gently remove and bag seeds or fruit.
- STEP 2** Push a narrow trowel or knife into the ground next to the taproot. Carefully loosen soil. Repeat this step around the taproot.
- STEP 3** Grasp stem at ground level, rock plant back wards and forwards and pull gently.
- STEP 4** Gently tap the roots to dislodge soil. Replace disturbed soil and lightly pat down.

#### 2 CROWNING (Many grasses can be crowned)

Example: asparagus fern

- STEP 1** Gently remove and bag stems with seed or fruit.
- STEP 2** Grasp the leaves or stems together so that the base of the plant is visible.
- STEP 3** Insert, at an angle, a knife or lever, close to the "crown".
- STEP 4** Cut through all the roots around the crown.
- STEP 5** Remove and bag the crown.



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BUSH REGENERATION INFORMATION SHEET

Control of Weeds with Underground Reproductive Structures cont..



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METHODS OF REMOVAL

3 REMOVAL OF PLANTS WITH BULBS, CORMS OR TUBERS

Examples: onion weed, watsonia, arrowhead vine, montbretia

- STEP 1** Move leaf litter away from base of plant.
- STEP 2** Dig down next to the stem until the bulb or tuber is reached.
- STEP 3** Remove plant and carefully bag the bulb or tuber.

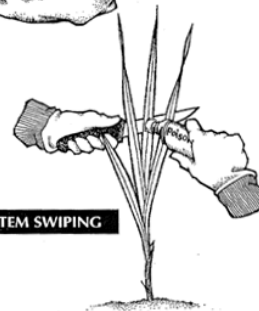
4 HERBICIDE TREATMENT - STEM SWIPING

- STEP 1** Gently remove any seed or fruit and carefully place into a bag.
- STEP 2** Using a herbicide applicator, swipe the stems/leaves.

HAND REMOVAL



STEM SWIPING



considerations

- ☐ Further digging may be required for plants with more than one tuber (e.g. arrow head vine).
- ☐ Some bulbs (e.g. oxalis, onion weed) may have small bulbils attached or present in the soil around it. These need to be removed.
- ☐ It may be quicker and more effective to dig out the weed.
- ☐ Make sure native plants and seedlings will not be affected.
- ☐ Learn and understand how the herbicide works - for bulb and corm species the most effective time is after flowering and before fruit is set.
- ☐ Have you addressed all safety issues ?

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## CAMP QUALITY – BUNDEWALLAH CREEK BUSHCARE ACTION PLAN

**Document Number:** D14/133716 **Adopted:** **Minute Number:** **File:** 26279E **Produced**  
**By:** Planning Environment and Development Services **Review Date:**

### RESERVE INFORMATION

**Reserve Name:** Camp Quality  
**Reserve Number:** NBE013  
**Land Tenure:** Shoalhaven City Council  
**Community Land Type:** Sportsground



### 1. BUSHCARE GROUP GOALS

The goals of the Camp Quality – Bundewallah Creek Bushcare Action Plan are to:

1. Improve and maintain the environmental, aesthetic and social values of the natural vegetation of Bundewallah Creek in the creek-side zone of Camp Quality Reserve.
2. Encourage and promote the area as a community resource and recruit new volunteers to be part of the Bushcare Group to continue the regeneration work that Berry Landcare volunteers and Shoalhaven Council have undertaken on the site.



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**2. SITE ACHIEVEMENTS TO DATE**

Actions	Lessons Learnt
Weed control	As the site is surrounded by weeds, ongoing control is required and weed control on adjacent properties would support the work being done.
Tree planting	Survival rates have been good.

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3. CAMP QUALITY BUSHCARE GROUP ACTION PLAN MAP



NAME BUSHCARE ACTION PLAN  
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#### 4. SHOALHAVEN BUSHCARE GROUP ACTIVITIES TABLE

Priority should be rated as H = High (started within 12 months); M = Medium (started 1-3 years); L = Low

GROUP ACTION	PRIORITY	METHOD	TIME
<p>1. Undertake ongoing weed control efforts targeting the following weed species:</p> <ul style="list-style-type: none"> <li>i. Madeira Vine (<i>Androdera cordifolia</i>)</li> <li>ii. Small and Large Leaf Privet (<i>Ligustrum sinense</i> &amp; <i>L. lucidum</i>)</li> <li>iii. Moth Vine (<i>Araujia sericifera</i>)</li> <li>iv. Cobblers Pegs (<i>Bidens pilosa</i>)</li> <li>v. Wild Tobacco Tree (<i>Solanum mauritianum</i>)</li> <li>vi. Noogoora Burr (<i>Xanthium occidentale</i>)</li> <li>vii. Wandering Trad (<i>Tradescantia fluminensis</i>)</li> <li>viii. Cockspur coral tree (<i>Erythrina crista-galli</i>)</li> <li>ix. Madeira Winter Cherry (<i>Solanum pseudocapsicum</i>)</li> <li>x. Willows (<i>Salix species</i>)</li> </ul>	H	<p>Undertake periodic working bees to control priority weeds manually or as per Australian Pesticides and Veterinary Medicines (APVMA) permits.</p> <p>Mow areas dominated by Wandering Trad in an attempt to encourage native plants such as Scurvy Weed (<i>Commelina cyanea</i>), Knotweeds (<i>Persicaria species</i>), Basket grass (<i>Oplismenus aemulus</i>) and Kidney weed (<i>Dichondra repens</i>).</p> <p>Stakes will be used to mark native plants to prevent mowing/spraying.</p>	All Year

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GROUP ACTION	PRIORITY	METHOD	TIME
2. Continue to revegetate the creek bank with understory species, longer lived rainforest species and pioneer species in open areas (see section 10 revegetation list)	H	Plantings will be done between the walking path and the creek. Initially, planting will focus on overstorey, mid-storey and larger, hardy ground cover plants such as <i>Lomandra longifolia</i> . Biodegradable guards will be used within the riparian zone.	Autumn to Spring
3. Involve Berry Public School and the local community in the rehabilitation process through revegetation events such as National Tree Day.	H	Plan events well in advance and send invitations early.	Occasionally e.g., National Tree Day
4. Shoalhaven Council to get costings on the removal and disposal of the large Coral Trees ( <i>Erythrina x skysii</i> ) located in the billabong area.	M	Council and Bushcare Group to source costing on Coral Tree removal	As required
5. Liaise with adjacent landholders to try to get a concerted effort on weed control and rehabilitation along Bundewallah Creek	H	Council and Bushcare Coordinator to identify key contacts.	2019
6. Monitor changes	H	Establish photo-points and take photos annually	2019

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## 5. BUSHCARE GROUP WORKPLACE HEALTH AND SAFETY

New volunteers must be inducted in Shoalhaven City Councils corporate induction process and volunteers must comply with the Volunteer Induction Handbook.

Based on the activities included in this action plan, a new site hazard and risk assessment has been completed. Volunteers are to be inducted on this revised risk assessment with the adoption of this plan. The 'site hazard and risk assessment' is to be revised as need be, for example, upon the identification of a new hazard, or of a new control measure for an existing hazard.

The following activities are managed by Council through the following documents. Volunteers must comply with these standards.

Activity	WHS documentation
Manual Handling	SCC Policy P15 Hazardous Manual Tasks
Chemical weed control	SCC Policy P11 Hazardous Chemicals; SCC Procedure SWI29 Herbicide Spraying; Safety Data Sheets and product labels for chemicals used
Tree Planting and watering	SWI103 Water Cart SWI93 Trailers – towing
Mowing	SWI51 Mower – walk behind

## 6. COUNCIL SUPPORTSupply tools, herbicide and materials within the constraints of budget

- Training and technical advice
- Administration support
- Assistance with grant applications, administration and management.
- Assistance with events
- Assistance from Council's Bush Regenerator staff as resources allow

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## 7. POSSIBLE FUTURE FUNDING

Project	Potential Funding source
Coral Tree and other weed removal.	Various
Equipment purchase - in particular, mowing equipment	Various

## 8. REVIEW

This plan will be reviewed six years from its adoption but can be reviewed sooner if agreed.

## 9. REGIONAL MANAGEMENT PLANS OR STRATEGIES

Name of document	Year it was produced	Produced by
Camp Quality Landscape Master Plan	2005	Shoalhaven City Council
Local Strategic plan 2016-2021	2016	South East Local Land Services
Boongaree Aboriginal Nature Space – draft Landscape Plan	2018	Shoalhaven City Council

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**10. RECOMMENDED REVEGETATION SPECIES**

<b>OVERSTOREY (trees)</b>	
<b>Botanical</b>	<b>Common</b>
<i>Acacia binervata</i>	Two Veined Hickory
<i>Acacia maidenii</i>	Maidens Blush
<i>Acacia mearnsii</i>	Black Wattle
<i>Acmena smithii</i>	Lilly Pilli
<i>Acronychia oblongifolia</i>	Yellow-wood
<i>Brachichiton acerifolius</i>	Illawarra Flame Tree
<i>Bursaria spinosa</i>	Blackthorn
<i>Callicoma serratifolia</i>	Black Wattle
<i>Casuarina cunninghamiana</i>	River Sheoak
<i>Ceratopetalum apetalum</i>	Coachwood
<i>Doryphora sassafras</i>	Sassafras
<i>Diosporus australis</i>	Black Plum
<i>Emmenosperma alphitonioides</i>	Bonewood
<i>Glochidion ferdinandi</i>	Cheese Tree
<i>Livistona australis</i>	Cabbage palm
<i>Melaleuca styphelioides</i>	Prickly-leaved Paperbark
<i>Melia azederach</i>	White Cedar
<i>Melicope micrococca</i>	White Euodia
<i>melicytus dentatus</i>	Tree Violet
<i>Podocarpus elatus</i>	Plum Pine
<i>Syzygium australe</i>	Brush Cherry
<i>Toona ciliata</i>	Red Cedar
<b>MID-STOREY (small trees, shrubs, etc)</b>	
<b>Botanical</b>	<b>Common</b>
<i>Backhousia myrtifolia</i>	Lemon-scented myrtle
<i>Callistemon salignus</i>	White Bottlebrush
<i>Clerodendrum tomentosum</i>	Hairy Clerodendrum
<i>Ficus coronata</i>	Sandpaper Fig
<i>Homalanthus populifolius</i>	Bleeding Heart
<i>Hymenanthera dentata</i>	Tree Violet
<i>Indigofera australis</i>	Blue Indigo
<i>Melaleuca ericifolia</i>	Swamp Paperbark
<i>Melaleuca linariifolia</i>	Flax-leaved Paperbark
<i>Pittosporum revolutum</i>	Rough Fruited Pittosporum
<i>Streblus brunonianus</i>	Whalebone Tree
<i>Synoum glandulosum</i>	Scentless Rosewood
<b>UNDERSTOREY (grasses, herbs, climbers)</b>	
<b>Botanical</b>	<b>Common</b>
<i>Carex appressa</i>	Tall sedge
<i>Crinum paniculatum</i>	Swamp Lily
<i>Dianella caerulea</i>	Flax Lily
<i>Lomandra longifolia</i>	Spiny Matt Rush
<i>Microleana stipoides</i>	Weeping Grass
<i>Poa labillardierei</i>	Common Tussock Grass



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**11. BUSHCARE SITE WEED LIST**

The following weeds have been recorded on the site

Botanical	Common
<i>Ageratina adenophora</i>	Crofton Weed
<i>Ageratina riparia</i>	Mist Flower
<i>Anredera cordifolia</i>	Madeira Vine
<i>Arjuia sericifera</i>	Moth Vine
<i>Bidens pilosa</i>	Cobblers Peg
<i>Conzys spp.</i>	Fleabane
<i>Ehrharta stricta</i>	Panic Veldt Grass
<i>Erythrina x sykesii</i>	Coral Tree
<i>Erythrina crista-galli</i>	Cockspur coral tree
<i>Ligustrum lucidum</i>	Large Leaf Privet
<i>Ligustrum sinense</i>	Small Leaf Privet
<i>Phytolacca octandra</i>	Ink Weed
<i>Rubus fruticosus</i>	Blackberry
<i>Salix spp.</i>	Willow
<i>Sida rhombifolia</i>	Paddys Lucerne
<i>Solanum mauritianum</i>	Tree Tobacco
<i>Solanum pseudocapsicum</i>	Madeira Winter Cherry
<i>Tagetes Minuta</i>	Stinking Roger
<i>Tradescantia fluminensis</i>	Wandering Jew
<i>Xanthium occidentale</i>	Noogoora Burr

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**12. BUSHCARE SITE SPECIES LIST**

The following species have been recorded on the site

OVERSTOREY TREES	
Botanical	Common
<i>Acacia binervata</i>	Two Veined Hickory
<i>Acacia maidenii</i>	Maidens Blush
<i>Acacia mearnsii</i>	Black Wattle
<i>Acmena smithii</i>	Lilly Pilli
<i>Casuarina cunninghamiana</i>	River Oak
<i>Livistonia australis</i>	Cabbage Palm
<i>Toona australis</i>	Red Cedar
SHRUBS	
Botanical	Common
<i>Clerodendrum tomentosum</i>	Clerodendrum
<i>Ficus coronata</i>	Sandpaper Fig
<i>Homalanthus populifolius</i>	Bleeding Heart
<i>Streblus brunonianus</i>	Whalebone Tree
UNDERSTOREY (grasses, herbs, orchids)	
Botanical	Common
<i>Carex appressa</i>	Tall Sedge
<i>Cayratia clematidea</i>	Slender Grape
<i>Commelina cyanea</i>	Scurvy Weed
<i>Dianella sp.</i>	Native Flax
<i>Dichondra repens</i>	Kidney Weed
<i>Entolasia marginata</i>	Boarded Panic
<i>Geranium spp.</i>	Native Geranium
<i>Juncus continuus</i>	a rush
<i>Microleana stipoides</i>	Weeping Grass
<i>Oplismenus aemulus</i>	Basket Grass
<i>Persicaria decipiens</i>	Spotted Knot Weed
<i>Persicaria strigosa</i>	Spotted Knot Weed
<i>Sicyos australis</i>	Native Cucumber
<i>Sigesbeckia orientalis</i>	Indian Weed
<i>Urtica incisa</i>	Stinging Nettle
<i>Veronica anagallis-aquatica</i>	Water Speedwill
UNDERSTOREY (vines & climbers)	
Botanical	Common
<i>Calystegia marginata</i>	A Bindweed
<i>Geitonoplesium cymosum</i>	Scrambling Lily

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