

**MINUTES OF THE ORDINARY MEETING OF THE CANTERBURY CITY COUNCIL, HELD IN THE COUNCIL CHAMBERS, 137 BEAMISH STREET, CAMPSIE ON THURSDAY, 25 JULY 2013 AT 7.42 P.M.**

**PRESENT**

The Mayor, Councillor B. Robson, in the Chair, the Deputy Mayor, Councillor K. Saleh and Councillors M. Adler, P. Azzi, L. Eisler, M. Hawatt, F. Kebbe, K. Nam and C. Vasiliades.

The Chairperson acknowledged the traditional owners of the land and paid respect to their ancestors.

**OPENING PRAYER**

Councillor Kebbe opened the meeting with a prayer.

**CONFIRMATION OF MINUTES**

**Min. No. 239 RESOLVED** (Councillors Hawatt/Kebbe)

THAT the Minutes of the Council Meeting held on 27 June 2013, numbered 198 to 223, copies of which were previously circulated to the Councillors, be taken as read and confirmed.

**APOLOGY**

An apology tendered on behalf of Councillor E. Paschalidis-Chilas was received and leave granted.

**MAYORAL MINUTES**

At this stage of the meeting the Mayor, Councillor Robson, welcomed the students and parents present, and extended thanks to all the schools and teachers that participated in the Chris Bartlett Schools Poster Competition to raise awareness of the importance of recycling and the environment. He also thanked the panel members who judged the entries, and staff involved in organising the competition.

The Mayor then congratulated and presented awards to the prize winners as follows:

- 5-6 age group  
1st – Noah Hagiwara, 2nd – Rebecca Blaxland, 3rd – Stylianos Vasili
- 7-9 age group  
1st – Annabel Payne, 2nd – Anthony Atsalis, 3rd – Kristy Nakhle
- 10-12 age group  
1st – Natalie Nguyen-Phan, 2nd – Catherine Hanna, 3rd – Elle Ngo

**1      PRESENTATION OF AWARDS FOR THE CHRIS BARTLETT SCHOOLS  
POSTER COMPETITION**

FILE NO:      M-14-5 PT2, P-72-6

**Min. No. 240 RESOLVED** (Councillor Robson)  
THAT the Mayoral Minute be noted.

**2      ACKNOWLEDGEMENT OF THE HON. ANTHONY ALBANESE,  
DEPUTY PRIME MINISTER**

FILE NO:      M-14-5 PT2, F-3-1

**Min. No. 241 RESOLVED** (Councillor Robson)  
THAT the City of Canterbury hold a small reception to honour our local member, the Hon. Anthony Albanese on his appointment as Deputy Prime Minister and to celebrate his achievements on behalf of the local community.

Councillor Eisler requested her name be recorded as having voted against the resolution.

**3      RETIREMENT OF MANAGER, DESIGN AND TRAFFIC, GARRY  
JENKINS**

FILE NO:      M-14-5 PT2, S-36-4

**Min. No. 242 RESOLVED** (Councillor Robson)  
THAT the Mayor, Councillor Robson, Deputy Mayor, Councillor Saleh, Councillors, General Manager, Mr Jim Montague and all staff, sincerely thank Garry Jenkins for his years of service and wish him, his partner Helen and family members good health and happiness for a long and happy retirement.

**REFERRED COMMITTEE MATTERS**

**1      50 HOCKING AVENUE, EARLWOOD: CONSTRUCTION OF A  
DETACHED DUAL OCCUPANCY DEVELOPMENT**

FILE NO:      422/50D

**Min. No. 243 RESOLVED** (Councillors Hawatt/Adler)  
THAT the matter be deferred to the City Development Committee meeting on 8 August 2013.

**ADOPTION OF TRAFFIC COMMITTEE REPORT**

FILE NO:      L-50-3 PT3

**Min. No. 244 RESOLVED** (Councillors Saleh/Hawatt)  
THAT the minutes of the Traffic Committee meeting held on 1 July 2013 and the recommendations contained therein, be adopted.

**OFFICERS REPORTS**

**1      COMMUNITY SURVEY 2012**

FILE NO:      S-79-7 PT3

**Min. No. 245 RESOLVED** (Councillors Adler/Hawatt)

THAT the report be noted.

**2      CODE OF CONDUCT REVIEW**

FILE NO:      C-84-3 PT8

**Min. No. 246 RESOLVED** (Councillors Hawatt/Azzi)

THAT the matter be deferred to the Council meeting on 22 August 2013 to allow for a Councillor workshop.

**3      COMMUNITY SERVICE ORDER PROJECT - GRAFFITI REMOVAL**

FILE NO:      V-4-3 PT3

**Min. No. 247 RESOLVED** (Councillors Saleh/Hawatt)

THAT

1. The Community Service Order Project be permanently extended to include graffiti removal work carried out on both Saturdays and Sundays.
2. Progress reports on outcomes of the work be provided to the Community Safety Committee on a six monthly basis.

**4      LOCAL GOVERNMENT NSW - REQUEST FOR CONTRIBUTION TO  
LEGAL COSTS ON BEHALF OF MID-WESTERN REGIONAL COUNCIL**

FILE NO:      L-42-19

**Min. No. 248 RESOLVED** (Councillors Hawatt/Kebbe)

THAT Local Government NSW be advised that their request for a contribution of \$6070.27 towards legal costs for Mid-Western Regional Council is supported.

**5      REQUEST BY CANTERBURY CITY COMMUNITY CENTRE FOR NEW  
LICENCE FOR MENS SHED AND WAIVER OF LEGAL FEES**

FILE NO:      C-27-3 PT4

**Min. No. 249 RESOLVED** (Councillors Eisler/Hawatt)

THAT

1. A new three year Licence be approved in line with the terms set out in the report.
2. The request by Canterbury City Community Centre for Council to pay the legal fees for preparation of a new licence to occupy 109 Clissold Parade, Campsie, be supported.

**6      REQUESTED TRANSCRIPTS FROM COUNCIL AND COMMITTEE**  
**MEETINGS - YEAR ENDED 30 JUNE 2013**  
FILE NO:      C-123-22 PT3

**Min. No. 250 RESOLVED** (Councillors Eisler/Hawatt)  
THAT the report be noted.

**7      REVIEW OF COUNCIL'S TENNIS COURTS**  
FILE NO:      T-10-7 PT9

**Min. No. 251 RESOLVED** (Councillors Nam/Hawatt)  
THAT

1.      Punchbowl Park be de-commissioned and converted to car park. The work be included in a future capital works program.
2.      Earlwood Park be de-commissioned and returned to park land. The work be included in a future capital works program.
3.      Investigations be undertaken into expanding the Lees Park tennis complex from a four to eight court facility and for a stand-alone tennis complex of eight to ten courts at Little Tasker Park.

**8      REVIEW OF POLICY FOR THE DISPOSAL OF COUNCIL OWNED**  
**DRAINAGE RESERVES**  
FILE NO:      L-82-24 PT2, C-116-7

**Min. No. 252 RESOLVED** (Councillors Eisler/Saleh)  
THAT the report be noted.

During discussion on the above item, Councillor Azzi left the Council Chamber at 8.32 p.m and returned at 8.35 p.m.

**9      ABANDONMENT OF RATES AND CHARGES FOR THE YEAR ENDED**  
**30 JUNE 2013**  
FILE NO:      R-4-1

**Min. No. 253 RESOLVED** (Councillors Kebbe/Hawatt)  
THAT 2012/2013 rates and charges detailed in a Register of Abandonments totalling \$62,007.79 be written-off and abandoned in accordance with Council's powers under the Local Government Act 1993 and Regulations.

**10     INVESTMENTS AT 30 JUNE 2013**  
FILE NO:      I-30-9 PT4

**Min. No. 254 RESOLVED** (Councillors Hawatt/Saleh)  
THAT the report be noted.



**11     CLUNES LANE (WONGA STREET TO PHILLIPS AVENUE),**  
**CANTERBURY - ONE WAY TRAFFIC**  
FILE NO:     194-6 (e)

**Min. No. 255 RESOLVED** (Councillors Hawatt/Saleh)  
THAT the recommendation of the Traffic Committee Meeting held on 6 May 2013 Item 5 (Clunes Lane) be adopted.

Councillor Adler requested his name be recorded as having voted against the resolution.

**12     DEVELOPMENT ASSESSMENT DELEGATIONS**  
FILE NO:     D-4-4 PT6

**Min. No. 256 RESOLVED** (Councillors Hawatt/Nam)

1. In order to provide for the expedient exercise and performance of its powers, authorities, duties and functions and the efficient management of its business and responsibilities, Council hereby delegates pursuant to (and in accordance with) section 377 of the Local Government Act 1993 (as amended) to the person, for the time being, holding the office of General Manager, the exercise of its powers, authorities, duties and functions contained in the legislation specified in Schedule 1 subject to the exceptions and limitations specified in Schedule 2 and subject to the following qualifications set out in 1.1 and 1.2.
  - 1.1 Council may by resolution, supervise, control and direct the General Manager in the exercise of any delegated function.
  - 1.2 The General Manager will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any relevant piece of legislation and any relevant current policy of Council.
2. Council declares that in and for the purposes of this instrument of delegations:
  - reference to an Act or other statutory instrument, or part thereof, is a reference to that Act or instrument, or part thereof, as the case may be, as in force from time to time, and extends to and includes any other Act or instrument, or part thereof, replacing or being in substitution for the same, again as in force from time to time, and
  - the word function includes a power, authority and duty and extends to any function conferred or imposed upon Council whether by the Local Government Act 1993 (NSW), another Act or any other law.
3. Council declares that the provisions contained in Schedules 1 and 2 to this resolution have effect.

Schedule 1  
The powers, authorities, duties and functions specified in:

  - a) The Local Government Act 1993 as amended; and
  - b) Other Acts and subordinate legislation under which Council has powers, authorities, duties and functions.

Schedule 2  
The powers, authorities, duties and functions related to:

  - a) A decision to prepare a draft Local Environmental Plan (LEP).
  - b) The adoption of a draft LEP.
  - c) The determination of submissions received in response to the public exhibition of a draft LEP.

- d) Matters delegated to the Mayor.
  - e) The determination of development applications that include variations to our planning instruments by 5% or more.
  - g) Section 226 of the Local Government Act, relating to the role of the Mayor.
4. Declares that any and all previous delegations and authorisations to the General Manager are revoked.

During discussion on the above item, Councillor Adler left the Council Chamber at 8.40 p.m.

**13     2-18 WARDELL ROAD, EARLWOOD: REQUEST TO WAIVE FEES FOR AWNING CONSTRUCTION AT BEAMAN PARK, FOR EARLWOOD WANDERERS FOOTBALL CLUB**  
FILE NO:     923/2D PT2

**Min. No. 257 RESOLVED** (Councillors Eisler/Hawatt)  
THAT

- 1. The request by the Earlwood Wanderers Football Club to waive the fee to obtain Construction and Occupation Certificates as well as inspection fees to install their approved awning be declined.
- 2. The fee for the Damage Deposit for this project be waived.

**ADVISORY COMMITTEES**

**1     COMMUNITY SAFETY COMMITTEE**  
FILE NO:     C-245-2 PT21

**Min. No. 258 RESOLVED** (Councillors Saleh/Kebbe)  
THAT the minutes of the Community Safety Committee meeting held on 1 July 2013 be endorsed.

**2     DISABILITY ACCESS COMMITTEE**  
FILE NO:     D-22-1 PT8

**Min. No. 259 RESOLVED** (Councillors Eisler/Saleh)  
THAT the minutes of the Disability Access Committee meeting held on 19 June 2013 be endorsed.

**3     YOUTH COUNCIL**  
FILE NO:     C-170-1 PT7

**Min. No. 260 RESOLVED** (Councillors Hawatt/Saleh)  
THAT the minutes of the Youth Council meeting held on 9 July 2013 be endorsed.

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**35/13 CHILDREN'S AREA AT GOUGH WHITLAM PARK**

FILE NO: C-123-6 PT4, G-12-2

**MOTION:** (Councillors Vasiliades/Hawatt)

THAT a report be prepared on the possibility of establishing a children's area at Gough Whitlam Park, similar to the one in Sydney Park, St Peters. The report should include information on establishing a road safety bike track, better playground equipment, BBQ area, toilets and a kiosk to service the people.

During discussion on the above item, the following **AMENDMENT** was moved

**Min. No. 261 RESOLVED** (Councillors Eisler/Saleh)

THAT a report be prepared on the possibility of establishing a children's area at Gough Whitlam Park, or suitable alternative site, similar to the one in Sydney Park, St Peters. The report should include information on establishing a road safety bike track, better playground equipment, BBQ area, toilets and a kiosk to service the people.

The **AMENDMENT** on being put the meeting became the **MOTION**. The **MOTION** on being put to the meeting was declared **CARRIED**.

During discussion on the above item, Councillor Adler returned to the Council Chamber at 8.43 p.m.

**36/13 COMPLIANCE ISSUES 1033A AND 1033B CANTERBURY ROAD, LAKEMBA**

FILE NO: C-123-6 PT4, 150/1033D

**MOTION:** (Councillor Adler)

THAT

1. A report be prepared by the September Council meeting concerning whether or not the conditions of consent for 1033A Canterbury Road, Lakemba and 1033B Canterbury Road, Lakemba are currently being complied with.
2. This report include the following:
  - a) statement of the conditions of consent relevant to both premises;
  - b) issues raised by nearby residents and the steps taken by Council to address the relevant matter
  - c) details of any action taken by Council with respect to the hours of operation, on-site car parking, vehicles parking across residents' driveways, parking in Sproule Street, Lakemba, of vehicles without registration plates, and parking and public safety issues associated with car carriers parked in Sproule Street.
3. During preparation of the report, submissions be sought from the owners of the businesses and the adjoining residents to provide them with the opportunity for input and for a site inspection to be held.

There being no seconder the motion **LAPSED**.



**37/13 SCHOOL ESSAY COMPETITION IN COMMEMORATION OF THE SEVENTIETH ANNIVERSARY OF EVENTS TOWARDS END OF WORLD WAR TWO**

FILE NO: C-123-6 PT4, H-21-3

**Min. No. 262 RESOLVED** (Councillors Adler/Kebbe)  
**THAT**

1. Council initiate an essay competition involving local secondary schools concerning significant events associated with the closing phases of the Second World War in Europe and Asia.
2. The matter be referred to the Youth Council for their consultation and input.

**38/13 CAMPAIGNING FOR THE RIGHTS OF VICTIMS OF WORKPLACE INJURIES**

FILE NO: C-123-6 PT4, W-27-1 PT3

**Min. No. 263 RESOLVED** (Councillors Adler/Eisler)  
**THAT**

1. Council believes that the recent NSW Liberal government legislation concerning workers compensation is having a significant adverse impact on victims of workplace injuries including those who work in the local government sector.
2. Council further believes that there should be an adequate safety net to protect the victims of workplace injury by ensuring just and fair medical coverage and income replacement.
3. Council supports the petition currently being circulated by the Member for Canterbury that calls on the NSW State Government to reinstate protections for workers with total and permanent disabilities, give injured workers the financial assistance to pay for their ongoing medical bills and to restore 'journey claims' to cover injuries sustained on the way to work.
4. Council calls on local residents to support the petition.
5. A copy of this motion be forwarded to the Member for Canterbury, Unions NSW and the United Services Union, and that appropriate media material and correspondence be organised.

**39/13 REVIEW OF IN-FILL AFFORDABLE HOUSING DEVELOPMENTS**

FILE NO: C-123-6 PT4, H-30-18 PT2

**MOTION**: (Councillors Adler/Kebbe)  
**THAT** Council

1. Considers that an adequate supply of appropriate and affordable private rental housing is essential for the local community and supports in principle the development of community managed housing schemes as one method to achieve this.
2. Believes that the effectiveness of such schemes in achieving affordable housing objectives needs to be monitored and reported to the community.

3. Resolves that a report be prepared concerning whether or not the in-fill affordable housing developments that have been approved in Canterbury in accordance with State Environmental Planning Policy (Affordable Rental Housing) 2009 have been effective in meeting affordable housing objectives in our local area, with the report to present details of the registered community housing providers that have assumed management of the affordable housing within each of the development and an assessment of rents currently, in comparison with current Department of Housing rates.

The **MOTION** on being put to the meeting was declared **LOST**.

During discussion on the above item, Councillor Eisler left the Council Chamber at 8.58 p.m. and returned at 9.01 p.m.

**40/13    CAMPAIGNING TO PROTECT LIVING STANDARDS OF PENSIONERS**  
FILE NO:    C-123-6 PT4, H-30-18 PT2

**Min. No. 264    RESOLVED** (Councillors Adler/Eisler)  
THAT

1. Council supports the campaign by the Shadow Minister of Housing, the Hon. Sophie Cotsis MLC, and the Member for Lakemba, Robert Furolo MP, and endorses the petition being promoted by the Member for Lakemba calling on the NSW State government to reverse its decision to count 25% of the Commonwealth Clean Energy Supplement as income for the purposes of calculating public housing rent for pensioners.
2. Appropriate media material and correspondence be organised to publicise Council's position.

**41/13    DEVELOPMENT OF AN AFFORDABLE HOUSING STRATEGY**  
FILE NO:    C-123-6 PT4, H-30-18 PT2

**Min. No. 265    RESOLVED** (Councillors Adler/Eisler)  
THAT

1. Council resolves to develop an Affordable Housing Strategy for the City of Canterbury.
2. Proposed Terms of Reference for the strategy be prepared and reported to Council.

**42/13 CANTERBURY BOWLING CLUB**

FILE NO: C-123-6 PT4, C-22-2

**MOTION** (Councillor Adler)

THAT no further action be taken concerning the Canterbury Bowling Club and no further formal documentation be signed by Council until a workshop of Councillors is held and the community provided with the opportunity to have input into Council's process for the site.

The Chairperson ruled the **MOTION** to be out of order because the motion is not capable of being implemented.

**MOTION WITHOUT NOTICE**

The following **MOTION** was moved without notice. The Chairperson considered the contents of the motion and ruled that the business proposed to be brought forward is of great urgency and therefore could be considered by Council.

**Min. No. 266 RESOLVED** (Councillors Hawatt/Saleh)

THAT the urgent **MOTION** put forward by Councillor Vasiliades be considered by Council.

**43/13 AMENDMENT TO CANTERBURY LEP 2012 REGARDING BOARDING HOUSES IN R2 ZONES**

FILE NO: C-123-8 PT2

**Min. No. 267 RESOLVED** (Councillors Vasiliades/Hawatt)

THAT an urgent report be prepared for the City Development Committee on 8 August 2013 proposing an amendment to the Canterbury LEP 2012 with the objective of limiting the permissibility of boarding houses in R2 zones.

**CLOSED COUNCIL**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, the following business is considered to be of a kind as referred to in section 10A(2) of the Act, and should be dealt with as part of the meeting closed to the media and the public. Detailed below is section 10A(2) of the Local Government Act 1993 that sets out those matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (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 grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

**ITEM 1. INCREASE IN SUPERANNUATION GUARANTEE CONTRIBUTIONS**

This report was considered in closed council in accordance with Section 10A (2) (a) of the Local Government Act 1993, as it deals with personnel matters concerning particular individuals.

**ITEM 2. DRAFT VOLUNTARY PLANNING AGREEMENT - 242-258A**  
**CANTERBURY ROAD AND 1-13 CLOSE STREET, CANTERBURY**

This report was considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the information is not in the public interest as it would affect Council's commercial position in the matter..

**ITEM 3. PARKING ENFORCEMENT TECHNOLOGY TRIAL**

This report was considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it..

**EXCLUSION OF PRESS AND PUBLIC**

In accordance with the provisions of the Local Government Act 1993, the press and the public were advised that it was proposed to consider the above matters, as described on the agenda, in closed council for the reasons specified. The General Manager reported that there were no written submissions received objecting to these matters being considered in closed council and no verbal representations were received from the public gallery.

**Min. No. 268 RESOLVED** (Councillors Kebbe/Hawatt)  
**THAT**

1. Council resolve into closed council to consider reports, together with any late reports tabled at the meeting.
2. Pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.



Council closed its meeting at 9.22 p.m. The media and public left the Chamber.

**Min. No. 269 RESOLVED** (Councillors Kebbe/Eisler)

THAT Council move out of closed session into open Council.

Open Council resumed at 9.43 p.m.

**Min. No. 270 RESOLVED** (Councillors Azzi/Eisler)

THAT the following recommendations of the Closed Council meeting on 25 July 2013, be adopted.

**1 INCREASE IN SUPERANNUATION GUARANTEE CONTRIBUTIONS**

FILE NO: S-78-8

**RECOMMENDATION:** Councillors Adler/Kebbe)

THAT Clause 8.5 of the employment contract for the General Manager and Directors be amended to read:

On each anniversary of the commencement date, the total remuneration package will be increased by a percentage amount that is equivalent to the latest percentage amount increase in remuneration for senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal. Where the latest Statutory and Other Offices Remuneration Tribunal determination has not taken into account increases in superannuation guarantee contribution rates, the total remuneration package will also be increased by changes in the superannuation guarantee contribution rates since the previous anniversary date. Any increase in the total remuneration package as a result of the change in the superannuation guarantee contribution rate will be limited to the change in rate times the annualised maximum superannuation contribution base.

**2 DRAFT VOLUNTARY PLANNING AGREEMENT - 242-258A  
CANTERBURY ROAD AND 1-13 CLOSE STREET, CANTERBURY**

FILE NO: T-70-4

**RECOMMENDATION:** (Councillors Eisler/Kebbe)

THAT

1. The draft Voluntary Planning Agreement for the land at 242-258A Canterbury Road and 1-13 Close Street, Canterbury be accepted in principle by Council.
2. The draft agreement be returned to our solicitors for legal review.
3. Should any matter of substance be required to be amended as a result of 2 above, that a report be prepared for Council's consideration.
4. Otherwise the draft Voluntary Planning Agreement be placed on exhibition for public comment.
5. A further report be provided to Council following the exhibition process.

**3      PARKING ENFORCEMENT TECHNOLOGY TRIAL**

FILE NO:      P-24-12

**RECOMMENDATION:** (Councillors Hawatt/Eisler)

THAT

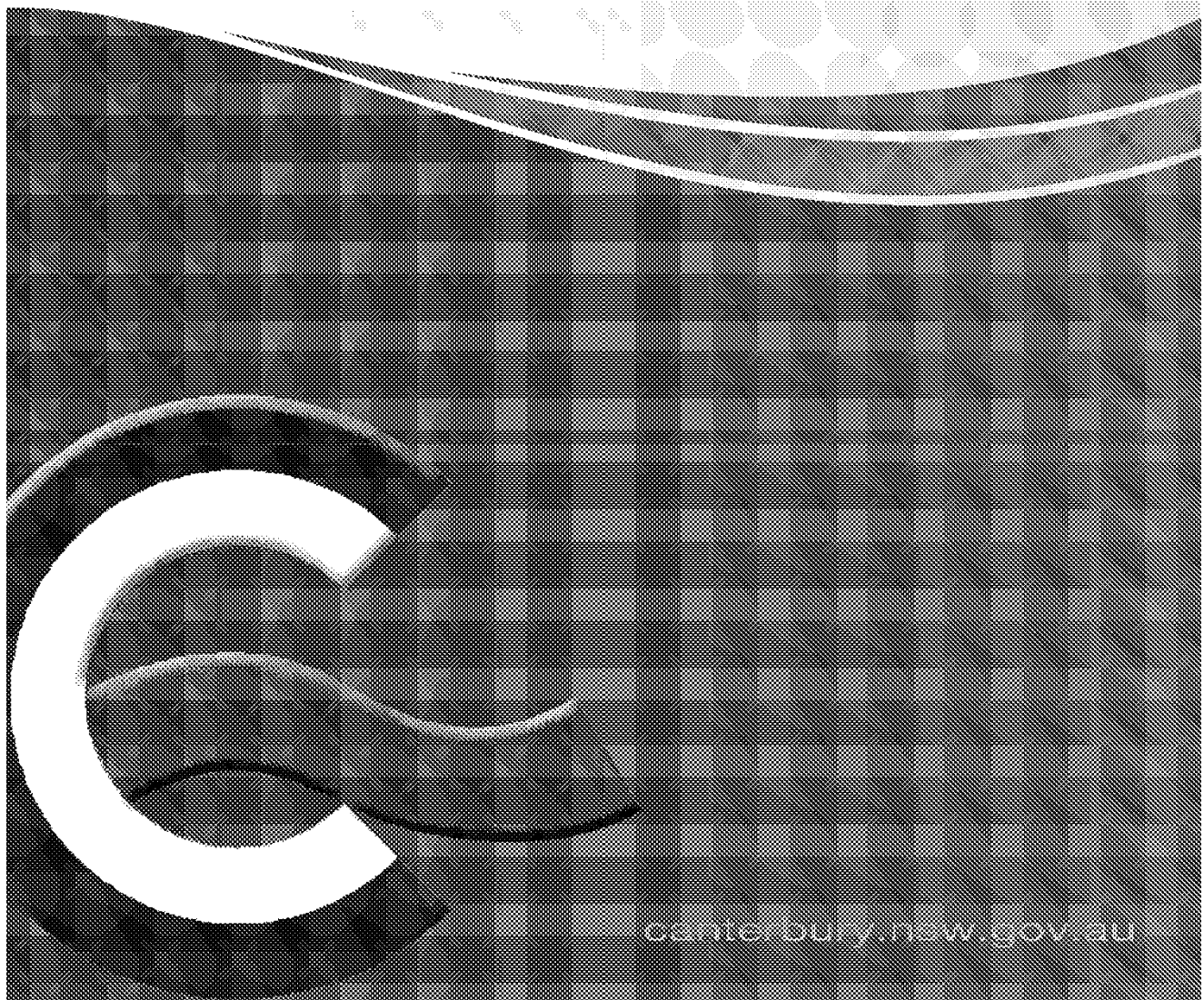
1. Mobile parking enforcement technology be trialled for a period of twelve weeks and that a report be prepared for Council's consideration following the trial outlining difficulties, potential problems as well as a more general appraisal of the technology in enforcing parking regulations.
2. Any infringements detected as a result of this trial period be issued as cautions.

The meeting concluded at 9.44 p.m.



*City of Canterbury*  
*City of Cultural Diversity*

# Code of Conduct



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**Policy  
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***City of Canterbury***  
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**23-032**

**Part 1**  
**Code of Conduct**

**Part 2**  
**Procedures for the Administration of the  
Code of Conduct**

**Policy  
Register**

***City of Canterbury***  
*City of Cultural Diversity*
**23-032**

# **PART 1**

## **CODE OF CONDUCT**

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**Code of Conduct - Policy 23-032**  
**Reviewed July 2013**  
**Council Minute No.**

**Policy  
Register**

***City of Canterbury***  
*City of Cultural Diversity*

**23-032****FOREWORD – A STRONG ETHICAL CULTURE**

The City of Canterbury is a great place to live and work and we want to see this continue in the future. We are a responsible and customer-focused council serving the people of Canterbury, and we provide quality service in all of our activities in order to achieve this future.

An important way in which we can continue to be a responsible council is through a strong ethical culture. Honesty and integrity in the way we do things as an organisation will give us strength, resilience and effectiveness.

This Code of Conduct is an important foundation for a strong ethical culture. It articulates the standards of behaviour expected of councillors and staff and gives us a basis for our decision making process.

This code has the full support of Councillors, the General Manager, senior management and staff.

**Personal responsibility**

Councillors, members of staff of council and delegates of the council must comply with the applicable provisions of this code of conduct. It is the personal responsibility of all council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the any provisions of council's code of conduct relevant to their activities.

Failure by a councillor to comply with an applicable requirement of council's code of conduct constitutes misbehaviour. Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

**Legislative foundations**

The Local Government Act 1993 requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW.

This Code of Conduct uses the Model Code of Conduct as a basis, and supplements it with specific provisions relevant to Canterbury City Council. For the purposes of section 440 of the Act, this Code comprises all parts of the Model Code

This Code should be read in conjunction with the Act. However, nothing in this Code overrides or affects the Act or any other law.

Council has also adopted a policy, consistent with the Public Interest Disclosures Act 1994, for the protection of those making internal disclosures of corrupt conduct, maladministration, serious and substantial waste within the Council, government information contravention and pecuniary interest contravention. In some



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**23-032**

circumstances the reporting of breaches of this Code of Conduct will require the use of this policy.

### Values

This Code of Conduct reflects and supports our values. Values are beliefs we have that provides a basis for choices we make. They ultimately determine the quality of our lives.

We have expressed these as simple action statements. The pictorial format is inspired by the upgraded pavements in Beamish Street, Campsie. The lighter colour is our mission, which sets out our purpose in the things we do. The other statements describe the way we want to do these things.

we are responsible to council and our community	we respect and value people	we don't tolerate discrimination, bullying or harassment	we accept responsibility for our actions
through the City Strategic Plan	we welcome diversity	the way we want to do things here	we act with integrity
to achieve real improvements in quality of life	we encourage innovative contributions	we seek to learn and continually improve	we recognise and celebrate success
for people living and working in the City of Canterbury	we operate fairly and transparently	we make all decisions based on merit	we manage risk responsibly

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***City of Canterbury***  
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**23-032****Key Principles**

The Code of Conduct is based on the following key principles:

Integrity

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

Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council.

This means promoting public duty to others in the council and outside, by your own ethical behaviour.

Selflessness

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

Impartiality

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits.

This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.

Accountability

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others.

This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.



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*City of Cultural Diversity***23-032**Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest.

This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.

Respect

You must treat others with respect at all times.

This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

**Guide to Ethical Decision-Making**

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

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

Conflict of interests

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

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

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**23-032**Political donations and conflict of interests

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

Seeking advice

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Division of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Contact information

General Manager – Jim Montague	9789 9447
Public Interest Disclosures Coordinator and Complaints Co-ordinator-- Brad McPherson	9789 9398
Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Division of Local Government	4428 4100

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**23-032****PART 1 INTRODUCTION**

The new Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) was released in March 2013. Section 440 of the Local Government Act 1993 requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct.

For the purposes of section 440 of the Act, this Code comprises all parts of the Model Code of Conduct supplemented by specific provisions relevant to the City of Canterbury.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

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

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code. (Currently under development by DLG)

**PART 2 PURPOSE OF THE CODE OF CONDUCT**

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

The Model Code of Conduct has been developed to assist council officials to:

- understand 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 of the Act)
- act in a way that enhances public confidence in the integrity of local government.

## CODE OF CONDUCT REVIEW

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**NOTE:** You act "honestly" if you act in good faith, with no ulterior or improper purpose. A breach of the obligation to act honestly involves a consciousness that what is being done is not in the interests of Council, or the community, or both, and deliberate conduct in disregard of that knowledge. Honesty is more than the absence of dishonesty. Anything that is not a fact, or not in accordance with the facts, is dishonest.

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**PART 3 GENERAL CONDUCT OBLIGATIONS**
General conduct

3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- h) is unreasonable, unjust, or oppressive;
- i) may cause any reasonable person unwarranted offence or embarrassment;
- j) may give rise to the reasonable suspicion or appearance of improper conduct or partial performance of your public or professional duties;
- k) is contrary to law

3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439 of the Act*)

3.3 You must treat others with respect, courtesy, compassion and sensitivity at all times.

Fairness and equity

3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.5 You must always act in the public interest.

3.6 You must not act for an ulterior purpose or on irrelevant grounds.

3.7 You must take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained.

3.8 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

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case. You must not take irrelevant matters or circumstances into consideration when making decisions.

**NOTE:** The general law requires all decision-makers to act fairly, reasonably and otherwise lawfully. That means, among other things, that decision-makers must act strictly within the powers conferred or imposed, and strictly for the purpose for which those powers were conferred or imposed.

#### Harassment and discrimination

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

#### Development decisions

3.10 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

3.11 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

3.12 You must refrain from providing support to developers and other affected parties prior to and during the assessment or review processes of Council being undertaken. You should only attend Council staff arranged pre-determination meetings with senior staff and the applicant, when both the applicant (developer) and other affected parties (objectors) are present, and you should not be seen as supporting one party over the other at the meeting. Minutes must also be taken at these meetings by Council staff present.

#### Council Support

3.13 A council official who honestly and faithfully observes the requirements of this Code and any relevant law is entitled to expect the publicly expressed support of his or her Council and colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.

#### Binding caucus votes

3.14 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.15 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

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or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.16 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.

3.17 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.

Relations with the Media

3.18 You must at all times promote a positive image of Council and local government generally when dealing with the public.

3.19 You must refrain from making any public statement which insults or makes personal reflections on or imputes improper motives to any other council official.

3.20 Where a situation arises where a Councillor's comment is sought on an issue of community interest, the Councillor must clearly state that their expressed view is a personal view, and does not necessarily represent the views of Council on the particular issue.

3.21 Council staff must not make public comment on Council affairs without the approval of the General Manager. Public comment includes:

- a) interviews with the media
- b) public speaking engagements
- c) expressing views in letters to the media or in notices, articles or any other medium

Tendering

3.22 You must not be involved in any presentation on behalf of any tenderer whether it involves a cost or not.

3.23 You must not discuss with a tenderer or prospective tenderer any aspect of a tender for a contract to be let by Council, except where a staff member or delegate has been authorised to respond to enquiries relating to the tender.

3.24 During all tendering processes staff must comply with Council's Procurement policy which is available on the policy register or from the Group Manager Governance.

**Policy  
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3.25 Council officials must not be intoxicated or drug affected when performing their official duties and must observe the relevant provisions of Council's adopted Drug and Alcohol Management policy, as in force from time-to-time.

We have adopted a drug and alcohol policy for Council staff. The purpose of the policy is to ensure the health, safety and welfare of all employees by effectively dealing with any problems in the work place associated with the misuse of drugs and alcohol. A copy of the policy is available on the intranet or from the Manager Human Resources.

Lobbying

3.26 The Code of Conduct and the Act both recognize that appropriate lobbying of councillors is a normal part of the democratic process. However, it is in the public interest that lobbying is done fairly and does not undermine public confidence in council decision making. The Independent Commission Against Corruption (ICAC) has produced a publication regarding the lobbying of Councillors. The ICAC publication is available on the ICAC website.

Health, Wellbeing and Safety

3.27 Councillors and Council staff should ensure that council's premises are adequate to ensure the health, safety and wellbeing of other council officials and members of the public in accordance with their obligations under the Work Health and Safety Act 2011.

Child Protection

3.28 Child Protection legislation provides substantial requirements for the reporting of suspected and actual child abuse as well as checks for criminal history of employees of Council.

Working with children checks are carried out for all staff positions within Council responsible for supervising or working with children.



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**PART 4 CONFLICT OF INTERESTS**

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

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442 of the Act*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443 of the Act*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449 of the Act*)
  - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451 of the Act*)
  - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459 of the Act*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441 of the Act), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

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What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why

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you consider that the conflict does not require further action in the circumstances.

4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) where the major political donor has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.17(b).

4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, 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 interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.20 above).

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Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
  - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 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 interests 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 part of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
  - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353 of the Act*)

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- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
  - b) involve using confidential information or council resources obtained through your work with the council
  - c) require you to work while on council duty
  - d) discredit or disadvantage the council.

We have adopted the Other Business or Employment policy for Council staff. The purpose of the policy is to ensure council staff are aware of their requirements and seek approval from the General Manager for secondary employment before they undertake any such activity. All staff are expected to act in accordance with the provisions of the policy. A copy of the policy is available on the intranet or from the Manager Human Resources.

Personal dealings with council

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

Bankruptcy

- 4.33 Senior staff must comply with Section 341 of the Act in relation to bankruptcy and similar provisions.

Political support and community participation

- 4.34 Staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

If an employee becomes aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

**Case Study**

A councillor is a member of a large metropolitan club. He is not, however, active in the club or involved with the management of the club. In this situation the councillor merely enjoys the facilities of the club as a privilege of membership.

Should a matter relating to the club arise at council, it is appropriate that the councillor inform the council of his membership. It is unlikely, however, that his interest as a club member would conflict with his role as a councillor representing the view of residents and ratepayers generally. He could therefore participate in the decision making process.

If the councillor was, however, an office holder in the club, the interest may constitute a pecuniary interest.

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**PART 5 PERSONAL BENEFIT**

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

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
    - i) the discussion of official business
    - ii) council work related events such as training, education sessions, workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations
  - b) invitations to and attendance at local social, cultural or sporting events
  - c) gifts of single bottles of reasonably priced alcohol (not exceeding a value of \$20) to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
  - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
  - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind

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- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) accept any gift or benefit of more than token value
  - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
  - 5.7.1 More than token value is defined as a gift or benefit with a value exceeding \$20 or such other amount as may be specified from time to time.
  - 5.7.2 Staff members who:
    - i) exercise a regulatory function of council
    - ii) are involved in procurement or tendering evaluation panels
 are prohibited from accepting gifts or benefits of any kind or value.
 

Staff members who exercise regulatory functions include, but are not limited to, regulatory services staff and development assessment staff.

Gifts offered to, or left for, these staff members which cannot be reasonably refused or returned must immediately be relinquished to a supervisor, manager, the Director or the General Manager and will be donated to the Mayor's Charity Fund.
  - 5.7.3 The procedure for registering gifts and benefits to the gifts register is provided in the Appendices.

Bribes

- 5.8 If a bribe or other improper inducement is offered to you, you must immediately report the matter to the General Manager, to enable the General Manager to fulfill his obligations pursuant to Section 11 of the Independent Commission Against Corruption Act 1998. Such a report must be in writing and be provided to the General Manager as soon as possible following the incident.



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Improper and undue influence

5.9 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

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

**Case Study**

Over a period of time, one local council employee was involved in a series of inspections to registered premises. During the period, the owner of the premises offered the employee a number of gifts including a present for the employee's new born child. The employee accepted the gifts as he felt they were offered as unconditional and genuine tokens of appreciation for his work. He did not interpret the gifts as attempts to gain his favour. In accepting the gifts he did not contravene the council's code of conduct.

Later the owner of the premises made an application for variation to the conditions of his licence. The employee, dutifully, was not compromised by the gifts, and made a recommendation that was not in the owner's interests. After the recommendation was made, the owner complained to the council about the employee accepting the gifts.

Although the employee accepted the gifts in good faith, he nevertheless placed himself in a vulnerable position. While each of these gifts was of modest value, when viewed in total, the value of the gifts seemed quite substantial. The owner also alleged the employee had accepted bribes.

The employee's acceptance of the gifts could also be used as circumstantial evidence of bribery. Furthermore, the employee could not rely on the fact that he made a decision he would have made, regardless of the gifts, as a defence to bribery.



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**PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS**

This Part should be read in conjunction with our Procedure: Interaction between Council officials which is included in the Appendices.

Obligations of councillors and administrators

6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

6.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352 of the Act*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

**Case Study**

A councillor was driving down a local street in her ward and noticed that the nature strips in front of several houses were very unkempt. She immediately contacted a Team Leader whom she knew quite well by mobile phone and requested that Council personnel mow this strip as a matter of urgency as it was disturbing the general environmental amenity. This contact was inappropriate as councillors must refrain from directing council staff. In this situation the Team Leader correctly and politely referred the councillor to the General Manager.

Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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**6.4 Members of staff of council must:**

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

**6.5 When exercising a regulatory inspection or other function in relation to members of the public, a member of staff must notify the General Manager when dealing with relatives and close friends, and disqualify themselves from the dealing.**
**6.6 When making decisions or taking actions under delegated authority a member of staff must ensure that:**

- a) the decision or action is within their delegated authority as specified by the relevant instrument of delegation;
- b) all decision making requirements and procedures required by the delegation are complied with;
- c) the decision or action is in accordance with the spirit and the letter of any relevant legislation; and
- d) any decisions and the evidence upon which they are based are properly documented.

**Obligations during meetings**
**6.7 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.**
**6.8 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.**
**Inappropriate interactions**
**6.9 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 broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.

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- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

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**PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES**
Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.
- 7.6 Councillors may also request access to documents of Council either by way of a Notice of Motion to the Council or a Government Information (Public Access) (GIPA) application.

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

- 7.8 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.9 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body,

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- from any information to which you have by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

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

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

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

**NOTE:** If you have access to confidential or sensitive information as part of a local government function, you are in a position of absolute trust, and have a 'fiduciary duty' to Council to keep confidential the information to which you have access. Refer to Section 564 of the Act for more information.

Personal information

7.12 When dealing with personal information you must comply with:

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

Use of council resources

7.13 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised in accordance with the Procedure: Use of Council Property (included in the Appendices), and proper payment is made where appropriate.

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

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

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- 7.15 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.16 You must not make use of the council logo or similar intellectual property of the Council without first obtaining the written approval of the Council to such use. Refer to the Procedure: Use of Council Property (included in the Appendices) for instructions on how such approval may be sought.
- 7.17 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.
- 7.18 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign 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.
- 7.19 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate.
- 7.20 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 7.21 You must not convert any property of the council to your own use unless properly authorised.
- 7.22 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.
- 7.23 You must comply with the requirements of Council's Information Technology Usage policy when using our computer resources. A copy of the policy is available on our web page or by contacting our Group Manager Customer and Information Services.

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7.24 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.

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

7.26 Councillors and administrators are not to use entry cards in a manner or for a purpose not otherwise authorised by this Code of Conduct or by Council, including the purpose of gaining access to any part of Council premises to which access is otherwise denied or excluded by this Code.

7.27 Councillors and administrators who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.

7.28 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

**Fraud and Corruption Prevention**

7.29 We have established a policy on fraud and corruption prevention. All Council officials must abide by the policy. A copy of the policy is included in the Appendices.

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**PART 8 MAINTAINING THE INTEGRITY OF THIS CODE**

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, 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 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 this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 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 under this code except as may be otherwise specifically permitted under this code.

8.5 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 this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 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.



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Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 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 this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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**PART 9 DEFINITIONS**

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66 of the Act
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
corrupt conduct	<p>a)</p> <p>any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or</p> <p>b)</p> <p>any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or</p> <p>c)</p> <p>any conduct of a public official or former public official that constitutes or involves a breach of public trust, or</p> <p>d)</p> <p>any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.</p> <p>Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or</p>

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any public authority and which could involve any of the following matters:

- a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),
- b) bribery,
- c) blackmail,
- d) obtaining or offering secret commissions,
- e) fraud,
- f) theft,
- g) perverting the course of justice,
- h) embezzlement,
- i) election bribery,
- j) election funding offences,
- k) election fraud,
- l) treating,
- m) tax evasion,
- n) revenue evasion,
- o) currency violations,
- p) illegal drug dealings,
- q) illegal gambling,
- r) obtaining financial benefit by vice engaged in by others,
- s) bankruptcy and company violations,
- t) harbouring criminals,
- u) forgery,
- v) treason or other offences against the Sovereign,
- w) homicide or violence,
- x) matters of the same or a similar nature to any listed above,
- y) any conspiracy or attempt in relation to any of the above.

HOWEVER, conduct does not amount to corrupt conduct unless it could constitute or involve:

- a) a criminal offence, or
- b) a disciplinary offence, or
- c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
- d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament a substantial breach of an applicable code of conduct.

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council committee	a committee established by resolution of council
"council committee member"	A person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
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	<p>Section 441 of the Local Government Act 1993 defines a designated person as:</p> <ul style="list-style-type: none"> <li>* the General Manager</li> <li>* other senior staff</li> <li>* a person (other than a senior staff member) who is a member of staff, a delegate, or a committee member of the council and who is designated person because their position or membership of a committee involves the exercise of functions under this or any other Act (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, delegate or committee member and the person's private interest.</li> </ul>
election campaign	includes council, State and Federal election campaigns
non pecuniary interest	means any private or personal interest that does not pertain to money (eg. kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity).
pecuniary interest	means 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 or another person with whom the person is associated, that is not too remote or insignificant.
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

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public area	means, in relation to any premises or part or parts of premises, of Council, so much of those premises as are made generally or specially available to the public as of right, but does not include any such premises at any time when they are not so made available to the public (eg. access corridors to staff areas), and in any case does not include staff areas whether open office areas or private staff offices.
senior staff of Council	means the General Manager and the Directors
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials. References to sections of the Act in this Code of Conduct are references to sections in the Local Government Act 1993.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005. (See Section 2 of this document)

Expressions used in this Code of Conduct that are defined in relevant legislation have the meanings set out in the legislation. A number of other expressions are defined here. Notes and case studies are provided to assist in understanding and applying this Code of Conduct. The notes and case studies do not, however, constitute part of the Code of Conduct.

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PROCEDURE: INTERACTON BETWEEN COUNCIL OFFICIALS

PROCEDURE: GIFTS REGISTER

PROCEDURE; USE OF COUNCIL PROPERTY

POLICY: FRAUD AND CORRUPTION CONTROL

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**Procedure: Interaction between Council Officials**

The following procedure applies to the interaction between Council Officials outside of meetings:

1. The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, all requests for information and approaches to staff outside the forum of a Council or Committee meeting, shall be directed to the General Manager, to a Director, or to a Manager.
2. Only Senior Staff or Managers may provide advice to councillors.
3. It is within the discretion of the General Manager, Director or Manager to require councillors to make an appointment, to put a request in writing, or to put it on notice to Council to obtain detailed or otherwise time-consuming information. The General Manager, Director or Manager must indicate in writing, the reasons for refusing a request.
4. For all but straightforward advice on administrative matters, councillors should put their requests for information or advice in writing to be answered by the General Manager, the appropriate Director or Manager.
5. A Director or Manager has the discretion to refer any request for information to the General Manager. The Director or Manager must indicate to the councillor that the councillor's request has been referred on.
6. If a councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the councillor is still dissatisfied they should request the information by way of a Question on Notice or Notice of Motion to the Council.
7. Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their Director or the General Manager.
8. Councillors must not request staff to undertake work of a private nature for the councillor or any other person except where otherwise authorised or permitted by law.
9. Councillors must not enter staff-only areas of council buildings without either:
  - 9.1. The express authorisation of either the General Manager or Director; or
  - 9.2. By authority of a resolution of Council.

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**NOTE:** A councillor is not, of course, prevented from bringing some matter to the attention of an appropriate staff member where the matter in question is of civic and public importance, and the purpose of bringing the matter to the notice of the staff member is to do no more than convey information (eg. as to the state or condition of a road or park), with no direction being given as to what action, if any, should be taken.

**NOTE:** A member of staff is not subject to direction by the council as to the content of any advice or recommendation made by the member, but the Council is not prevented from directing a member of staff to provide advice or a recommendation, see Section 352 of the Local Government Act 1995 (NSW).

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**Procedure: Gifts Register**

1. Councillors and staff must declare, and have recorded in the **Gifts Register**, gifts and benefits of more than token value whether the gift or benefit is declined, accepted (and donated to the Mayor's Charity Fund) or returned. The Code of Conduct provides guidance as to what constitutes 'Token Gifts and Benefits' and 'Gifts and Benefits of Value'. (Part 5)
2. More than token value is defined as a gift or benefit exceeding \$20 (or such other amount that may be specified from time to time)
3. Recipients may retain token gifts or benefits (as listed in 5.3 of the Code of Conduct), or (if practical and appropriate) share the gift or benefit with others in council. Alternatively, the token gift or benefit may be relinquished and donated to the Mayor's Charity Fund.

While token gifts and benefits are not required to be entered into the Gifts Register, they should be disclosed to your Manager, Director, the General Manager or Mayor as appropriate.

**Exception**

If a member of staff, who does not exercise a regulatory function or is not involved in procurement or tendering activities, receives an invitation to attend a function that constitutes a token gift or benefit, as referred to in 5.3 of the Code of Conduct, and they wish to accept the invitation, they must:

- Complete a **Gifts and Benefits Declaration Form**; and then
- Obtain the approval of their Manager, or in the case of a Manager the approval of their Director, or in the case of a Director the approval of the General Manager **BEFORE accepting the invitation**.

The retention of any token gift or benefit must not give rise to the appearance that a person or body, through the provision of the token gift, benefit or hospitality is attempting to secure favourable treatment from council.

4. With regard to the offer of gifts and benefits of more than token value, a **Gifts and Benefits Declaration Form** must be completed and forwarded by a staff member to their Manager or Director, or in the case of a Councillor to the Mayor or General Manager.

Gifts and benefits of more than token value, which cannot be reasonably refused or returned, must be relinquished and will be donated to the Mayor's Charity Fund.

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5. Staff members who exercise a **regulatory function** of council or who are involved in procurement and tendering activities are **prohibited** from accepting gifts, benefits or hospitality of any kind or value.

Staff members who exercise regulatory functions include, but are not necessarily limited to, regulatory services staff and development assessment staff.

Gifts or benefits of any value offered to these officers must be declared by way of completing and submitting a **Gifts and Benefits Declaration Form**. Gifts or benefits which cannot be reasonably refused or returned must immediately be relinquished to a supervisor, manager, the Director or the General Manager with a completed **Gifts and Benefits Declaration** form. These gifts or benefits will be donated to the Mayor's Charity Fund.

6. The relevant Manager, Director or General Manager is responsible for ensuring any receipt of a **Gifts & Benefits Declaration Form** is forwarded to Group Manager Governance.
7. The **Gifts Register** will be maintained by the Group Manager Governance and constitutes a public register.
8. The **Gifts & Benefits Declaration Form** and the **Gifts Register** will incorporate the following information in relation to the personal benefit:
- 8.1. Date and time of receipt or provision of gift
  - 8.2. Date and time of entry into the register
  - 8.3. Provider or donator of the gift;
  - 8.4. If appropriate, the name of the business or organisation that the provider or donator represents;
  - 8.5. The receiver of the gift (if this is a team, area or division, identify the unit and the individual names of the recipients);
  - 8.6. A description of the gift;
  - 8.7. An estimated retail value
  - 8.8. Action taken and or decision made relating to the gift, for instance whether it was accepted, declined, returned, personally retained, relinquished, donated to charity and so on;
  - 8.9. The signature and date when signed by the staff member or councillor; and
  - 8.10. Signature and date when signed off by the staff member's Manager, or in the case of a Councillor, the Mayor or General Manager
9. All declarations must be recorded in the **Gifts Register** as soon as practicable and no later than two weeks of offering, accepting or declining the gift or benefit.

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10. Any gifts or benefits donated to the Mayor's Charity Fund must be formally received and acknowledged by the Mayor's office.
11. If a Councillor or staff member is uncertain about whether a gift, benefit or hospitality is a token gift or more than token value, they should discuss it with their Manager, the Mayor or General Manager.

Councillors and staff should err on the side of caution and... **if in doubt -- declare it.**

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Gifts & Benefits Declaration Form

For information on when and how to use this form refer to the Gifts Register procedure.

Date and Time		Date	Time
Gift or benefit received or offered/provided:			
This form prepared:			
<b>Gift or benefit provided by:</b>			
Name:			
Organisation:			
Phone number (if available):			
Contact address (if available):			
<b>Gift or benefit received by:</b>			
(if applicable, list unit and all members of the unit receiving the gift or gifts)			
<b>Details of Gift or Benefit</b>			
Description:			
Estimated retail value			
Action taken with gift – Refused , Returned, Relinquished. Retained with approval			
<b>Forwarded by</b> Receiver of gift or benefit		<b>Reviewed/Approved by</b> Manager, Director, General Manager, or Mayor	
<b>Signature:</b>	Forward by email to verify identity	<b>Signature:</b>	Forward by email to verify identity
<b>Name:</b>		<b>Name:</b>	
<b>Position:</b>		<b>Position:</b>	
<b>Date:</b>		<b>Date:</b>	
<b>Governance &amp; Administration Processing</b>		Date	Time
Received by Governance Coordinator:			
Entered into Gifts Register:			
Gifts Register reference number:			
Gift donated to Mayor's Charity Fund received by Mayor's Office:	Signed:	Date:	

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**23-032****Procedure: Use of Council Property**

1. Staff must not use Council resources for private purposes, however, they may make private use of:
  - 1.1. Fixed telephones and facsimile, provided the calls are local (such expression to include calls to adjoining STD areas), infrequent, short and do not unduly interfere with the business of Council.
  - 1.2. Mobile phones, provided that the actual cost of the private call is reimbursed to Council.
  - 1.3. Photocopiers, provided the use is infrequent and minimal.
  - 1.4. Computers, provided the use is infrequent and minimal, in accordance with Council's policy on computer usage, and does not interfere with the business of Council. No non-Council storage media (such as floppy disks, rewriteable CDs, and USB Flash Drives) are to be used in Council computers unless approved by the Manager Customer Services and Information Technology.
  - 1.5. Email and the Internet, provided the use is infrequent and minimal and does not interfere with the business of Council. Access to inappropriate Internet sites and the use of email to distribute or store offensive and inappropriate material will not be tolerated.
2. Council's resources and equipment must not be used in any circumstances by a member of staff in relation to a second job or business.
3. Council vehicles, pens, paper, clothing, material etc. are not to be used for private purposes unless lawfully authorised.
4. Council's 'Payment of Expenses and Provision of Facilities to Councillors Policy' sets out further information in relation to Councillors' rights and obligations relating to the provision of facilities for use in their role as a Councillor.
5. Approval to make use of the council logo or similar intellectual property of the Council is to be sought in the following manner:
  - 5.1. Any application for such use of the Council logo or other intellectual property must be made in writing and state the manner in which the logo or other intellectual property will be used and the purpose of such use.
  - 5.2. The Council may refuse to approve the use of its logo or intellectual property without giving reasons for its refusal except where the application is made by a Councillor for the purpose of advertising the Councillor's location and that the Councillor is a member of the Council.
  - 5.3. Any approval given by the Council to the use of the logo or other intellectual property may be on conditions which require that the

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logo or other intellectual property are not so used as to give the appearance that a business, enterprise, club or any other activity is approved of or endorsed by the Council.



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**23-032**
**Policy: Fraud and Corruption Control**
**Title:** Fraud and Corruption Control Policy

**Category:** Strategic Corporate

**Key words:** Fraud, fraud prevention, corruption, corrupt conduct, ethics, ethical conduct, personal benefit, council resources, reporting breaches.

**File number:** F-39-1

**Policy owner:** Director Corporate Services (Governance)

**Authorisation:** Council

**Review date:** As per Code of Conduct

**Modification history:** As per Code of Conduct

**Related legislation:** Local Government Act 1993 and Local Government (General) Regulations 2005

Independent Commission Against Corruption Act 1998

Public Interest Disclosures Act 1994

Privacy &amp; Personal Information Protection Act 1998

**Related policies:** Code of Conduct

Complaints Management Policy

Risk Management Policy

Statement of Business Ethics

Tendering Policy

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**23-032****References:**

NSW Department of Local Government Promoting Better Practice Review--- Canterbury City Council September 2007  
 "Fraud Control: Developing an Effective Strategy" -- The Audit Office of NSW  
 ICAC "Practical Guide to Corruption Prevention"  
 "Governance Health Check" issued jointly by the LGMA and the ICAC  
 AS8001:2003 Fraud and Corruption Control  
 AS/NZS 4360 Risk Management Standard and Risk Management Guidelines (HB436)

**Related forms:**

Gifts & Benefits Declaration form  
 Complaint Registration form

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- 1 Purpose
  - 1.1 Background
  - 1.2 Rationale
- 2 Objectives
- 3 Scope
- 4 Definitions
- 5 Principles
- 6 Responsibilities
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  - 7.6 Disciplinary Action
  - 7.7 Preventing Further Fraud or Corrupt Conduct

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**23-032**
**1 Purpose**

The aim of this policy is to demonstrate the City of Canterbury's commitment to the prevention, deterrence, detection and investigation of fraud and corrupt conduct. This policy establishes a framework in which fraud and corrupt conduct will not be tolerated by City of Canterbury and encourages the on-going development of staff through a culture that embraces the highest ethical standards.

**1.1 Background**

Fraud and corruption control is an essential element of our corporate governance. This policy is compliant with relevant legislation and provides guidance to Council officials and members of the public to ensure that Council is an ethical and honest workplace for the benefit of all stakeholders.

**1.2 Rationale**

This policy is designed to mitigate the City of Canterbury's exposure to fraud and corrupt conduct.

**2 Objectives**

This policy is designed to protect public funds and other assets, protect the integrity, security and reputation of the City of Canterbury, and assist in maintaining a high level of services to the community.

The objectives of this policy are to:

- Promote amongst Council officials and members of the public that fraudulent and corrupt acts against the City of Canterbury are unacceptable, may constitute a criminal offence and may result in prosecution or disciplinary action.
- Build a culture that supports Council officials and members of the public to report conduct they suspect may be fraudulent, corrupt or improper
- Reduce opportunities for fraudulent, corrupt or improper conduct
- Provide clear guidance to ensure that adequate investigation standards are followed
- Ensure that appropriate action is taken by the City of Canterbury if fraud, corruption or improper conduct is detected

**3 Scope**

This policy applies to all Council officials [Councillors, delegates and staff of the City of Canterbury] and any external entity providing goods or services to Council, and to any user of Council services or facilities.

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**4 Definitions**

**Fraud** A deliberate act of deception, misrepresentation or omission committed with the intention of gaining an unjust advantage or to cause an unjust loss or disadvantage. This includes fraudulent or corrupt conduct by any person including theft of tangible or intangible assets.

Such behaviour includes, but is not limited to:-

- Breaches and attempted breaches of the law
- Unauthorised and/or illegal use of assets, information or services for private purposes
- Claiming unworked overtime on timesheets
- Allowing contractors to not fully meet contract requirements
- Misappropriation of tangible and intangible assets through:
  - Inappropriate reimbursement of expenses
  - Falsification of records for improper advantage
  - Payments to third parties not in accordance with our Purchasing policy
  - Theft, including theft or misuse of intellectual property
  - Inappropriate exertion of influence or coercion to act in a manner that is not in the City's best interest.

**Corruption** is defined in accordance with section 8 of the Independent Commission Against Corruption Act 1988 as:

- any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Council official** includes Councillors, members of staff of council and delegates of council.

**Public Interest Disclosure** is defined in accordance with the NSW Ombudsman as:

The Public Interest Disclosures Act provides protection for people who come forward with information about the following serious matters concerning the way agencies operate:

- corrupt conduct
- maladministration

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- serious and substantial waste of public money
- government information contraventions
- local government pecuniary interest contraventions

**5 Principles**

The City of Canterbury expects Council officials to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the City of Canterbury to conduct its business in a fair and honest manner.

The City of Canterbury expects all Council officials to be familiar with and act in accordance with our Code of Conduct. Unacceptable behaviour and guidelines for appropriate behaviour for Council officials is contained in the Code of Conduct. We expect similar standards from the people, agencies or organisations that do business with us. These standards are detailed in our Statement of Business Ethics.

Council is committed to ensuring that its dealings with external parties are conducted in an ethical manner. Council has developed policies that it expects clients and stakeholders to adhere to, such as the Code of Conduct and Statement of Business ethics. Both documents are made available on our web site and the Statement of Business Ethics is included as part of all tender documentation.

We will ensure our community is aware that fraud and corruption committed against the Council is not acceptable by publishing appropriate information in our Annual Report.

**6 Responsibilities**

Council officials are responsible for reporting cases of suspected fraud or corrupt conduct.

Council officials also have a responsibility to act honestly and to follow diligently Council's policies and practices to prevent and mitigate fraud and corruption.

The General Manager is also responsible for the prevention, detection and reporting of fraud and corruption through the implementation of appropriate and effective internal control systems.

Directors, Managers, Coordinators and Team Leaders are also responsible for the prevention, detection and reporting of fraud and corrupt conduct by ensuring:

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- there are mechanisms in place within their area of control to assess the risk of fraud and corrupt conduct,
- promotion of employee awareness and education on the prevention of fraud and corruption
- compliance with legislation and Council's policies and practices
- to report any fraudulent or corrupt matters to the General Manager,
- undertake risk and fraud detection through a Risk Management Program.

All Council officials must also report any identified weakness in internal controls that could potentially facilitate a fraudulent or corrupt act. These weaknesses should be reported to your Manager and/or the Group Manager Governance for determination and action as appropriate.

The Group Manager Governance will investigate and report incidents in accordance with our Code of Conduct.

## **7 Procedures**

The following procedures will underpin our efforts in fraud and corruption prevention, detection and investigation.

### **7.1 Risk Assessment**

Periodic and comprehensive fraud and corruption risk assessments will be conducted throughout the Council in accordance with the strategies outlined in our Risk Management Policy.

### **7.2 Awareness: Staff, Clients and Community**

This policy will be communicated to all Council officials and members of the public and the highest possible level of awareness will be maintained. This policy will be promoted through:

- Staff training programs
- Internal communications
- Intranet; and
- Internet for the information of members of the public

### **7.3 Reporting**

The General Manager encourages the reporting of any suspected fraud and corruption issues. To assist Council officials and members of the public, Council has mechanisms in place to provide guidance for reporting fraud and corruption. These reporting mechanisms are outlined below. If you would like assistance or further information, please discuss with your Manager or the Group Manager Governance.

#### **Reporting by Council officials**

Through our Code of Conduct we have developed an internal reporting structure that provides for Council officials to report any instances of corrupt

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conduct or fraud. Council officials may also report any instances of fraud and corruption to their Manager or the Group Manager Governance.

**External Reporting**

The Code of Conduct also provides an alternative avenue for staff and Councillors to report fraud and corrupt conduct to external investigating authorities such as the Independent Commission Against Corruption, the NSW Ombudsman or the Division of Local Government.

**Reporting by Members of the Public**

We have also established a Complaints Management Policy that allows members of the public to report suspected fraud or corruption.

These policies are available on Council's intranet and web site.

**7.4 Investigation**

All instances of suspected fraud, corruption or improper conduct that is reported will be promptly and confidentially investigated by an appropriately skilled person to establish whether or not a basis exists for further action. Council has nominated the Group Manager Governance as the staff member responsible for progressing investigations. In the event that an issue relates to the Group Manager Governance, the investigation will be progressed by the Director Corporate Services. If necessary, the General Manager may determine that an investigation be carried out independent of Council and will arrange for an independent investigator to be appointed.

In conducting an investigation into allegations of corrupt conduct and/or fraud, we will follow the NSW Independent Commission Against Corruption (ICAC) "20 Step Guide to Conducting an Inquiry". The Guide recommends that an investigation comprise:

- Step 1: Maintaining confidentiality
- Step 2: Getting the big picture: An inquiry overview
- Step 3: Interviewing sources
- Step 4: Is the source making a protected disclosure?
- Step 5: Assessing the information
- Step 6: Setting up a file
- Step 7: Referrals
- Step 8: Defining your scope & purpose
- Step 9: Working out your powers
- Step 10: Being fair Part 1 — Listen to, and consider people's points of view
- Step 11: Thinking about 'affected persons'
- Step 12: Being fair Part 2 — No bias
- Step 13: Drafting a fact-finding plan
- Step 14: Fact-finding tools
- Step 15: Collecting documents

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- Step 16: Collecting things
- Step 17: Interviewing people
- Step 18: Interviewing 'affected persons'
- Step 19: Fact-finding
- Step 20: Writing a report

Should possible corrupt conduct be uncovered, the matter will be immediately reported by the General Manager to the ICAC under Section 11 of the ICAC Act where it imposes a statutory obligation on the General Manager to report suspected corrupt conduct to the ICAC. The report by the General Manager to ICAC must be made as soon as there is reasonable suspicion that corrupt conduct may have occurred or may be occurring.

Should an investigation uncover possible criminal behaviour, the investigation will be terminated and the General Manager will report the matter immediately to Police.

**7.5 Public Interest Disclosures Act 1994**

Council is committed to the aims and objectives of the Public Interest Disclosures Act. Our Code of Conduct provides guidance on how to make a protected disclosure to Council's Public Interest Disclosures Coordinator. Council's Public Interest Disclosures Coordinator is the Group Manager Governance. Please refer to the policy on Public Interest Disclosures.

**7.6 Disciplinary Action**

Council will comply with the provisions of the Code of Conduct, relevant awards, conditions and legislation in dealing with confirmed fraudulent or corrupt acts.

**7.7 Preventing Further Fraud or Corrupt Conduct**

It is important that any acts of fraud or corruption are not repeated. Details of any fraudulent or corrupt acts will be provided to all Directors and Managers so they can review their operations for similar circumstances and risks. Staff from Governance will work with Managers to develop internal controls and procedures to reduce the risk of fraud or corruption re-occurring within their area.

The Group Manager Governance is empowered to initiate spot checks of processes and procedures applicable to any of Council's programs or operational functions for the purposes of ascertaining their efficiency/effectiveness and procedural integrity.

Council will document, where appropriate, proven cases of fraud or corruption and the disciplinary action taken against those involved for publication in Council's internal newsletter to discourage further instances of fraudulent and corrupt behaviour and to highlight Council's intent that fraud and corruption is not acceptable and will be dealt with appropriately.

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## PART 2

# PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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**PART 1 INTRODUCTION**

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

**PART 2 DEFINITIONS**

For the purposes of the procedures, the following definitions apply:

"the Act"	the <i>Local Government Act 1993</i>
Act of disorder	<p>clause 256 of the Local Government (General) Regulation 2005 specifies that a councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:</p> <ul style="list-style-type: none"> <li>(a) A contravenes the Act or any regulation in force under the Act, or</li> <li>(b) assaults or threatens to assault another councillor or person present at the meeting, or</li> <li>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or</li> <li>(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or</li> <li>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.</li> </ul>

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"administrator"	an administrator of a council appointed under the Act other than an administrator appointed under section 66 of the Act
"code of conduct"	a code of conduct adopted under section 440 of the Act
"code of conduct complaint"	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
"complainant"	a person who makes a code of conduct complaint
"complainant councillor"	a councillor who makes a code of conduct complaint
"complaints coordinator"	a person appointed by the general manager under these procedures as a complaints coordinator
conduct	any action or inaction relating to a matter of administration, and any alleged action or inaction relating to a matter of administration.
Panel of Conduct Reviewers	This is addressed in Part 3 of these Procedures
"conduct reviewer"	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
"council committee"	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
"councillor"	a person elected or appointed to civic office and includes a Mayor
"council official"	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
"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

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council is delegated

"the Division"	the Division of Local Government, Department of Premier and Cabinet
"investigator"	a conduct reviewer or conduct review committee
maladministration	for the purposes of the Public interest disclosures Act 1994 (NSW), is conduct of a kind that involves action or inaction of a serious nature that is: <ul style="list-style-type: none"> <li>a) contrary to law; or</li> <li>b) unreasonable, unjust, oppressive or improperly discriminatory; or</li> <li>c) based wholly or partly on improper motives.</li> </ul>

NOTE: Conduct may still constitute 'wrong conduct' (see below) within the meaning of the Ombudsman Act 1974 (NSW) without necessarily amounting to maladministration within the meaning of the Public interest disclosures Act 1994 (NSW).

"the Regulation"	the <i>Local Government (General) Regulation 2005</i>
"subject person"	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures
waste	refers to serious and substantial waste of public money

### **PART 3 ADMINISTRATIVE FRAMEWORK**

#### The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers. The City of Canterbury has entered into such an arrangement with other Councils through the Southern Sydney Regional Organisation of Councils.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

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- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations, or
    - ii) law, or
    - iii) public administration, or
    - iv) public sector ethics, or
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

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**23-032**The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff. The Group Manager Governance has been appointed as Council's Complaints Co-ordinator.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator. The Governance Co-ordinator has been appointed as Council's alternate Complaints Co-ordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct,
  - b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
  - c) liaise with the Division of Local Government, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

**PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.



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When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

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- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

**PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of

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council and council committee members and for determining the outcome of such complaints.

- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
  - c) prosecution for any breach of the law,
  - d) removing or restricting the person's delegation, or
  - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

How are code of conduct complaints about conduct reviewers to be dealt with?

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.

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5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How are code of conduct complaints about administrators to be dealt with?

5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.

5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B of the Act),
- c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.

5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.

5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

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5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.

5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under

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clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

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Code of conduct complaints made as public interest disclosures

- 5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.



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- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

**PART 6 PRELIMINARY ASSESSMENT**
Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or

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- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
  - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
  - a) to take no action, or
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but

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- not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
- d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
  - e) to investigate the matter, or
  - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a "code of conduct complaint" for the purposes of these procedures, and

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- b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
- c) that the matter is one that could not or should not be resolved by alternative means.

6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.

6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.

6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.

6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.

6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.

6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

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Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:

- a) whether the complaint is a "code of conduct complaint",
- b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- c) whether the complaint discloses prima facie evidence of a breach of the code,
- d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

**PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES**

7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.

7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:

- a) a panel of conduct reviewers established by the council, or
- b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.

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- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers, and
  - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.

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- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
  - b) ensure adequate resources are provided including secretarial support,
  - c) attend meetings of the conduct review committee in an advisory capacity, and
  - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

**PART 8 INVESTIGATIONS**
What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.



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- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- a) disclose the substance of the allegations against the subject person, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
  - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or

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such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

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8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.

8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.

8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.

8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

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Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

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8.34 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the Act, and
  - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,

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- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.

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- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.



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- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
  - b) that findings of inappropriate conduct be made public,
  - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
  - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
  - e) in the case of a breach by a councillor:

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- i. that the councillor be formally censured for the breach under section 440G of the Act, and
- ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.

8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

## **PART 9 RIGHTS OF REVIEW**

### Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

### Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

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Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.

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9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
- b) the general manager or Mayor must review any action taken by them to implement the sanction, and
- c) the general manager or Mayor must consider the Division's recommendation in doing so.

9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Division's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

**PART 10 PROCEDURAL IRREGULARITIES**

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

**PART 11 PRACTICE DIRECTIONS**

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- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

**PART 12 REPORTING ON COMPLAINTS STATISTICS**

- 12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
  - b) the number of code of conduct complaints referred to a conduct reviewer,
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
  - d) the number of code of conduct complaints investigated by a conduct reviewer,
  - e) the number of code of conduct complaints investigated by a conduct review committee,
  - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
  - g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
  - h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

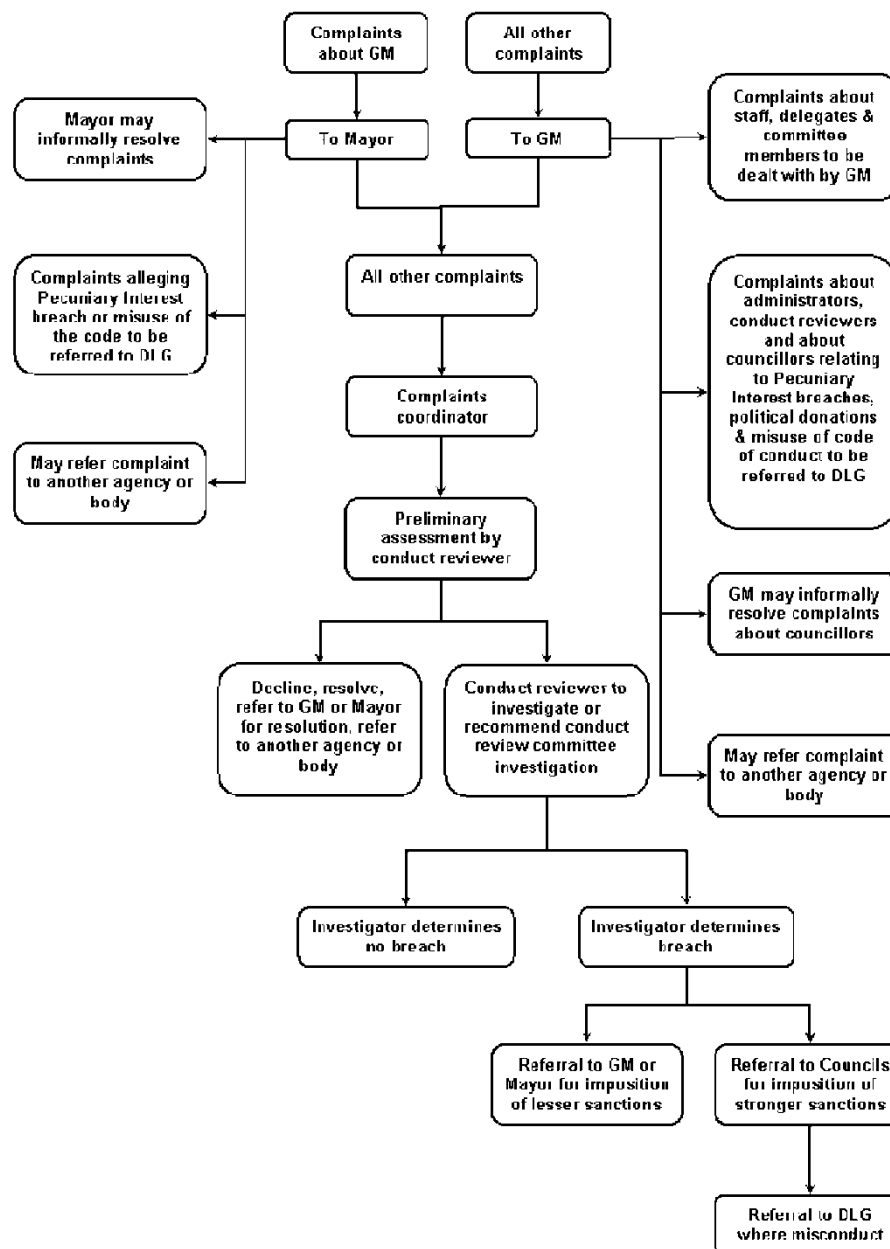
**PART 13 CONFIDENTIALITY**

- 13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

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**Model Code Procedure Flowchart**

 Policy: 23-032-6  
 Modified: July 2013

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**NSW ICAC EXHIBIT**  
**COUNCIL MEETING**

**25 JULY 2013**

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CODE OF CONDUCT REVIEW



*City of Canterbury*  
*City of Cultural Diversity*

## Memo

**TO:** The Mayor  
All Councillors

**DATE:** 31 July 2013

**FILE NO:** C-84-3

**SUBJECT:** Councillor Workshop – Code of Conduct

---

Council at its meeting on 25 July 2013 resolved that a Councillor workshop be held on the Code of Conduct.

A workshop has been scheduled for Wednesday 14 August 2013 at 6.00pm in the Function Room. The workshop will only address the four proposed new amendments to the Code of Conduct. All other issues will be addressed when training is provided to Councillors by Mr Adam Seton from Marsdens Law Group. The proposed new amendments are detailed below, together with an explanation for each:

### **Part 3 General Conditions – Development Decisions**

Councillors participating in meetings regarding applications for development with staff, developers and other parties prior to completion of the assessing officer's report thereon, is a practice that has potential for raising concerns of perceived partiality on the Councillor's part. Without controls in place to ensure transparency and confidence in the integrity of the practice, there is a risk that Council's overall public standing may suffer adversely.

In order to dispel any suggestion that parties at the meeting may have received partial treatment or were otherwise unduly favourably or unfavourably dealt with, an amendment is proposed to the Code of Conduct that Councillors not attend such meetings unless both the developer (applicant) and affected parties (objectors) are present. As Councillors are required to have an "open mind" when determining development applications at Council or City Development Committee meetings, Councillors should not be seen to be favouring any one party over the other at the pre-determination meetings.

Similarly, when applications are likely to be determined under delegated authority, the presence and participation of Councillors at meetings with applicants or objectors, prior to determination, may have an impact upon perceptions of partiality in the assessment process.

It is also proposed that minutes of the pre-determination meetings be taken and placed on file, where they will be accessible to all Councillors and other interested parties in accordance with the Government Information (Public Access) Act.

Councillors are reminded that the Code of Conduct prevents Councillors approaching staff below Manager level. This includes officers who assess Development



Applications (including S.96 Modification applications and S.82A Review applications) Building Certificate applications and Construction Certificate applications.

- **Part 4 Conflicts of Interest – Political Support and Community Participation**  
The proposed amendment requires staff to manage any conflict of interest they may have between their duty as a council employee and any political activities.
- **Part 5 Personal Benefits**  
The Code of Conduct allows staff (with the exception of Compliance and Regulatory staff) to accept gifts of token value (defined as a value of \$20 or less) under certain circumstances. The proposed amendment prohibits staff involved in procurement or tendering activities from accepting any gifts, no matter what the value. The proposed amendment emanates from a recent ICAC investigation where it was found that procurement staff at some other councils and state government agencies were accepting gifts from suppliers in exchange for purchasing goods from that supplier.
- **Part 7 Access to Information and Council Resources**  
Information is a business asset which has value to Council and consequently needs to be suitably protected. This amendment to the Code has been recommended to ensure Council Officials abide by our policy and our information security is protected from a wide range of threats in order to ensure business continuity, minimise business damage and maximise return on investments and business opportunities.

To assist in the preparation of the workshop, Councillors should submit any questions (in writing) they may have to my office by Friday 9 August 2013. A written response to these questions will then be provided to Councillors, if practicable, prior to the Workshop.

Councillors should also contact my Executive Officer, Cristina Pettenon on 9789 9552 by 9 August 2013 and advise whether or not they will be attending the Workshop. The Workshop may be cancelled if there is an insufficient numbers of Councillors proposing to attend.

Should you require further information, please contact my office on 9789 9447.



Jim Montague PSM  
GENERAL MANAGER



*City of Canterbury*

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*City of Cultural Diversity*

**BUSINESS PAPER**

Meeting of

**COUNCIL MEETING**

**22 AUGUST 2013**

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*Canterbury City – a great place to live and work*



# *City of Canterbury*

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*City of Cultural Diversity*

The Mayor and Councillors

Notice is hereby given that an Ordinary Meeting of Canterbury City Council will be held in The Council Chambers, 137 Beamish Street, Campsie on Thursday 22 August 2013, commencing at 7.30 P.M..

Disclosure of Interest: Section 451 of the Local Government Act 1993 requires a Councillor who has a pecuniary interest in any matter with which the Council is concerned and who is present at the meeting of the Council or Committee at which the matter is being considered must disclose the interest, and the nature of that interest, to the meeting as soon as practicable. The Councillor is required to leave the Chamber while the matter is being discussed and not return until it has been voted on.

Your attendance is requested.

Jim Montague PSM  
**GENERAL MANAGER**

16 August 2013

## BUSINESS

1. Confirmation of Minutes
  - Council Meeting held on 25 July 2013
2. Apologies
3. Mayoral Minutes
4. Public Addresses
5. Matters referred from the Standing Committees held on 8 August 2013
6. Report of the Traffic Committee meeting held on 5 August 2013
7. Officers Reports
8. Reports from Advisory Committees
9. Motions of which due notice has been given
10. Questions/Business Without Notice
11. Closed Council

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**This meeting will be recorded on audio tape for minute-taking purposes  
as authorised by the Local Government Act 1993.**

## **REPORT SUMMARIES**

### **MAYORAL MINUTES**

### **REFERRED COMMITTEE MATTERS**

#### **1 EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY**

- This matter was deferred at the City Services Committee meeting on 8 August 2013 for consideration by Council.
- Council on 21 March 2013 resolved to receive a report on the potential establishment of an Education and Training Advisory Committee.
- This report outlines our commitment to these areas and our work to enhance education and training opportunities in our City.
- The report notes that workforce skills, education and training are already part of the charter of the Economic Development Committee.
- In light of this, the extensive work already being undertaken in this area, the established partnerships we have, and the limited scope and capacity for local government to directly deliver these services, the report recommends that the establishment of an Education and Training Advisory Committee not be pursued and that these functions continue to be addressed through existing Advisory Committees.

### **ADOPTION OF TRAFFIC COMMITTEE REPORT**

### **OFFICERS REPORTS**

#### **1 2012/13 DRAFT FINANCIAL STATEMENTS**

- A draft set of General Purpose and Special Purpose Finance Statements for the year ended 30 June 2013 have been prepared and presented to Council.
- The Local Government (General) Regulation 2005 requires Council to resolve that the Councillors/Management Statements be signed and the accounts then be referred to audit.
- It is recommended Council authorises the General Manager to set the date for the public meeting and the issuance of the financial statements after the audit has been completed.

#### **2 2012/13 FOURTH QUARTER BUDGET REVIEW STATEMENT**

- The Local Government (General) Regulation 2005 requires Council to review its budget on a quarterly basis. This is the fourth quarterly review for the 2012/13 financial year.
- The Council originally adopted a budget surplus of \$329,449 as part of its Annual Budget and Operating Plan in May 2012.

- This report includes recommendations for changes to the budget and summarises the financial implications of previous Council resolutions since the original budget was adopted.
- This report provides an analysis of Council's draft year end result to the budgeted result.

### **3 2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW**

This report outlines progress in relation to priority projects in each of the five themes of our Community Strategic Plan, and performance in relation to key indicators in our Delivery Program and Operational Plan for the quarter ended 30 June 2013.

### **4 COUNCIL COMMUNITY EVENTS**

- This matter was deferred by Council on 27 June 2013 for consideration at a future meeting.
- Council on 12 December 2011 resolved that an investigation be undertaken into our Community Events Program in order to:
  - Evaluate the effectiveness of the events in achieving their community objectives
  - Set out the cost of hosting the events and the available methods of funding
  - The suitability of the frequency of staging the events.
- This report provides the information requested and recommends we reduce the number of events held each year.

### **5 REVIEW OF ORGANISATION STRUCTURE**

- A key responsibility of Council is to redetermine the structure of the organisation and allocate the necessary resources to give effect to the structure determined by Council.
- This task is required to be undertaken within the first twelve months of the new electoral term.
- It is proposed that the current structure be retained.

### **6 CODE OF CONDUCT REVIEW**

- This matter was deferred by Council on 25 July 2013 for consideration at its next meeting to allow for a Councillor workshop.
- The new Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct were adopted by Council on 28 February 2013.
- It was recommended at the time that the Model Code of Conduct was adopted that it be reviewed and amended to reflect our requirements and reported back to Council.

- This report proposes an amended Code and discusses the proposed new amendments.
- It is recommended the amended Code of Conduct be adopted. It is further recommended that training be provided for Councillors and staff on the new Code.

## **7 FINANCIAL ASSISTANCE PROGRAM 2013 - 2014**

- This report summarises applications received under our Financial Assistance Program for 2013/2014 and recommends the allocation of \$82,689 plus GST to projects eligible for funding under the program policy.
- The report further recommends the allocation of \$10,000 to our Economic Development team for decorations and/or improvements to town centres and an allocation of \$2,311 for the event at which successful applicants are announced.

## **8 PARTNERSHIP AGREEMENT WITH SOUTH WESTERN SYDNEY INSTITUTE OF TAFE**

- On 25 August 2011 Council considered a Mayoral Minute that outlined the lack of training, education and employment opportunities for vulnerable individuals and groups within our City.
- The Mayoral Minute identified that the absence of a campus of the NSW Institute of Technical and Further Education (TAFE) in our City was a key barrier to creating opportunities to engage these and other vulnerable groups in our communities in pathways to education, training and employment.
- The Mayoral Minute resolved, in part, that “Council seek to formalise a relationship with the South Western Sydney Institute of TAFE with a view to developing a strategy to progress the provision of training and employment pathways in a local context for our communities”.
- A draft partnership agreement has been negotiated with the South Western Sydney Institute of TAFE and this report seeks Council’s endorsement of that agreement and the projects identified to be carried out under the agreement.
- This report provides information on the process for the establishment of a formal relationship between the City of Canterbury and South Western Sydney Institute of TAFE and seeks Council’s endorsement of the Partnership Agreement document.

## **9 INVESTMENTS AT 31 JULY 2013**

- This report includes a Performance Report on investments.
- Also contained in the report is a statutory report on investments submitted pursuant to the Local Government (General) Regulation 2005.
- It is recommended the report be noted.



**10 ROADS AND MARITIME SERVICES 2013/2014 PROGRAM FUNDING**

- Correspondence has been received from the Roads and Maritime Services (RMS) advising of our component of the RMS's Roads Budget for 2013/14.
- The funds allocated are provided in accordance with the usual terms and conditions and our formal acceptance of the funding allocations is requested by the RMS.
- It is recommended the funds offered be accepted.

**ADVISORY COMMITTEES****1 COMMUNITY SAFETY COMMITTEE**

The minutes of the Community Safety Committee meeting held on 5 August 2013 are presented for endorsement.

**2 MULTICULTURAL ADVISORY COMMITTEE**

The minutes of the Multicultural Advisory Committee meeting held on 3 July 2013 are presented for endorsement.

**3 ENVIRONMENTAL AND SUSTAINABILITY COMMITTEE**

The minutes of the Environmental and Sustainability Committee meeting held on 6 August 2013 are presented for endorsement.

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN****CLOSED COUNCIL**

## MAYORAL MINUTES

### 1 ACKNOWLEDGEMENT OF FUNDING - NATIONAL CRIME PREVENTION FUND

FILE NO: M-14 5 PT2, A-118-3

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I am pleased to inform Councillors that we have been successful in achieving funding for the Anzac Mall Place Management Strategy through the National Crime Prevention Fund.

The Hon Jason Clare MP, Minister for Home Affairs and Minister for Justice recently announced Council had been awarded a grant of \$500 000 towards this project. National Crime Prevention Funds are targeted to address street crime and this funding will assist us to install security related infrastructure and to support crime prevention through environmental design principles.

We acknowledge Minister Clare and our local Federal Member, The Hon Tony Burke MP for their support of our application.

Specifically, this funding will contribute towards the re-opening of the Mall to vehicular traffic, thereby reducing the anti-social and criminal behaviour that occurs in the closed mall. Re-opening of the Mall will address crime which occurs in the Mall and will revitalise and re-energise both the Mall and Campsie Town Centre, enhancing existing well-utilised public space that is highly valued by our community. The re-opening should also have a positive effect on our community's perception and fear of crime.

This project has a strong community safety focus and compliments the work undertaken through our Community Safety Committee to address robbery prevention strategies. This work, targeting six hot spot locations across the City is funded through a grant from the NSW Department of Attorney General and Justice.

Councillors will be aware that the Anzac Mall proposals have been discussed previously and the proposals to revitalise the Mall through re-opening the area to traffic were examined as part of an overall Anzac Mall Management Strategy. Extensive consultations were undertaken with local shopkeepers and the community and their needs were specifically addressed in developing these proposals.

We have recently enjoyed great success with our grant seeking activities, with a number of major projects receiving funding. The Anzac Mall Project is a culmination of many years of work by staff from across many areas of our council including economic development, youth and community safety and special projects. This work has been complimented by actions of both the Community Safety and Economic Development Advisory Committees. I commend the General Manager and all staff involved in the process for this very successful outcome.

ACKNOWLEDGEMENT OF FUNDING - NATIONAL CRIME PREVENTION FUND (CONT.)

I move accordingly.

Cr Brian Robson  
**MAYOR**

**REFERRED COMMITTEE MATTERS**

---

The minutes of the meetings of the Standing Committees held on 8 August 2013 have been forwarded to Councillors separately. The decisions of Standing Committees are resolutions of Council, by virtue of the Committees' delegated authority. The following report was referred by Standing Committees for consideration by Council.

## **1 EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY**

**FILE NO:** E-19-3

**Attachments:** Economic Development Committee Charter

**REPORT BY:** DIRECTOR CORPORATE SERVICES

---

### **Summary:**

- This matter was deferred at the City Services Committee meeting on 8 August 2013 for consideration by Council.
- Council on 21 March 2013 resolved to receive a report on the potential establishment of an Education and Training Advisory Committee.
- This report outlines our commitment to these areas and our work to enhance education and training opportunities in our City.
- The report notes that workforce skills, education and training are already part of the charter of the Economic Development Committee.
- In light of this, the extensive work already being undertaken in this area, the established partnerships we have, and the limited scope and capacity for local government to directly deliver these services, the report recommends that the establishment of an Education and Training Advisory Committee not be pursued and that these functions continue to be addressed through existing Advisory Committees.

### **Council Delivery Program and Budget Implications:**

This report has no implications for the Budget and supports our Community Strategic Plan long term goals of Prosperous Local Economy and Access to Facilities and Services.

### **Report:**

Council on 21 March 2013 resolved that:

“A report be presented to council in relation to establishing an Education and Training Advisory Committee to advise the Council on education and training issues. The Committee will look to enhance Council’s existing work to ensure the residents of Canterbury always have access to affordable and high quality education and training options.”

Education and training, in particular in vocational fields, has been recognised as an important priority for Council’s support for some time. As a result there are already a number of initiatives either completed or in progress including:

- Expansion of the charter of the Economic Development Committee to include education and training
- Representation on the Canterbury Bankstown and South West Sydney (CBSWS) Priority Employment Area (PEA) Advisory Committee
- Negotiation of a Memorandum of Understanding with South Western Sydney Institute of TAFE
- Pathways to Lifelong Learning and Mentoring Expo

## EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY (CONT.)

In addition to this, lifelong education and training are core parts of the delivery of services from our Libraries and Children's and Youth Services areas. We currently provide many opportunities for our residents to engage with lifelong holistic learning and to connect with relevant education and training providers. In these areas these projects are often developed, supported and sponsored by our existing Advisory Committees. As can be seen from the examples below – these Committees are already demonstrating our strong commitment to the provision of education and training opportunities in our City.

**Economic Development Committee Charter**

In 2007, Council commenced work on a detailed Economic Development and Employment Strategy for the City of Canterbury. The Strategy sought to explore and recommend future economic development and employment generation strategies in order to create sustainable local employment for the residents of the City of Canterbury.

Council adopted the Towards 2032 – City of Canterbury Economic Development and Employment Strategy (the Strategy), and resolved that work on the 26 Economic Development recommendations continue with progress reported through the Economic Development Committee.

Key activity areas for implementation of this Strategy include:

1. Promotion and coordination of improvements to town centres and industrial precincts
2. Establishment of effective communications between Council and businesses
3. Promotion of city-wide economic development and local employment opportunities
4. Investigation of opportunities for business incubation and other support services for small business growth
5. Attraction of business investment
6. Promotion and facilitation of skills acquisition and development for businesses

The broadening of the scope of Council's activities in relation to Economic Development prompted a review in early 2011 of the terms of reference and membership of the Economic Development Committee. An amended Charter was adopted by Council in June 2011. This Charter is included in the Attachments. The Terms of Reference have been expanded to include activities that will promote business growth and job creation in the City, attract business investment to the City, and further develop the skills of the local workforce so that they best meet the needs of local businesses. The membership of the committee has been expanded from 8 to 10 community members, and to include representatives from local employment agencies, local business support services, or local skill development and training providers.

**CBSWS PEA Advisory Committee**

In mid 2011 we joined the Canterbury Bankstown and South West Sydney (CBSWS) Priority Employment Area (PEA) Advisory Committee. The Advisory Committee is the driving, guiding and advisory group for the development, implementation and review of the Canterbury Bankstown and South West Sydney Regional Employment Plan. The Regional Employment Plan will deliver solutions to this Priority Employment Area's high priority workforce development, employment and workforce participation issues.

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EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY (CONT.)

In its 2011 -2012 Budget, the Australian Government announced the 'Building Australia's Future Workforce' strategy. This new strategy now provides the context for Regional Employment Plans, the work of Local Employment Coordinators (LECs) and Priority Employment Area Advisory Committees. Key themes of Building Australia's Future Workforce Strategy are People, Participation and Place. The objective of LECs and advisory committees is to maximise take up and outcomes from skills, participation and place based initiatives.

The two Priority Employment Areas in Sydney are Canterbury Bankstown and South West Sydney, and Sydney Western and Blue Mountains. The geographic coverage of the former is Canterbury, Bankstown, Fairfield, Liverpool, Campbelltown, Camden and Wollondilly local government areas.

A Regional Employment Plan has been adopted and work has already commenced on a number of initiatives outlined below.

- **Skills initiatives**
  - Skills for Industry e.g. National Workforce Development Fund and establishment of National Workforce and Productivity Agency.
  - Support for Apprenticeship e.g. mentoring package, accelerated apprenticeships and adjustment to Australian Government incentives.
  - A reinvigorated Training system.
  - Building Better Skills e.g. places for targeted groups, Language, Literacy and Numeracy including Workplace Language and Literacy (WELL), Apprenticeship Access program.
- **Place based initiatives**
  - Extension of Priority Employment (PEA) and LEC activity in 20 locations for two years. LECs are not Department of Education, Employment and Workplace Relations (DEEWR) employees. Employment Project Officers (EPO) are DEEWR employees. Regional Employment Plan (REP) to be revised.
  - Flexible funding pool of notionally \$1M over two years for each PEA to support LEC and Regional Employment Plan.
  - Two Australian Government Jobs and Skills Expos in each PEA over two years.
  - New approaches to tackling disadvantage in ten locations e.g. Bankstown. Priorities include Jobless Families and Young Parents. Income management in five locations e.g. Bankstown. Local Solutions fund to support initiatives.
- **Participation outcomes**
  - Seeking better ways to improve outcomes for key target groups like:
    - Indigenous Australians
    - Long Term Unemployed especially very long term unemployed (VLTU)
    - Young People
    - Single parents
    - People with a disability
    - Mature Age Workers

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EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY (CONT.)

- Some specific initiatives include six month wage subsidy for VLTU, invitation for high performing Job Services Australia providers to submit proposals for demonstration projects that target the most disadvantaged jobseekers.

Our role is to represent the interests of job-seekers in our area, particularly those experiencing some disadvantage such as culturally and linguistically diverse, younger and new-migrant people. There may also be a role in connecting job services and skills development services in our area to identify and implement some of the initiatives outlined above. Further discussions will be held with the Local Employment Coordinator in the coming months to scope this in more detail.

It is anticipated that our Economic Development Committee may also be invited to participate in specific consultations and activities and we will advise the committee of these activities when available.

**South Western Sydney Institute of TAFE Partnership**

As a result of a Mayoral Minute (25 August 2011), we are in the process of developing a formal partnership with the South Western Sydney Institute (SWSI) of TAFE. The objective of the partnership is to cement opportunities for the delivery of TAFE services into our City and to cooperatively work with TAFE to identify and develop opportunities to attract funding for education and training programs in our City.

There are currently three working groups developing projects outlined below which will form the basis of the partnership.

- **Project 1: Disengaged young people in the Lakemba area**  
This project will develop a sustainable service system across agencies which responds to the needs of young people in Lakemba and provides opportunities for them to engage in education and employment to encourage them to remain connected to their communities.
- **Project 2: Community kitchens**  
This project aims to offer formal training to participants in the first round of the Community Kitchen program, as part of the Active Canterbury Together initiative (Healthy Communities). This program will particularly target those from diverse backgrounds who are not currently engaged in the workforce.
- **Project 3: Skilled Migrants**  
This project aims to provide a means by which skilled migrants in the City of Canterbury can expand their employment opportunities through removal of the barrier of lack of skills or qualifications with the assistance of TAFE SWSI in identifying and filling gaps, and guidance on recognition of prior learning processes.

Once plans for these projects have been finalised a report will be brought to Council seeking formal endorsement of the partnership. It is anticipated that this will occur in August 2013.



**Pathways to Lifelong Learning and Mentoring Expo**

This event is a project of our Senior Citizens Advisory Committee and will be held during Adult Learning Week (1 – 8 September 2013) and is intended to develop the capacity of older people to understand how learning and mentoring can enhance their quality of life as well as the full and diverse range of learning and mentoring opportunities that are available to them in the local area. A number of engaging and informative speakers will give brief presentations on topics such as:

- What is lifelong learning and mentoring?
- Informal learning and mentoring opportunities
- Community based learning and mentoring
- Learning and mentoring through volunteering
- Formal learning and mentoring opportunities

Organisations which will be invited to be partners in this event include:

- City of Canterbury Library Services
- University of the Third Age, Sydney
- WEA, Sydney
- Sydney Community College
- STARS (a local volunteer training organisation)

The event will also include activities that assist participants to connect with services, organisations and other participants to negotiate future learning and/or mentoring opportunities. When registering for the event, participants will be given the opportunity to join a mail/email list so that they can share and receive information on future lifelong learning and mentoring events and programs. Relevant local services and groups will be invited to have information stalls or brochures available at the event.

**Parental engagement program**

Since late 2010 we have been involved in the Parental Engagement Partnership which operates across Canterbury and Bankstown. This Partnership has focused on the development and implementation of strategies that enhance the engagement and participation of Arabic parents in their child's education, with particular focus at this stage on Punchbowl Boys High and its feeder primary schools.

The other agencies involved in the Partnership are: Bankstown City Council, Centrelink, MTC Work Solutions / Youth Connections, NSW Department of Education and Communities, Punchbowl Boys High School and South Western Sydney Institute of TAFE. The partnership was initiated by the partnership broker Creating Brighter Career Connections.

**Careers Expos**

With the support of our Youth Council, we have consistently facilitated work on career expos to provide opportunities for young people, skilled migrants, women and others excluded from education and employment to meet service providers and explore opportunities available for them for education and employment. These often occur regionally across Canterbury/Bankstown.

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EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY (CONT.)

In 2009, Employability Career Planning Workshops were conducted in two locations in the City of Canterbury in partnership with Bankstown City Council, CASS, Centrelink, Metro Migrant Resource Centre and MTC Work Solutions.

In the following two years, Career Compass was held in Bankstown (2010) and Canterbury (2011). The events featured opportunities for participants to hear from industry professionals on potential careers, work on their resumes and learn about career opportunities. Our partners in these events were Bankstown City Council, Break Thru People Solutions, Centrelink, Creating Brighter Career Connections, Jobfind Employment Service, MAX Employment, MTC Work Solutions / Youth Connections, NSW State Training Services and TAFE South Western Sydney Institute.

In 2012, we supported the Apprentice Info Day, driven by Automotive Group Training and NSW State Training Services, and in collaboration with Bankstown City Council, Break Thru People Solutions, Jobfind Employment Service and MTC Work Solutions.

These opportunities continue to be pursued in our City as part of the work of the Community and Recreation Group in the Corporate Services Division.

### **Opportunities for Young People**

- **Programs to keep young people engaged in education**

Our Youth Services Team operate a range of programs that target young people at risk of becoming disengaged from education. These programs are supported by the Canterbury Youth Council (CYC) and the CYC receives reports on their progress.

These programs have been operating in partnership with local high schools such as Canterbury Boys High School, Canterbury Girls High School, Belmore Boys High School, Wiley Park Girls High School and Kingsgrove North High School for over three years. The programs are operated in partnership with agencies that can provide assistance to young people in regard to both their educational and social development. These services include: MTC Work Solutions, Canterbury Bankstown Youth Service, Youth Block Youth Health Service and Campsie Local Area Command (Police). Over 180 young people in our City have participated in these programs to date.

Feedback from young people and the schools involved in these projects has been positive, with school reporting improved attendance of young people during and beyond the programs and also improved behaviour of the young people during and beyond the programs.

- **U Turns for Youth Program**

Where possible we seek funding to provide educational programs for young people who have disengaged from education and who are at risk of, or are engaging in anti-social behaviour. One example of this is the U Turns for Youth Project. In 2010, we received grant funding of \$110,000 for the implementation of U Turns for Youth across Canterbury and Bankstown. This project was developed and delivered with the support of our Community Safety Advisory Committee.

The 'U Turns for Youth' program aimed to deter 'at risk' young people from committing motor vehicle theft and steal from motor vehicle offences through providing vocational education options in the automotive mechanics industry. 'U Turns for Youth' was designed to give participants hands on training in the practical aspects of automotive mechanics. The program also aimed to connect participants with further education and employment opportunities in this field. The course provided an option for students to continue on at TAFE when they had completed the course. Of the 26 young people that participated in the program 77% completed the full course.

Feedback from the young people in the post course evaluation was positive with young people stating that the course provided them with skills necessary to gain employment such as writing a resume, preparing for an interview and responding to interview questions. Furthermore, the course acted as a catalyst for young people to seek further training in the automotive mechanics industry as well as providing basic living skills.

- **Responsible Service of Alcohol (RSA) Courses**

The Community Safety Committee allocated \$5,000 from its 2012/13 budget to the Canterbury Drug Action Team (CDAT) to implement RSA courses at Canterbury Hurlstone Park RSL Club. Over the past four years, the CDAT has delivered a number of RSA courses with over five hundred young people successfully completing the course. In addition, CDAT has delivered Responsible Conduct of Gaming (RCG) courses with over four hundred young people successfully completing the course.

The aim of the RSA course is to provide participants with the knowledge and understanding required to act responsibly when selling, supplying or promoting alcohol in relation to their responsibilities, workplace duties, the law and safety. In addition, the course provides participants with a formal qualification which is required for employment at a licensed venue. The training has the further benefit of providing education to young people regarding the dangers of alcohol misuse and abuse.

### **Children's Services**

As a key provider of services for children and families in our City, we engage in the education of children and their families every day. These services, operated in partnership with our local communities through parent committees and also in partnership with service providers enable us to both deliver and influence the quality of education in Canterbury.

The Australian Government has recognised the importance of the early years of life in terms of learning and has introduced a National Quality Framework and new terminology, identifying children's services as Education and Care Services. We now have the Education and Care Services National Law and the Education and Care Services National Regulations, as well as the National Quality Standard and national curriculum frameworks which guide service delivery at our four Children's Centres, Occasional Care Centre, Family Day Care program and Out of School Hours Care programs. Each State has their own designated regulatory authority for education and care services, and in NSW we now come under the Department of Education and Communities.

Our children's services operate within the requirements of the National Quality Framework which includes the Early Years Learning Framework (EYLF) curriculum for early childhood services, and My Time Our Place curriculum for school aged services. The three critical components of EYLF are pedagogical principles and processes (how educators support children's learning), curriculum content and outcomes (understandings, knowledge, skills), and assessment of children's learning (observation, questioning, documentation, reflection). The Learning Outcomes have five broad headings, with several more specific objectives under each area. The five areas are Children have a strong sense of identity; Children are connected with and contribute to their world; Children have strong sense of wellbeing; Children are confident and involved learners; and Children are effective communicators. These broad outcomes are particularly meaningful as they represent concepts of lifelong learning, and encourage a healthy attitude of enquiry, research and passion for learning.

This framework requires us to continually develop our educators to deliver best learning techniques. It also provides an opportunity for us to engage with parents/carers and children in regard to the importance of education and the role it has to play throughout the lifespan.

- **Child Friendly City Initiative**

Our Child Friendly City Reference Group was established in support of the Convention on the Rights of the Child and a plan to work towards Canterbury becoming a Child Friendly City. The Convention is relevant to children and young people from birth to age 18, and as such covers preschool, middle school, high school and tertiary education years. This group looks at the rights of all children and young people, including the right to quality education. We are currently collating information in order to inform a report on the state of Canterbury's Children. This report will provide a strategic direction for the work of this Reference Group and we anticipate that having a role in advocating for the rights of children and families in education will be a key element of this direction.

### **Library Service**

Public Libraries are well recognised as playing a vital role in the educational, recreational and cultural life of their communities. In an area as diverse as Canterbury, many opportunities are afforded for the library to contribute community outcomes and individual wellbeing by offering a range of life-long learning programs.

- **Adult Literacy and Reading Programs**

Book Groups are run at all our Libraries and they vary across the branches and age groups. They serve to engage people with our library service as well as developing literacy and providing social contact. They are an important service in the provision of opportunities for lifelong learning in our City.

A Hip Hop Book Group has commenced as part of the Youth @ Canterbury project. A Bengali Book Group will soon begin at Lakemba Library.

Our Authors Talk at Canterbury program attracts a range of authors including high profile writers such as Peter Fitzsimons and Richard Glover as well as lesser known local authors. The talks are held during the day and in the evening to accommodate people's availability.

Chinese Poetry classes are a recent development at Campsie Library and proving very popular. The classes are run in partnership with the Sydney Chinese Classical Poetry Association.

English Language classes run twice a week at Campsie and Lakemba libraries. They are conducted by trained volunteers and use a variety of library resources including online programs to assist with English language development.

- **Programs for Children and Young People**

The benefits to young children of an early introduction to books and reading are now well appreciated. The library provides a variety of programs to assist this, suitable for preschool children from birth to five years. Baby Bounce is a casual drop-in program for infants to two years, Say Books is a structured program for the same age group aimed to give parents skills in reading to their children and we also hold weekly sessions of Preschool Storytime catering for three to five year olds. A number of multicultural and bilingual storytimes are held on a monthly basis.

Local Primary School children attend our annual Book Week program in which we celebrate books and Australian authors and illustrators. Themed activities, performance storytelling and games are part of a program which is designed to highlight the importance of reading.

After School and Holiday programs for children and youth are a regular part of the library's programming with the latest in the suite of programs for young people being Youth @ Canterbury, an exciting project which aims to develop leadership, education and employment skills in young people by using workshops, forums and seminars to complement a casual drop-in environment.

HSC Talks is an annual series of seminars held in the period leading up to the HSC conducted by authors and subject experts. The talks are tailored to the subjects and reading material being taught at local high schools.

Homework Assistance, an after school program in which qualified teachers help students on a casual drop-in basis, is offered at all our libraries during school term. It is most frequently attended by primary school aged children but is available to students through to Year 12. It is offered three times a week at Campsie, twice a week at Riverwood and once a week at Lakemba and Earlwood. Homework Assistance is complemented by the online homework program Yourtutor which provides one-on-one assistance to primarily high school and TAFE students in an online chat environment.

- **Information Talks**

Information Talks are held on a variety of topics throughout the year and are offered in a range of languages to suit our Culturally and Linguistically Diverse (CALD) community as well as in English. The talks are a way to engage various members of our community with our library service and also provide useful community information on a range of topics.

## EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY (CONT.)

Areas regularly covered include health, law and taxation. These talks are made available at our libraries through partnerships and relationships built with government departments, community organisations and non-profit groups.

Special talks and workshops are held for our ageing population. To date they have covered areas such as Healthy Ageing, Safety in the Home and Cryptic Crosswords. Irregular environmental and sustainability talks have proven popular and attract a wide audience of people who are not necessarily regular library users.

- **Computing and Technology classes**

The ability to use digital technology is integral to an inclusive society where all members have equal access to information technology and online participation. It is also an increasingly popular way to access ongoing training and education.

Digital Literacy is a key focus of the library's continuing education program. Digital Literacy helps break down barriers to information and online participation. It has become an important life skill. The library service has run basic classes for computing and the Internet for many years but has responded to the shift to mobile technologies by introducing introductory tuition for tablets and iPads. These classes are part of the Digital Canterbury Project which also enables library members to borrow Samsung Galaxy tablets and iPads to take home and experience for themselves.

Along with the tablet and iPad classes, the library also periodically holds mobile phone classes as well as one-on-one tuition for seniors as part of a program called Links, in which local high school students teach older people computing and Internet skills.

- **Community History and Local Government**

The library service fulfils a role in providing information about the local area as well as holding talks, tours and displays for Heritage Week and History Week. Our Community History staff teach local school students about the role of local government and students role play a council meeting. The library also plays a role in assisting people undertaking Family History research and is commencing classes for library members in the use of online Family History tools.

**Conclusion**

Through a wide range of activities across the City of Canterbury, many opportunities for education and training are provided to all members of our diverse community. There are also many opportunities for community members to be involved shaping council services in this regard, including the Economic Development Committee, Child Friendly City Reference Group, Library engagement activities, and a number of important partnerships including with South West Sydney Institute of TAFE, Parental Engagement Partnership, and existing links with schools, employment services and group training organisations.

In light of this, the extensive work already being undertaken in this area, the established partnerships we have and the limited scope and capacity for local government to directly deliver these services, it is recommended that establishment of an Education and Training Advisory Committee not be pursued.



**RECOMMENDATION:**

**THAT**

1. The wide range of activities provided by council across the City of Canterbury to provide education and training opportunities to all members of our diverse community be acknowledged;
2. The role of the Economic Development Committee in relation to education and training be acknowledged and confirmed;
3. Establishment of an Education and Training Advisory Committee not be pursued.

**ADOPTION OF TRAFFIC COMMITTEE REPORT**

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The minutes of the Traffic Committee meeting held on 5 August 2013 are provided in the attachments. The reports submitted to the Traffic Committee have been forwarded to Councillors separately.

Council's attention is drawn to the following proposed works to be completed and funds to be expended, as recommended by the Committee.

**ITEM 14 KOALA ROAD (BETWEEN PUNCHBOWL ROAD AND WATTLE STREET), PUNCHBOWL – INSTALLATION OF SPEED HUMPS BY BANKSTOWN COUNCIL**

**THAT**

1. \$5,000 be allocated from the Traffic Committee allocation for 2013/14 to fund the installation of a speed hump in the section of Koala Road between Punchbowl Road and Wattle Street as proposed by Bankstown City Council.
2. Bankstown City Council be advised of the decision.

**RECOMMENDATION:**

THAT the minutes of the Traffic Committee meeting held on 5 August 2013 and the recommendations contained therein, be adopted.



**OFFICERS REPORTS****1 2012/13 DRAFT FINANCIAL STATEMENTS****FILE NO: C-114-7 12/13****REPORT BY: GENERAL MANAGER**

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**Summary:**

- A draft set of General Purpose and Special Purpose Finance Statements for the year ended 30 June 2013 have been prepared and presented to Council.
- The Local Government (General) Regulation 2005 requires Council to resolve that the Councillors/Management Statements be signed and the accounts then be referred to audit.
- It is recommended Council authorises the General Manager to set the date for the public meeting and the issuance of the financial statements after the audit has been completed.

**Council Delivery Program and Budget Implications:**

This report has implications for the Budget and supports our Community Strategic Plan long term goal of Healthy Finances and Effective Governance.

**Report:****Background**

Section 415 (1) of the Local Government Act 1993 (the Act), states an Auditor must audit the council's financial reports as soon as practicable. Section 413 (2c) of the Act states the financial reports must include a statement in the approved form by the council as to its opinion on the general purpose financial report and the special purpose financial report.

The understanding of this is that the Statement by Councillors and Management should be signed prior to submission to the Auditor for audit. The statement should also be endorsed by a resolution of full council, rather than a committee of council.

A draft set of financial statements are now being presented as Council's auditors will commence the audit on Monday 9 September 2013.

The full draft financial statements have been prepared based on the information and recommendations contained in the fourth quarter budget review and are attached to the files available at the Council meeting.

**Council requirement**

A Council meeting should be held (once the draft set of financial statements have been prepared) at which:

- (i) Council's Draft Financial Statements are "referred to audit" [sect 413 (1)]
  - (ii) Council must make a resolution in accordance with sect 413 (2c) that:
    - the annual financial report is in accordance with:
      - Local Government Act 1993 (as amended) and the Regulations made there under;
-

2012/13 DRAFT FINANCIAL STATEMENTS (CONT.)

- the Australian Accounting Standards and professional pronouncements; and
  - the Local Government Code of Accounting Practice and Financial Reporting;
  - the annual financial statements:
    - presents fairly the Council's operating result and financial position for the year;
    - accords with Council's accounting and other records; and
    - that the Council is not aware of any matter that would render this report false or misleading in any way.
- (iii) Council should adopt the Statement of Councillors and Management and resolve that it be signed and attached to the draft financial statements.

Given the tight time frames within which the auditor's report must be presented to the public, Council should delegate to the General Manager the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public [as per section 418 (1) of the Act].

Council should also delegate to the General Manager the authority to "authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's reports" subject to there being no material audit changes or audit issues, in accordance with AASB 110. This will mean the "authorised for issue" date, which must be disclosed in the Council's financial statements will be the same date as the audit reports.

### **Commentary**

Overall Council's financial position is sound. Council's auditor will provide detailed comment on its financial position in their report.

### **Certification**

The annual financial statements have been prepared in accordance with the:

- Local Government Act 1993 (as amended) and the Regulations made there under;
- Australian Accounting Standards and professional pronouncements;
- Local Government Code of Accounting Practice and Financial Reporting;
- Local Government Asset Accounting Manual.

To the best of our knowledge and belief, these statements:

- (a) present fairly Council's financial position and operating result for the year; and
- (b) accord with Council's accounting and other records.

We are not aware of any matter that would render the reports false or misleading in any way.

### **Conclusion**

The draft financial statements have been prepared and once adopted, will be referred to audit. Provided there are no material changes to the financial statements as a result of the audit, a date will be set for the annual meeting.

**RECOMMENDATION:**

**THAT**

1. The draft general purpose and special purpose financial statements be adopted.
2. The Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management included in the adopted accounts on behalf of Council.
3. The adopted financial statements be referred to Council's external auditor.
4. The General Manager be delegated the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
5. The General Manager be delegated the authority to authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's report subject to there being no material audit changes or audit issues.

**2 2012/13 FOURTH QUARTER BUDGET REVIEW STATEMENT****FILE NO:** C-114-7 12/13**Attachments:** Quarterly Budget Review Statement (QBRs)  
Commentary on the Review  
Commitments**REPORT BY:** GENERAL MANAGER

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**Summary:**

- The Local Government (General) Regulation 2005 requires Council to review its budget on a quarterly basis. This is the fourth quarterly review for the 2012/13 financial year.
- The Council originally adopted a budget surplus of \$329,449 as part of its Annual Budget and Operating Plan in May 2012.
- This report includes recommendations for changes to the budget and summarises the financial implications of previous Council resolutions since the original budget was adopted.
- This report provides an analysis of Council's draft year end result to the budgeted result.

**Council Delivery Program and Budget Implications:**

This report has implications for the Budget and supports our Community Strategic Plan long term goal of Healthy Finances and Effective Governance.

**Report:****Background**

The Quarterly Budget Review Statement (QBRs) presents a summary of Council's financial position at the end of each quarter. It is the mechanism whereby Council and the community are informed of our progress against the management plan / operational plan (original budget) and the last revised budget along with recommended changes and reasons for major variances. The fourth quarter QBRs and commentary are included in the Attachments.

The QBRs is composed of the following budget review (BR) components:

- Income Statement
- Capital Funding Statement
- Balance Sheet
- Capital Funding Statement
- Cash and Investments – Restrictions Held
- New Contracts Listing
- Key Performance Indicators
- Statement by the Responsible Accounting Officer
- Commentary on the Review.

## 2012/13 FOURTH QUARTER BUDGET REVIEW STATEMENT (CONT.)

The following table summarises the major changes which have impacted the budget during the year to date and recommended changes:

Description	Detail	Amount
<b>2012/13 3rd Quarter Adopted Budget Surplus (Deficit)</b>		<b>(707,401)</b>
<b>Budget Adjustments During the Quarter</b>		
	Increase restriction for employee leave entitlements to match the increase in the liabilities	(917,836)
	Increase interest payable on restrictions held	(279,179)
	Increase Library expenses to match grant	(36,750)
	Reimburse General Fund for the purchase costs of 1 Phillip Street Canterbury, Net of Rental income and including interest	697,885
	Various adjustments to the Works Program	108,343
	Decrease in estimated revenue from the DWM fund for administration costs	(424,983)
		<b>(852,520)</b>
<b>Total Budget Deficit</b>		<b>(1,559,921)</b>

### Analysis of the Draft Financial Statements

The following table provides a summary of the key variations which comprise the difference between the budgeted deficit of working funds and the draft financial statements which are indicating an increase in working funds. This draft result is after allowing for the carry-over of expenditure which is separately listed in this report.

<b>Current Budget</b>	<b>(1,559,921)</b>
Rates	120,000
User Charges	(125,000)
Interest Income (note: offset by allocation to restrictions)	601,000
Operating Grants	243,000
Other Revenue	261,000
Employee and Agency Costs	356,000
Workers Compensation Premium	516,000
Waste Disposal - offset by transfers to DWM restriction	490,000
Leasing Costs	327,000
Consultancies	90,000
Legal Costs	68,000
Other Savings in Materials and Contracts	748,000
Electricity and Floodlighting	(535,000)
Security	109,000
Water	(140,000)
Other expense items	25,847
Acquisition of Fixed Assets and Disposal of Assets	(118,000)

## 2012/13 FOURTH QUARTER BUDGET REVIEW STATEMENT (CONT.)

<b>Current Budget</b>	<b>(1,559,921)</b>
Payments of Employee Leave Entitlements in excess of the budget	(809,000)
Increase non-current receivables	(145,000)
Other Capital Items	3,179
<b>Expected increase in Working Funds</b>	<b>526,104</b>

Overall, the increase in working funds strengthens Council's financial position and assists Council to increase the level of working funds towards the long term goal of 5%.

**Carry Forward Commitments**

A list of carry forwards works totalling \$905,675 which largely comprise projects from the works program and plant replacement program is included in the Attachments. This amount is similar in quantum to previous years and only represents Council's portion of any funding commitment.

**Conclusion**

As at 30 June 2013, Council's financial position is adequate and budgetary review procedures are operating satisfactorily.

**RECOMMENDATION:**

THAT the Quarterly Budget Review Statement for the period 1 April 2013 to 30 June 2013 be noted and the budget adjustments, transfers and carryovers included in the report be endorsed.

### 3 2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW

**FILE NO:** C-114-7 12/13

**REPORT BY:** GENERAL MANAGER

**Summary:**

This report outlines progress in relation to priority projects in each of the five themes of our Community Strategic Plan, and performance in relation to key indicators in our Delivery Program and Operational Plan for the quarter ended 30 June 2013.

**Council Delivery Program and Budget Implications:**

This report supports our long term goal of Effective Governance.

**Report:**

**Theme 1 – Attractive City**

<b>Priority Project</b>	<b>Status</b>
Implement Illegal Dumping Strategy	The strategy has been adopted and implementation has commenced.
Undertake Town Centre improvements in Earlwood and Campsie	Works planned in both Earlwood and Campsie Town Centres are complete.
Anzac Mall redevelopment design works	One Voluntary Planning Agreement has been successfully completed, and negotiations on others to provide funding for the design works have progressed.
Community information sign (Lakemba)	Due to budget constraints this project has been deferred to a future year (yet to be determined).
Support coordinated Graffiti management programs.	A Graffiti Educational Program was developed in partnership with Warner Awareness Education and delivered in our City in July 2012. Aimed at creating awareness of the criminal, physical and emotional consequences of undertaking graffiti for the individual, their family, their school and the community; offering alternate avenues of self expression on a local level; and encouraging positive decision making and responsible action, the program was delivered at Campsie, Earlwood, Wiley Park and Canterbury Public Schools. Plans have commenced for Graffiti Removal Day 2013 which will be held on Sunday 20 October 2013 in association with Rotary Down Under. The purpose of the Graffiti Removal Day is to work with local communities to raise awareness about how to prevent graffiti and remove graffiti from public places.

**Theme 2 – Stronger community**

<b>Priority Project</b>	<b>Status</b>
Implement Active Canterbury Together (ACT) project	Beat It commenced in June in partnership with the Greek Orthodox Communities of NSW Ltd; HEAL commenced in June in partnership with HealthPacMedical Centre Campsie; a Women's HEAL program was delivered in partnership with Canterbury City Community Centre; - a pilot site for the Heart Foundation Walking Active Body Active Brain project was established at St Basil's Lakemba; an agreement was established to deliver the HEAL program with CECAL, commencing July; and we have 5 Heart Foundation Walking programs being delivered across the Canterbury area. An Italian Stepping On program was delivered in partnership with CMADSS in May and June; - an over 55s Women's Exercise group commenced in partnership with the Greek Orthodox Communities of NSW Ltd; - Community Kitchens are being delivered with Richmond PRA (Belfield) and Islamic Women's Welfare Association (Lakemba); - agreements have been drafted to deliver Women's only Yoga program's at Riverwood and Lakemba with local trainers.
Partner with mental health agencies to conduct a Mental Health and Well-being	September 2012 saw the beginning of a 2 month Mental Health and Wellbeing Campaign Canterbury Connects. The launch by the Mayor of the City of Canterbury was quickly followed by a series of 30 workshops, activities and information sessions held across Canterbury. The Campaign was supported by the Mental Health and Wellbeing Steering Committee, comprising 11 mental health and local organisations, and representatives of the Disability Access and Senior Citizens Advisory Committees. Planning for the October 2013 Mental Health and Wellbeing Campaign has commenced.
New playground, and amenities, at Rotary Park, Skatepark entrance work at Salt Pan Creek Reserve.	Works on the new playground, refurbishment of the amenities block at the Rotary Park, and Skatepark entrance works at Salt Pan Creek Reserve, have been completed.
Floodlighting in Ewen Park and Rosedale Reserve, new soccer/football fields at Beaman Park	Installation of floodlighting at Ewen Park has been completed, as has playing field drainage work at Beaman Park.
Repairs and upgrades to buildings including: Lakemba Womens Rest Centre, and Hurlstone Park, Earlwood and Punchbowl Children's Centres	Works at Earlwood, Punchbowl and Hurlstone Park Children's Centres have been completed.



## 2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW (CONT.)

Priority Project	Status
Design and implement mobile technology classes and implement Technology Club as part of Digital Canterbury project	Digital Canterbury, a grant funded project enabling the lending of iPads and Android tablets was launched at the end of March and has built upon its initial success. Demand for the mobile devices is enormous and tied in with the project, mobile technology classes and the weekly technology support group - Dig-it-all have also commenced. A fiction eBook collection was introduced with almost 2,000 titles available for loan. This complements the eAudio collection which has been in place for 18 months. We also launched our local history wiki, Canterbury Commons. This wiki was created in-house by our own staff and has received much acclaim. It recently received "highly commended" in the National Trust Heritage Awards. It is regularly added to by members of our local community as well as those further afield. People who have an interest in and knowledge of Canterbury and its history have expanded the content on the wiki and helped make it a valuable resource.
Establish a partnership with TAFE NSW to explore opportunities for vocational services in Canterbury LGA	A strong partnership with South West Sydney Institute TAFE has been established, and further refinement of three projects forming our Partnership Agreement has been undertaken. The three projects in train are: Disengaged young people in the Lakemba area, Community kitchens and Skilled Migrants.

## Theme 3 – Healthy Environment

Priority Project	Status
Major road repairs to Croydon Ave (Croydon Park), Kingsgrove Road (Kingsgrove), Haldon Street (Lakemba), and Burwood Road (Belmore), and Messiter Street (Campsie)	Repairs to Croydon Ave, Haldon Street, and Messiter Street completed. Stage 1 of concrete road pavement works in Burwood Road, Belmore completed. Concrete slab replacement in Kingsgrove Road completed.
Construction and rehabilitation of footpaths, new bikepaths in Riverwood and Croydon Park	Concrete footpath rehabilitation program - 48 / 48 projects completed. Cycleway crossing points constructed in Brighton Ave and Homer Street. Work completed on reconstruction of cycleway through Picken Oval.
Traffic calming works in Brighton Ave (Campsie), and Martin and Flora Streets (Belmore)	Completed.
Implementation of recommendations of Access Audit of Transport Hubs in Belmore, Campsie, Canterbury and Lakemba.	A review is being prepared on the Consultant's Report. Discussions are being held with RailCorp. An implementation process is still being developed.

## 2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW (CONT.)

Priority Project	Status
Support preparation of the Cooks River Alliance's new catchment strategic plan	The Project Manager for the Cooks River Alliance commenced employment in February 2013. The Cooks River Alliance Board met in February and endorsed support for the Boomerang Alliance Kick a Can initiative supporting the implementation of a container deposit scheme. Expenditure for a geotechnical surveys for bio retention devices for Alliance partners was approved. A grant for the Federal Government Caring for Country for Water Sensitive Infrastructure in tandem with community engagement and education was submitted. The Board endorsed three community members to the board and an application process is being developed.
Continued support for a new active transport corridor through participation in the "Greenway" Coordination Strategy	Our application for additional Active Transport funding (\$30,000) was successful from the Greenway Sustainability Initiative, and has been used to install bicycle racks and hold Cycling skills workshops. The Greenway Steering Committee continues to meet and implement the Coordination Strategy and recommendations from the Greenway Sustainability Initiative Final Report. A Greenway Place Manager has been employed to work with the Greenway Coordinator. A letter to the Minister was sent by Council on behalf of the Greenway Steering Committee seeking off-road options for a shared cycle and pedestrian path.

**Theme 4 – Strategic Leadership**

Priority Project	Status
Continue to implement new communication technologies	The Canterbury Connects iPhone App has been released for use by the public. We continue to use Social Media to promote Council news & events. We are also continually reviewing and implementing web standards to Council's online presence.
Undertake bi-annual survey of community attitudes to services and facilities	Survey work was completed in November, and a final report on the results received in February 2013. Results were presented to councillors at a workshop as part of the integrated planning process on 19 March 2013.
Review the Community Strategic Plan and Council Delivery Plan	The new Integrated Plans, comprising Community Strategic Plan 2014-2023, Council Delivery Plan 2014-2017, Annual Budget 2013-14, Fees and Charges 2013-14, and Resource Strategy (comprising a Long Term Financial Plan 2014-2023, Strategic Asset Management Plan 2014-2023, and Workforce Management Strategy 2014-17), were adopted by council on 27 June 2013.

**Theme 5 – Improving Organisation**

<b>Priority Project</b>	<b>Status</b>
Implement outcomes from the 2011-12 Services Review Program	Implementation of projects identified by the Services Review Program continues.
Implement Human Resources Information System Implement new Workplace Health and Safety Management system including developing new Safe Work Procedures across the organisation	IT are working with Subscribe HR on the Implementation Plan for a new Human Resources Information System. Human Resources has partnered with City Works to review all existing Safe Work Procedures (within Parks and Property) to determine whether the controls are still effective and to update all information to the recently developed templates.
Implement new IT systems including identity management system and new Standard Operating Environment	100% of the new desktops have been deployed. A virtual Desktop system has been built for testing new Standard Operating Environment. Citrix test systems have also been installed in preparation for the new SOE structure. Preparations are underway for first Windows servers to be installed. Identity management is waiting for further implementation of the Windows server environment.

**Operating Plan Performance Targets**

The Operating Plan for 2012-13 sets out performance management items – service standards, strategy targets and initiatives – for each functional area in each division. As part of the management and accountability process, these are reviewed and reported on a quarterly basis. In summary, by Division, the tables below present the position regarding performance management items as at 30 June 2013.

<b>All Items</b>			
<b>Division</b>	<b>Number</b>	<b>Achieved</b>	<b>Not Achieved</b>
City Works	150	99%	1%
Corporate Services	461	97%	3%
City Planning	79	97%	3%
<b>Organisation</b>	<b>690</b>	<b>98%</b>	<b>2%</b>

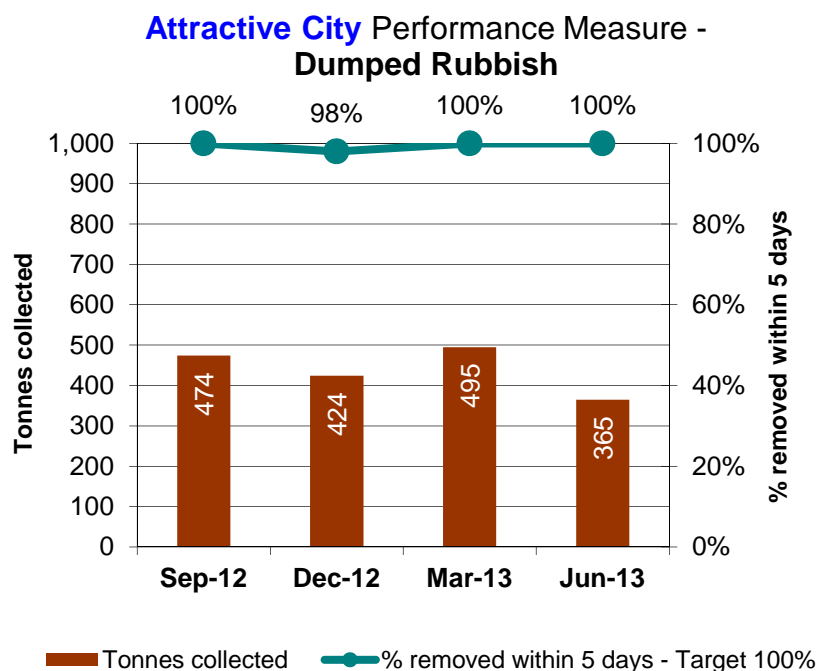
<b>Service Standards</b>			
<b>Division</b>	<b>Number</b>	<b>Achieved</b>	<b>Not Achieved</b>
City Works	90	100%	0%
Corporate Services	178	98%	2%
City Planning	24	92%	8%
<b>Organisation</b>	<b>292</b>	<b>98%</b>	<b>2%</b>

<b>Strategy Targets</b>			
<b>Division</b>	<b>Number</b>	<b>Achieved</b>	<b>Not Achieved</b>
City Works	12	92%	8%
Corporate Services	81	98%	2%
City Planning	15	100%	0%
<b>Organisation</b>	<b>108</b>	<b>97%</b>	<b>3%</b>

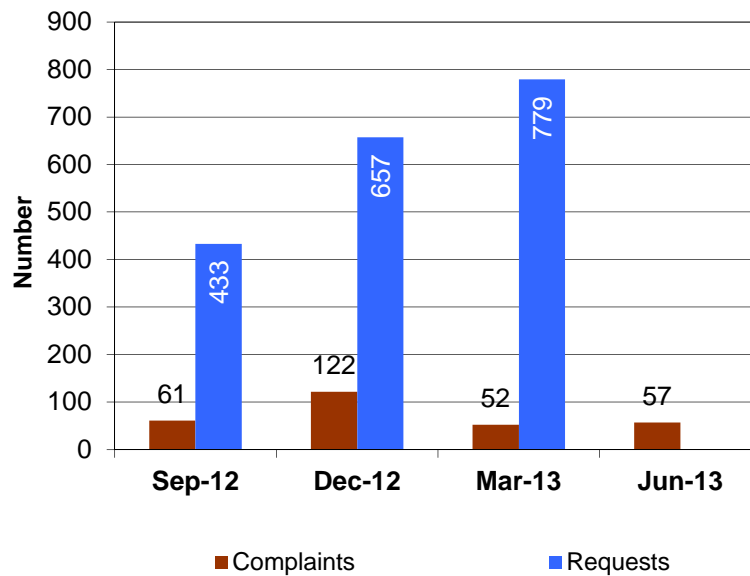
Initiatives			
Division	Number	Complete or In Progress	Not Proceeding As Planned
City Works	48	100%	0%
Corporate Services	202	97%	3%
City Planning	40	100%	0%
<b>Organisation</b>	<b>290</b>	<b>98%</b>	<b>2%</b>

### Council Performance Measures

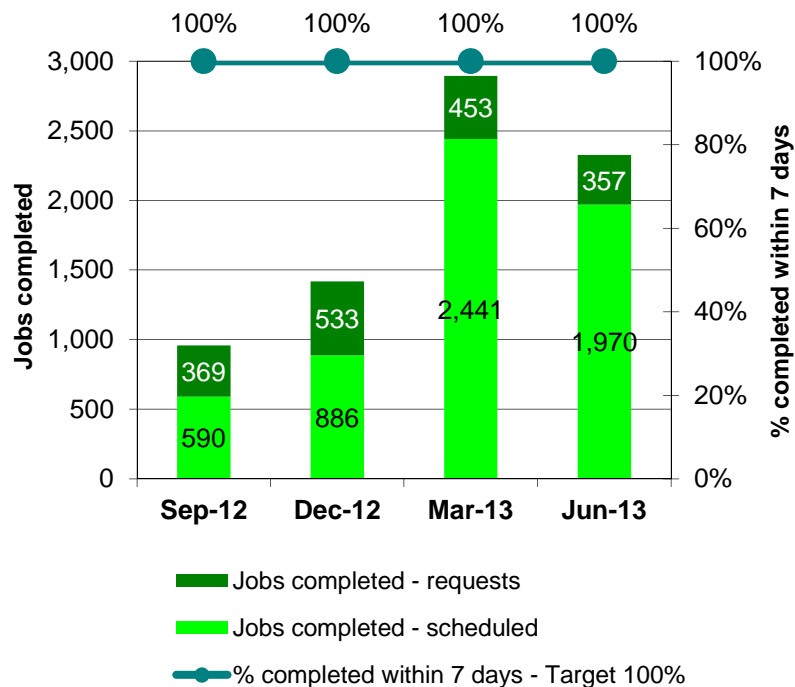
Our Council Delivery Plan outlines a number of Council performance measures that are used to determine how well Council is performing in relation to the delivery of key services that are contributing to the achievement of the outcomes that are important to our community. These also are monitored and reviewed as part of the quarterly performance management process, and are indicated in the graphs below.



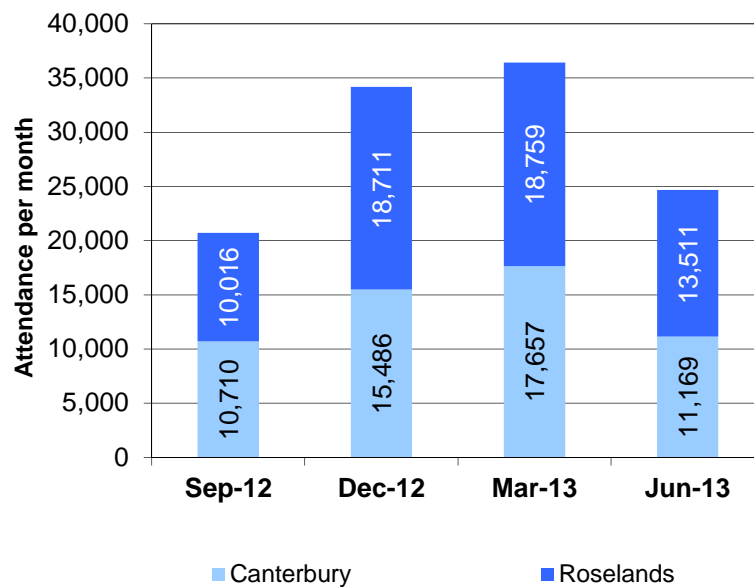
**Attractive City Performance Measure -  
Street Cleaning**



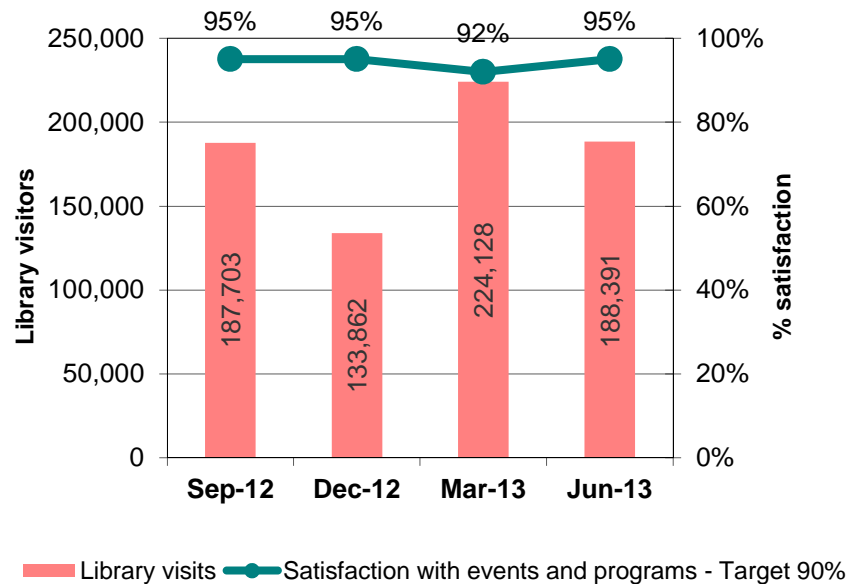
**Attractive City Performance Measure -  
Street Tree Maintenance**



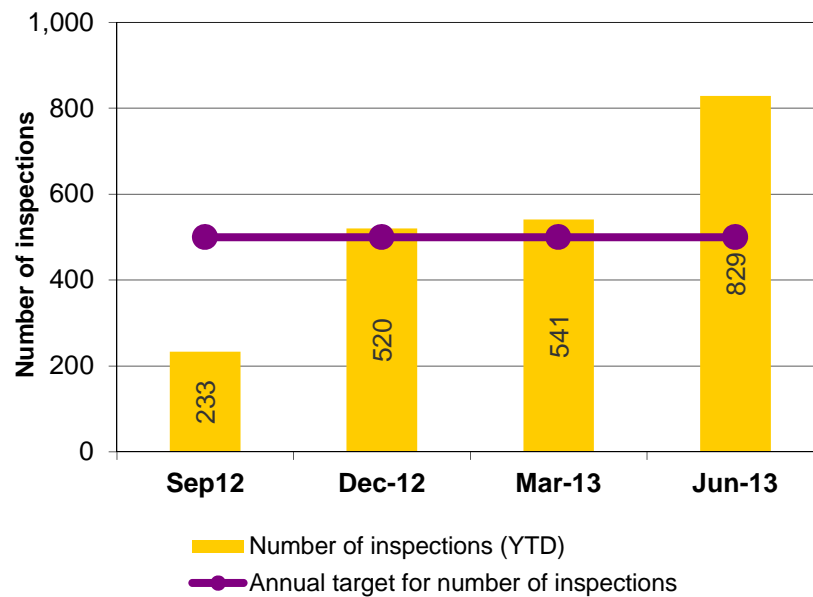
**Stronger Community** Performance Measure -  
**Aquatic Centres Attendance**



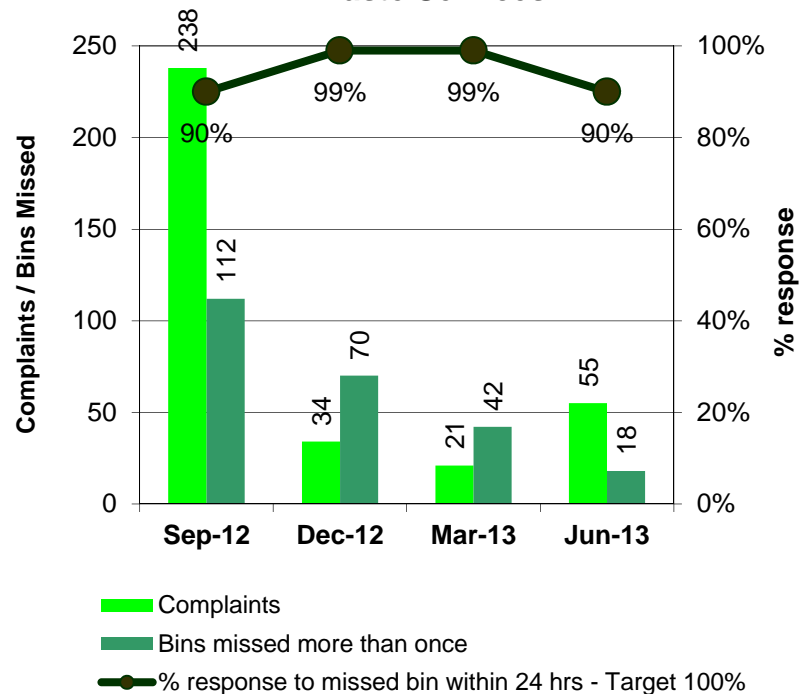
**Stronger Community** Performance Measure -  
**Libraries**



### Stronger Community Performance Measure - Food shop inspections



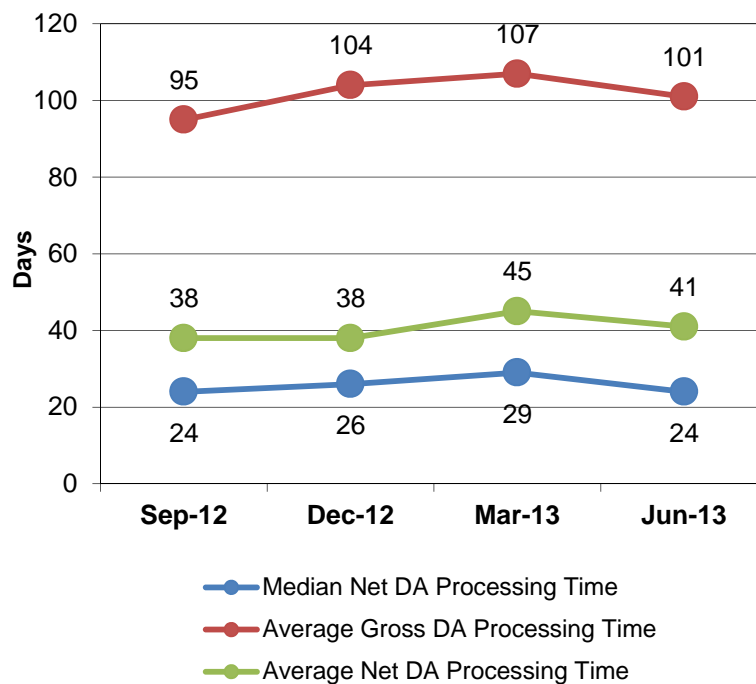
### Healthy Environment Performance Measure - Waste Services



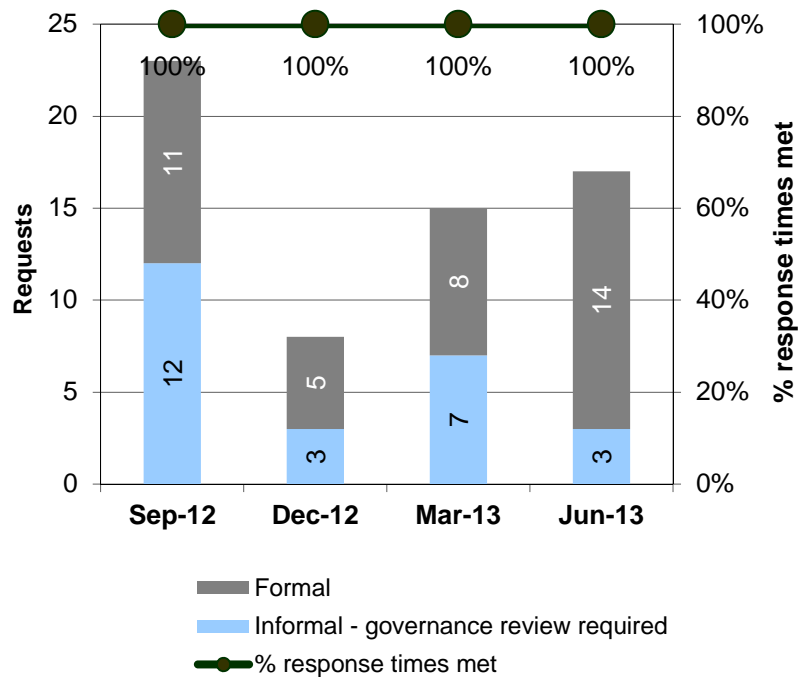
Note that the standard for 'Response to missed bins' reduced from 48 to 24 hrs in the Sep-12 quarter.

2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW (CONT.)

### Healthy Environment Performance Measure - Development Assessment

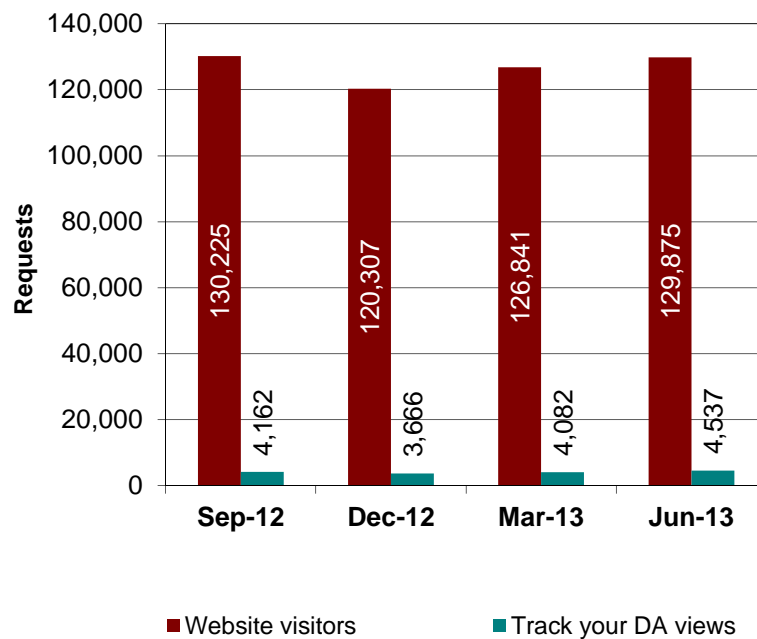


### Strategic Leadership Performance Measure - Access to Information Requests

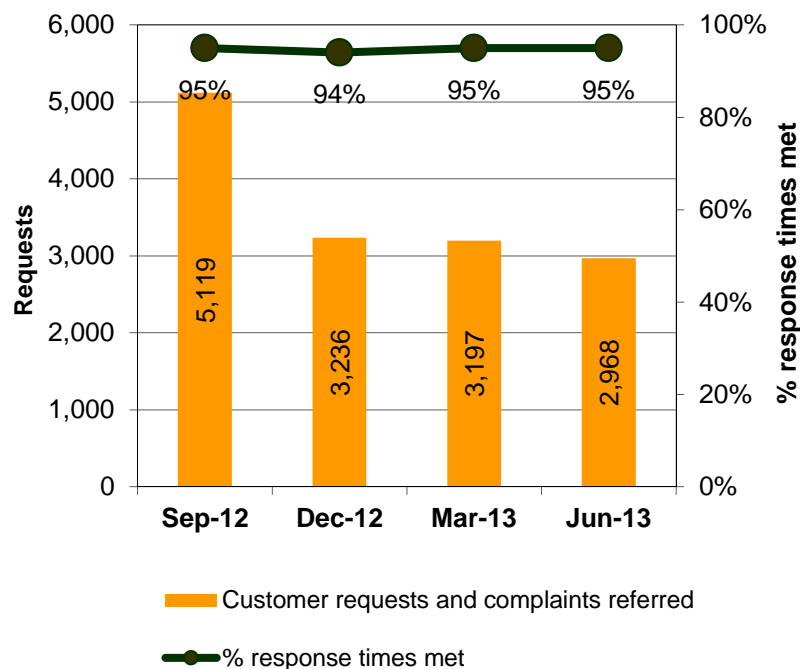


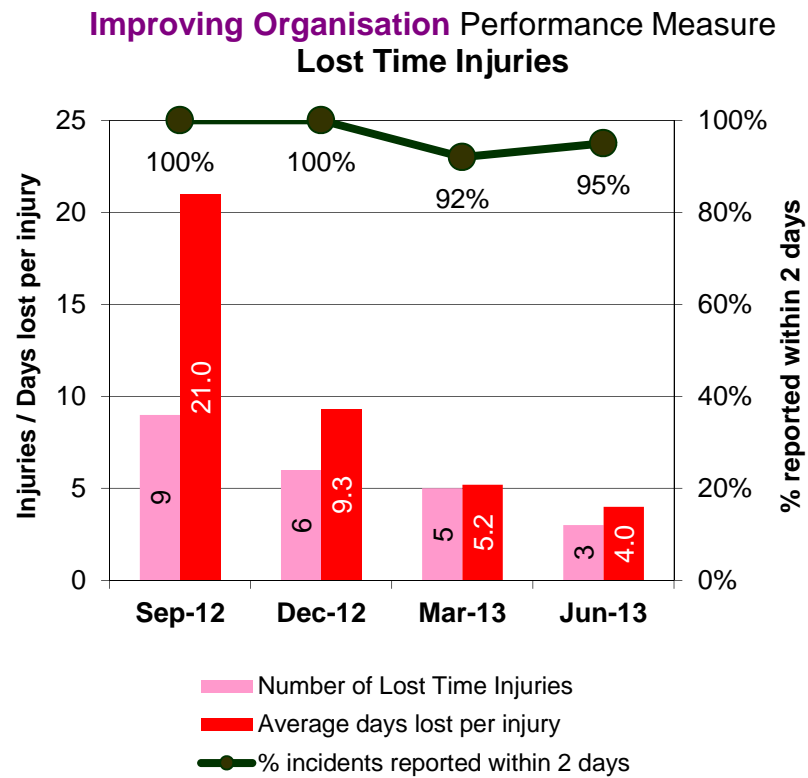


### Strategic Leadership Performance Measure - Website Visitors



### Improving Organisation Performance Measure - Customer Requests



**RECOMMENDATION:**

THAT the report be noted.

## 4 COUNCIL COMMUNITY EVENTS

FILE NO: A-128-9 13, P-24-02

REPORT BY: GENERAL MANAGER

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### Summary:

- This matter was deferred by Council on 27 June 2013 for consideration at a future meeting.
- Council on 12 December 2011 resolved that an investigation be undertaken into our Community Events Program in order to:
  - Evaluate the effectiveness of the events in achieving their community objectives
  - Set out the cost of hosting the events and the available methods of funding
  - The suitability of the frequency of staging the events.
- This report provides the information requested and recommends we reduce the number of events held each year.

### Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Embracing Diversity and Stronger Community.

### Report:

Our City is one of the most culturally diverse communities in Australia. Each year, we provide a significant level of support to community events and festivals in the City of Canterbury. These events promote our City, our cultural diversity, stimulate economic activity, provide both emerging and established business with opportunities to invest and grow, and also provide a platform for performers and entertainers to get a start and showcase their talents and experience performing on-stage with professional equipment.

These events also provide an opportunity for a wide range of cultural groups to become involved in these festivals, displaying their culture, traditions and heritage. The events are built on the values of respect, unity and peace and are designed to encourage people to visit our City, create community pride, cultural awareness, tolerance and harmony. Council organises these events in cooperation with local businesses, community groups and associations, performers, vendors and sponsors. Our street festivals promote specific town centres, their unique characteristics and local businesses, and attract visitors from wider-Sydney to our City.

The City of Canterbury conducts six major festivals catering to audiences of up to 30,000 people:

- Australia Day eve celebrations
- Australia Day celebrations
- Campsie Food Festival
- Haldon Street Festival
- Earlwood Village Festival
- Carols in the Park.

## COUNCIL COMMUNITY EVENTS (CONT.)

Our events team also support community initiatives to deliver other community events such as:

- Children's Festival
- Riverwood Community Festival
- Korean Festival
- Greek Festival of Sydney.

**Corporate events**

In addition to these larger events, we also support a range of smaller events which attract significant numbers of residents and, depending on the program, require cross-divisional support to implement, including:

- NAIDOC Week
- Youth Week
- Seniors Week
- Local Government Week
- Spring Garden Competition
- Mayoral Charity Dinner
- Cooks River Festival.

Community events are important features of the social, cultural and economic life of our community. However, the level of resources, support and organisational co-ordination required to effectively deliver an events program such as this, can place significant strains on Council resources and operations.

Whilst these events are firmly established in our Community Calendar, each event varies significantly according to the:

- value of the event to the community
- significance of the event to achieving corporate objectives
- capacity and resources of partner organisations
- origins of the event and historical commitments to local groups
- economic development potential for local business and town centres.

An objective assessment of these issues for each event is critical to ensuring we maximise our use of resources and optimise our impact to more effectively achieve our corporate goals for community events.

From the community's point of view, our events have been an outstanding success, however we must continually review and revitalise our Community Events program to:

- a) Evaluate the effectiveness of the events in achieving their community objectives
- b) Determine the full costs of the events and the method of funding;
- c) Establish a suitable frequency for staging the events
- d) Ensure standards of best practice are maintained for event planning, coordination, sponsorship, communication and community participation.

## COUNCIL COMMUNITY EVENTS (CONT.)

**Objective of Community Events**

The objectives of our Community Events policy are to:

- Promote community harmony, and cultural and economic development
- Maximise participation by local groups, businesses and residents
- Promote community leadership of events
- Encourage the involvement of community resources
- Ensure efficient use of council resources.

**Resourcing and responsibilities**

Council employs two full-time events staff at a cost of \$172,929 to organise and coordinate our events program. Council's responsibilities for each event can vary ranging from statutory responsibilities for traffic control and food handling to co-ordination responsibilities with police, RMS and community groups and direct organisational responsibilities including logistics; vendor, stallholder and community engagement; budget control; event management; executive support; marketing and promotion.

Given our limited financial resources and budgetary pressures we regularly assess our goals and support of events to meet our community's expectations as well as our internal goals and objectives.

For 2012/13, Council allocated \$400,000 towards our events program, in addition to staff and administration costs, this is distributed to the following events as follows:

<b>Event</b>	<b>Budget</b>	<b>Actual Expenditure</b>	<b>External Sponsorship</b>
Haldon Street Festival	\$100,000	\$107,010	\$11,500 cash \$14,700 in-kind
Local Government Week	\$5,000		nil
Spring Garden Competition	\$5,000	\$6,100	\$3,795 in-kind
Riverwood Community Festival	\$10,000	\$10,000	
Earlwood Village Festival	\$30,000	\$35,700	\$8,000 cash \$4,000 in-kind
Carols in the Park	\$35,000	\$40,070	\$5,550 in-kind
Australia Day eve celebrations	\$30,000	\$22,495	nil
Australia Day celebrations	\$70,000	\$49,445	\$3,000 cash \$6,090 in-kind
Fun Run	\$15,000	\$6,875	nil
Campsie Food Festival	\$100,000	\$104,845	\$19,750 cash \$7,000 in-kind
<b>Total</b>	<b>\$400,000</b>	<b>\$338,405</b>	<b>\$83,385</b>

As far as possible, it is critical that the community owns and leads the process of developing local events, to promote cost-efficiency and the commitment by local groups to our objectives. Wherever possible, we encourage and support community organisations with the capacity to effectively deliver festivals to lead and manage events, providing minimal support in accordance with needs.

## COUNCIL COMMUNITY EVENTS (CONT.)

A key goal of our events program is to maximise community resources by promoting voluntary community involvement and seeking funding from external sources including government, corporations, local businesses and clubs.

Due to budgetary constraints, sponsorship and revision of event activities to provide for greater cost savings, we have managed to revise this budget and reduce this allocation by \$50,000, to \$350,000.

### Council support of non-corporate festival and events

Due to the cultural diversity within the City of Canterbury and the high number of organised local community groups, the city is fortunate to experience a great variety of festivals and events organised at a local level by these community groups such as: the Riverwood Community Festival, Iftar and Eid celebrations, the Greek Festival, Korean Festival, the Children Festival, and Harmony Day celebrations. Council currently provides funding assistance to these organisations and others, through the Financial Assistance Program, the Corporate Communications budget or by resolution of Council.

#### Events funded through the Financial Assistance Program (FAP)

Organisation	Project	Amount received
Campsie Cultural Centre	Chinese New Year	\$500
Children's Festival Org	Children's Festival	\$1,200
Handital	Celebration of the International Day of People with Disability	\$450
Cooks River Valley Association	Two Valley Trail Reconciliation Walk	\$1,500
Riverwood Community Centre	Riverwood Annual Festival	\$1,250
Australian Islamic Mission	EID Festival 2012	\$1,665
Bangladesh Community Council	Victory Day of Bangladesh	\$750
Canterbury Harmony Group	IFTAR Dinner	\$750
Greek Orthodox Community of NSW	Greek Festival of Sydney	\$1,000
Guthi Australia Inc	MHA PUJA Celebration 2012	\$500
Riverwood Chinese Tenant Group	Chinese New Year Celebration 2013	\$1,000
<b>Total FAP funding</b>		<b>\$9,815</b>

#### Additional events funded through Council

Organisation	Project	Amount received
Riverwood Community Centre	Riverwood Community Festival	\$5,000
Council	Iftar Dinner	\$10,000
Council	Greek Film Festival	\$10,000
Korean Society of Sydney	Korean Festival	\$2,000
NRL	Harmony day	\$10,000
<b>Total additional funding</b>		<b>\$37,000</b>

Therefore the total costs of all Council operated and run events, as well as Council supported events is approximately \$600,000 p.a. comprising:

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COUNCIL COMMUNITY EVENTS (CONT.)

- Staffing \$172,929
- Events program \$400,000
- FAP funding \$9,815
- Additional funding \$37,000

**Community involvement**

Our commitment to community development places a particular emphasis on ensuring the involvement of residents and local organisations at all stages of the development of events from management to the delivery of stalls, event activities and programs. We also welcome public involvement in festivals to ensure adequate accountability for our events program.

Partnerships with our community are an essential element of our commitment to Community Events. These partnerships occur in the planning, development and implementation stages and ensure the maximum availability of community resources. This promotes cost-efficiency and effectiveness of our events program. We have established reference committees for Campsie Food Festival and Haldon Street Festival, which meet on a monthly basis from February/March each year. Since taking over the organisation for the Earlwood Village Festival, we also consult with key business and community representatives in Earlwood. Membership of these committees is open to anyone who wishes to participate, in particular: Chambers of Commerce, Community Centres, SES, Police, Community Groups, schools, individual businesses and residents in each specific festival location. The contribution of each of these Committees for the preparation, logistics, publicity and support for our festivals has been of enormous benefit to our staff and is a key factor in the success of each festival.

A core objective of our events program is to promote community harmony by creating positive and enjoyable experiences locally and encouraging celebrations that provide opportunities for social interaction with neighbours and the wider community of residents, business and groups. Operating community events brings our community together to celebrate historical or social achievements and builds a sense of community spirit essential to the functioning of healthy communities.

Community Events offer opportunities to promote economic activity in a local area, to showcase the range of services and facilities in a community and encourage income-generating activities by local artists and small business. Our Town Centres are often the focal point for our events and our public space provides excellent venues for encouraging business involvement in our community. To ensure our festivals reflect our communities and Town Centres, we are featuring local talent and businesses more, for example our Campsie Food Festival, which previously featured celebrity chefs, now also features chefs from local clubs and businesses.

**Sponsorship**

To reduce Council's spend on festivals our events team has streamlined processes; improved their skills to eliminate any requirements to engage contractors; established strong relationships with vendors and suppliers; and increasingly focuses on gaining and attracting sponsorship.

## COUNCIL COMMUNITY EVENTS (CONT.)

In relation to sponsorship, we have enticed corporates and clubs to partner with us on our festivals by offering naming rights and embarked on 3-year sponsorship agreements to lock in sponsorship for a guaranteed period of time – this has been successful with both the Campsie Food Festival and Haldon Street Festival gaining sponsorship from: Lebara Mobile, St George Bank, AFP (Australian Federal Police) and Campsie RSL.

Local businesses and government bodies are facing tight economic pressures and as a result our ability to rely on sponsorship from previous sponsors is not guaranteed, and we have experienced declining levels of sponsorship. For example the 2013 Campsie Food Festival has seen two of our regular sponsors (SBS radio and the Department of Ageing) decline our sponsorship requests.

To further increase sponsorship of our festivals we have approached business with innovative ideas to advertise with us which would pay for our flyers; or advertise with the local newspapers to guarantee we receive a festival feature in the newspaper which becomes additional publicity for our festivals whilst reducing our expenditure on the event; or directly sponsor a ride or festival activity – this has been successful for the Campsie Food Festival in which Campsie RSL pays for all the rides in Anzac Park as part of their \$10,000 sponsorship commitment, and in relation to the Earlwood Village Festival whereby Christina's Community Pharmacy sponsors some entertainment, whilst the TAB has sponsored the animal farm in the past.

We have noticed that attendance levels have been declining for a couple of our events, namely Earlwood Village Festival and Carols in the Park, whilst Haldon Street Festival has increased and Campsie Food Festival remains constant. In 2012, we changed the layout for the Earlwood Village Festival which received positive feedback and created a greater sense of community by concentrating the stalls in the back area of the carpark. Regrettably, the timing of the Earlwood Village Festival coincides with other festivals in the Inner City and conflicts with other recreational pursuits as we enter the summer months. Attendees primarily visit the Festival to see their children perform on stage, but do not stay around for the rest of the day.

**Community and stakeholder feedback**

To facilitate this review of our events, we engaged our community seeking their feedback through a survey and public forum in 2012. Whilst there was general support and enthusiasm for all our festivals, some respondents were concerned about the cost of each festival to Council, and suggested greater support of community operated events to achieve our same objectives and provide greater value for money; or hosting some festivals every second year.

The overwhelming feedback we received from our consultations was that our festivals were a real celebration of cultures, they are unique, affordable, fun, demonstrate the diversity within our community, with a great variety of entertainment and stalls, and are essential in bringing families and the wider community together with the values of respect, unity and peace. Our festivals are well established, create a great community atmosphere and cooperation and, reflect our people. They are professionally organised and popular in terms of attendance turnout, stallholder requests and performer requests. One respondent commented that:



*“Canterbury City Council leads the way in promoting multicultural events and gatherings. It would be a shame to see the high standard set by Canterbury City Council fall to unacceptable levels.”*

Suggestions for improvement from respondents related primarily to traffic congestion when main roads are closed, crowd congestion making it hard to walk around, additional shade structures, finishing time too early – not long enough, rubbish, focus more on sustainability, more free rides as the lines are too long, add more activities, more stalls and performances, greater promotion, and more events.

### Options

- **Option 1 - no change**  
Due to the success and continued community support of our extensive community events program, Council does not recommend any reduction to the number of festivals or the level of financial support, however the events team must continue to pursue sponsorship efforts to increase the amount of corporate sponsorship of festivals and events to reduce overall expenditure on events.
- **Option 2 - scale back events and reduce the budget for each event**  
Due to the success and continued community support of our extensive community events program, Council remains committed to providing vibrant and engaging community festivals and events to promote local town centres and cultural diversity. However, due to past successes of our festivals and events, it is clear that council has achieved its objectives in promoting our town centres destinations for people to come back to, and changed perspectives of the City of Canterbury. It is proposed that Council reduce the size and the budget for each event currently on the events calendar by \$100,000 p.a.
- **Option 3 - reduce the number events**  
Council has achieved its objectives in promoting local town centres as a destination for people to come back to and changed perspectives on the City of Canterbury. With the increased occurrence of community organised and funded events, it is proposed that the number of events conducted each year in the City of Canterbury be reduced. As such, it is proposed that Council:
  - Alternate the staging of the Campsie Food Festival and the Haldon Street Festival, saving council \$100,000 p.a.
  - Discontinue operation of the annual Fun Run, which attracts 200 entrants, thereby saving council \$15,000.
  - Combine Australia Day Eve and Australia Day celebrations to one event, with a combined budget of \$50,000, thereby saving council \$50,000.
  - Discontinue Local Government Week activities and the Spring Garden Competition which attracts 35 entrants, saving council \$10,000.
  - Discontinue operation of the Earlwood Village Festival, due to declining attendance numbers, and provide \$10,000 to a local community organisation to conduct an event in Earlwood. This would be in line with the support council provides to Riverwood Community Centre for organisation of the Riverwood Community Festival. This initiative would save council \$20,000.

## COUNCIL COMMUNITY EVENTS (CONT.)

- Reduce the staffing allocation to one Events Coordinator, thereby saving council \$60,000.

The implementation of Option 3 would result in a total saving to council of \$255,000p.a.

- **Option 4 - reduce the number of events and establish an events grant program to provide funding assistance to local community groups to conduct events**  
Due to the cultural diversity within the City of Canterbury and the high number of organised local community groups, the city is fortunate to experience a great variety of festivals and events organised at a local level by these community groups such as: the Riverwood Community Festival, Iftar and Eid celebrations, the Greek Festival, Korean Festival, the Children Festival, and Harmony Day celebrations. Council currently provides funding assistance to these organisations either through the Financial Assistance Program, the Corporate Communications budget, or by resolution of Council.

It is proposed that the frequency of Council operated events be reduced, as per Option 3, and the funds saved be redirected to fund smaller events in the City of Canterbury, run by local community groups, rather than large scale festivals. Funding for community events including those mentioned above, would be allocated from this new funding program rather than additional funding.

A Community Events Funding Program could be established with \$90,000 per annum to provide funding assistance of between \$2,000 - \$5,000 to local community groups and associations for the organisation of community events in the City of Canterbury. To facilitate this Program, a policy regarding the establishment of a Community Events Funding Program would be developed and presented to Council for endorsement. It is proposed that the \$90,000 funding would be shared equally across the three wards.

**Conclusion**

There is widespread community support for Council's festivals and events which are achieving their objectives to strengthen and unite our community, promote harmony, local cultures, talented performers, and provide opportunities for economic activity for both local established businesses as well as incubators for emerging businesses and start-ups.

Since the Campsie Food Festival and Haldon Street Festival have grown in popularity and scale and have achieved their objectives in promoting these town centres, harmony and cultural diversity, it is suggested that we scale back these festivals and alternate the operation of these festivals to every second year. This will yield a budgetary saving to Council of \$100,000.

**RECOMMENDATION:**

THAT Option 3 be adopted and implemented in 2014, with the next Campsie Food Festival to be conducted in June 2015.

## 5 REVIEW OF ORGANISATION STRUCTURE

**FILE NO:** C-114-8

**Attachments:** Organisation Structure

**REPORT BY:** GENERAL MANAGER

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### **Summary:**

- A key responsibility of Council is to redetermine the structure of the organisation and allocate the necessary resources to give effect to the structure determined by Council.
- This task is required to be undertaken within the first twelve months of the new electoral term.
- It is proposed that the current structure be retained.

### **Council Delivery Program and Budget Implications:**

If adopted, the recommendation will maintain existing lines of accountability and authority and support existing programs and activities in the Community Strategic Plan and Budget.

### **Report:**

The current organisation structure consists of three Divisions, namely; Corporate Services, City Planning and City Works.

Details of the current structure are included in the Attachments.

Council last made significant alterations to the organisational structure in 2005 to provide improved customer service and communications, greater focus on development assessment outcomes and an emerging focus on city strategy. This structure was reviewed and unaltered by Council in a further review in 2010.

The current structure provides the organisation with distinct “strategy”, “planning” and “action” functional areas, giving an improved balance between providing services today whilst planning for the future. It has served our community and the organisation well and the current Executive team possesses considerable knowledge and experience to deliver the outcomes required from their divisional operations. In light of this, I am not proposing to alter our existing structure at this time.

### **RECOMMENDATION:**

THAT pursuant to S332 of the Local Government Act, 1993, the current organisational structure as depicted in the Attachment to this report be endorsed.

## 6 CODE OF CONDUCT REVIEW

**FILE NO:** C-84-3 PT9

**Attachments:** Draft Code of Conduct

**REPORT BY:** DIRECTOR CORPORATE SERVICES

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### Summary:

- This matter was deferred by Council on 25 July 2013 for consideration at its next meeting to allow for a Councillor workshop.
- The new Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct were adopted by Council on 28 February 2013.
- It was recommended at the time that the Model Code of Conduct was adopted that it be reviewed and amended to reflect our requirements and reported back to Council.
- This report proposes an amended Code and discusses the proposed new amendments.
- It is recommended the amended Code of Conduct be adopted. It is further recommended that training be provided for Councillors and staff on the new Code.

### Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Effective Governance.

### Report:

#### **Background**

The Department of Local Government conducted a major review of the Model Code of Conduct for NSW Councils in 2008 which resulted in the publication of the revised Model Code which came into effect in June 2008. Council adopted the revised Model Code in July 2008. In February 2009 Council strengthened the Model Code by including additional provisions. These additional provisions provided for a standard of behaviour from Canterbury City Council officials that was higher than was provided for in the Model Code.

The Code was further strengthened in September 2011 when further provisions were added following the Division of Local Government's Promoting Better Practice review of Canterbury and ICAC's recommendations arising from its report into corrupt conduct at Burwood and Willoughby councils.

In late 2012, the Division of Local Government released the New Model Code of Conduct for Local Councils and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. The Code and Procedures are supported by new provisions in the Local Government Act 1993 to more effectively deal with serious and repeated breaches of the Code.

The New Model Code was adopted by Council on 28 February 2013. At the time, Council further resolved that the adopted Code be reviewed and amended to reflect our requirements and be the subject of a further report. This report addresses Council's resolution.

## CODE OF CONDUCT REVIEW (CONT.)

**Amendments to New Model Code of Conduct**

The Model Code of Conduct adopted by Council on 28 February 2013 has been reviewed taking into account Council's strong commitment to high standards of ethical behaviour and decision making and well established practices and procedures for good governance. The draft amended Code of Conduct is included in the Attachments.

The following amendments listed in the table below formed part of our Code of Conduct that existed prior to Council adopting the Division of Local Government's new Model Code of Conduct for NSW councils on 28 February 2013. It is recommended that these provisions be reinstated into the current Code with a change to item 3.21 to reflect the agreed position arising from the discussions at the Councillor Workshop on 13 August 2013.

**Part 1 – Code of Conduct**

<b>Model Code of Conduct (adopted 28 February 2013)</b>	<b>Proposed amendment</b>
<b>Foreword – A Strong Ethical Culture</b>	
No such commentary is provided in the current Code.	Inclusion of a Foreword discussing personal responsibility, legislative framework, values, principles, guide to ethical decision making and where to get advice.
<b>1. Introduction</b>	
<b>2. Purpose of the Code of Conduct</b>	
No definition of acting honestly.	<b>NOTE:</b> You act "honestly" if you act in good faith, with no ulterior or improper purpose. A breach of the obligation to act honestly involves a consciousness that what is being done is not in the interests of Council, or the community, or both, and deliberate conduct in disregard of that knowledge. Honesty is more than the absence of dishonesty. Anything that is not a fact, or not in accordance with the facts, is dishonest.
<b>3. General Conduct Obligations</b>	
<u>General Conduct</u> 3.1 Conduct that is unreasonable, unjust, oppressive; may cause offence or embarrassment; may give rise to suspicion of improper conduct of public or professional duties; or is contrary to law not included. Note on General law requirement not included.	<b>3.1</b> h) is unreasonable, unjust, or oppressive; i) may cause any reasonable person unwarranted offence or embarrassment; j) may give rise to the reasonable suspicion or appearance of improper conduct or partial performance of your public or professional duties; k) is contrary to law. <b>NOTE:</b> The general law requires all decision-makers to act fairly, reasonably and otherwise lawfully. That means, among other things, that decision-makers must act strictly within the powers conferred or imposed, and strictly for the purpose for which those powers were conferred or imposed.
<u>Council Support</u> No provision for entitlement to expect public support from Council	<u>Council Support</u> <b>3.13</b> A council official who honestly and faithfully observes the requirements of this Code and any relevant law is entitled to expect the publicly expressed support of his or her Council and colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.

## CODE OF CONDUCT REVIEW (CONT.)

Model Code of Conduct (adopted 28 February 2013)	Proposed amendment
<p><u>Relations with the Media</u> No provision for relations with the media</p>	<p><u>Relations with the Media</u>  <b>3.18</b> You must at all times promote a positive image of Council and local government generally when dealing with the public.  <b>3.19</b> You must refrain from making any public statement which insults or makes personal reflections on or imputes improper motives to any other council official.  <b>3.20</b> Where a situation arises where a Councillor's comment is sought on an issue of community interest, the Councillor must clearly state that their expressed view is a personal view, and does not necessarily represent the views of Council on the particular issue.  <b>3.21</b> When making public comment on issues or participating in political or industrial activities, staff should not indicate that their views are those of Council. Staff should not provide official comment on matters related to Council unless they are authorised to do so by the General Manager. Public comment includes:  a) interviews with the media  b) public speaking engagements  c) expressing views in letters to the media or in notices, articles or any other medium</p>
<p><u>Tendering</u> No provisions for tendering</p>	<p><u>Tendering</u>  <b>3.22</b> You must not be involved in any presentation on behalf of any tenderer whether it involves a cost or not.  <b>3.23</b> You must not discuss with a tenderer or prospective tenderer any aspect of a tender for a contract to be let by Council, except where a staff member or delegate has been authorised to respond to enquiries relating to the tender.  <b>3.24</b> During all tendering processes, staff must comply with Council's Procurement policy which is available on the policy register or from the Group Manager Governance.</p>
<p><u>Alcohol and other drugs</u> No provisions for behaviour related to alcohol or drugs</p>	<p><u>Alcohol and other drugs</u>  <b>3.25</b> Council officials must not be intoxicated or drug affected when performing their official duties and must observe the relevant provisions of the adopted Drug and Alcohol Management policy, as in force from time-to-time.  We have adopted a drug and alcohol policy for Council staff. The purpose of the policy is to ensure the health, safety and welfare of all employees by effectively dealing with any problems in the work place associated with the misuse of drugs and alcohol. A copy of the policy is available on the intranet or from the Manager Human Resources.</p>
<p><u>Lobbying</u> No provisions for lobbying</p>	<p><u>Lobbying</u>  <b>3.26</b> The Code of Conduct and the Act both recognize that appropriate lobbying of councillors is a normal part of the democratic process. However, it is in the public interest that lobbying is done fairly and does not undermine public confidence in council decision making. The Independent</p>



## CODE OF CONDUCT REVIEW (CONT.)

Model Code of Conduct (adopted 28 February 2013)	Proposed amendment
<p><u>Health, Wellbeing and Safety</u> No provisions for health, wellbeing or safety</p> <p><u>Child Protection</u> No provisions for child protection</p>	<p>Commission Against Corruption (ICAC) has produced a publication regarding the lobbying of Councillors. The ICAC publication is available on the ICAC website.</p> <p><u>Health, Wellbeing and Safety</u> <b>3.27</b> Councillors and Council staff should ensure that council's premises are adequate to ensure the health, safety and wellbeing of other council officials and members of the public in accordance with their obligations under the Work Health and Safety Act 2011.</p> <p><u>Child Protection</u> <b>3.28</b> Child Protection Legislation provides substantial requirements for the reporting of suspected and actual child abuse as well as checks for criminal history of employees of Council. Working with children checks are carried out for all staff positions within Council responsible for supervising or working with children</p>

**4. Conflict of Interest**

<p><u>Other business or employment</u> Reference to Council policy not included</p> <p><u>Bankruptcy</u> No provision for senior staff complying with s.341 of the Local Government Act in relation to bankruptcy.</p> <p>Case study relating to conflict of interest not included.</p>	<p><u>Following policy point 4.31</u> We have adopted the Other Business or Employment policy for Council staff. The purpose of the policy is to ensure council staff are aware of their requirements and seek approval from the General Manager for secondary employment before they undertake any such activity. A copy of the policy is available on the intranet or from the Manager Human Resources.</p> <p><u>Bankruptcy</u> <b>4.33</b> Senior staff must comply with Section 341 of the Act in relation to bankruptcy and similar provisions.</p> <p><b>Case Study</b> A councillor is a member of a large metropolitan club. He is not, however, active in the club or involved with the management of the club. In this situation the councillor merely enjoys the facilities of the club as a privilege of membership. Should a matter relating to the club arise at council, it is appropriate that the councillor inform the council of his membership. It is unlikely, however, that his interest as a club member would conflict with his role as a councillor representing the view of residents and ratepayers generally. He could therefore participate in the decision making process. If the councillor was, however, an office holder in the club, the interest may constitute a pecuniary interest.</p>
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**5. Personal Benefit**Token gifts and benefits

5.3

- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)

How are offers of gifts and benefits to be dealt with

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

Bribes

No provision for dealing with offers of a bribe or inducement.

Case study related to gifts and benefits not included.

Token gifts and benefits

5.3

- c) gifts of single bottles of reasonably priced alcohol (not exceeding a value of \$20) to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)

How are offers of gifts and benefits to be dealt with

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

5.7.1 More than token value is defined as a gift or benefit with a value exceeding \$20 or such other amount as may be specified from time to time.

5.7.2 Staff members who

- i) exercise a regulatory function of council, are prohibited from accepting gifts or benefits of any kind or value.

Staff members who exercise regulatory functions include, but are not limited to, regulatory services staff and development assessment staff.

Gifts offered to, or left for, these staff members which cannot be reasonably refused or returned must immediately be relinquished to a supervisor, manager, the Director or the General Manager and will be donated to the Mayor's Charity Fund.

5.7.3 The procedure for registering gifts and benefits to the gifts register is provided in the Appendices.

Bribes

5.8 If a bribe or other improper inducement is offered to you, you must immediately report the matter to the General Manager, to enable the General Manager to fulfil his obligations pursuant to Section 11 of the Independent Commission Against Corruption Act 1998. Such a report must be in writing and be provided to the General Manager as soon as possible following the incident.

**Case Study**

Over a period of time, one local council employee was involved in a series of inspections to registered premises. During the period, the owner of the premises offered the employee a number of gifts including a present for the employee's new born child. The employee accepted the gifts as he felt they were offered as unconditional and genuine tokens of appreciation for his work. He



## CODE OF CONDUCT REVIEW (CONT.)

	<p>did not interpret the gifts as attempts to gain his favour. In accepting the gifts he did not contravene the council's code of conduct. Later the owner of the premises made an application for variation to the conditions of his licence. The employee, dutifully, was not compromised by the gifts, and made a recommendation that was not in the owner's interests. After the recommendation was made, the owner complained to the council about the employee accepting the gifts.</p> <p>Although the employee accepted the gifts in good faith, he nevertheless placed himself in a vulnerable position. While each of these gifts was of modest value, when viewed in total, the value of the gifts seemed quite substantial. The owner also alleged the employee had accepted bribes.</p> <p>The employee's acceptance of the gifts could also be used as circumstantial evidence of bribery. Furthermore, the employee could not rely on the fact that he made a decision he would have made, regardless of the gifts, as a defence to bribery.</p>
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**6. Relationship Between Council Officials**

Case study related to inappropriate contact not included.	<p><b>Case Study</b></p> <p>A councillor was driving down a local street in her ward and noticed that the nature strips in front of several houses were very unkempt. She immediately contacted a Team Leader whom she knew quite well by mobile phone and requested that Council personnel mow the strip as a matter of urgency as it was disturbing the general environmental amenity.</p> <p>This contact was inappropriate as councillors must refrain from directing council staff. In this situation the Team Leader correctly and politely referred the councillor to the General Manager.</p>
<p><u>Obligations of Staff</u></p> <p>No provision regarding Regulatory functions in relation to family members.</p> <p>No provisions relating to making decisions or taking action under delegated authority included.</p>	<p><u>Obligations of Staff</u></p> <p><b>6.5</b> When exercising a regulatory inspection or other function in relation to members of the public, a member of staff must notify the General Manager when dealing with relatives and close friends, and disqualify themselves from the dealing.</p> <p><b>6.6</b> When making decisions or taking actions under delegated authority a member of staff must ensure that:</p> <ol style="list-style-type: none"> <li>the decision or action is within their delegated authority as specified by the relevant instrument of delegation;</li> <li>all decision making requirements and procedures required by the delegation are complied with;</li> <li>the decision or action is in accordance with the spirit and the letter of any relevant legislation; and</li> <li>any decisions and the evidence upon which they are based are properly documented.</li> </ol>

**7. Access to Information and Council Resources**

<p><u>Use and security of confidential information</u></p> <p>No note regarding fiduciary duty.</p>	<p><b>Note after 7.11</b></p> <p><u>Use and security of confidential information</u></p> <p>NOTE: If you have access to confidential or sensitive information as part of a local government function, you are in a position of absolute trust, and have a 'fiduciary duty' to Council to keep confidential the information to which you have access. Refer to Section 664 of the</p>
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## CODE OF CONDUCT REVIEW (CONT.)

	Act for more information.
<p><u>Use of Council Resources</u> 7.13 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.</p> <p>No provision for use of Council logo</p> <p><u>Councillor access to council buildings</u> No provisions for use of entry cards or entry rights when not in pursuit of civic duties.</p> <p><u>Fraud and Corruption Prevention</u> No provision relating to policy for fraud and corruption prevention.</p>	<p><u>Use of Council Resources</u> <b>7.13</b> You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised in accordance with the Procedure: Use of Council Property (included in the Appendices), and proper payment is made where appropriate.</p> <p><b>7.16</b> You must not make use of the council logo or similar intellectual property of the Council without first obtaining the written approval of the Council to such use. Refer to the Procedure: Use of Council Property (included in the Appendices) for instructions on how such approval may be sought.</p> <p><u>Councillor access to council buildings</u> <b>7.26</b> Councillors and administrators are not to use entry cards in a manner or for a purpose not otherwise authorised by this Code of Conduct or by Council, including the purpose of gaining access to any part of Council premises to which access is otherwise denied or excluded by this Code. <b>7.27</b> Councillors and administrators who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.</p> <p><u>Fraud and Corruption Prevention</u> <b>7.29</b> We have established a policy on fraud and corruption prevention. All Council officials must abide by the policy. A copy of the policy is included in the Appendices.</p>

**8. Maintaining the integrity of this Code – no changes proposed****9. Definitions**

<p>No definitions for</p> <ul style="list-style-type: none"> <li>- Corrupt Conduct</li> <li>- Non Pecuniary interest</li> <li>- Pecuniary interest</li> <li>- Public area</li> <li>- Senior staff of Council</li> </ul>	<p><u>Corrupt Conduct</u></p> <ul style="list-style-type: none"> <li>a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or</li> <li>b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or</li> <li>c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or</li> <li>d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has</li> </ul>
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## CODE OF CONDUCT REVIEW (CONT.)

	<p>acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.</p> <p>Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:</p> <ul style="list-style-type: none"> <li>a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),</li> <li>b) bribery,</li> <li>c) blackmail,</li> <li>d) obtaining or offering secret commissions,</li> <li>e) fraud,</li> <li>f) theft,</li> <li>g) perverting the course of justice,</li> <li>h) embezzlement,</li> <li>i) election bribery,</li> <li>j) election funding offences,</li> <li>k) election fraud,</li> <li>l) treating,</li> <li>m) tax evasion,</li> <li>n) revenue evasion,</li> <li>o) currency violations,</li> <li>p) illegal drug dealings,</li> <li>q) illegal gambling,</li> <li>r) obtaining financial benefit by vice engaged in by others,</li> <li>s) bankruptcy and company violations,</li> <li>t) harbouring criminals,</li> <li>u) forgery,</li> <li>v) treason or other offences against the Sovereign,</li> <li>w) homicide or violence,</li> <li>x) matters of the same or a similar nature to any listed above,</li> <li>y) any conspiracy or attempt in relation to any of the above.</li> </ul> <p>HOWEVER, conduct does not amount to corrupt conduct unless it could constitute or involve:</p> <ul style="list-style-type: none"> <li>a) a criminal offence, or</li> <li>b) a disciplinary offence, or</li> <li>c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or</li> <li>d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament a substantial breach of an applicable code of conduct.</li> </ul> <p><u>Non Pecuniary Interest</u> means any private or personal interest that does not pertain to money (eg. kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity).</p> <p><u>Pecuniary Interest</u> means 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 or another person with whom the person is</p>
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## CODE OF CONDUCT REVIEW (CONT.)

	<p>associated, that is not too remote or insignificant.</p> <p><u>Public area</u> means, in relation to any premises or part or parts of premises, of Council, so much of those premises as are made generally or specially available to the public as of right, but does not include any such premises at any time when they are not so made available to the public (eg. access corridors to staff areas), and in any case does not include staff areas whether open office areas or private staff offices.</p> <p><u>Senior staff of Council</u> means the General Manager and the Directors</p> <p><u>Designated person</u> Additional words: Section 441 of the Local Government Act 1993 defines a designated person as:</p> <ul style="list-style-type: none"> <li>• the General Manager</li> <li>• other senior staff</li> </ul> <p>a person (other than a senior staff member) who is a member of staff, a delegate, or a committee member of the council and who is designated person because their position or membership of a committee involves the exercise of functions under this or any other Act (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, delegate or committee member and the person's private interest.</p>
<p>The term "you" used in the Model Code of Conduct refers to council officials.</p> <p>No commentary on expressions used in the Code</p>	<p>The term "you" used in the Model Code of Conduct refers to council officials. References to sections in this Code of Conduct are references to sections in the Local Government Act 1993.</p> <p>Expressions used in this Code of Conduct that are defined in relevant legislation have the meanings set out in the legislation. A number of other expressions are defined here. Notes and case studies are provided to assist in understanding and applying this Code of Conduct. The notes and case studies do not, however, constitute part of the Code of Conduct.</p>

**Proposed New Provisions**

The following new provisions are recommended for inclusion in our Code of Conduct as it is considered that they will further enhance good governance practices at Canterbury. These amendments include clarification of the requirements related to development meetings as agreed at the Councillor workshop of August 13, 2013.

Current Code	Proposed Addition
Part 3 General Conditions – Development Decisions	<b>3.12</b> Councillors must not attend pre-determination development assessment meetings on Council premises involving staff below Manager/Director level unless both the applicant and other interested parties are present. Minutes must also be taken at these meetings by Council staff present. This does not prevent Councillors from meeting with applicants and objectors by mutual consent as they see fit.

## CODE OF CONDUCT REVIEW (CONT.)

Current Code	Proposed Addition
Part 4 Conflicts of Interest – Political Support and Community Participation	<p><b>4.34</b> Staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.</p> <p>If an employee becomes aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.</p>
Part 5 Personal Benefits	<p><b>5.7.2</b> Staff members who</p> <p>ii) are involved in procurement or tendering activities are prohibited from accepting gifts or benefits of any kind or value.</p>
Part 7 Access to Information and Council Resources	<p><b>7.23</b> You must comply with the requirements of Council's Information Technology Usage policy when using our computer resources. A copy of the policy is available on our web page or by contacting our Group Manager Customer and Information Services.</p>

An explanation of the proposed additions to the Code is provided below.

- **Part 3 General Conditions – Development Decisions**

Councillors participating in meetings regarding applications for development with staff, developers and other parties prior to completion of the assessing officer's report thereon, is a practice that has potential for raising concerns of perceived partiality on the Councillor's part. Without controls in place to ensure transparency and confidence in the integrity of the practice, there is a risk that Council's overall public standing may suffer adversely.

In order to dispel any suggestion that parties at the meeting may have received partial treatment or were otherwise unduly favourably or unfavourably dealt with, an amendment is proposed to the Code of Conduct that Councillors not attend such meetings unless both the developer (applicant) and affected parties (objectors) are present. As Councillors are required to have an "open mind" when determining development applications at Council or City Development Committee meetings, Councillors should not be seen to be favouring any one party over the other at the pre-determination meetings.

Similarly, when applications are likely to be determined under delegated authority, the presence and participation of Councillors at meetings with applicants or objectors, prior to determination, may have an impact upon perceptions of partiality in the assessment process.

It is also proposed that minutes of the pre-determination meetings be taken and placed on file, where they will be accessible to all Councillors and other interested parties in accordance with the Government Information (Public Access) Act.

Councillors are reminded that the Code of Conduct prevents Councillors approaching staff below Manager level. This includes officers who assess Development Applications (including S.96 Modification applications and S.82A Review applications), Building Certificate applications and Construction Certificate applications.

## CODE OF CONDUCT REVIEW (CONT.)

- **Part 4 Conflicts of Interest – Political Support and Community Participation**  
The proposed amendment requires staff to manage any conflict of interest they may have between their duty as a council employee and any political activities.
- **Part 5 Personal Benefits**  
The Code of Conduct allows staff (with the exception of Compliance and Regulatory staff) to accept gifts of token value (defined as a value of \$20 or less) under certain circumstances. The proposed amendment prohibits staff involved in procurement or tendering activities from accepting any gifts, no matter what the value. The proposed amendment emanates from a recent ICAC investigation where it was found that procurement staff at some other councils and state government agencies were accepting gifts from suppliers in exchange for purchasing goods from that supplier.
- **Part 7 Access to Information and Council Resources**  
Information is a business asset which has value to Council and consequently needs to be suitably protected. This amendment to the Code has been recommended to ensure Council Officials abide by our policy and our information security is protected from a wide range of threats in order to ensure business continuity, minimise business damage and maximise return on investments and business opportunities.

**Conclusion**

To ensure compliance with section 440 of the Local Government Act 1993, Council must adopt a code of conduct that incorporates the provisions of the Model Code. Any additional provisions must be consistent with the spirit and intent of the Model Code provisions otherwise they will be invalid.

The draft Code of Conduct for the City of Canterbury included in the Attachments meets the requirements of section 440 of the Act. The draft Code builds on the Model Code by the inclusion of additional provisions and is tailored to reflect the way the City of Canterbury conducts its business.

All Council officials will be required to sign a statement, as required by the Division of Local Government, that they have received and read their obligations under the Code of Conduct.

**RECOMMENDATION:****THAT**

1. The amended Code of Conduct that is included in the Attachments, be adopted.
2. Training be provided for Councillors and staff on the new Code.
3. After the training has been provided, all Council officials be required to sign a statement that they have received and read their obligations under the Code of Conduct.



## **7 FINANCIAL ASSISTANCE PROGRAM 2013 - 2014**

**FILE NO:** D-14-8 PT3

**Attachments:** Application Summaries

**REPORT BY:** DIRECTOR CORPORATE SERVICES

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### **Summary:**

- This report summarises applications received under our Financial Assistance Program for 2013/2014 and recommends the allocation of \$82,689 plus GST to projects eligible for funding under the program policy.
- The report further recommends the allocation of \$10,000 to our Economic Development team for decorations and/or improvements to town centres and an allocation of \$2,311 for the event at which successful applicants are announced.

### **Council Delivery Program and Budget Implications:**

This report supports our Community Strategic Plan long term goal of Access to Responsive Services.

The program operates within an operational budget of \$95,000. The funding allocations recommended in this report are within that budget.

### **Report:**

The Financial Assistance Program (FAP) was adopted in the 2013/14 City Plan with \$95,000 allocated in the adopted budget. The total FAP budget was expanded from \$90,000 to \$95,000 when Council resolved to reallocate \$5,000 of funding from the Bus Brokerage Program at its meeting on 24 May 2012.

In accordance with the adopted Financial Assistance Program Policy which was revised at the beginning of 2013, priority for funding has been given to non-profit voluntary organisations and innovative community development projects. The revised FAP policy and guidelines adhere to recommendations made by our internal auditor in regard to ensuring the FAP process is operated in accordance with the principles of equity, fairness, transparency and accountability.

Under the FAP Policy, groups may apply for a maximum \$2,000. Of this a maximum allocation of \$500 per group is available for catering, a maximum allocation per group of \$800 is available for outings, and a maximum allocation per group of \$1,000 is available for equipment where quotes for that equipment are provided. In consideration of principles of equity and fairness, an assessment has been made of project costs in relation to community needs and demographics and current levels of service provision, to determine reasonable contributions to projects. These assessments also take into consideration the limits of funding and, of course, are applied in accordance with the FAP Policy. This has meant that not all projects are recommended to receive the maximum funding requested.

Where an application sought less than the maximum available funding, the recommended allocation was provided up to the amount sought where it complied with the FAP Policy.

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## FINANCIAL ASSISTANCE PROGRAM 2013 - 2014 (CONT.)

In the 2013/2014 FAP round, 93 applications for funding were submitted, seeking a total of \$155,035.21. Of these, two were late applications. 16 project applications which were received on time were unable to be funded as they did not meet eligibility requirements under FAP Policy, such as, the maximum funding had already been provided to the group for other projects, the application failed to meet the eligibility criteria, the applicant had failed to meet special conditions stipulated from last year's program, the application sought funds to be used primarily for people who do not live or work within the City of Canterbury or an adequate acquittal for previous funding had not been received under the FAP. Two late applications were received.

The following table provides a breakdown of the number of applications by target group and the funds sought and recommended.

A précis of the applications, with a description of each project and recommended allocations and information on the rationale underpinning the recommendation made for each project is included in the Attachments. These adhere to the FAP Policy.

In accordance with Council's target groups, the applications were assessed according to groupings as follows: seniors, children, people with a disability, general community, culturally and linguistically diverse, women and young people. Two late applications were received and in accordance with the FAP Policy have been considered separately and are dealt with later in this report. All applicants are listed alphabetically within these categories included in the table below:

Category	Number of Applicants	Total Amount Requested	Amount Recommended	Successful Applicants
Seniors	34	\$51,660.00	\$21,445.00	26
Children	6	\$6,647.00	\$4,647.00	5
People with a Disability	9	\$14,202.50	\$13,970.00	8
General	12	\$28,306.71	\$10,806.00	10
Culturally and Linguistically Diverse	24	\$40,544.00	\$18,566.00	18
Women	5	\$7,675.00	\$6,755.00	5
Young people	3	\$6,000.00	\$6,000.00	3
<b>Total</b>	<b>93</b>	<b>\$155,035.21</b>	<b>\$82,689.00</b>	<b>75</b>

Given the FAP objective of allocating funds across a range of target groups, most grants provide a contribution to program costs. Where only part funding is provided an assessment has been made that the allocation will be adequate to support the project assuming contributions from members and other sources.



## FINANCIAL ASSISTANCE PROGRAM 2013 - 2014 (CONT.)

This year the funding will be provided to several innovative projects including:

- Contributions towards healthy lifestyle programs for seniors, social outings, computer training and bus trips;
- Purchase of much needed equipment and resources for children's playgroups;
- Programs that encourage residents to expand their social support networks;
- Assistance with the provision of physical and recreational activities for people with intellectual disabilities and their carers;
- Contribution towards events that celebrate the diversity of Canterbury and encourage understanding and harmony;
- Young people's programs engaging them in art, media, dance, sports programs;
- Support programs for women including domestic violence service support, and health and nutrition programs.

An information session for groups that were new to the Financial Assistance Program was held on Thursday 6 June 2013. The session was well attended with approximately 70 people attending representing around 55 groups and organisations. During the information session, the participants indicated that they would be applying for funding through FAP and that it was useful to have an opportunity to meet with our Capacity Development staff to learn more about the program and how to apply for funds.

**Impact of GST on the allocations**

The provision of grant funds for specific purposes is regarded as a taxable supply for taxation purposes and therefore is subject to GST. In effect this means, in addition to actual amount of the relevant grants, we will have to pay GST when dealing with registered organisations.

However, under the current legislation, we will be entitled to a full input tax credit (refund) of any GST paid.

The net expense to Council will therefore not exceed the budget allocation and recipient organisations will still receive the agreed amount of financial assistance.

**Late Applications**

FAP opened on 6 May 2013 and the closing date was 28 June 2013. This provided ample time for applicants to liaise with staff from the Capacity Development Team, prepare and submit their applications.

It should be noted that there were two late applications. One was received from the Inner Western Circle on 5 July 2013 and the second from the Chinese Benevolence Federation of Australia Incorporated on 13 August 2013. The application from the Inner Western Circle requested \$2,000 for catering for a celebration of the 10<sup>th</sup> year of the group's operation. This group had not acquitted all of its funds from the previous year and had requested that \$800 be carried forward and used for an outing.

The application from the Chinese Benevolence Federation of Australia Incorporated requested \$2,999 for equipment, lighting, performances and staging for a Chinese New Year Celebration. The application did not provide details or quotes.

**FINANCIAL ASSISTANCE PROGRAM 2013 - 2014 (CONT.)**

A summary of the project is included in the Attachments. Under the FAP Policy, Council Officers are unable to recommend late projects. On assessment the project from the Inner Western Circle met the FAP eligibility criteria. However in accordance with the Policy and as applied to all other applications, only \$500 can be recommended as a contribution towards catering. As such, it is recommended that an allocation of \$500 to this project be made in accordance with FAP policy.

The application from the Chinese Benevolence Federation of Australia Incorporated was assessed as ineligible as it did not provide details or quotes for what would be purchased and so, in accordance with FAP Policy, is not recommended for funding.

This will take the total allocation of funds for community organisations and groups to \$82,689.

**Funds for Decorations for Town Centres**

As part of the FAP process, our local Chambers of Commerce are able to apply for funds of up to \$2,000 to assist with town centre decorations. In past years we identified that up to \$15,000 be made available for this purpose. However, this year, no applications were received from our Chambers of Commerce despite our advertising FAP broadly to our communities and partners. In the absence of applications from our Chambers of Commerce, the allocation to community groups (including Inner Western Circle) has been recommended to the amount of \$82,689.

This leaves \$12,311 remaining. It is recommended that of the remaining funds, an allocation of \$10,000 be provided to our Economic Development Committee in order that the funds be used to enhance our town centres. This allows for a contribution to still be made to enhance the social and economic vibrancy of our town centres which was the original intention of the allocation of these funds in the FAP.

**Conclusion**

The Financial Assistance Program provides a major contribution to the viability of many community projects that promote community capacity building and harmony in the City of Canterbury.

The recommended allocation of \$82,189 to groups and not-for-profit organisations will contribute to a diverse range of community activities consistent with the objectives of the program and will make a large difference to many small and unfunded groups in our City. This amount is within the allocation of \$95,000 that Council has made available to fund the program.

An additional allocation of \$500 can be made towards catering for the Inner Western Circle Project that will take the full allocation to \$82,689.

Given the assessment process that has occurred in accordance with the policy and guidelines for FAP as adopted by Council, it is recommended that the recommendations as presented in this report and its Attachments be endorsed.

## FINANCIAL ASSISTANCE PROGRAM 2013 - 2014 (CONT.)

It is recommended that the grants be presented to representatives of local groups at an appropriate ceremony in September this year. As has been the practice in previous years, it is recommended that unspent funds in the FAP budget be allocated to offset the cost of the presentation ceremony. This amount is \$2,311.

As is standard practice, we will conduct an evaluation of the Financial Assistance Program and will seek to streamline the program for groups while still maintaining appropriate levels of accountability and transparency for Council. A report with recommendations arising from this review will be brought to Council for its consideration and endorsement.

**RECOMMENDATION:****THAT**

1. Funds totalling \$82,189 plus GST be allocated to groups as recommended in the table included in the Attachments.
2. Funds of \$500 plus GST be allocated to Inner Western Circle for the event applied for in their late application.
3. Funds of \$10,000 be allocated to our Economic Development Committee for decorations of town centres for events in 2013-14.
4. Funds of \$2,311 be allocated for the presentation ceremony at which successful applicants are announced.
5. The 2013/2014 Financial Assistance Grants be presented to successful groups at an appropriate ceremony in September 2013.
6. A further report be brought to Council regarding the outcomes of the review of the FAP and recommendations for improvement for the 2014/15 financial year.

## **8 PARTNERSHIP AGREEMENT WITH SOUTH WESTERN SYDNEY INSTITUTE OF TAFE**

**FILE NO:** E-28-11

**Attachments:** Draft Agreement

**REPORT BY:** DIRECTOR CORPORATE SERVICES

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### **Summary:**

- On 25 August 2011 Council considered a Mayoral Minute that outlined the lack of training, education and employment opportunities for vulnerable individuals and groups within our City.
- The Mayoral Minute identified that the absence of a campus of the NSW Institute of Technical and Further Education (TAFE) in our City was a key barrier to creating opportunities to engage these and other vulnerable groups in our communities in pathways to education, training and employment.
- The Mayoral Minute resolved, in part, that “Council seek to formalise a relationship with the South Western Sydney Institute of TAFE with a view to developing a strategy to progress the provision of training and employment pathways in a local context for our communities”.
- A draft partnership agreement has been negotiated with the South Western Sydney Institute of TAFE and this report seeks Council’s endorsement of that agreement and the projects identified to be carried out under the agreement.
- This report provides information on the process for the establishment of a formal relationship between the City of Canterbury and South Western Sydney Institute of TAFE and seeks Council’s endorsement of the Partnership Agreement document.

### **Council Delivery Program and Budget Implications:**

This report has no implications for the budget and supports our Community Strategic Plan long term goal of Access to Services.

### **Report:**

On 25 August 2011 Council considered a Mayoral Minute that outlined the lack of training, education and employment opportunities for vulnerable individuals and communities in our City including, young people, long term unemployed people and migrant communities. The Mayoral Minute identified that the absence of a campus of the NSW Institute of Technical and Further Education (TAFE) in our City was a key barrier to creating opportunities to engage these and other vulnerable groups in our communities in pathways to education, training and employment.

The Mayoral Minute resolved that:

“Council seek to formalise a relationship with the South Western Sydney Institute of TAFE with a view to developing a strategy to progress the provision of training and employment pathways in a local context for our communities. This partnership would focus on identification of potential sites for delivery of training, identification of courses relevant to local needs and industry and the establishment of a TAFE/Industry

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PARTNERSHIP AGREEMENT WITH SOUTH WESTERN SYDNEY INSTITUTE OF TAFE (CONT.)

collaboration that could explore pathways to employment and to strengthen our local economy”

Following that resolution, we have been working with South Western Sydney Institute of TAFE to establish a strategic partnership to address the issues identified in the Mayoral Minute.

**Process to establish an Agreement**

It was determined that the best way to progress a Partnership Agreement was to identify priority education, employment and training issues for the communities of the City of Canterbury that both partner organisations agreed upon. It was also agreed that if these issues were to be the focus of a Partnership Agreement, they would need to accord with the strategic direction and priorities of both organisations and be issues that each partner organisation could commit to addressing within existing human, financial and infrastructure resources and/or were able to attract funding from external agencies to address.

Since the adoption of the Mayoral Minute, Council Officers from our Economic Development, Community and Recreation, Capacity Development, Human Resources, Youth Services and Library Services teams have been working with representatives from the South Western Sydney Institute of TAFE (SWSi TAFE) to identify these issues and to identify potential opportunities to work together to address those issues in our City.

During those discussions, the Working Group identified three priority issues:

- **Keeping Young People Engaged**  
The need to keep young people engaged in education and training with a view to enhancing their employment prospects was identified as a key outcome for the City of Canterbury. This is particularly important for young people at risk of leaving or disengaging from formal education pathways. Based on other successful projects, the group identified the importance of a holistic approach to keeping young people connected with their communities and the community services sector in general as being of great value in addition to providing pathways to education, employment and training.
- **Providing education and employment opportunities for those not currently participating in the workforce**  
The Working Group have identified the need to provide attractive and affordable education and training opportunities to those in the community that are not currently engaged in the workforce. As those not engaged in the workforce often have competing social and health needs, the Working Group identified that an effective way to engage these individuals would be to base a training opportunity around a skill that both enhances individual and community wellbeing as well as providing an introduction to further training and employment. It was further identified that developing a skill that is relevant to local industry and/or home based business opportunities would be highly valuable for this target group.

- **Enhancing opportunities for skilled migrants to enter the workforce**  
The City of Canterbury is home to a large number of skilled migrants that are unable to access employment in their field of qualification due to either not understanding the process by which overseas qualifications are recognised, and/or not being able to access appropriate training to address gaps in their existing qualifications and/or not having job search skills that are appropriate to the Australian job market and/or an inability to access local workplace experience. By providing information and support to overcome these barriers, a significant difference can be made for skilled migrants that are both unemployed and underemployed.

With these key areas identified, the Working Group began to design collaborative projects to address these issues. These three areas and their targeted projects are governed by the proposed Partnership Agreement and have informed its development and the structures outlined within it.

### **The Partnership Agreement**

The Partnership Agreement is not a legally binding document. It does, however, seek to formalise the relationship between the City of Canterbury and South Western Institute of TAFE and defines the basis of the relationship and the collaborative arrangements which we have, and intend to have, with each other. A copy of the Partnership Agreement is included in the Attachments.

At this time the Partnership Agreement is proposed to operate from 2013 to 2015. It establishes a Coordinating Group of Senior Officers from both organisations to oversee information sharing, collaboration and opportunity identification and development. Further, it establishes the process by which project teams may be constituted between the organisations to develop and implement projects to address identified education, employment and training issues.

There are currently three such project teams established that will be working on one project for each of the current identified issues of youth engagement, education and employment opportunities for those not currently participating in the workforce and enhancing opportunities for skilled migrants to enter the workforce. Summary plans for each of these projects are attached to the Partnership Agreement.

The Partnership Agreement also sets out the process for communication between the two organisations and identifies how other relevant agencies may be invited to participate in the partnership or its projects.

### **Formalising the Agreement**

South Western Sydney Institute of TAFE have already provided in principle approval for the Partnership Agreement. Should Council endorse the draft Partnership Agreement, then a formal request for the signing of the agreement will be made to the Director of the South Western Sydney Institute of TAFE. It is envisaged that the formalisation of the Partnership will be promoted in the local media and on Council's website.

**RECOMMENDATION:**

**THAT**

1. Council endorse the draft Partnership Agreement between South Western Sydney Institute of TAFE and the City of Canterbury.
2. A report on the progress of the Strategic Partnership be brought to Council in August 2014.

**9 INVESTMENTS AT 31 JULY 2013****FILE NO: I-30-9 PT4****REPORT BY: RESPONSIBLE ACCOUNTING OFFICER -  
(GROUP MANAGER FINANCIAL SERVICES)****Summary:**

- This report includes a Performance Report on investments.
- Also contained in the report is a statutory report on investments submitted pursuant to the Local Government (General) Regulation 2005.
- It is recommended the report be noted.

**Council Delivery Program and Budget Implications:**

This report provides an update on our investments and supports our Community Strategic Plan long term goals of Healthy Finances and Effective Governance.

**Report:****Performance Report**

Management of our investment portfolio is a critical and complicated process, the success of which is dependent upon achieving an appropriate balance across a number of factors. Performance for this period in relation to each of these is outlined below.

Total funds available for investment this period were **\$49,000,000**. Whilst the economic environment continues to be difficult, investment earnings are being maintained at anticipated levels and in line with budget forecast.

<b>Key Performance Indicator</b>	<b>Target</b>	<b>Actual</b>
<b>Funds invested</b>		
• Proportion of available cash invested	≥ 80%	92% ✓
• Proportion of available cash held at bank	≤ 20%	8% ✓

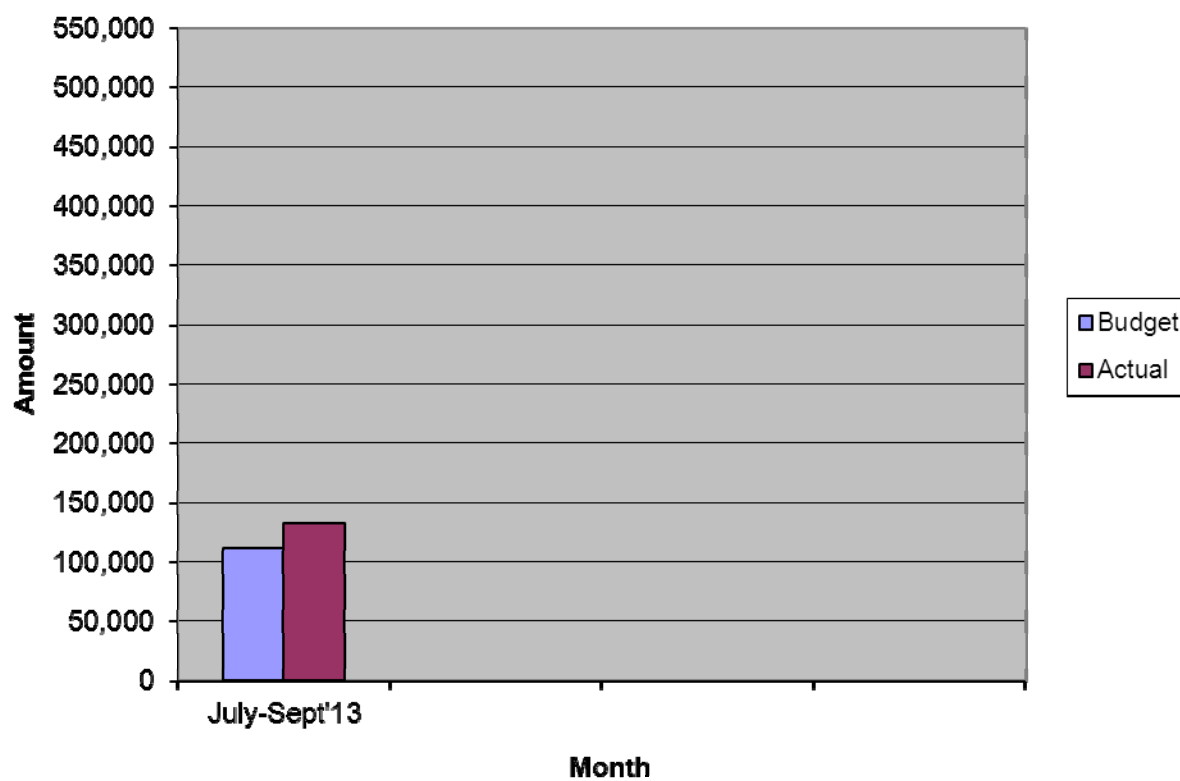
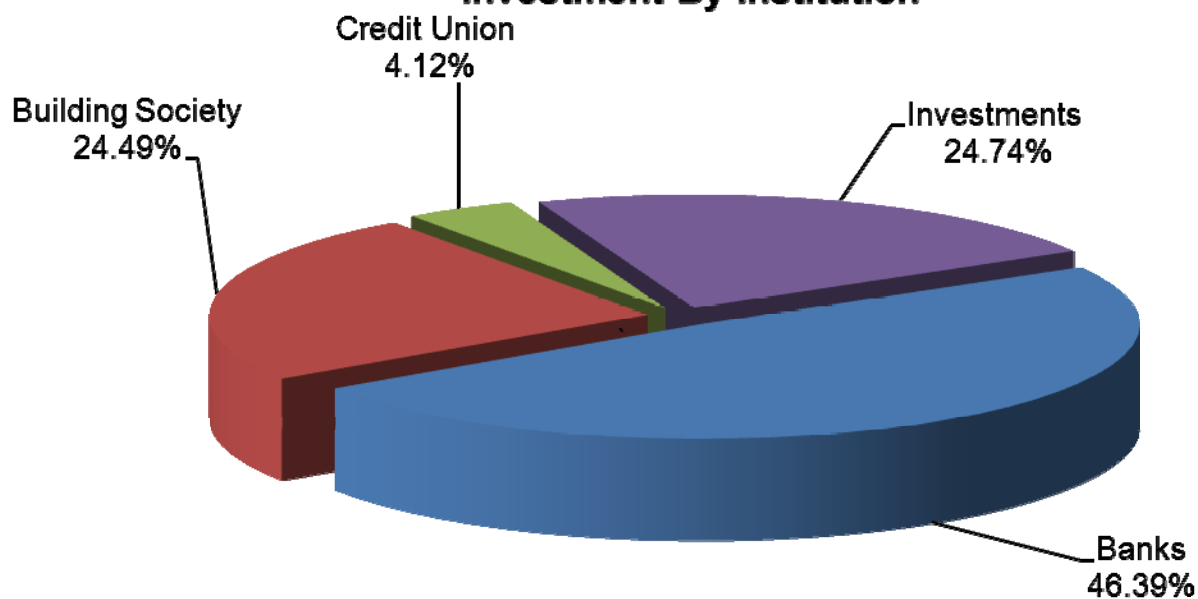


## INVESTMENTS AT 31 JULY 2013 (CONT.)

Key Performance Indicator	Target	Actual	
<b>Weighted investment rate</b>			
Actual rate greater than benchmark (BBSW <sup>1</sup> )	≥ 2.83%	3.33%	✓
<ul style="list-style-type: none"> <li>AFMA BBSW Rate: Average Mid-90 day return.</li> <li>Actual rate equal to or greater than Budget rate</li> </ul>	3.25%	3.33%	✓
<u>Comment</u>			
Council's average investment rate is adversely impacted by the investments that are not earning interest. The weighted average investment rate for Council's term deposits and 11am account is 4.00 %.			
<b>Interest earned</b>			
<ul style="list-style-type: none"> <li>Interest earned this period</li> </ul>	\$112,500	\$132,926	✓
<b>Product profile</b>			
<ul style="list-style-type: none"> <li>Funds held in term deposit</li> <li>Funds held in any other one product</li> </ul>	≥ 25% ≤ 40%	68% 2%	✓ ✓
<b>Investment term</b>			
<ul style="list-style-type: none"> <li>Number of different investment terms used</li> <li>Funds held in 360+ day term</li> </ul>	≥ 5 ≤ 60%	6 43%	✓ ✓
<b>Investment by institution</b>			
<ul style="list-style-type: none"> <li>Funds invested through banks</li> <li>Funds invested in any other single institution type</li> </ul>	≥ 50% ≤ 20%	46.39% 4.12%	x ✓
<u>Comment</u>			
Excluding FRNs and CDOs the amount invested in banks is 72%.			

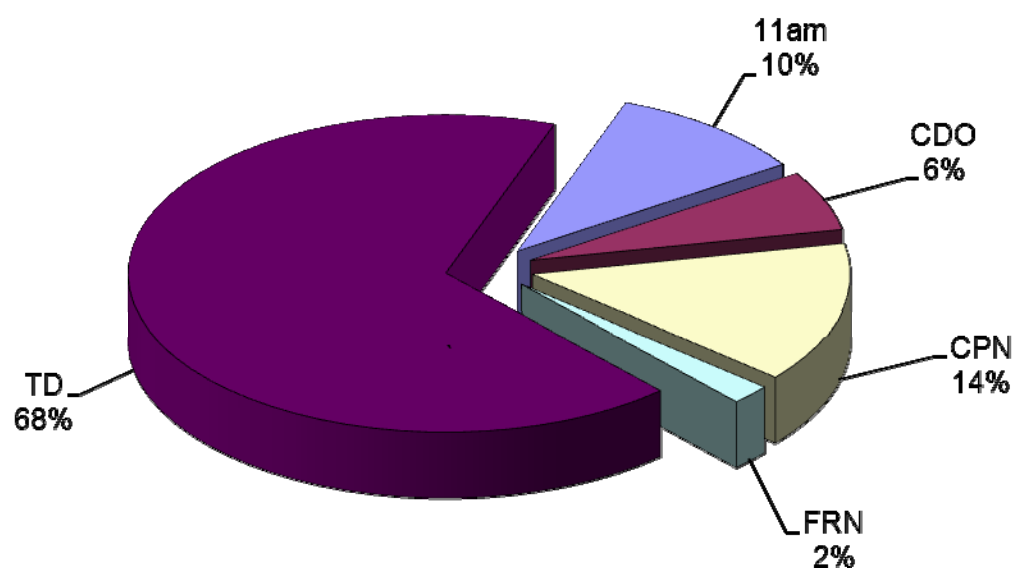
Bank Bill Swap Rate - AFMA BBSW Rate: Average Mid - 90 day return <http://www.afma.com.au><sup>1</sup>

INVESTMENTS AT 31 JULY 2013 (CONT.)

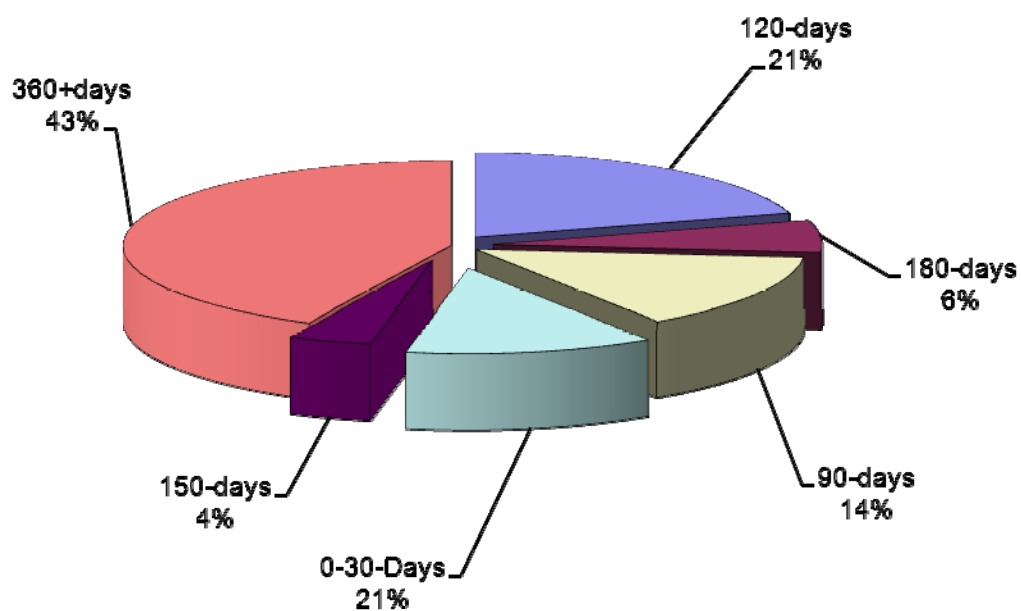
**Interest Earned Compared to the Annual Budget****Investment By Institution**

INVESTMENTS AT 31 JULY 2013 (CONT.)

### Investment by Type



### Investment by Term



## INVESTMENTS AT 31 JULY 2013 (CONT.)

**Status of Collateral Debt Obligations (CDOs)**

At the time of the 2008 global financial crisis, we held \$9m in CDOs. Since that time CDOs totalling \$6m have matured.

The remaining CDOs held by Council are as follows:

- Nexus Bond Limited [*Nexus*] – Invested \$1.5m on 28 March 2003 and is due to mature on 23 June 2015; and
- Aphex Pacific Capital [*Glenelg*] - Invested \$1.5m on 13 June 2006 and is due to mature on 22 December 2014.

The following is a review of the current status of these CDOs:

- The return of the principal invested for **Nexus** is supported by a capital guarantee and is not considered at risk. The current value of this investment is \$1.335m and it is expected that the market value will continue to increase as the period to maturity shortens. This investment is no longer earning any investment income; and
- The **Glenelg** CDO is not supported by a capital guarantee therefore further defaults by other parties to the investment could result in the reduction in the capital value of the investment. Glenelg is currently valued at \$1.125m and it is expected that the market value will continue to increase as the period to maturity shortens. For the quarter ended 22 June 2013, Glenelg earned 4.9% per annum based on our \$1.5m investment or 6.53% per annum based on the current market value.

It is proposed to maintain our hold until maturity strategy for these investments.

**Statutory Report**

Clause 212 of the Local Government (General) Regulation 2005 stipulates that a written report is to be presented at each ordinary meeting of Council detailing all money that Council has invested under Section 625 of the Local Government Act 1993.

The following information is presented in accordance with the legislative requirements.

- **Income Performance**

<b>Actual</b>	
Interest Income to Date	132,926
Estimated Interest Income for the Year	1,350,000
Budgeted Interest Income (Year to Date )	112,500
Interest Income Surplus (Deficit) Actual -to-Budget	20,426
Per cent Surplus(Deficit) Over Budget	18.15%

- **Investment by Maturity**

	<b>No. of Investment</b>	<b>Amount Invested (\$)</b>	<b>% of Investment</b>
No. of Days up to 30	2	6,000,000	12.24%
No. of Days between 30 – 60	0	0.00	0
No. of Days between 61 – 90	7	7,000,000	14.29%

## INVESTMENTS AT 31 JULY 2013 (CONT.)

	No. of Investment	Amount Invested (\$)	% of Investment
No. of Days between 91 – 120	10	10,000,000	20.41%
No. of Days 150	2	2,000,000	4.08%
No. of Days 180	3	3,000,000	6.12%
No. of Days 360+	17	21,000,000	42.86%
<b>Total</b>		<b>49,000,000</b>	<b>100%</b>

- Record of Cash Movement 31 July 2013**

Opening Balance as at 30 June 2013	<b>55,000,000</b>
<b>Add:</b> New Investments	0.00
<b>Total</b>	<b>55,000,000</b>
<b>Less:</b> Withdrawals	-
<b>Business Online Saver</b>	6,000,000
<b>Total Withdrawals (returned to cheque account)</b>	-
<b>Closing Balance 31 July 2013</b>	<b>49,000,000</b>

- Investment Details**

Financial Institution	Lodgement Date	Maturity Date	Total Days	Yield	Amount (\$)
<b>Cash Management A/c (11am)</b>					
Commonwealth Bank	31-Jul-	01-Aug-13	At Call	3.05%	5,000,000
					<b>5,000,000</b>
<b>Term Deposit (TD)</b>					
ING Direct	19-Jun-13	17-Sep-13	90	4.30%	1,000,000
ING Direct	26-Mar-13	23-Sep-13	181	4.42%	1,000,000
ME Bank	21-May-13	19-Aug-13	90	4.30%	1,000,000
ME Bank	18-Jun-13	18-Sep-13	92	4.30%	1,000,000
ME Bank	28-May-13	04-Sep-13	99	4.30%	1,000,000
IMB Ltd	28-May-13	27-Aug-13	91	4.00%	1,000,000
IMB Ltd	29-May-13	10-Sep-13	104	4.00%	1,000,000
IMB Ltd	07-Mar-13	05-Sep-13	182	4.42%	1,000,000
IMB Ltd	10-Apr-13	08-Oct-13	181	4.50%	1,000,000
IMB Ltd	28-May-13	27-Aug-13	91	4.00%	1,000,000
IMB Ltd	08-May-13	13-Aug-13	97	4.08%	1,000,000
Credit Union Australia	15-Mar-13	11-Oct-13	210	4.40%	1,000,000
Credit Union Australia	20-Jun-13	18-Oct-13	120	3.50%	1,000,000
Bank of Queensland	21-Mar-13	21-Aug-13	153	4.45%	1,000,000
Bank of Queensland	21-May-13	22-Oct-13	154	4.30%	1,000,000
Bank of Queensland	26-Apr-13	06-Sep-13	133	4.50%	1,000,000
Bank of Queensland	26-Feb-13	27-Aug-13	182	4.40%	1,000,000
Bank of Queensland	03-Apr-13	03-Oct-13	210	4.50%	1,000,000
Bank of Queensland	12-Apr-13	06-Sep-13	148	4.35%	1,000,000
Bank west	28-May-13	28-Aug-13	92	3.70%	1,000,000
Bank west	16-Apr-13	14-Aug-13	120	4.00%	1,000,000
Bank west	08-May-13	14-Aug-13	97	3.82%	1,000,000
Newcastle Permanent	19-Jun-13	17-Sep-13	90	4.05%	1,000,000
Newcastle Permanent	28-May-13	03-Sep-13	98	4.10%	1,000,000
Newcastle Permanent	12-Jun-13	10-Sep-13	90	4.05%	1,000,000

## INVESTMENTS AT 31 JULY 2013 (CONT.)

Financial Institution	Lodgement Date	Maturity Date	Total Days	Yield	Amount (\$)
Wide Bay Australia Ltd	16-Sept-10	16-Sep-13	1,096	7.25%	2,000,000
ANZ Bank	26- Mar-13	23-Sep-13	181	3.75%	1,000,000
Westpac	07-May-13	19-Aug-13	110	4.15%	1,000,000
St George Building Society	05-Mar-13	05-Sep-13	184	3.90%	1,000,000
St George Building Society	13-Mar-13	13-Aug-13	153	4.10%	1,000,000
St George Building Society	29-May-13	29-Nov-13	184	3.80%	1,000,000
St George Building Society	12-Jun-13	10-Sep-13	90	3.68%	1,000,000
					<b>33,000,000</b>
<b>Floating Rate Notes (FRN)</b>					
Obelisk Trust-Keolis Notes	27-Jul-06	24-Aug-13	2,585	0.00%*	1,000,000
					<b>1,000,000</b>
<b>Collateral Debt Obligation (CDO)</b>					
Aphex Pacific Capital -"Glenelg"	13-Jun-06	22-Dec-14	3,114	4.76%^^	1,500,000
Nexus Bond Limited	28-Mar-03	23-Jun-15	4,470	*	1,500,000
					<b>3,000,000</b>
<b>Capital Protected Notes (CPN)</b>					
Longreach Series 26	07-Jun-07	07-Jun-14	2,557	*	2,000,000
Longreach Series 28	28-Jun-07	27-Jun-14	2,556	*	2,000,000
All Seasons Note	29-Jun-06	29-Aug-14	2,983	*	1,000,000
Longreach Series 29	28-Sep-07	29-Sep-14	2,558	*	1,000,000
Octagon Ltd 'Emu Notes'	25-Oct-05	30-Oct-15	3,657	*	1,000,000
					<b>7,000,000</b>
					<b>49,000,000</b>

\* Denotes grandfathered investments which have maturity dates up to 30 October 2015. The impact of the global financial crisis on these investments has resulted in these investments no longer earning any investment income. A review of these investments on 9 February 2012 reconfirmed Council's "hold-to-maturity" strategy.

^^ Denotes grandfathered investments which continue to earn investment income and have maturity dates up to 22 December 2014. The investment earning and market value of these investments remain subject to the continuing effects of the 2008 global financial crisis. A review of these investments on 9 February 2012 reconfirmed Council's "hold-to-maturity" strategy.

### Report on Council's Investments – Section 625 of the Local Government Act 1993

I hereby certify that investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

### Record of Quotations

A separate record of quotations is kept.

### RECOMMENDATION:

THAT the report be noted.

## 10 ROADS AND MARITIME SERVICES 2013/2014 PROGRAM FUNDING

FILE NO: R-28-10 PT 4

REPORT BY: DIRECTOR CITY WORKS

### Summary:

- Correspondence has been received from the Roads and Maritime Services (RMS) advising of our component of the RMS's Roads Budget for 2013/14.
- The funds allocated are provided in accordance with the usual terms and conditions and our formal acceptance of the funding allocations is requested by the RMS.
- It is recommended the funds offered be accepted.

### Council Delivery Program and Budget Implications:

This report has no implications for the adopted Budget and provision has been made in the 2013/14 Budget to meet our funding contribution to the grants. Total grant of \$1,061,000 represent an increase of \$176,230 over the 2012/13 financial year. The report supports our Community Strategic Plan long term goals of Attractive Streetscapes and Transport Alternatives that Work.

### Report:

The RMS has advised of the funding allocations provided to the City of Canterbury for 2013/14.

The funding provided addresses both road safety and amenity related works as well as assisting with the maintenance of the Regional Road Network. Allocations for improvement works on Regional Roads have also been provided.

The five projects funded require a dollar for dollar contribution and provision has been made in the 2013/14 Budget to meet this commitment. Details of the funding offered by the RMS and the projects and allocations included in the 2013/14 Budget are as shown in the following table.

Project Description	Project Cost (\$)	Council Funds (\$)	RMS Grant offered (\$)
<b>Traffic Management, Bicycle and Pedestrian Program</b>			
• Gough Whitlam Bikepath – Reconstruct bikepath	60,000	30,000	30,000
• Trevenar Street, Ashbury – Pedestrian refuge	20,000	10,000	10,000
• Pedestrian access and mobility - Kerb Ramps various area	60,000	30,000	30,000
<b>Federal Nation Building Blackspot Program</b>			
• Albert Street near Baltimore Street, Campsie Install concrete barrier on median and kerb blisters	72,000	0	72,000
• Moxon Road near Wiggs Road, Punchbowl Install wire rope barrier on road side.	53,000	0	53,000
• Seventh Ave and Fourth Ave, Campsie Install roundabout.	60,000	0	60,000

## ROADS AND MARITIME SERVICES 2013/2014 PROGRAM FUNDING (CONT.)

Project Description	Project Cost (\$)	Council Funds (\$)	RMS Grant offered (\$)
<b>Regional Roads</b>			
• Block Grant for Road Maintenance	193,000	0	193,000
• Block Grant for Traffic Facilities	232,000	0	232,000
• Block Grant - Supplementary Road Component	81,000	0	81,000
• Regional Road REPAIR Grants: Kingsgrove Road, Belmore – Moncur St to Rod St,	600,000	300,000	300,000
<b>Total</b>	<b>1,431,000</b>	<b>370,000</b>	<b>1,061,000</b>

The funds offered have been made available under the usual terms and conditions, with the RMS's contribution to the Regional Road Repair Grant being limited to 50% of the cost of the work (or the offered allocation – whichever is the less). The Block Grant Allocation for maintenance work on the Regional Roads, the Traffic Facilities allocation for linemarking and signposting, and the Supplementary Road Component grant, are however, fully funded, and no matching contribution is required.

All the Programs will be administered under the RMS's "Arrangements with Councils for Road Management" document and we are required to formally accept the grants. It is also necessary to complete construction of the funded works by mid May 2014.

**RECOMMENDATION:**

THAT the 2013/14 program funding offered by the Roads and Maritime Services to assist in financing the road improvement, maintenance and traffic works identified in the report, be accepted, in accordance with the RMS's "Arrangements with Councils for Road Management."



**ADVISORY COMMITTEES****1 COMMUNITY SAFETY COMMITTEE****FILE NO: C-245-2 PT21****Attachments: Minutes of the meeting held on 5 August 2013****REPORT BY: DIRECTOR CORPORATE SERVICES**

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**Summary:**

The minutes of the Community Safety Committee meeting held on 5 August 2013 are presented for endorsement.

**Council Delivery Program and Budget Implications:**

The activities of the Community Safety Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Health and Safety.

**Report:**

The minutes of the Community Safety Committee meeting held on 5 August 2013 are provided in the Attachments.

**RECOMMENDATION:**

THAT the minutes of the Community Safety Committee meeting held on 5 August 2013 be endorsed.

**2 MULTICULTURAL ADVISORY COMMITTEE****FILE NO: M-62-1 PT7****Attachments: Minutes of the meeting held on 3 July 2013****REPORT BY: DIRECTOR CORPORATE SERVICES**

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**Summary:**

The minutes of the Multicultural Advisory Committee meeting held on 3 July 2013 are presented for endorsement.

**Council Delivery Program and Budget Implications:**

The activities of the Multicultural Advisory Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Embracing Diversity.

**Report:**

The minutes of the Multicultural Advisory Committee meeting held on 3 July 2013 are provided in the Attachments. The following recommendations are highlighted as they have financial implications or pertain to policy matters.

**Promoting Cross-Cultural Harmony****THAT:**

1. The Statement of Common Values be endorsed.
2. Subject to Council's endorsement of the Statement, discussions be held with Media and Corporate Communications unit, Property Bookings, Human Resources and other relevant sections of Council about the proposed marketing strategies of the Statement.

**RECOMMENDATION:**

THAT the minutes of the Multicultural Advisory Committee meeting held on 3 July 2013 be endorsed.

**3 ENVIRONMENTAL AND SUSTAINABILITY COMMITTEE**

**FILE NO:** E-37-6 PT3

**Attachments:** Minutes of the meeting held on 6 August 2013

**REPORT BY:** DIRECTOR CITY PLANNING

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**Summary:**

The minutes of the Environmental and Sustainability Committee meeting held on 6 August 2013 are presented for endorsement.

**Council Delivery Program and Budget Implications:**

The activities of the Environmental and Sustainability Committee are met by the specific Budget allocation and support our Community Strategic Plan long term goals of Engaged Community and Responsible Use of Resources.

**Report:**

The minutes of the Environmental and Sustainability Committee meeting held on 6 August 2013 are provided in the Attachments.

**RECOMMENDATION:**

THAT the minutes of the Environmental and Sustainability Committee meeting held on 6 August 2013 be endorsed.

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

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**43/13 CAMPAIGNING FOR IMPROVED CRIME PREVENTION PROGRAMS****FILE NO:** C-123-6 PT4,C-245-2 PT21**Councillor Adler to move**

THAT Council

1. Expresses serious concern about recent violent robberies in the Canterbury Local Government Area that have impacted adversely on local small businesses.
2. Resolves to work through the Community Protection Committee and with the local police for improved local programs of services to support the victims of such crimes and an enhancement of current crime prevention programs to help small businesses reduce their exposure to crimes.

**44/13 CAMPAIGNING TO PROTECT THE RIGHTS OF CONTRACT WORKERS IN LOCAL GOVERNMENT****FILE NO:** C-123-6 PT4, U-7-3 PT7**Councillor Adler to move**

THAT Council

1. Believes that the incorporation of the following principles into local government procurement policies is essential to ensure justice in the workplace for workers of contracting companies that perform services for the sector:
  - a) The requirement that incoming contractors provide no less than the wages and conditions to employees and individual subcontractors as were paid by the outgoing contractors.
  - b) The protection of workers entitlements by contractors and subcontractors.
  - c) Contractors to comply with all relevant industrial legislation, prevailing awards and Enterprise Agreements.
  - d) Contractors provide for occupational health and safety training and practices in accordance with the NSW OH&S Act.
  - e) Provide for special procurement protection where employees of subcontractors are likely to be exploited.
  - f) Ensure that all employees of contractors and subcontractors are able to make a free and informed choice about whether to join a union.
  - g) No person to be discriminated against for being a member or active member of a union.
  - h) Ensure that contract workers receive training to ensure they understand their rights.
  - i) Ensure that contract workers have access to union representation, industrial tribunals and courts.
2. Resolves to actively campaign for these principles to be implemented across the local government sector in NSW.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (CONT)

**45/13 SUPPORT FOR CAMPAIGN TO STOP TAFE CUTS****FILE NO:** C-123-6 PT4, E-19-3**Councillor Adler to move****THAT**

1. Council views with concern the program of cuts to TAFE currently being implemented by the NSW State Liberal Government which will adversely impact on the community in the Canterbury Local Government Area by reducing affordable access to education.
2. We believe that the government should be increasing permanent teaching positions for TAFE and investing in more teacher training rather than contracting TAFE jobs out to the private sector.
3. We call on the State Government to reverse the program of cuts.
4. We support the Stop TAFE Cuts campaign initiated recently by the NSW Teachers Federation and Unions NSW.
5. A letter conveying the contents of this motion be sent to local State MPs, the NSW Teachers Federation and Unions NSW.

**46/13 CAMPAIGNING AGAINST CUTS TO MAINTENANCE SERVICES FOR PUBLIC HOUSING****FILE NO:** C-123-6 PT4, H-30-4 PT3**Councillor Adler to move****THAT Council**

1. Expresses its concern that the recent cuts by the NSW State Liberal Government to the budget for maintenance services for public housing will adversely impact public housing tenants in our Local Government Area.
2. Calls on the NSW government to reverse these cuts.
3. Resolves to publicise its position via appropriate media and correspondence and to support local campaigns on the issue.

**CLOSED COUNCIL**

---

In accordance with the provisions of the Local Government Act 1993, it is proposed that the press and the public be excluded from the meeting when the following reports are to be considered for the reasons specified below.

**ITEM 1      ORION FUNCTION CENTRE - NEW LEASE TO JOBARRA PTY LIMITED**

This report is being considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it..

**ITEM 2      REQUEST FOR QUOTATION - BUSINESS ASSESSMENT OF CANTERBURY AQUATIC AND FITNESS CENTRE AND ROSELANDS AQUATIC CENTRE**

This report is being considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it..

**ITEM 3      CONTRACT FOR THE PROVISION OF ILLUMINATED SIGNS INCORPORATING ADVERTISING IN ROAD RESERVES**

This report is being considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it..

**ITEM 4      TENDER FOR THE CONSTRUCTION OF THE EXTENSION OF CLUNES LANE, CANTERBURY**

This report is being considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the information tender details may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence. It is not in the public interest to reveal all details of these tenders or

the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

**RECOMMENDATION:****THAT**

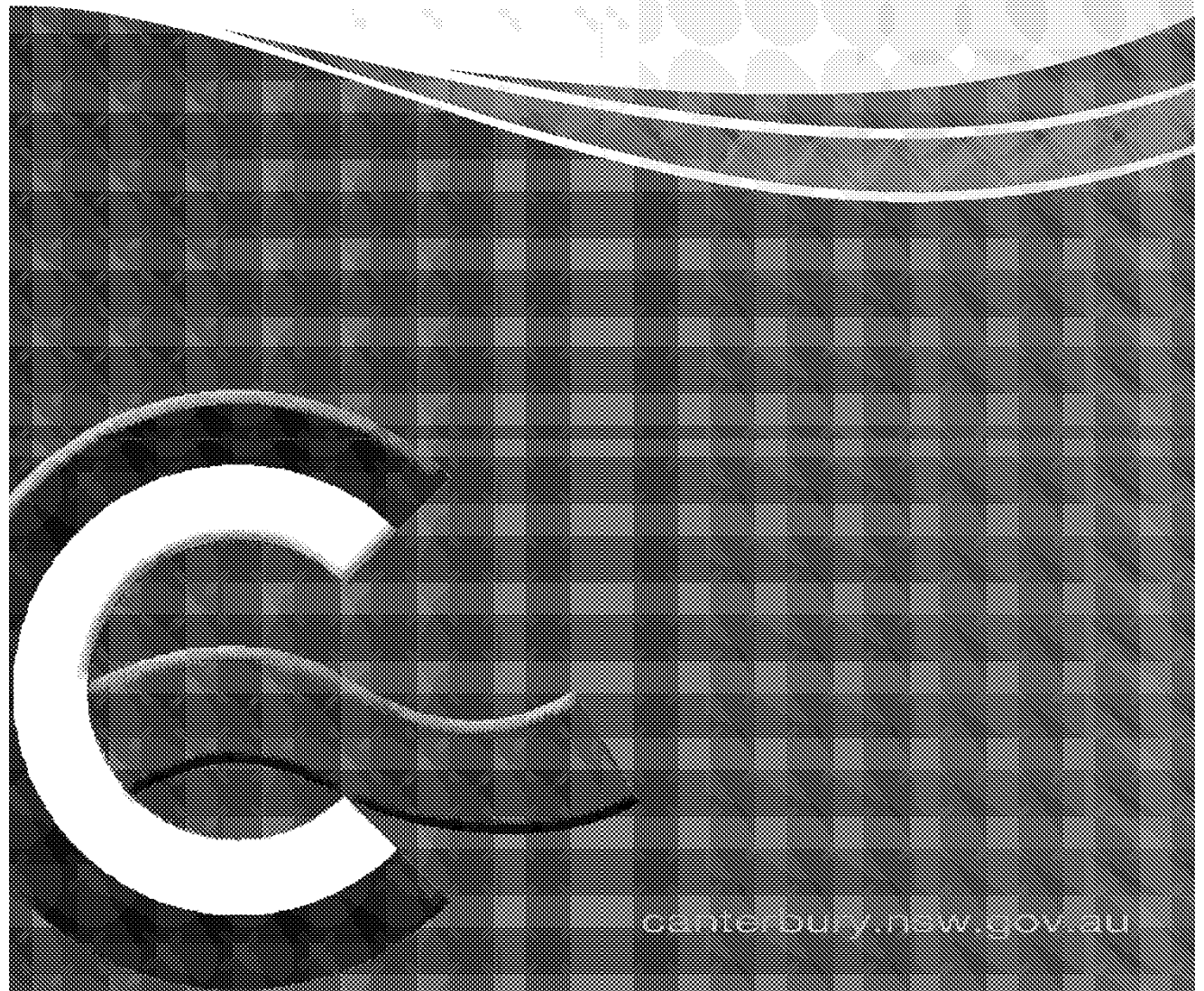
1. Council move into closed council to consider reports, together with any late reports tabled at the meeting.
2. Pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.





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# Code of Conduct



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## **Part 1 Code of Conduct**

## **Part 2 Procedures for the Administration of the Code of Conduct**

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# **PART 1 CODE OF CONDUCT**

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**FOREWORD – A STRONG ETHICAL CULTURE**

The City of Canterbury is a great place to live and work and we want to see this continue in the future. We are a responsible and customer-focused council serving the people of Canterbury, and we provide quality service in all of our activities in order to achieve this future.

An important way in which we can continue to be a responsible council is through a strong ethical culture. Honesty and integrity in the way we do things as an organisation will give us strength, resilience and effectiveness.

This Code of Conduct is an important foundation for a strong ethical culture. It articulates the standards of behaviour expected of councillors and staff and gives us a basis for our decision making process.

This code has the full support of Councillors, the General Manager, senior management and staff.

Personal responsibility

Councillors, members of staff of council and delegates of the council must comply with the applicable provisions of this code of conduct. It is the personal responsibility of all council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the any provisions of council's code of conduct relevant to their activities.

Failure by a councillor to comply with an applicable requirement of council's code of conduct constitutes misbehaviour. Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

Legislative foundations

The Local Government Act 1993 requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW.

This Code of Conduct uses the Model Code of Conduct as a basis, and supplements it with specific provisions relevant to Canterbury City Council. For the purposes of section 440 of the Act, this Code comprises all parts of the Model Code.

This Code should be read in conjunction with the Act. However, nothing in this Code overrides or affects the Act or any other law.

Council has also adopted a policy, consistent with the Public Interest Disclosures Act 1994, for the protection of those making internal disclosures of corrupt conduct, maladministration, serious and substantial waste within the Council, government information contravention and pecuniary interest contravention. In some

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circumstances the reporting of breaches of this Code of Conduct will require the use of this policy.

Values

This Code of Conduct reflects and supports our values. Values are beliefs we have that provides a basis for choices we make. They ultimately determine the quality of our lives.

We have expressed these as simple action statements. The pictorial format is inspired by the upgraded pavements in Beamish Street, Campsie. The lighter colour is our mission, which sets out our purpose in the things we do. The other statements describe the way we want to do these things.

we are responsible to council and our community	we respect and value people	we don't tolerate discrimination, bullying or harassment	we accept responsibility for our actions
through the City Strategic Plan	we welcome diversity	the way we want to do things here	we act with integrity
to achieve real improvements in quality of life	we encourage innovative contributions	we seek to learn and continually improve	we recognise and celebrate success
for people living and working in the City of Canterbury	we operate fairly and transparently	we make all decisions based on merit	we manage risk responsibly

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**Key Principles**

The Code of Conduct is based on the following key principles:

Integrity

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

Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council.

This means promoting public duty to others in the council and outside, by your own ethical behaviour.

Selflessness

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

Impartiality

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits.

This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.

Accountability

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others.

This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.

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Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest.

This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.

Respect

You must treat others with respect at all times.

This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

**Guide to Ethical Decision-Making**

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

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

Conflict of interests

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

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

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Political donations and conflict of interests

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

Seeking advice

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Division of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Contact Information

General Manager – Jim Montague	9789 9447
Public Interest Disclosures Coordinator and	
Complaints Co-ordinator– Brad McPherson	9789 9398
Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Division of Local Government	4428 4100





## PART 1 INTRODUCTION

The new Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct) was released in March 2013. Section 440 of the Local Government Act 1993 requires every council to adopt a code of conduct that incorporates the provisions of The Model Code of Conduct.

For the purposes of section 440 of the Act, this Code comprises all parts of the Model Code of Conduct supplemented by specific provisions relevant to the City of Canterbury.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

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

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code. (Currently under development by DLG)

## PART 2 PURPOSE OF THE CODE OF CONDUCT

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

The Model Code of Conduct has been developed to assist council officials to:

- understand 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 of the Act)
- act in a way that enhances public confidence in the integrity of local government.



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**NOTE:** You act "honestly" if you act in good faith, with no ulterior or improper purpose. A breach of the obligation to act honestly involves a consciousness that what is being done is not in the interests of Council or the community, or both, and deliberate conduct in disregard of that knowledge. Honesty is more than the absence of dishonesty. Anything that is not a fact, or not in accordance with the facts, is dishonest.



### PART 3 GENERAL CONDUCT OBLIGATIONS

#### General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
  - b) is detrimental to the pursuit of the charter of a council
  - c) is improper or unethical
  - d) is an abuse of power or otherwise amounts to misconduct
  - e) causes, comprises or involves intimidation, harassment or verbal abuse
  - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
  - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
  - h) is unreasonable, unjust, or oppressive;
  - i) may cause any reasonable person unwarranted offence or embarrassment;
  - j) may give rise to the reasonable suspicion or appearance of improper conduct or partial performance of your public or professional duties;
  - k) is contrary to law
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439 of the Act*)
- 3.3 You must treat others with respect, courtesy, compassion and sensitivity at all times.

#### Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must always act in the public interest.
- 3.6 You must not act for an ulterior purpose or on irrelevant grounds.
- 3.7 You must take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained.
- 3.8 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

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case. You must not take irrelevant matters or circumstances into consideration when making decisions.

**NOTE:** The general law requires all decision-makers to act fairly, reasonably and otherwise lawfully. That means, among other things, that decision-makers must act strictly within the powers conferred or imposed, and strictly for the purpose for which those powers were conferred or imposed.

### Harassment and discrimination

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

### Development decisions

3.10 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

3.11 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

3.12 Councillors must not attend pre-determination development assessment meetings on Council premises involving staff below Manager/Director level unless both the applicant and other interested parties are present. Minutes must also be taken at these meetings by Council staff present. This does not prevent Councillors from meeting with applicants and objectors by mutual consent as they see fit.

### Council Support

3.13 A council official who honestly and faithfully observes the requirements of this Code and any relevant law is entitled to expect the publicly expressed support of his or her Council and colleagues against unfair allegations of dishonesty or partial performance of his or her public or professional duties.

### Binding caucus votes

3.14 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

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3.15 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.

3.16 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.

3.17 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.

Relations with the Media

3.18 You must at all times promote a positive image of Council and local government generally when dealing with the public.

3.19 You must refrain from making any public statement which insults or makes personal reflections on or imputes improper motives to any other council official.

3.20 Where a situation arises where a Councillor's comment is sought on an issue of community interest, the Councillor must clearly state that their expressed view is a personal view, and does not necessarily represent the views of Council on the particular issue.

3.21 When making public comment on issues or participating in political or industrial activities, staff should not indicate that their views are those of Council. Staff should not provide official comment on matters related to Council unless they are authorised to do so by the General Manager. Public comment includes:

- a) interviews with the media
- b) public speaking engagements
- c) expressing views in letters to the media or in notices, articles or any other medium

Tendering

3.22 You must not be involved in any presentation on behalf of any tenderer whether it involves a cost or not.

3.23 You must not discuss with a tenderer or prospective tenderer any aspect of a tender for a contract to be let by Council, except where a staff member or delegate has been authorised to respond to enquiries relating to the tender.

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3.24 During all tendering processes staff must comply with Council's Procurement policy which is available on the policy register or from the Group Manager Governance.

Alcohol and other drugs

3.25 Council officials must not be intoxicated or drug affected when performing their official duties and must observe the relevant provisions of Council's adopted Drug and Alcohol Management policy, as in force from time-to-time.

We have adopted a drug and alcohol policy for Council staff. The purpose of the policy is to ensure the health, safety and welfare of all employees by effectively dealing with any problems in the work place associated with the misuse of drugs and alcohol. A copy of the policy is available on the intranet or from the Manager Human Resources.

Lobbying

3.26 The Code of Conduct and the Act both recognize that appropriate lobbying of councillors is a normal part of the democratic process. However, it is in the public interest that lobbying is done fairly and does not undermine public confidence in council decision making. The Independent Commission Against Corruption (ICAC) has produced a publication regarding the lobbying of Councillors. The ICAC publication is available on the ICAC website.

Health, Wellbeing and Safety

3.27 Councillors and Council staff should ensure that council's premises are adequate to ensure the health, safety and wellbeing of other council officials and members of the public in accordance with their obligations under the Work Health and Safety Act 2011.

Child Protection

3.28 Child Protection legislation provides substantial requirements for the reporting of suspected and actual child abuse as well as checks for criminal history of employees of Council.

Working with children checks are carried out for all staff positions within Council responsible for supervising or working with children

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### PART 4 CONFLICT OF INTERESTS

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

#### What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442 of the Act*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443 of the Act*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
  - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449 of the Act*)
  - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451 of the Act*)
  - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459 of the Act*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441 of the Act), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

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What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why

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you consider that the conflict does not require further action in the circumstances.

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

### Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.17(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
  - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, 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 interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.20 above).



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Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
  - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 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 interests 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 part of the council's area, or
    - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
  - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353 of the Act*)

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

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

We have adopted the Other Business or Employment policy for Council staff. The purpose of the policy is to ensure council staff are aware of their requirements and seek approval from the General Manager for secondary employment before they undertake any such activity. All staff are expected to act in accordance with the provisions of the policy. A copy of the policy is available on the intranet or from the Manager Human Resources.

Personal dealings with council

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

Bankruptcy

4.33 Senior staff must comply with Section 341 of the Act in relation to bankruptcy and similar provisions.

Political support and community participation

4.34 Staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

If an employee becomes aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Director or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

**Case Study**

A councillor is a member of a large metropolitan club. He is not, however, active in the club or involved with the management of the club. In this situation the councillor merely enjoys the facilities of the club as a privilege of membership.

Should a matter relating to the club arise at council, it is appropriate that the councillor inform the council of his membership. It is unlikely, however, that his interest as a club member would conflict with his role as a councillor representing the view of residents and ratepayers generally. He could therefore participate in the decision making process.

If the councillor was, however, an office holder in the club, the interest may constitute a pecuniary interest.

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**PART 5 PERSONAL BENEFIT**

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

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
    - i) the discussion of official business
    - ii) council work related events such as training, education sessions, workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations
  - b) invitations to and attendance at local social, cultural or sporting events
  - c) gifts of single bottles of reasonably priced alcohol (not exceeding a value of \$20) to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
  - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
  - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind

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- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) accept any gift or benefit of more than token value
  - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
  - 5.7.1 More than token value is defined as a gift or benefit with a value exceeding \$20 or such other amount as may be specified from time to time.
  - 5.7.2 Staff members who:
    - i) exercise a regulatory function of council
    - ii) are involved in procurement or tendering evaluation panels
 are prohibited from accepting gifts or benefits of any kind or value.
 

Staff members who exercise regulatory functions include, but are not limited to, regulatory services staff and development assessment staff.

Gifts offered to, or left for, these staff members which cannot be reasonably refused or returned must immediately be relinquished to a supervisor, manager, the Director or the General Manager and will be donated to the Mayor's Charity Fund.
  - 5.7.3 The procedure for registering gifts and benefits to the gifts register is provided in the Appendices.

Bribes

- 5.8 If a bribe or other improper inducement is offered to you, you must immediately report the matter to the General Manager, to enable the General Manager to fulfil his obligations pursuant to Section 11 of the Independent Commission Against Corruption Act 1998. Such a report must be in writing and be provided to the General Manager as soon as possible following the incident.

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Improper and undue influence

5.9 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

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

**Case Study**

Over a period of time, one local council employee was involved in a series of inspections to registered premises. During the period, the owner of the premises offered the employee a number of gifts including a present for the employee's new born child. The employee accepted the gifts as he felt they were offered as unconditional and genuine tokens of appreciation for his work. He did not interpret the gifts as attempts to gain his favour. In accepting the gifts he did not contravene the council's code of conduct.

Later the owner of the premises made an application for variation to the conditions of his licence. The employee, dutifully, was not compromised by the gifts, and made a recommendation that was not in the owner's interests. After the recommendation was made, the owner complained to the council about the employee accepting the gifts.

Although the employee accepted the gifts in good faith, he nevertheless placed himself in a vulnerable position. While each of these gifts was of modest value, when viewed in total, the value of the gifts seemed quite substantial. The owner also alleged the employee had accepted bribes.

The employee's acceptance of the gifts could also be used as circumstantial evidence of bribery. Furthermore, the employee could not rely on the fact that he made a decision he would have made, regardless of the gifts, as a defence to bribery.



## PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

This Part should be read in conjunction with our Procedure: Interaction between Council officials which is included in the Appendices.

### Obligations of councillors and administrators

6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

6.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352 of the Act*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

### Case Study

A councillor was driving down a local street in her ward and noticed that the nature strips in front of several houses were very unkempt. She immediately contacted a Team Leader whom she knew quite well by mobile phone and requested that Council personnel mow the strip as a matter of urgency as it was disturbing the general environmental amenity. This contact was inappropriate as councillors must refrain from directing council staff. In this situation the Team Leader correctly and politely referred the councillor to the General Manager.

### Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

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## 6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

## 6.5 When exercising a regulatory inspection or other function in relation to members of the public, a member of staff must notify the General Manager when dealing with relatives and close friends, and disqualify themselves from the dealing.

## 6.6 When making decisions or taking actions under delegated authority a member of staff must ensure that:

- a) the decision or action is within their delegated authority as specified by the relevant instrument of delegation;
- b) all decision making requirements and procedures required by the delegation are complied with;
- c) the decision or action is in accordance with the spirit and the letter of any relevant legislation; and
- d) any decisions and the evidence upon which they are based are properly documented.

Obligations during meetings6.7 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

## 6.8 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

## 6.9 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 broader workforce policy issues.
- b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.



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- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.



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**PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.
- 7.6 Councillors may also request access to documents of Council either by way of a Notice of Motion to the Council or a Government Information (Public Access) (GIPA) application.

Councillors and administrators to properly examine and consider information

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

Refusal of access to documents

- 7.8 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.9 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body,

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from any information to which you have by virtue of your office or position with council

- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

### Use and security of confidential information

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

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

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

**NOTE:** If you have access to confidential or sensitive information as part of a local government function, you are in a position of absolute trust, and have a 'fiduciary duty' to Council to keep confidential the information to which you have access. Refer to Section 564 of the Act for more information.

### Personal information

7.12 When dealing with personal information you must comply with:

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

### Use of council resources

7.13 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised in accordance with the Procedure: Use of Council Property (included in the Appendices), and proper payment is made where appropriate.

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

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

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- 7.15 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.16 You must not make use of the council logo or similar intellectual property of the Council without first obtaining the written approval of the Council to such use. Refer to the Procedure: Use of Council Property (included in the Appendices) for instructions on how such approval may be sought.
- 7.17 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.
- 7.18 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign 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.
- 7.19 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate.
- 7.20 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 7.21 You must not convert any property of the council to your own use unless properly authorised.
- 7.22 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.
- 7.23 You must comply with the requirements of Council's Information Technology Usage policy when using our computer resources. A copy of the policy is available on our web page or by contacting our Group Manager Customer and Information Services.

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Councillor access to council buildings

7.24 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.

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

7.26 Councillors and administrators are not to use entry cards in a manner or for a purpose not otherwise authorised by this Code of Conduct or by Council, including the purpose of gaining access to any part of Council premises to which access is otherwise denied or excluded by this Code.

7.27 Councillors and administrators who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.

7.28 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

**Fraud and Corruption Prevention**

7.29 We have established a policy on fraud and corruption prevention. All Council officials must abide by the policy. A copy of the policy is included in the Appendices.

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**PART 8 MAINTAINING THE INTEGRITY OF THIS CODE**

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, 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 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 this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 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 under this code except as may be otherwise specifically permitted under this code.

8.5 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 this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 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.

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Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Division of Local Government.
- 8.10 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 this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Division of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

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### PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66 of the Act
Chief Executive	Chief Executive of the Division of Local Government, Department of Premier and Cabinet
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
corrupt conduct	<p>a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or</p> <p>b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or</p> <p>c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or</p> <p>d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.</p>

Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or



any public authority and which could involve any of the following matters:

- a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition),
- b) bribery,
- c) blackmail,
- d) obtaining or offering secret commissions,
- e) fraud,
- f) theft,
- g) perverting the course of justice,
- h) embezzlement,
- i) election bribery,
- j) election funding offences,
- k) election fraud,
- l) treating,
- m) tax evasion,
- n) revenue evasion,
- o) currency violations,
- p) illegal drug dealings,
- q) illegal gambling,
- r) obtaining financial benefit by vice engaged in by others,
- s) bankruptcy and company violations,
- t) harbouring criminals,
- u) forgery,
- v) treason or other offences against the Sovereign,
- w) homicide or violence,
- x) matters of the same or a similar nature to any listed above,
- y) any conspiracy or attempt in relation to any of the above.

HOWEVER, conduct does not amount to corrupt conduct unless it could constitute or involve:

- a) a criminal offence, or
- b) a disciplinary offence, or
- c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
- d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament a substantial breach of an applicable code of conduct.



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council committee	a committee established by resolution of council
"council committee member"	A person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
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	<p>Section 441 of the Local Government Act 1993 defines a designated person as:</p> <ul style="list-style-type: none"> <li>* the General Manager</li> <li>* other senior staff</li> <li>* a person (other than a senior staff member) who is a member of staff, a delegate, or a committee member of the council and who is designated person because their position or membership of a committee involves the exercise of functions under this or any other Act (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, delegate or committee member and the person's private interest.</li> </ul>
election campaign	includes council, State and Federal election campaigns
non pecuniary interest	means any private or personal interest that does not pertain to money (eg. kinship, friendship, membership of an association, society or trade union or involvement or interest in an activity).
pecuniary interest	means 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 or another person with whom the person is associated, that is not too remote or insignificant.
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

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public area means, in relation to any premises or part or parts of premises, of Council, so much of those premises as are made generally or specially available to the public as of right, but does not include any such premises at any time when they are not so made available to the public (eg. access corridors to staff areas), and in any case does not include staff areas whether open office areas or private staff offices.

senior staff of Council means the General Manager and the Directors

the Regulation the Local Government (General) Regulation 2005

The term "you" used in the Model Code of Conduct refers to council officials. References to sections of the Act in this Code of Conduct are references to sections in the Local Government Act 1993.

The phrase "this code" used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005. (See Section 2 of this document)

Expressions used in this Code of Conduct that are defined in relevant legislation have the meanings set out in the legislation. A number of other expressions are defined here. Notes and case studies are provided to assist in understanding and applying this Code of Conduct. The notes and case studies do not, however, constitute part of the Code of Conduct.

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PROCEDURE: INTERACTON BETWEEN COUNCIL OFFICIALS

PROCEDURE: GIFTS REGISTER

PROCEDURE; USE OF COUNCIL PROPERTY

POLICY: FRAUD AND CORRUPTION CONTROL

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**Procedure: Interaction between Council Officials**

The following procedure applies to the interaction between Council Officials outside of meetings:

1. The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, all requests for information and approaches to staff outside the forum of a Council or Committee meeting, shall be directed to the General Manager, to a Director, or to a Manager.
2. Only Senior Staff or Managers may provide advice to councillors.
3. It is within the discretion of the General Manager, Director or Manager to require councillors to make an appointment, to put a request in writing, or to put it on notice to Council to obtain detailed or otherwise time-consuming information. The General Manager, Director or Manager must indicate in writing, the reasons for refusing a request.
4. For all but straightforward advice on administrative matters, councillors should put their requests for information or advice in writing to be answered by the General Manager, the appropriate Director or Manager.
5. A Director or Manager has the discretion to refer any request for information to the General Manager. The Director or Manager must indicate to the councillor that the councillor's request has been referred on.
6. If a councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the councillor is still dissatisfied they should request the information by way of a Question on Notice or Notice of Motion to the Council.
7. Councillors must not attempt to direct staff as to the performance of their work. Staff must report all such attempts immediately to their Director or the General Manager.
8. Councillors must not request staff to undertake work of a private nature for the councillor or any other person except where otherwise authorised or permitted by law.
9. Councillors must not enter staff-only areas of council buildings without either:
  - 9.1. The express authorisation of either the General Manager or Director; or
  - 9.2. By authority of a resolution of Council.

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**NOTE:** A councillor is not, of course, prevented from bringing some matter to the attention of an appropriate staff member where the matter in question is of civic and public importance, and the purpose of bringing the matter to the notice of the staff member is to do no more than convey information (eg. as to the state or condition of a road or park), with no direction being given as to what action, if any, should be taken.

**NOTE:** A member of staff is not subject to direction by the council as to the content of any advice or recommendation made by the member, but the Council is not prevented from directing a member of staff to provide advice or a recommendation, see Section 352 of the Local Government Act 1995 (NSW).

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### Procedure: Gifts Register

1. Councillors and staff must declare, and have recorded in the **Gifts Register**, gifts and benefits of more than token value whether the gift or benefit is declined, accepted (and donated to the Mayor's Charity Fund) or returned. The Code of Conduct provides guidance as to what constitutes 'Token Gifts and Benefits' and 'Gifts and Benefits of Value'. (Part 5)
2. More than token value is defined as a gift or benefit exceeding \$20 (or such other amount that may be specified from time to time)
3. Recipients may retain token gifts or benefits (as listed in 5.3 of the Code of Conduct), or (if practical and appropriate) share the gift or benefit with others in council. Alternatively, the token gift or benefit may be relinquished and donated to the Mayor's Charity Fund.

While token gifts and benefits are not required to be entered into the Gifts Register, they should be disclosed to your Manager, Director, the General Manager or Mayor as appropriate.

#### Exception

If a member of staff, who does not exercise a regulatory function or is not involved in procurement or tendering activities, receives an invitation to attend a function that constitutes a token gift or benefit, as referred to in 5.3 of the Code of Conduct, and they wish to accept the invitation, they must:

- Complete a **Gifts and Benefits Declaration Form**; and then
- Obtain the approval of their Manager, or in the case of a Manager the approval of their Director, or in the case of a Director the approval of the General Manager **BEFORE accepting the invitation**.

The retention of any token gift or benefit must not give rise to the appearance that a person or body, through the provision of the token gift, benefit or hospitality is attempting to secure favourable treatment from council.

4. With regard to the offer of gifts and benefits of more than token value, a **Gifts and Benefits Declaration Form** must be completed and forwarded by a staff member to their Manager or Director, or in the case of a Councillor to the Mayor or General Manager.

Gifts and benefits of more than token value, which cannot be reasonably refused or returned, must be relinquished and will be donated to the Mayor's Charity Fund.

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5. Staff members who exercise a **regulatory function** of council or who are involved in procurement and tendering activities are **prohibited** from accepting gifts, benefits or hospitality of any kind or value.

Staff members who exercise regulatory functions include, but are not necessarily limited to, regulatory services staff and development assessment staff.

Gifts or benefits of any value **offered** to these officers must be declared by way of completing and submitting a **Gifts and Benefits Declaration Form**. Gifts or benefits which cannot be reasonably refused or returned must immediately be relinquished to a supervisor, manager, the Director or the General Manager with a completed **Gifts and Benefits Declaration** form. These gifts or benefits will be donated to the Mayor's Charity Fund.

6. The relevant Manager, Director or General Manager is responsible for ensuring any receipt of a **Gifts & Benefits Declaration Form** is forwarded to Group Manager Governance.
7. The **Gifts Register** will be maintained by the Group Manager Governance and constitutes a public register.
8. The **Gifts & Benefits Declaration Form** and the **Gifts Register** will incorporate the following information in relation to the personal benefit:
- 8.1. Date and time of receipt or provision of gift
  - 8.2. Date and time of entry into the register
  - 8.3. Provider or donator of the gift;
  - 8.4. If appropriate, the name of the business or organisation that the provider or donator represents;
  - 8.5. The receiver of the gift (if this is a team, area or division, identify the unit and the individual names of the recipients);
  - 8.6. A description of the gift;
  - 8.7. An estimated retail value
  - 8.8. Action taken and or decision made relating to the gift, for instance whether it was accepted, declined, returned, personally retained, relinquished, donated to charity and so on;
  - 8.9. The signature and date when signed by the staff member or councillor; and
  - 8.10. Signature and date when signed off by the staff member's Manager, or in the case of a Councillor, the Mayor or General Manager
9. All declarations must be recorded in the **Gifts Register** as soon as practicable and no later than two weeks of offering, accepting or declining the gift or benefit.

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10. Any gifts or benefits donated to the Mayor's Charity Fund must be formally received and acknowledged by the Mayor's office.
11. If a Councillor or staff member is uncertain about whether a gift, benefit or hospitality is a token gift or more than token value, they should discuss it with their Manager, the Mayor or General Manager.

Councillors and staff should err on the side of caution and... **if in doubt -- declare it.**



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Gifts & Benefits Declaration Form

For information on when and how to use this form refer to the Gifts Register procedure.

Date and Time		Date		Time	
Gift or benefit received or offered/provided:					
This form prepared:					
Gift or benefit provided by:					
Name:					
Organisation:					
Phone number (if available):					
Contact address (if available):					
Gift or benefit received by:					
(if applicable, list unit and all members of the unit receiving the gift or gifts)					
Details of Gift or Benefit					
Description:					
Estimated retail value					
Action taken with gift – Refused , Returned, Relinquished. Retained with approval					
Forwarded by Receiver of gift or benefit			Reviewed/Approved by Manager, Director, General Manager or Mayor		
<b>Signature:</b>	Forward by email to verify identity	<b>Signature:</b>	Forward by email to verify identity		
<b>Name:</b>		<b>Name:</b>			
<b>Position:</b>		<b>Position:</b>			
<b>Date:</b>		<b>Date:</b>			
Governance & Administration Processing:		Date		Time	
Received by Governance Coordinator:					
Entered into Gifts Register:					
Gifts Register reference number:					
Gift donated to Mayor's Charity Fund received by Mayor's Office:		Signed:		Date:	

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**Procedure: Use of Council Property**

1. Staff must not use Council resources for private purposes, however, they may make private use of:
  - 1.1. Fixed telephones and facsimile, provided the calls are local (such expression to include calls to adjoining STD areas), infrequent, short and do not unduly interfere with the business of Council.
  - 1.2. Mobile phones, provided that the actual cost of the private call is reimbursed to Council.
  - 1.3. Photocopiers, provided the use is infrequent and minimal.
  - 1.4. Computers, provided the use is infrequent and minimal, in accordance with Council's policy on computer usage, and does not interfere with the business of Council. No non-Council storage media (such as floppy disks, rewriteable CDs, and USB Flash Drives) are to be used in Council computers unless approved by the Manager Customer Services and Information Technology.
  - 1.5. Email and the Internet, provided the use is infrequent and minimal and does not interfere with the business of Council. Access to inappropriate Internet sites and the use of email to distribute or store offensive and inappropriate material will not be tolerated.
2. Council's resources and equipment must not be used in any circumstances by a member of staff in relation to a second job or business.
3. Council vehicles, pens, paper, clothing, material etc. are not to be used for private purposes unless lawfully authorised.
4. Council's 'Payment of Expenses and Provision of Facilities to Councillors Policy' sets out further information in relation to Councillors' rights and obligations relating to the provision of facilities for use in their role as a Councillor.
5. Approval to make use of the council logo or similar intellectual property of the Council is to be sought in the following manner:
  - 5.1. Any application for such use of the Council logo or other intellectual property must be made in writing and state the manner in which the logo or other intellectual property will be used and the purpose of such use.
  - 5.2. The Council may refuse to approve the use of its logo or intellectual property without giving reasons for its refusal except where the application is made by a Councillor for the purpose of advertising the Councillor's location and that the Councillor is a member of the Council.
  - 5.3. Any approval given by the Council to the use of the logo or other intellectual property may be on conditions which require that the

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logo or other intellectual property are not so used as to give the appearance that a business, enterprise, club or any other activity is approved of or endorsed by the Council.

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**Policy: Fraud and Corruption Control**

**Title:** Fraud and Corruption Control Policy

**Category:** Strategic Corporate

**Key words:** Fraud, fraud prevention, corruption, corrupt conduct, ethics, ethical conduct, personal benefit, council resources, reporting breaches.

**File number:** F-39-1

**Policy owner:** Director Corporate Services (Governance)

**Authorisation:** Council

**Review date:** As per Code of Conduct

**Modification history:** As per Code of Conduct

**Related legislation:** Local Government Act 1993 and Local Government (General) Regulations 2005

Independent Commission Against Corruption Act 1998

Public Interest Disclosures Act 1994

Privacy & Personal Information Protection Act 1998

**Related policies:** Code of Conduct

Complaints Management Policy

Risk Management Policy

Statement of Business Ethics

Tendering Policy

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<b>References:</b>	<p>NSW Department of Local Government Promoting Better Practice Review-- Canterbury City Council September 2007</p> <p>"Fraud Control: Developing an Effective Strategy" -- The Audit Office of NSW</p> <p>ICAC "Practical Guide to Corruption Prevention"</p> <p>"Governance Health Check" issued jointly by the LGMA and the ICAC</p> <p>AS8001:2003 Fraud and Corruption Control</p> <p>AS/NZS 4360 Risk Management Standard and Risk Management Guidelines (HB436)</p>																																
<b>Related forms:</b>	<p>Gifts &amp; Benefits Declaration form</p> <p>Complaint Registration form</p>																																
<b>Contents:</b>	<table border="0"> <tr><td>1</td><td>Purpose</td></tr> <tr><td>1.1</td><td>Background</td></tr> <tr><td>1.2</td><td>Rationale</td></tr> <tr><td>2</td><td>Objectives</td></tr> <tr><td>3</td><td>Scope</td></tr> <tr><td>4</td><td>Definitions</td></tr> <tr><td>5</td><td>Principles</td></tr> <tr><td>6</td><td>Responsibilities</td></tr> <tr><td>7</td><td>Procedures</td></tr> <tr><td>7.1</td><td>Risk Assessment</td></tr> <tr><td>7.2</td><td>Awareness: Staff, Clients and Community</td></tr> <tr><td>7.3</td><td>Reporting</td></tr> <tr><td>7.4</td><td>Investigation</td></tr> <tr><td>7.5</td><td>Public Interest disclosures Act 1994</td></tr> <tr><td>7.6</td><td>Disciplinary Action</td></tr> <tr><td>7.7</td><td>Preventing Further Fraud or Corrupt Conduct</td></tr> </table>	1	Purpose	1.1	Background	1.2	Rationale	2	Objectives	3	Scope	4	Definitions	5	Principles	6	Responsibilities	7	Procedures	7.1	Risk Assessment	7.2	Awareness: Staff, Clients and Community	7.3	Reporting	7.4	Investigation	7.5	Public Interest disclosures Act 1994	7.6	Disciplinary Action	7.7	Preventing Further Fraud or Corrupt Conduct
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**1 Purpose**

The aim of this policy is to demonstrate the City of Canterbury's commitment to the prevention, deterrence, detection and investigation of fraud and corrupt conduct. This policy establishes a framework in which fraud and corrupt conduct will not be tolerated by City of Canterbury and encourages the on-going development of staff through a culture that embraces the highest ethical standards.

**1.1 Background**

Fraud and corruption control is an essential element of our corporate governance. This policy is compliant with relevant legislation and provides guidance to Council officials and members of the public to ensure that Council is an ethical and honest workplace for the benefit of all stakeholders.

**1.2 Rationale**

This policy is designed to mitigate the City of Canterbury's exposure to fraud and corrupt conduct.

**2 Objectives**

This policy is designed to protect public funds and other assets, protect the integrity, security and reputation of the City of Canterbury, and assist in maintaining a high level of services to the community.

The objectives of this policy are to:

- Promote amongst Council officials and members of the public that fraudulent and corrupt acts against the City of Canterbury are unacceptable, may constitute a criminal offence and may result in prosecution or disciplinary action.
- Build a culture that supports Council officials and members of the public to report conduct they suspect may be fraudulent, corrupt or improper
- Reduce opportunities for fraudulent, corrupt or improper conduct
- Provide clear guidance to ensure that adequate investigation standards are followed
- Ensure that appropriate action is taken by the City of Canterbury if fraud, corruption or improper conduct is detected

**3 Scope**

This policy applies to all Council officials [Councillors, delegates and staff of the City of Canterbury] and any external entity providing goods or services to Council, and to any user of Council services or facilities.

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### 4 Definitions

**Fraud** A deliberate act of deception, misrepresentation or omission committed with the intention of gaining an unjust advantage or to cause an unjust loss or disadvantage. This includes fraudulent or corrupt conduct by any person including theft of tangible or intangible assets.

Such behaviour includes, but is not limited to:-

- Breaches and attempted breaches of the law
- Unauthorised and/or illegal use of assets, information or services for private purposes
- Claiming unworked overtime on timesheets
- Allowing contractors to not fully meet contract requirements
- Misappropriation of tangible and intangible assets through:
  - Inappropriate reimbursement of expenses
  - Falsification of records for improper advantage
  - Payments to third parties not in accordance with our Purchasing policy
  - Theft, including theft or misuse of intellectual property
  - Inappropriate exertion of influence or coercion to act in a manner that is not in the City's best interest.

**Corruption** is defined in accordance with section 8 of the Independent Commission Against Corruption Act 1988 as:

- any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Council official** includes Councillors, members of staff of council and delegates of council.

**Public Interest Disclosure** is defined in accordance with the NSW Ombudsman as:

The Public Interest Disclosures Act provides protection for people who come forward with information about the following serious matters concerning the way agencies operate:

- corrupt conduct
- maladministration

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- serious and substantial waste of public money
- government information contraventions
- local government pecuniary interest contraventions

**5 Principles**

The City of Canterbury expects Council officials to maintain a high standard of ethical conduct in all activities, in particular with respect to resources, information and authority. The community rightly expects the City of Canterbury to conduct its business in a fair and honest manner.

The City of Canterbury expects all Council officials to be familiar with and act in accordance with our Code of Conduct. Unacceptable behaviour and guidelines for appropriate behaviour for Council officials is contained in the Code of Conduct. We expect similar standards from the people, agencies or organisations that do business with us. These standards are detailed in our Statement of Business Ethics.

Council is committed to ensuring that its dealings with external parties are conducted in an ethical manner. Council has developed policies that it expects clients and stakeholders to adhere to, such as the Code of Conduct and Statement of Business ethics. Both documents are made available on our web site and the Statement of Business Ethics is included as part of all tender documentation.

We will ensure our community is aware that fraud and corruption committed against the Council is not acceptable by publishing appropriate information in our Annual Report.

**6 Responsibilities**

Council officials are responsible for reporting cases of suspected fraud or corrupt conduct.

Council officials also have a responsibility to act honestly and to follow diligently Council's policies and practices to prevent and mitigate fraud and corruption.

The General Manager is also responsible for the prevention, detection and reporting of fraud and corruption through the implementation of appropriate and effective internal control systems.

Directors, Managers, Coordinators and Team Leaders are also responsible for the prevention, detection and reporting of fraud and corrupt conduct by ensuring:



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- there are mechanisms in place within their area of control to assess the risk of fraud and corrupt conduct,
- promotion of employee awareness and education on the prevention of fraud and corruption
- compliance with legislation and Council's policies and practices
- to report any fraudulent or corrupt matters to the General Manager.
- undertake risk and fraud detection through a Risk Management Program.

All Council officials must also report any identified weakness in internal controls that could potentially facilitate a fraudulent or corrupt act. These weaknesses should be reported to your Manager and/or the Group Manager Governance for determination and action as appropriate.

The Group Manager Governance will investigate and report incidents in accordance with our Code of Conduct.

## **7 Procedures**

The following procedures will underpin our efforts in fraud and corruption prevention, detection and investigation.

### **7.1 Risk Assessment**

Periodic and comprehensive fraud and corruption risk assessments will be conducted throughout the Council in accordance with the strategies outlined in our Risk Management Policy.

### **7.2 Awareness: Staff, Clients and Community**

This policy will be communicated to all Council officials and members of the public and the highest possible level of awareness will be maintained. This policy will be promoted through:

- Staff training programs
- Internal communications
- Intranet; and
- Internet for the information of members of the public

### **7.3 Reporting**

The General Manager encourages the reporting of any suspected fraud and corruption issues. To assist Council officials and members of the public, Council has mechanisms in place to provide guidance for reporting fraud and corruption. These reporting mechanisms are outlined below. If you would like assistance or further information, please discuss with your Manager or the Group Manager Governance.

#### **Reporting by Council officials**

Through our Code of Conduct we have developed an internal reporting structure that provides for Council officials to report any instances of corrupt

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conduct or fraud. Council officials may also report any instances of fraud and corruption to their Manager or the Group Manager Governance.

### External Reporting

The Code of Conduct also provides an alternative avenue for staff and Councillors to report fraud and corrupt conduct to external investigating authorities such as the Independent Commission Against Corruption, the NSW Ombudsman or the Division of Local Government.

### Reporting by Members of the Public

We have also established a Complaints Management Policy that allows members of the public to report suspected fraud or corruption.

These policies are available on Council's intranet and web site.

### 7.4 Investigation

All instances of suspected fraud, corruption or improper conduct that is reported will be promptly and confidentially investigated by an appropriately skilled person to establish whether or not a basis exists for further action. Council has nominated the Group Manager Governance as the staff member responsible for progressing investigations. In the event that an issue relates to the Group Manager Governance, the investigation will be progressed by the Director Corporate Services. If necessary, the General Manager may determine that an investigation be carried out independent of Council and will arrange for an independent investigator to be appointed.

In conducting an investigation into allegations of corrupt conduct and/or fraud, we will follow the NSW Independent Commission Against Corruption (ICAC) "20 Step Guide to Conducting an Inquiry". The Guide recommends that an investigation comprise:

- Step 1: Maintaining confidentiality
- Step 2: Getting the big picture: An inquiry overview
- Step 3: Interviewing sources
- Step 4: Is the source making a protected disclosure?
- Step 5: Assessing the information
- Step 6: Setting up a file
- Step 7: Referrals
- Step 8: Defining your scope & purpose
- Step 9: Working out your powers
- Step 10: Being fair Part 1 — Listen to, and consider people's points of view
- Step 11: Thinking about 'affected persons'
- Step 12: Being fair Part 2 — No bias
- Step 13: Drafting a fact-finding plan
- Step 14: Fact-finding tools
- Step 15: Collecting documents

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- Step 16: Collecting things
- Step 17: Interviewing people
- Step 18: Interviewing 'affected persons'
- Step 19: Fact-finding
- Step 20: Writing a report

Should possible corrupt conduct be uncovered, the matter will be immediately reported by the General Manager to the ICAC under Section 11 of the ICAC Act where it imposes a statutory obligation on the General Manager to report suspected corrupt conduct to the ICAC. The report by the General Manager to ICAC must be made as soon as there is reasonable suspicion that corrupt conduct may have occurred or may be occurring.

Should an investigation uncover possible criminal behaviour, the investigation will be terminated and the General Manager will report the matter immediately to Police.

#### **7.5 Public Interest Disclosures Act 1994**

Council is committed to the aims and objectives of the Public Interest Disclosures Act. Our Code of Conduct provides guidance on how to make a protected disclosure to Council's Public Interest Disclosures Coordinator. Council's Public Interest Disclosures Coordinator is the Group Manager Governance. Please refer to the policy on Public Interest Disclosures.

#### **7.6 Disciplinary Action**

Council will comply with the provisions of the Code of Conduct, relevant awards, conditions and legislation in dealing with confirmed fraudulent or corrupt acts.

#### **7.7 Preventing Further Fraud or Corrupt Conduct**

It is important that any acts of fraud or corruption are not repeated. Details of any fraudulent or corrupt acts will be provided to all Directors and Managers so they can review their operations for similar circumstances and risks. Staff from Governance will work with Managers to develop internal controls and procedures to reduce the risk of fraud or corruption re-occurring within their area.

The Group Manager Governance is empowered to initiate spot checks of processes and procedures applicable to any of Council's programs or operational functions for the purposes of ascertaining their efficiency/effectiveness and procedural integrity.

Council will document, where appropriate, proven cases of fraud or corruption and the disciplinary action taken against those involved for publication in Council's internal newsletter to discourage further instances of fraudulent and corrupt behaviour and to highlight Council's intent that fraud and corruption is not acceptable and will be dealt with appropriately.

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## PART 2 PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

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## PART 1 INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2005* ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

In adopting procedures for the administration of their adopted codes of conduct, councils may supplement the Model Code Procedures. However provisions of a council's adopted procedures that are not consistent with those prescribed under the Model Code Procedures will have no effect.

## PART 2 DEFINITIONS

For the purposes of the procedures, the following definitions apply:

"the Act"	the <i>Local Government Act 1993</i>
Act of disorder	<p>clause 256 of the <i>Local Government (General) Regulation 2005</i> specifies that a councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:</p> <ul style="list-style-type: none"> <li>(a) A contravenes the Act or any regulation in force under the Act, or</li> <li>(b) assaults or threatens to assault another councillor or person present at the meeting, or</li> <li>(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or</li> <li>(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or</li> <li>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.</li> </ul>

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"administrator"	an administrator of a council appointed under the Act other than an administrator appointed under section 66 of the Act
"code of conduct"	a code of conduct adopted under section 440 of the Act
"code of conduct complaint"	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
"complainant"	a person who makes a code of conduct complaint
"complainant councillor"	a councillor who makes a code of conduct complaint
"complaints coordinator"	a person appointed by the general manager under these procedures as a complaints coordinator
conduct	any action or inaction relating to a matter of administration, and any alleged action or inaction relating to a matter of administration.
Panel of Conduct Reviewers	This is addressed in Part 3 of these Procedures
"conduct reviewer"	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
"council committee"	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
"councillor"	a person elected or appointed to civic office and includes a Mayor
"council official"	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
"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

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	council is delegated
"the Division"	the Division of Local Government, Department of Premier and Cabinet
"investigator"	a conduct reviewer or conduct review committee
maladministration	for the purposes of the Public interest disclosures Act 1994 (NSW), is conduct of a kind that involves action or inaction of a serious nature that is: <ul style="list-style-type: none"> <li>a) contrary to law; or</li> <li>b) unreasonable, unjust, oppressive or improperly discriminatory; or</li> <li>c) based wholly or partly on improper motives.</li> </ul>

**NOTE:** Conduct may still constitute "wrong conduct" (see below) within the meaning of the Ombudsman Act 1974 (NSW) without necessarily amounting to maladministration within the meaning of the Public Interest Disclosures Act 1994 (NSW).

"the Regulation"	the <i>Local Government (General) Regulation 2005</i>
"subject person"	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures
waste	refers to serious and substantial waste of public money

**PART 3 ADMINISTRATIVE FRAMEWORK**The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers. The City of Canterbury has entered into such an arrangement with other Councils through the Southern Sydney Regional Organisation of Councils.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

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- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations, or
    - ii) law, or
    - iii) public administration, or
    - iv) public sector ethics, or
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not be eligible to be a member of the panel of conduct reviewers if they are
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.



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The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff. The Group Manager Governance has been appointed as Council's Complaints Co-ordinator.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator. The Governance Co-ordinator has been appointed as Council's alternate Complaints Co-ordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.16 The role of the complaints coordinator is to:
- coordinate the management of complaints made under the council's code of conduct,
  - liaise with and provide administrative support to a conduct reviewer or conduct review committee,
  - liaise with the Division of Local Government, and
  - arrange the annual reporting of code of conduct complaints statistics.

**PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**What is a "code of conduct complaint"?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

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When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

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- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

## **PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**

### How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

### How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of

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council and council committee members and for determining the outcome of such complaints.

- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
  - c) prosecution for any breach of the law,
  - d) removing or restricting the person's delegation, or
  - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

How are code of conduct complaints about conduct reviewers to be dealt with?

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.

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5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How are code of conduct complaints about administrators to be dealt with?

5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.

5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B of the Act),
- c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.

5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.

5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

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5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:

- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
- b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
- c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.

5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.

5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.

5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies

5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under

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clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.

- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.


Code of conduct complaints made as public interest disclosures

- 5.35 Code of conduct complaints that are made as public interest disclosures under the *Public Interest Disclosures Act 1994* are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
  - b) the period that the arrangement will be in force.



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- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

**PART 6 PRELIMINARY ASSESSMENT**Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or

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- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
- c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100K, or
- d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.

- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but

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- not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
- d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
- e) to investigate the matter, or
- f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.

- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.
- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
  - a) that the complaint is a "code of conduct complaint" for the purposes of these procedures, and

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- b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
- c) that the matter is one that could not or should not be resolved by alternative means.

6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.

6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.

6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.

6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.

6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.

6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.


Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:

- a) whether the complaint is a “code of conduct complaint”,
- b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- c) whether the complaint discloses prima facie evidence of a breach of the code,
- d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## **PART 7 OPERATIONS OF CONDUCT REVIEW COMMITTEES**

7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.

7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:

- a) a panel of conduct reviewers established by the council, or
- b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.

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- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
- a) the qualifications and experience of members of the panel of conduct reviewers, and
  - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.
- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.

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- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
  - b) ensure adequate resources are provided including secretarial support,
  - c) attend meetings of the conduct review committee in an advisory capacity, and
  - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

**PART 8 INVESTIGATIONS**What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.

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- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
- a) disclose the substance of the allegations against the subject person, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and
  - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
  - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.
- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or



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such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.
- 8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 8.15 Investigations are to be undertaken without undue delay.
- 8.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

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8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.

8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.

8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.

8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

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Draft investigation reports

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 8.29 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. Where as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the subject person or an affected person, they must provide the subject person or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 8.30 Where the subject person or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 8.31 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

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8.34 The investigator's final report must:

- a) make findings of fact in relation to the matter investigated, and,
- b) make a determination that the conduct investigated either,
  - i. constitutes a breach of the code of conduct, or
  - ii. does not constitute a breach of the code of conduct, and
- c) provide reasons for the determination.

8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
  - i. that the councillor be formally censured for the breach under section 440G of the Act, and
  - ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,
- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,

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- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,
- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.

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- 8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.

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- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
  - b) that findings of inappropriate conduct be made public,
  - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
  - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
  - e) in the case of a breach by a councillor:

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- i. that the councillor be formally censured for the breach under section 440G of the Act, and
- ii. that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.

8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.

8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

## **PART 9      RIGHTS OF REVIEW**

### Failure to comply with a requirement under these procedures

9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

### Practice rulings

9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).

9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

9.4 Where the Division makes a practice ruling, all parties are to comply with it.

9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.



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Requests for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.
- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.

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9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
- b) the general manager or Mayor must review any action taken by them to implement the sanction, and
- c) the general manager or Mayor must consider the Division's recommendation in doing so.

9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:

- a) the complaints coordinator must, where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Division's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## **PART 10 PROCEDURAL IRREGULARITIES**

10.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct except as may be otherwise specifically provided under the code of conduct.

10.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:

- a) the non-compliance is isolated and/or minor in nature, or
- b) reasonable steps are taken to correct the non-compliance, or
- c) reasonable steps are taken to address the consequences of the non-compliance.

## **PART 11 PRACTICE DIRECTIONS**

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- 11.1 The Division may at any time issue a practice direction in relation to the application of these procedures.
- 11.2 The Division will issue practice directions in writing, by circular to all councils.
- 11.3 All persons performing a function prescribed under these procedures must consider the Division's practice directions when performing the function.

**PART 12 REPORTING ON COMPLAINTS STATISTICS**

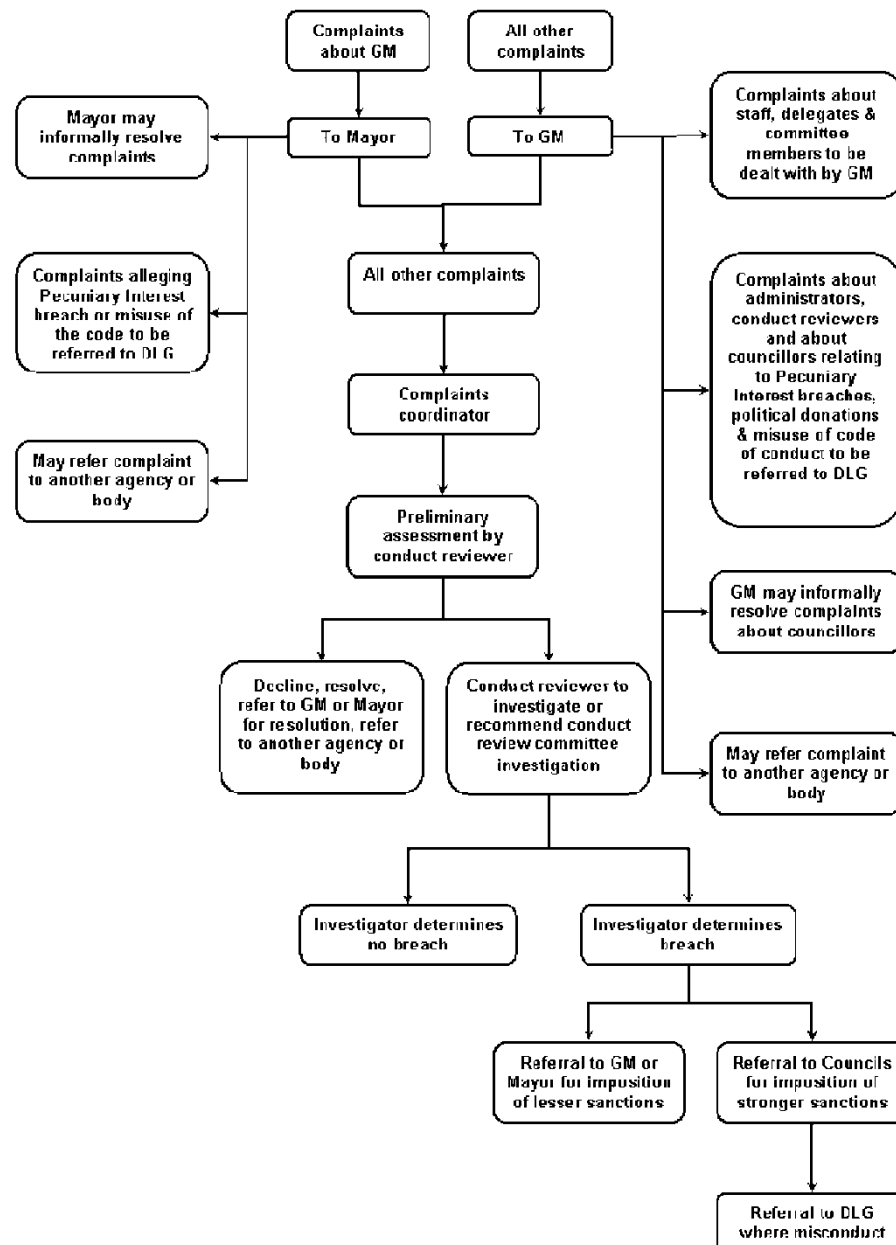
- 12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
  - a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
  - b) the number of code of conduct complaints referred to a conduct reviewer,
  - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
  - d) the number of code of conduct complaints investigated by a conduct reviewer,
  - e) the number of code of conduct complaints investigated by a conduct review committee,
  - f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
  - g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
  - h) The total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.
- 12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

**PART 13 CONFIDENTIALITY**

- 13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.



### Model Code Procedure Flowchart



**MINUTES OF THE ORDINARY MEETING OF THE CANTERBURY CITY COUNCIL, HELD IN THE COUNCIL CHAMBERS, 137 BEAMISH STREET, CAMPSIE ON THURSDAY, 22 AUGUST 2013 AT 7.48 P.M.**

**PRESENT**

The Mayor, Councillor B. Robson, in the Chair, the Deputy Mayor, Councillor K. Saleh and Councillors M. Adler, P. Azzi, L. Eisler, M. Hawatt, F. Kebbe, K. Nam, E. Paschalidis-Chilas and C. Vasiliades.

The Chairperson acknowledged the traditional owners of the land and paid respect to their ancestors.

**OPENING PRAYER**

Councillor Vasiliades opened the meeting with a prayer.

**CONFIRMATION OF MINUTES**

**Min. No. 286 RESOLVED** (Councillors Hawatt/Azzi)  
THAT the Minutes of the Council Meeting held on 25 July 2013, numbered 239 to 270, copies of which were previously circulated to the Councillors, be taken as read and confirmed.

**MAYORAL MINUTES**

- 1 ACKNOWLEDGEMENT OF FUNDING: NATIONAL CRIME PREVENTION FUND**  
FILE NO: M-14-5 PT2, A-118-3

**Min. No. 287 RESOLVED** (Councillor Robson)  
THAT the grant of \$500,000 be accepted and the Minister for Home Affairs and Minister for Justice, the Hon. Jason Clare MP and the Minister for Immigration, Multicultural Affairs, Citizenship and the Arts, the Hon. Tony Burke MP be thanked for their efforts in securing funding.

**REFERRED COMMITTEE MATTERS**

- 1 EDUCATION AND TRAINING FOR RESIDENTS OF THE CITY OF CANTERBURY**  
FILE NO: E-19-3

**Min. No. 288 RESOLVED** (Councillors Hawatt/Eisler)  
THAT

1. The wide range of activities provided by Council across the City of Canterbury to provide education and training opportunities to all members of our diverse community be acknowledged.

2. The role of the Economic Development Committee in relation to education and training be acknowledged and confirmed.
3. Establishment of an Education and Training Advisory Committee not be pursued.
4. An Education and Training Summit be convened to bring together key stakeholders to develop a snapshot of current education and training services in the City of Canterbury.

**ADOPTION OF TRAFFIC COMMITTEE REPORT**

FILE NO: L-50-3 PT3

**Min. No. 289 RESOLVED** (Councillors Azzi/Adler)

THAT the minutes of the Traffic Committee meeting held on 5 August 2013 and the recommendations contained therein, be adopted, with the exception of Item 10.

**ITEM 10: DRAPER AVENUE, CANTERBURY - REQUEST FOR RIGHT TURN BANS**

**Min. No. 290 RESOLVED** (Councillors Azzi/Adler)

THAT the matter be deferred to the Traffic Committee to allow for further consultation.

**OFFICERS REPORTS**

**1 2012/13 DRAFT FINANCIAL STATEMENTS**

FILE NO: C-114-7 12/13

**Min. No. 291 RESOLVED** (Councillors Hawatt/Kebbe)

THAT

1. The draft general purpose and special purpose financial statements be adopted.
2. The Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management included in the adopted accounts on behalf of Council.
3. The adopted financial statements be referred to Council's external auditor.
4. The General Manager be delegated the authority to "finalise the date" at which the auditor's report and financial statements are to be presented to the public.
5. The General Manager be delegated the authority to authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's report subject to there being no material audit changes or audit issues.

**2 2012/13 FOURTH QUARTER BUDGET REVIEW STATEMENT**

FILE NO: C-114-7 12/13

**Min. No. 292 RESOLVED** (Councillors Hawatt/Kebbe)

THAT the Quarterly Budget Review Statement for the period 1 April 2013 to 30 June 2013 be noted and the budget adjustments, transfers and carryovers included in the report be endorsed.

At this stage of the meeting, the divisional Directors and Group Manager Financial Services made a presentation on the April to June 2013 quarterly review of the 2012/2013 Integrated Planning and Budget.

**3      2012/13 FOURTH QUARTER INTEGRATED PLANNING REVIEW**  
FILE NO:      C-114-7 12/13

**Min. No. 293 RESOLVED** (Councillors Hawatt/Vasiliades)  
THAT the report be noted.

During discussion on the above item,

- Councillor Saleh left the Council Chamber at 8.22 p.m. and returned at 8.27 p.m.
- Councillor Adler left the Council Chamber at 8.24 p.m. and returned at 8.26 p.m.
- Councillor Eisler left the Council Chamber at 8.30 p.m. and returned at 8.34 p.m.
- Councillor Kebbe left the Council Chamber at 8.31 p.m. and returned at 8.45 p.m.
- Councillor Paschalidis-Chilas left the Council Chamber at 8.43 p.m. and returned at 8.44 p.m.
- Councillor Eisler left the Council Chamber at 8.43 p.m. and returned at 8.44 p.m.

**4      COUNCIL COMMUNITY EVENTS**  
FILE NO:      A-128-9 13, P-24-02

**Min. No. 294 RESOLVED** (Councillors Saleh/Adler)  
THAT the matter be deferred for consideration at a future Council meeting to allow for a Councillor Workshop.

**5      REVIEW OF ORGANISATION STRUCTURE**  
FILE NO:      C-114-8

**Min. No. 295 RESOLVED** (Councillors Hawatt/Saleh)  
THAT pursuant to S332 of the Local Government Act, 1993, the current organisational structure as depicted in the Attachment to the report be endorsed.

**6      CODE OF CONDUCT REVIEW**  
FILE NO:      C-84-3 PT9

**Min. No. 296 RESOLVED** (Councillors Eisler/Saleh)  
THAT

1. The amended Code of Conduct that is included in the Attachments, be adopted.
2. Training be provided for Councillors and staff on the new Code.
3. After the training has been provided, all Council officials be required to sign a statement that they have received and read their obligations under the Code of Conduct.
4. Clause 7.6 of the draft amended Code of Conduct be deleted.

During discussion on the above item, Councillor Kebbe left the Council Chamber at 8.50 p.m. and did not return.

**Declaration of Interest**

The Deputy Mayor, Councillor Saleh declared a less than significant non pecuniary interest in the following item and stated the nature of the interest as being his association with the Riverwood Community Centre. Councillor Saleh left the Council Chamber at 9.06 p.m. prior to consideration of the matter.

Councillor Hawatt declared a less than significant non pecuniary interest in the following item and stated the nature of the interest as being his association with the Canterbury Multicultural Aged and Disability Support Service Inc. Councillor Hawatt left the Council Chamber at 9.07 p.m. prior to consideration of the matter.

**7      FINANCIAL ASSISTANCE PROGRAM 2013 - 2014**

FILE NO:      D-14-8 PT3

**Min. No. 297   RESOLVED** (Councillors Azzi/Eisler)  
**THAT**

1.      Funds totalling \$82,189 plus GST be allocated to groups as recommended in the table included in the Attachments.
2.      Funds of \$500 plus GST be allocated to Inner Western Circle for the event applied for in their late application.
3.      Funds of \$10,000 be allocated to our Economic Development Committee for decorations of town centres for events in 2013-14.
4.      Funds of \$2,311 be allocated for the presentation ceremony at which successful applicants are announced.
5.      The 2013/2014 Financial Assistance Grants be presented to successful groups at an appropriate ceremony in September 2013.
6.      A further report be brought to Council regarding the outcomes of the review of the FAP and recommendations for improvement for the 2014/15 financial year.
7.      The position of the Baalbek Theatre Group, Punchbowl be reviewed and further consideration be given to their request for funding.

Following consideration of the above item, the Deputy Mayor, Councillor Saleh and Councillor Hawatt returned to the Council Chamber at 9.09 p.m.

**8      PARTNERSHIP AGREEMENT WITH SOUTH WESTERN SYDNEY**  
**INSTITUTE OF TAFE**

FILE NO:      E-28-11

**Min. No. 298   RESOLVED** (Councillors Hawatt/Adler)  
**THAT**

1.      Council endorse the draft Partnership Agreement between South Western Sydney Institute of TAFE and the City of Canterbury.
2.      A report on the progress of the Strategic Partnership be brought to Council in August 2014.



**9      INVESTMENTS AT 31 JULY 2013**

FILE NO:      I-30-9 PT4

**Min. No. 299 RESOLVED** (Councillors Hawatt/Azzi)  
THAT the report be noted.

**10     ROADS AND MARITIME SERVICES 2013/2014 PROGRAM FUNDING**

FILE NO:      R-28-10 PT4

**Min. No. 300 RESOLVED** (Councillors Hawatt/Adler)  
THAT the 2013/14 program funding offered by the Roads and Maritime Services to assist in financing the road improvement, maintenance and traffic works identified in the report, be accepted, in accordance with the RMS's "Arrangements with Councils for Road Management."

**ADVISORY COMMITTEES**

**1      COMMUNITY SAFETY COMMITTEE**

FILE NO:      C-245-2 PT21

**Min. No. 301 RESOLVED** (Councillors Saleh/Paschalidis-Chilas)  
THAT the minutes of the Community Safety Committee meeting held on 5 August 2013 be endorsed.

**2      MULTICULTURAL ADVISORY COMMITTEE**

FILE NO:      M-62-1 PT7

**Min. No. 302 RESOLVED** (Councillors Eisler/Saleh)  
THAT the minutes of the Multicultural Advisory Committee meeting held on 3 July 2013 be endorsed.

**3      ENVIRONMENTAL AND SUSTAINABILITY COMMITTEE**

FILE NO:      E-37-6 PT3

**Min. No. 303 RESOLVED** (Councillors Eisler/Paschalidis-Chilas)  
THAT the minutes of the Environmental and Sustainability Committee meeting held on 6 August 2013 be endorsed.

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**44/13 CAMPAIGNING FOR IMPROVED CRIME PREVENTION PROGRAMS**

FILE NO:      C-123-6 PT4,C-245-2 PT21

**Min. No. 304 RESOLVED** (Councillors Adler/Paschalidis-Chilas)  
THAT Council

1. Expresses serious concern about recent violent robberies in the Canterbury Local Government Area that have impacted adversely on local small businesses.
2. Resolves to work through the Community Safety Committee and with the local police for improved local programs of services to support the victims of such crimes and an enhancement of current crime prevention programs to help small businesses reduce their exposure to crimes.

**45/13 CAMPAIGNING TO PROTECT THE RIGHTS OF CONTRACT WORKERS IN LOCAL GOVERNMENT**

FILE NO: C-123-6 PT4, U-7-3 PT7

**Min. No. 305 RESOLVED** (Councillors Adler/Saleh)

THAT Council

1. Believes that the incorporation of the following principles into local government procurement policies is essential to ensure justice in the workplace for workers of contracting companies that perform services for the sector:
  - a) The requirement that incoming contractors provide no less than the wages and conditions to employees and individual subcontractors as were paid by the outgoing contractors.
  - b) The protection of workers entitlements by contractors and subcontractors.
  - c) Contractors to comply with all relevant industrial legislation, prevailing awards and Enterprise Agreements.
  - d) Contractors provide for occupational health and safety training and practices in accordance with the NSW WH&S Act.
  - e) Provide for special procurement protection where employees of subcontractors are likely to be exploited.
  - f) Ensure that all employees of contractors and subcontractors are able to make a free and informed choice about whether to join a union.
  - g) No person to be discriminated against for being a member or active member of a union.
  - h) Ensure that contract workers receive training to ensure they understand their rights.
  - i) Ensure that contract workers have access to union representation, industrial tribunals and courts.
2. Resolves to actively campaign for these principles to be implemented across the local government sector in NSW.

**46/13 SUPPORT FOR CAMPAIGN TO STOP TAFE CUTS**

FILE NO: C-123-6 PT4, E-19-3

**Min. No. 306 RESOLVED** (Councillors Adler/Paschalidis-Chilas)

THAT

1. Council views with concern the program of cuts to TAFE currently being implemented by the NSW State Liberal Government which will adversely impact on the community in the Canterbury local government area by reducing affordable access to education.
2. We believe that the government should be increasing permanent teaching positions for TAFE and investing in more teacher training rather than contracting TAFE jobs out to the private sector.

3. We call on the State Government to reverse the program of cuts.
4. We support the Stop TAFE Cuts campaign initiated recently by the NSW Teachers Federation and Unions NSW.
5. A letter conveying the contents of this motion be sent to local State MPs, the NSW Teachers Federation and Unions NSW.

**47/13 CAMPAIGNING AGAINST CUTS TO MAINTENANCE SERVICES FOR PUBLIC HOUSING**

FILE NO: C-123-6 PT4, H-30-4 PT3

**Min. No. 307 RESOLVED** (Councillors Adler/Paschalidis-Chilas)

THAT Council

1. Expresses its concern that the recent cuts by the NSW State Liberal Government to the budget for maintenance services for public housing will adversely impact public housing tenants in our local government area.
2. Calls on the NSW government to reverse these cuts.
3. Resolves to publicise its position via appropriate media and correspondence and to support local campaigns on the issue.

**MOTION WITHOUT NOTICE**

The following **MOTION** was moved without notice. The Chairperson considered the contents of the motion and ruled that the business proposed to be brought forward is of great urgency and therefore could be considered by Council.

**48/13 TENNIS COURTS AT PUNCHBOWL PARK**

FILE NO: T-10-7 PT9

**Min. No. 308 RESOLVED** (Councillors Saleh/Adler)

THAT

1. The previous decision to close the public tennis courts at Punchbowl Park, Punchbowl be delayed to allow consultation with the residents in the vicinity in relation to the future of the courts.
2. A review of the booking system for the courts to assess its accuracy be undertaken.
3. The results of the consultation and review be reported to Council for consideration and final determination of the matter.

**QUESTIONS/BUSINESS WITHOUT NOTICE**

1. Councillor Adler referred to the business paper for the SSROC Ordinary Meeting on 18 August 2013, and specifically references to the commissioning of a report to discuss the Council of Mayors Model as a response to the Independent Local Government Review Panel's consultation paper 'Better Stronger Local Government,' and the appointment of Professor Gary Sturgess to carry out the work. Councillor Adler asked the General Manager what is the Council of Mayors Model; has it been developed; at what stage is the appointment of Professor Sturgess; and when can an outcome be expected.

**RESPONSE**

The General Manager responded that Professor Sturgess has been appointed and is currently visiting all SSROC councils. The General Manager advised that the project revolves around developing an alternative model to the Independent Review Panel's findings. The General Manager further advised that once the model has been developed it will be considered by SSROC, however the work is still in progress.

**CLOSED COUNCIL**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, the following business is considered to be of a kind as referred to in section 10A(2) of the Act, and should be dealt with as part of the meeting closed to the media and the public. Detailed below is section 10A(2) of the Local Government Act 1993 that sets out those matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (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 grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

**ITEM 1. ORION FUNCTION CENTRE - NEW LEASE TO JOBARRA PTY LIMITED**

This report was considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it.

**ITEM 2. REQUEST FOR QUOTATION - BUSINESS ASSESSMENT OF CANTERBURY AQUATIC AND FITNESS CENTRE AND ROSELANDS AQUATIC CENTRE**

This report was considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it.

**ITEM 3. CONTRACT FOR THE PROVISION OF ILLUMINATED SIGNS  
INCORPORATING ADVERTISING IN ROAD RESERVES**

This report was considered in closed council in accordance with Section 10A (2) (d) (i) of the Local Government Act 1993, as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. Disclosure of the information is not in the public interest as it may prejudice the commercial position of the person who supplied it.

**ITEM 4. TENDER FOR THE CONSTRUCTION OF THE EXTENSION OF  
CLUNES LANE, CANTERBURY**

This report was considered in closed council in accordance with Section 10A (2) (c) of the Local Government Act 1993, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business. Disclosure of the information tender details may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence. It is not in the public interest to reveal all details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

**EXCLUSION OF PRESS AND PUBLIC**

In accordance with the provisions of the Local Government Act 1993, the press and the public were advised that it was proposed to consider the above matters, as described on the agenda, in closed council for the reasons specified. The General Manager reported that there were no written submissions received objecting to these matters being considered in closed council and no verbal representations were received from the public gallery.

**Min. No.309 RESOLVED** (Councillors Hawatt/Vasiliades)  
**THAT**

1. Council resolve into closed council to consider reports, together with any late reports tabled at the meeting.
2. Pursuant to section 10A (1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.
3. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

Council closed its meeting at 9.45 p.m. The media and public left the Chamber.

**Min. No. 310 RESOLVED** (Councillors Hawatt/Vasiliades)  
THAT Council move out of closed session into open Council.

Open Council resumed at 10.08 p.m.

**Min. No. 311 RESOLVED** (Councillors Paschalidis-Chilas/Hawatt)  
THAT the following recommendations of the Closed Council meeting on 22 August 2013, be adopted.

**1 ORION FUNCTION CENTRE - NEW LEASE TO JOBARRA PTY LIMITED**  
FILE NO: O-12-3

**RECOMMENDATION:** (Councillors Eisler/Azzi)  
THAT

1. A new four year lease for the Orion Function Centre be offered to Jobarra with the inclusion of a termination clause which would be exercisable after two years with no compensation being paid to Jobarra, if exercised.
2. No rent reduction be offered to Jobarra, with the starting rent for the new lease to be \$80,000 per annum plus GST and subject to CPI increases.
3. Any new lease include provision of access to the basement amenities in the Orion Function Centre by Council employees.
4. Should these terms not be acceptable to the lessee, or if the lessee fails to respond to our offer within three months of it being made, tenders be invited for the lease of the Orion Function Centre for a period of four years.

**2 REQUEST FOR QUOTATION - BUSINESS ASSESSMENT OF**  
**CANTERBURY AQUATIC AND FITNESS CENTRE AND ROSELANDS**  
**AQUATIC CENTRE**  
FILE NO: P-84-3 (e)

**RECOMMENDATION:** (Councillors Eisler/Azzi)  
THAT

1. All submissions received in response to our request for quotations for a proposal to conduct a business assessment of Canterbury Aquatic and Fitness Centre and Roselands Aquatic Centre be declined.
2. The Aquatic and Fitness Centre Advisory Committee be requested to examine ways the financial circumstances of our aquatic centres can be improved, utilisation increased and services enhanced.

**3 CONTRACT FOR THE PROVISION OF ILLUMINATED SIGNS**  
**INCORPORATING ADVERTISING IN ROAD RESERVES**  
FILE NO: S-73-4 PT5

**RECOMMENDATION:** (Councillors Hawatt/Vasiliades)  
THAT Council enter into a contract for the provision of illuminated signs incorporating advertising in road reserves with Claude Outdoor for a period of five years with an option to extend for an additional five years at our discretion.

**4      TENDER FOR THE CONSTRUCTION OF THE EXTENSION OF CLUNES  
LANE, CANTERBURY**  
FILE NO:      T-8-41

**RECOMMENDATION:** (Councillors Hawatt/Azzi)

THAT the tender of North Shore Paving Co Pty Ltd for the construction of the extension of Clunes Lane, Canterbury for the sum of \$692,230.50 (excluding GST), be accepted.

The meeting concluded at 10.09 p.m.